

CITY OF DENTON CITY COUNCIL MINUTES
October 24, 2023

After determining that a quorum is present, the City Council of the City of Denton, Texas will convene in a Work Session on Tuesday, October 24, 2023, at 2:00 p.m. in the Council Work Session Room at City Hall, 215 E. McKinney Street, Denton, Texas at which the following items will be considered:

PRESENT: Mayor Gerard Hudspeth, Mayor Pro Tem Brian Beck and Council Members Vicki Byrd, Paul Meltzer, Joe Holland, and Chris Watts

ABSENT: Council Member McGee

Also present were City Manager Sara Hensley and City Attorney Mack Reinwand.

The posted agenda noted the registration process for in-person, call-in, and public participation at this meeting. While citizen commentary received via the online registration process was not read, each member for the City Council received each online commentary as it was submitted. In-person, call-in, and online comments received are reflected in the exhibit to the minutes of this meeting.

WORK SESSION

1. Citizen Comments on Consent Agenda Items

None

2. Requests for clarification of agenda items listed on this agenda for public hearing and individual consideration.

None

A. ID 23-646 Meeting Questions, Responses & Handouts

3. Work Session Reports

A. ID 23-937 Receive a report, hold a discussion, and give staff direction regarding the City of Denton Draft Climate Action and Adaptation Plan. [Estimated Presentation/Discussion Time: 1 hour]

The item was presented, and discussion followed.

Following discussion, results were as follows:

The Mayor requested a finalized report and best practices for citizens.

- B. ID 23-1861 Receive a report, hold a discussion, and give staff direction on proposed Parks and Recreation rates and fees. [Estimated Presentation/Discussion Time: 30 minutes]

The item was presented, and discussion followed.

Following discussion, City Council consensus for a future work session.

- C. ID 23-225 Receive a report, hold a discussion, and give staff direction on pending City Council requests for: 1) Request for a medium priority work session to discuss and develop a process to enhance the efficiency of the nominations process for city boards and commissions via timeframe window for nominations. [Estimated Presentation/Discussion Time: 30 minutes]

The item was not presented and was moved to Nov 7, 2023 city council meeting.

The work session ended at 3:50 p.m.

Mayor Recessed for a break at 3:50 pm.

Mayor reconvened from break at 4:00 pm

CLOSED MEETING

1. The City Council convened into a Closed Meeting at 3:50 pm consistent with Chapter 551 of the Texas Government Code, as amended, or as otherwise allowed by law, as follows:

- A. ID 23-2034 Consultation with Attorneys - Under Texas Government Code Section 551.071. Consult with the City's attorneys on the legal status, strategy and options for resolution of litigation in Cause No. 23-6616-431, styled "City of Denton v. Jesse Ray Eakers, Jr., Penske Truck Leasing Co. L.P., Fleetco Inc., The Cincinnati Insurance Companies, and Southerland Transport, L.L.C." pending in the 431st District Court, Denton County, Texas; where public discussion of these legal matters would conflict with the duty of the City's attorneys to the City of Denton and the Denton City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas, or otherwise compromise the City's legal position in pending litigation.

DELIBERATED

- B. ID 23-2073 Consultation with Attorneys - Under Texas Government Code Section 551.071. Consult with the City's attorneys on the legal status, strategy and options for resolution of bankruptcy litigation in Case No. 20-22475, styled "In re: Frontier Communications Corporation, et al;" pending in the United State Bankruptcy Court Southern District of New York; where public discussion of these legal matters would conflict with the duty of the City's attorneys to the City of Denton and the Denton City Council under the Texas

Disciplinary Rules of Professional Conduct of the State Bar of Texas, or otherwise compromise the City's legal position in pending litigation.

DELIBERATED

The closed meeting started at 4:00 p.m. and ended at 4:25 p.m. No votes or actions were taken during the closed meeting.

The Mayor called for a recess at 4:25 to reconvene at 4:30.

SPECIAL CALLED MEETING

After determining that a quorum was present, the City Council of the City of Denton, Texas convened in a Special Called Meeting on Tuesday, October 24, 2023, at 4:30 p.m. in the Council Chambers at City Hall, 215 E. McKinney Street, Denton, Texas.

