CITY OF DENTON CITY COUNCIL MINUTES December 5, 2023

After determining that a quorum was present, the City Council of the City of Denton, Texas convened in a Work Session on Tuesday, December 5, 2023, at 3:00 p.m. in the Council Work Session Room 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 Brandon Chase McGee

ABSENT: Chris Watts

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.
 - Clarification:
 - o None
 - Pulled For Individual Consideration:
 - o Mayor Pro Tem Beck: Item 4.E (23-2275)
- A. ID 23-649 Meeting Questions, Responses & Handouts
- 3. Work Session Reports
- A. ID 23-1634 Receive a report, hold a discussion, and give staff direction regarding a future charter amendment election. [Estimated Presentation/Discussion Time: 45 minutes]

The item was presented, and discussion followed.

Following discussion, City Council consensus was to initiate process for a charter amendment election in May 2025.

B. ID 23-2273 Receive a report, hold a discussion, and give staff direction on potential amendments and updates to City of Denton Code of Ordinances Chapter 6 Animals. [Estimated Presentation/Discussion Time: 30 minutes]

The item was presented, and discussion followed.

During discussion, Mayor called for a Close Session at 3:40 p.m. under Texas Government Code, Section 551.001.

Mayor reconvened to Open Session at 4:18 p.m.

Following discussion, City Council consensus was to proceed with Ch. 6 process, collect public input and report by to City Council at a future work session.

CLOSED MEETING

- 1. The City Council did not convene into a Closed Meeting, consistent with Chapter 551 of the Texas Government Code, as amended, or as otherwise allowed by law, as follows:
 - A. ID 23-2383 Deliberations regarding Real Property Under Texas Government Code Section 551.072 Receive information from staff, discuss, deliberate, and provide staff with direction pertaining to ID 23-2147 for the acquisition of approximately 3.158 acres of land located the potential purchase of real property situated in the J. Fisher Survey, Abstract 421, in the City of Denton, Denton County, Texas, located near Hunters Creek and Teasley Road for the purpose of a future Fire Station 6 Facility, where a public deliberation of such potential purchase would have a detrimental effect on the City's position in negotiations with a third party.

NOT DELIBERATED

REGULAR MEETING

After determining that a quorum was present, the City Council of the City of Denton, Texas convened in a Regular Meeting on Tuesday, December 5, 2023, at 6:31 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 Brandon Chase McGee

ABSENT: Chris Watts

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.

1. PLEDGE OF ALLEGIANCE

- A. United States Flag
- B. Texas Flag

2. PROCLAMATIONS/PRESENTATIONS

A. ID 23-2139 Proclamation: Fall 2023 Denton 360° Class Recognition

PRESENTED

B. ID 23-2247 Proclamation: Human Rights Day

PRESENTED

3. PRESENTATIONS FROM MEMBERS OF THE PUBLIC

- A. Review of procedures for addressing the City Council.
- B. Reports from members of the public shall be received through the following two (2) methods. A total of up to seven (7) speakers are permitted to provide public comment and may include any combination of prior registration and open microphone speakers.
- 1) Pre-registration. This section of the agenda permits any person who has registered in advance to make a citizen report regarding a public business item he or she wishes to be considered by the City Council. Each speaker is allowed a maximum of four (4) minutes to present their report. At the conclusion of each report, the City Council may pose questions to the speaker or may engage in discussion. If the City Council believes that a speaker's report requires a more detailed review, the City Council will give the City Manager or City Staff direction to place the item on a future work session or regular meeting agenda and advise staff as to the background materials to be desired at such meeting.
- a. ID 23-2261 Mr. Stephen Dillenberg regarding "Denton's 'leaders' allowed (aid & abet) Grand Theft, which was "overlooked" by Council, City Mgr., Police Chiefs & CID. Also, won't include entire topics on agendas, then as a child blame 'the software.' This isn't all we're owed, and Texas I will defend."