PRESENT: Mayor Gerard Hudspeth, Mayor Pro Tem Brian Beck and Council Members Vicki Byrd, Paul Meltzer, Joe Holland, and Chris Watts

ABSENT: Council Member McGee

Also present were City Manager Sara Hensley and City Attorney Mack Reinwand.

The posted agenda noted the registration process for in-person, call-in, and public participation at this meeting. While citizen commentary received via the online registration process was not read, each member for the City Council received each online commentary as it was submitted. In-person, call-in, and online comments received are reflected on the exhibit to the minutes of this meeting.

4. CONSENT AGENDA

Mayor Pro Tem Beck moved to adopt the Consent Agenda as presented. Motion seconded by Council Member Byrd.

Motion carried.

AYES (6): Mayor Hudspeth, Mayor Pro Tem Beck and Council Members Byrd, Meltzer, Holland, and Watts

NAYS (0): None

ABSENT (1) Council Member McGee

- A. ID 23-071 Consider nominations/appointments to the City's Boards, Commissions, and Committees: Historic Landmark Commission.

APPROVED

APPOINTMENTS LISTED ON EXHIBIT B

- B. ID 23-1946 Consider adoption of an ordinance of the City of Denton authorizing the City Manager to execute an Interlocal Agreement between the City of Denton, by and through its Police Department, and the Denton County Criminal District Attorney, for the disposition of contraband seized and forfeited under Chapter 59 and Article 18.18, Texas Code of Criminal Procedure; and providing an effective date.

ASSIGNED ORDINANCE NO. 23-1946

- C. ID 23-1951 Consider adoption of an ordinance of the City of Denton authorizing the City Manager to accept on behalf of the City an offer from the Texas Department of Transportation ("TxDOT") relating to a grant of \$19,320,795; authorizing the expenditure of \$2,126,755 in contributory funds for engineering and construction of primary runway at the Denton Enterprise Airport with an estimated total project cost of \$21,267,550; authorizing the City Manager to execute the related Airport Project Participation Agreement; and providing for an effective date. Airport Advisory Board recommends approval (4-0).

ASSIGNED ORDINANCE NO. 23-1951

- D. ID 23-1992 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager to execute a contract with Model 1 Commercial Vehicles, Inc. dba Creative Bus Sales, Inc., through the Houston-Galveston Area Council of Governments (H-GAC) Cooperative Purchasing Program Contract Number BT01-21, for the purchase of four (4) passenger vans for the Parks and Recreation Department; providing for the expenditure of funds therefor; and providing an effective date (File 8379 - awarded to Model 1 Commercial Vehicles, Inc. dba Creative Bus Sales, Inc., in the not-to-exceed amount of \$441,122.00).

ASSIGNED ORDINANCE NO. 23-1992

- E. ID 23-1996 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the approval of a first amendment to a contract between the City of Denton and Thelin Recycling Company, LP, amending the contract approved by the City Council on August 13, 2019, in the not-to-exceed amount of \$1,150,000.00; said first amendment to continue to provide brush and wood grinding services for the Beneficial Reuse Department; providing for the expenditure of funds therefor; and providing an effective date (RFP 7085 - providing for an additional first amendment expenditure amount not-to-exceed \$287,500, with the total contract amount not-to-exceed \$1,437,500.00).

ASSIGNED ORDINANCE NO. 23-1996

- F. ID 23-1997 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the approval of a first amendment to a contract between the City of Denton and Anixter, Inc., amending the contract approved by City Council on February 4, 2020, in the not-to-exceed amount of \$8,000,000.00; said first amendment to continue to purchase electric utility pad-mounted switchgears for Denton Municipal Electric and extend the contract through August 4, 2024; providing for the expenditure of funds therefore; and providing an effective date (RFP 7126 - providing for an additional first

amendment expenditure amount not-to-exceed \$2,000,000.00, with the total contract amount not-to-exceed \$10,000,000.00 and extending the contract to August 4, 2024).

ASSIGNED ORDINANCE NO. 23-1997

- G. ID 23-2000 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the approval of a first amendment to a contract between the City of Denton and Xylem Water Solutions USA, Inc., amending the contract approved by the City Council on February 18, 2020, in the not-to-exceed amount of \$1,000,000.00; said first amendment to continue to purchase Flygt pumps, equipment, parts, supplies, and services to operate and maintain the City of Denton sewage pumping stations and treatment plants for the Water Reclamation Department; providing for the expenditure of funds therefor; and providing an effective date (File 7172 - providing for an additional first amendment expenditure amount not-to-exceed \$250,000.00, with the total contract amount not-to-exceed \$1,250,000.00).

ASSIGNED ORDINANCE NO. 23-2000

- H. ID 23-2001 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager to execute an agreement with Kirk Seese dba BB Murals, for art design and production services for the public art mural/vinyl wrap installation to be located on Sycamore Street Bridge near the intersection of Sycamore Street and South Crawford Street for the Parks and Recreation Department; providing for the expenditure of funds therefor; and providing an effective date (CFA 8216-02 - awarded to Kirk Seese dba BB Murals, in the not-to-exceed amount of \$7,500.00). The Public Art Committee recommends approval (5 - 2).

ASSIGNED ORDINANCE NO. 23-2001

- I. ID 23-2004 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager to execute a contract with Prolec-GE Waukesha, Inc., for the purchase of one (1) Substation Power Transformer for Denton Municipal Electric, providing for the expenditure of funds therefor; and providing an effective date (RFP 8155 - awarded to Prolec-GE Waukesha, Inc., in the not-to-exceed amount of \$2,260,412.00).

ASSIGNED ORDINANCE NO. 23-2004

- J. ID 23-2006 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, ratifying the expenditure of funds by the City Manager for emergency aviation liability insurance coverage for the City of Denton through the City's broker of record, Lockton Companies, LLC; and providing an effective date (File 8342 - awarded to National Union Fire Insurance Company of Pittsburgh, PA (AIG), in the three (3) year not-to-exceed amount of \$53,270.00).

ASSIGNED ORDINANCE NO. 23-2006

- K. ID 23-2007 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, ratifying the expenditure of funds by the City Manager for emergency excess cyber network liability insurance coverage for the City of Denton through the City's

broker of record, Lockton Companies, LLC; and providing an effective date (File 8343 - awarded to Corvus Insurance Agency, LLC, in the three (3) year not-to-exceed amount of \$231,156.00).

ASSIGNED ORDINANCE NO. 23-2007

- L. ID 23-2010 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, ratifying the expenditure of funds by the City Manager for emergency primary cyber network liability insurance coverage for the City of Denton through the City's broker of record, Lockton Companies, LLC; and providing an effective date (File 8384 - awarded to Homeland Insurance Company of New York (Resilience), in the three (3) year not-to-exceed amount of \$494,585.00).

ASSIGNED ORDINANCE NO. 23-2010

- M. ID 23-2008 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, ratifying the expenditure of funds by the City Manager for emergency property, boiler, and machinery insurance coverage for the City of Denton through the City's broker of record, Lockton Companies, LLC; and providing an effective date (File 8344 - awarded to Affiliated FM Insurance Company, in the three (3) year not-to-exceed amount of \$3,795,191.00).

ASSIGNED ORDINANCE NO. 23-2008

- N. ID 23-2027 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager to execute a contract with SAE Towers LTD, for the purchase of galvanized steel transmission poles, anchor cages, and associated hardware for Denton Municipal Electric; providing for the expenditure of funds therefor; and providing an effective date (RFP 8270 - awarded to SAE Towers LTD, in the not-to-exceed amount of \$5,609,888.00).

ASSIGNED ORDINANCE NO. 23-2027

- O. ID 23-2009 Consider adoption of an ordinance of the City of Denton authorizing an agreement between the City of Denton and Denton Area Running Club for the 2023 Downtown Denton Turkey Trot and Kids' Gobble Wobble sponsorship; and providing an effective date. (\$3,662.50 in-kind services - Community Partnership Committee recommends approval 3-0)

ASSIGNED ORDINANCE NO. 23-2009

- P. ID 23-2011 Consider adoption of an ordinance of the City of Denton authorizing an agreement between the City of Denton and Denton Black Film Festival Institute, Inc., for the 2024 Denton Black Film Festival sponsorship; and providing an effective date. (\$9,000 cash sponsorship and \$8,522.50 in-kind services - Community Partnership Committee recommends approval 3-0)

ASSIGNED ORDINANCE NO. 23-2011

- Q. ID 23-2012 Consider adoption of an ordinance of the City of Denton authorizing an agreement between the City of Denton and Denton's Day of the Dead Festival for the 2023