PRESENTED

- b. ID 23-2280 Ms. Nell Yeldell regarding Atmos and the City of Denton on her property. **NOT PRESENTED**
- c. ID 23-2354 Mr. Ned Woodbridge regarding NE Denton. **PRESENTED**
- d. ID 23-2367 Ms. Anne Beckmann regarding, "How Denton & the Community Could Work Together to Preserve its Natural Wonders."
 PRESENTED
- e. ID 23-2368 Mr. Charlie Collier regarding Alternatives to NE Denton Development. **PRESENTED**
- f. ID 23-2369 Ms. Bridget Marshall regarding North Denton. **PRESENTED**
- g. ID 23-2370 Dr. Kate Landdeck regarding the future of Northeast Denton. **PRESENTED**
- 2) Open Microphone. This section of the agenda permits any person who has not registered in advance for a citizen report to make comments about public business items not listed on the agenda. Such person(s) shall have registered using the "Virtual White Card" or "By Phone" process outlined by the City on its website or meeting notice.
 - (2) Additional Citizen Reports (Open Microphone)

Citizen comments received are noted on Exhibit A.

4. CONSENT AGENDA

The Consent Agenda consisted of Items 4. (A - L.) During the Work Session held earlier in the day, Item 4.E 23-2275 was pulled for Individual Consideration by Mayor Pro Tem Beck.

Mayor Pro Tem Beck moved to adopt the Consent Agenda, now consisting of Items 4.A - D and F - L. Motion seconded by Council Member Byrd.

Motion carried.

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

NAYS (0): None

ABSENT (1): Council Member Chris Watts

- A. ID 23-049 Consider approval of the minutes of the November 7, 2023 Joint Meeting with DISD, November 7, 2023 Regular Meeting, and November 15, 2023 Canvassing Meeting.

 APPROVED
- B. ID 23-074 Consider nominations/appointments to the City's Boards, Commissions, and Committees: Community Services Advisory Committee and Sustainability Framework Advisory Committee.

APPROVED

APPOINTMENTS LISTED ON EXHIBIT B

C. ID 23-2229 Consider approval of a resolution of the City of Denton, Texas finding that CoServ Gas, LTD.'s Statement of Intent to increase rates within the City should be denied; finding that the City's reasonable rate case expenses shall be reimbursed by the company; finding that the meeting at which this resolution is passed is open to the public as required by law; requiring notice of this resolution to the company and the City's legal counsel; and providing an effective date.

ASSIGNED RESOLUTION NO. 23-2229

D. ID 23-2274 Consider approval of a resolution of the City of Denton reducing the number of members for the Committee on Persons with Disabilities; repealing portions of Resolution 2018-1741; and providing an effective date.

ASSIGNED RESOLUTION NO. 23-2274

F. ID 23-2147 Consider adoption of an ordinance of the City of Denton determining the public use, need and necessity for the acquisition of approximately 3.158 acres of land located along Teasley Lane, in the J. Fisher Survey, Abstract No. 421, City and County of Denton, Texas for the purpose of a future Fire Station 6 Facility; authorizing the City Manager, or designee, to consummate and accept the purchase, grant and conveyance to the City of Denton from Denton West Joint Venture, seller; authorizing the expenditure of funds not to exceed Two Million One Hundred Thousand and 00/100 Dollars (\$2,100,000.00); and providing for severability and an effective date.

ASSIGNED ORDINANCE NO. 23-2147

G. ID 23-2220 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager, or Designee, to execute and deliver an Advance Funding Agreement ("AFA") between the City of Denton ("City") and Texas Department of Transportation ("TxDOT") for funding the City's MSE Walls Aesthetics Package Project, providing financial assistance through the TxDOT IH-35 Corridor Aesthetics Project; CSJ 0195-03-087, in an amount not to exceed One Million Six Hundred Ninty-Five Thousand, Four Hundred Ninety-Seven And 41/100 (\$1,695,497.41) dollars; providing for the expenditure of funds therefor; and providing an effective date.