Day of the Dead Festival sponsorship; and providing an effective date. (\$2,700 cash sponsorship and \$8,136.34 in-kind services - Community Partnership Committee recommends approval 3-0)

ASSIGNED ORDINANCE NO. 23-2012

- R. ID 23-2013 Consider adoption of an ordinance of the City of Denton authorizing an agreement between the City of Denton and Denton Festival Foundation, Inc., for the 2023 Denton Arts and Jazz Festival sponsorship; and providing an effective date. (\$15,000 cash sponsorship and \$205,773.00 in-kind services - Community Partnership Committee recommends approval 3-0)

ASSIGNED ORDINANCE NO. 23-2013

- S. ID 23-2014 Consider adoption of an ordinance of the City of Denton authorizing an agreement between the City of Denton and Denton Holiday Festival Association, Inc., for the 2023 Denton Holiday Lighting Festival sponsorship; and providing an effective date. (\$2,000 cash sponsorship and \$16,116.34 in-kind services - Community Partnership Committee recommends approval 3-0)

ASSIGNED ORDINANCE NO. 23-2014

- T. ID 23-2015 Consider adoption of an ordinance of the City of Denton authorizing an agreement between the City of Denton and Denton Parks Foundation for the 2024 Cinco de Mayo Festival sponsorship; and providing an effective date. (\$24,586.34 in-kind services - Community Partnership Committee recommends approval 3-0)

ASSIGNED ORDINANCE NO. 23-2015

- U. ID 23-2016 Consider adoption of an ordinance of the City of Denton authorizing an agreement between the City of Denton and Denton Parks Foundation for the 2024 Dog Days of Denton sponsorship; and providing an effective date. (\$7,172.50 in-kind services - Community Partnership Committee recommends approval 3-0)

ASSIGNED ORDINANCE NO. 23-2016

- V. ID 23-2017 Consider adoption of an ordinance of the City of Denton authorizing an agreement between the City of Denton and Denton Parks Foundation for the 2024 Juneteenth Celebration sponsorship; and providing an effective date. (\$3,000 cash sponsorship and \$27,189.50 in-kind services - Community Partnership Committee recommends approval 3-0)

ASSIGNED ORDINANCE NO. 23-1017

- W. ID 23-2018 Consider adoption of an ordinance of the City of Denton authorizing an agreement between the City of Denton and Greater Denton Arts Council, Inc., for the Community Art Grants Program sponsorship; and providing an effective date. (\$4,000 cash sponsorship - Community Partnership Committee recommends approval 3-0)

ASSIGNED ORDINANCE NO. 23-1018

- X. ID 23-2019 Consider adoption of an ordinance of the City of Denton authorizing an agreement between the City of Denton and Kiwanis Youth Services, Inc., for the Denton Kiwanis Independence Day Jubilee sponsorship; and providing an effective date. (\$47,967 cash sponsorship and \$39,181.34 in-kind services - Community Partnership Committee recommends approval 3-0)

ASSIGNED ORDINANCE NO. 23-2019

- Y. ID 23-2020 Consider adoption of an ordinance of the City of Denton authorizing an agreement between the City of Denton and North Texas State Fair Association, Inc., for the 2024 North Texas Fair and Rodeo Kids Zone sponsorship; and providing an effective date. (\$2,000 cash sponsorship and \$4,400 in-kind services - Community Partnership Committee recommends approval 3-0)

ASSIGNED ORDINANCE NO. 23-2020

- Z. ID 23-2021 Consider adoption of an ordinance of the City of Denton authorizing an agreement between the City of Denton and Tejas Storytelling Association for the 2024 Texas Storytelling Festival sponsorship; and providing an effective date. (\$11,120 in-kind services - Community Partnership Committee recommends approval 3-0)

ASSIGNED ORDINANCE NO. 23-2021

- AA. ID 23-2022 Consider adoption of an ordinance of the City of Denton authorizing an agreement between the City of Denton and Texas Filmmakers Corporation for the Thin Line Fest 2024 sponsorship; and providing an effective date. (\$6,000 cash sponsorship and \$1,000 in-kind services - Community Partnership Committee recommends approval 3-0)

ASSIGNED ORDINANCE NO. 23-2022

- AB. ID 23-1908 Consider adoption of an ordinance of the City of Denton granting a noise exception for the Dentonpalooza 3 event which will be held on Saturday, October 28, 2023, at Rubber Gloves Rehearsal Studio; and providing an effective date.

ASSIGNED ORDINANCE NO. 23-1908

5. ITEMS FOR INDIVIDUAL CONSIDERATION

- A. ID 23-1426 Consider adoption of an ordinance of the City of Denton to declare the intent to reimburse capital program expenditures of General Government (\$115,883,425), the Solid Waste Utility (\$7,080,000), the Water Utility (\$82,751,072), the Wastewater Utility (\$55,960,396), and the Electric Utility (\$82,549,689) with Tax-Preferred Obligations (Certificates of Obligation and General Obligation Bonds) with an aggregate maximum principal amount not to exceed \$344,224,582; and providing an effective date.

ASSIGNED ORDINANCE NO. 23-1426

The item was presented, and discussion followed.

Following discussion, Council Member Watts moved to adopt the item as presented. Motion seconded by Council Member Byrd.

Motion carried.

AYES (6): Mayor Hudspeth, Mayor Pro Tem Beck and Council Members Byrd, Meltzer, Holland, and Watts

NAYS (0): None

ABSENT (1): Council Member McGee

- B. ID 23-1949 Consider adoption of an ordinance of the City of Denton, Texas authorizing the expenditure of funds for the payment of wholesale transmission charges in the total amount of \$7,064,597.73, and providing an effective date.

ASSIGNED ORDINANCE NO. 23-1949

The item was presented, and no discussion followed.

Council Member Watts moved to adopt the item as presented. Motion seconded by Council Member Byrd.

Motion carried.

AYES (6): Mayor Hudspeth, Mayor Pro Tem Beck and Council Members Byrd, Meltzer, Holland, and Watts

NAYS (0): None

ABSENT (1): Council Member McGee

6. CONCLUDING ITEMS

Council Members expressed items of interest.

Mayor Recessed for a break at 4:49 pm.

Mayor reconvened from break at 6:30 pm

7. PUBLIC HEARINGS

- A. S23-0005b Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, approving a Specific Use Permit for a multifamily dwelling use on approximately 22.81 acres of land, generally located on the south side of Duchess Drive, approximately 742 feet to the west of Loop 288 in the City of Denton, Denton County, Texas; adopting an amendment to the City's Official Zoning Map; providing for a penalty in the maximum amount of \$2,000.00 for violations thereof, providing for severability and an effective date. The Planning and Zoning Commission voted [4-2] to recommend approval of

the request. Motion for approval by Commissioner Smith and second by Commissioner Cole.
(S23-0005b, Olivo Apartments, Angie Manglaris)

ASSIGNED ORDINANCE NO. S23-0005b

All members of the City Council received the comments as submitted and had the opportunity to review all submissions prior to the start of the meeting and consider such comments when voting on the item. The summary of public commentary/registrations are noted on Exhibit A.

The item was presented, and discussion followed.

The public hearing was opened, and citizen comments received are noted on Exhibit A.

The Mayor recessed at 7:18 pm for a short break.

The Mayor reconvened from break at 7:23 pm.

With no other callers on queue, the public hearing was closed.

Following discussion, Council Member Watts moved to adopt the item as presented. Motion seconded by Council Member Byrd.

Motion carried.

AYES (4): Mayor Hudspeth, Council Members Byrd, Holland, and Watts

NAYS (2): Mayor Pro Tem Beck and Council Member McGee

ABSENT (1) Council Member McGee

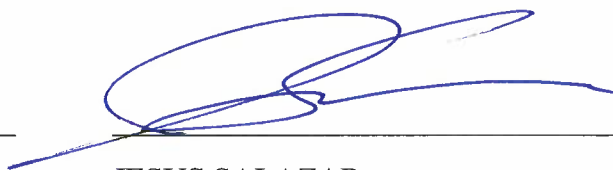
City Council Meeting was Adjourned at 7:27 p.m.



GERARD HUDSPETH

MAYOR

CITY OF DENTON, TEXAS



JESUS SALAZAR

CITY SECRETARY

CITY OF DENTON, TEXAS

MINUTES APPROVED ON:

11-14-2023