ASSIGNED ORDINANCE NO. 23-2220

H. ID 23-2271 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager, or Designee, to execute an interlocal agreement between the City of Denton ("City") and Texas Woman's University ("TWU") for funding the City's MSE Walls Aesthetics Package Project, providing financial assistance through the Texas Department of Transportation ("TxDOT") IH-35 Corridor Aesthetics Project; CSJ 0195-03-087, in an amount not to exceed Eight Hundred Sixty-Seven Thousand, One Hundred Sixty-Two And 84/100 (\$867,162.84) dollars; authorizing the City Manager, or designee, to execute and deliver the agreement; providing for the expenditure of funds therefor; and providing for an effective date.

ASSIGNED ORDINANCE NO. 23-2271

I. ID 23-2266 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager to execute a Professional Services Agreement with Weaver Consultants Group, LLC, to complete the operations and maintenance of the Landfill Gas Collection and Control System at the City of Denton Landfill as set forth in the contract; providing for the expenditure of funds therefor; and providing an effective date (RFP 7109-036 - Professional Services Agreement for operations and maintenance services awarded to Weaver Consultants Group, LLC, in the not-to-exceed amount of \$52,200.00). The Public Utilities Board recommends approval (5 - 0).

ASSIGNED ORDINANCE NO. 23-2266

J. ID 23-2267 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the approval of a second amendment to a Professional Services Agreement between the City of Denton and HR Green, Inc., amending the contract approved by the City Council on September 1, 2020, in the not-to-exceed amount of \$4,973,027.00; amended by Amendment 1 approved by City Council; said second amendment to provide additional review of development construction projects for the City of Denton and the Development Services Department; providing for the expenditure of funds therefor; and providing an effective date (RFQ 7192 - providing for an additional second amendment expenditure amount not-to-exceed \$800,000.00, with the total contract amount not-to-exceed \$7,573,027.00).

ASSIGNED ORDINANCE NO. 23-2267

K. ID 23-2269 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 Facility Solutions Group, Inc., for the purchase, installation, service, and repairs of the camera and video surveillance services and support for City?owned facilities for the Capital Projects, Facilities Management, and Technology Services Departments; providing for the expenditure of funds therefor; and providing an effective date (RFP 8285 - awarded to Facility Solutions Group, Inc., for one (1) year, with the option for four (4) additional one (1) year extensions, in the total five (5) year not-to-exceed amount of \$2,500,000.00).

ASSIGNED ORDINANCE NO. 23-2269

L. ID 23-2270 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 Peruna Glass,

Inc., dba Glass Doctor of North Texas, for the replacement and repair of glass for various City buildings for the Facilities Management Department; providing for the expenditure of funds therefor; and providing an effective date (RFP 8325 - awarded to Peruna Glass, Inc., dba Glass Doctor of North Texas, for one (1) year, with the option for four (4) additional one (1) year extensions, in total five (5) year not-to-exceed amount of \$5,000,000.00).

ASSIGNED ORDINANCE NO. 23-2270

ITEMS PULLED FOR INDIVIDUAL CONSIDERATION -

E. ID 23-2275 Consider adoption of an ordinance of the City of Denton dissolving the Traffic and Safety Commission; repealing all ordinances and resolutions in conflict; and providing an effective date.

ASSIGNED ORDINANCE NO. 23-2275

The item was presented, and discussion followed.

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

Motion failed.

AYES (3): Mayor Hudspeth, Council Members Byrd and Holland

NAYS (3): Mayor Pro Tem Beck, Council Members McGee and Meltzer

ABSENT (1): Council Member Chris Watts

5. PUBLIC HEARINGS

A. ID 23-2105 Hold a public hearing to receive comments from the public regarding a proposed Fair Chance Hiring ordinance for the City of Denton, and provide any direction to staff on the proposed ordinance.

ASSIGNED ORDINANCE NO. 23-2105

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.

There were no online registrations or call-ins on the item.

The item was presented, and discussion followed.

The public hearing was opened and with no callers in the queue, the public hearing was closed.

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

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

Following discussion, there was no action on the item as it was for public hearing only.

B. S23-0002d Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas approving a Specific Use Permit to allow a building no more than 53 feet in height on approximately 2.695 acres of land generally located at the southwest corner of the intersection of Stuart Road and 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 [3-2] to recommend approval of the request. Motion for approval by Commissioner Pruett and second by Commissioner Cole. (\$23-0002d, Stuart Apartments, Mia Hines).

ASSIGNED ORDINANCE NO. S23-0002d

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. There were no online registrations or call-ins on the item.

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

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

Citizen comments received are noted on Exhibit A.

Following discussion, Mayor Pro Tem Beck moved to adopt the item as presented. Motion seconded by Council Member Meltzer.

Motion carried.

AYES (4): Mayor Pro Tem Beck and Council Members Byrd, Meltzer, and McGee

NAYS (2): Mayor Hudspeth and Council Member Holland

ABSENT (1): Council Member Chris Watts

C. Z23-0012a Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, regarding a change in the zoning district and use classification from Planned Development (PD) District to Suburban Corridor (SC) District on approximately 1.09 acres of land, generally located east of Teasley Lane (FM 2181), approximately 440 feet south of the intersection of Teasley Lane (FM 2181) and Robinson Road, 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 a severability clause and an effective date. The Planning and Zoning Commission voted [5-1] to recommend approval of the request. Motion for approval by Commissioner Smith and second by Commissioner Cole. (Z23-0012a, Teasley Commercial Building, Sean Jacobson) **ASSIGNED ORDINANCE NO. Z23-0012a**

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.

There were no online registrations or call-ins on the item.

The item was presented, and discussion followed.

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

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

Citizen comments received are noted on Exhibit A.

Following discussion, Council Member McGee moved to adopt the item as presented. Motion seconded by Mayor Pro Tem Beck.

Motion carried.

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

NAYS (0): None

ABSENT (1): Council Member Chris Watts

D. DCA23-0011b Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas amending the Denton Development Code, specifically amendments to Table 5.2-A- Table of Allowed Uses, Section 5.3.4: Public, Institutional, Religious, and Civic Use-Specific Standards, Table 7.9-I: Minimum Required Off-Street Parking, and Section 9.2: Definitions related to privately-owned cemeteries; providing for application requirements and process; providing for a penalty in the maximum amount of \$2,000.00 for violations thereof; providing savings and severability clauses, and an effective date. The Planning and Zoning Commission voted [6-0] to recommend approval of the request. Motion for approval by Commissioner Smith and second by Commissioner Cole. (DCA23-0011b, Private Cemetery Use, Cameron Robertson)

ASSIGNED ORDINANCE NO. DCA23-0011b

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.

There were no online registrations or call-ins on the item.

The item was presented, and discussion followed.

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

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

Following discussion, Mayor Pro Tem Beck 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 McGee

NAYS (0): None

ABSENT (1): Council Member Chris Watts

E. SI23-0002a Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, regarding a change in the zoning district and use classification from General Office (GO) District to Mixed-Use Regional (MR) District on approximately 19.5 acres of land generally located at the northwest corner of Spencer Road and Bridges Street, 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 savings, severability, and penalty clauses; and providing an effective date. The Planning and Zoning Commission voted [5-0] to recommend approval of the request. Motion for approval by Commissioner Villareal and second by Commissioner Pruett. (SI23-0002a, 2801 Spencer, Julie Wyatt)

ASSIGNED ORDINANCE NO. SI23-0002a

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.

There were no online registrations or call-ins on the item.

The item was presented, and discussion followed.

The public hearing was opened and with no callers in the queue, the public hearing was closed.

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

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

Following discussion, Mayor Pro Tem Beck 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 McGee

NAYS (0): None

ABSENT (1): Council Member Chris Watts

6. <u>ITEMS FOR INDIVIDUAL CONSIDERATION</u>

ID 23-2203 Consider the second reading of an ordinance granting to Oncor Electric Delivery Company LLC, a non-exclusive electric power franchise for the purpose of constructing, maintaining, and using an electric delivery utility system in the City of Denton; prescribing the relationship and relative rights between grantee and others with respect to construction in the city and location of facilities; providing for enforcement of the franchise; prescribing the duties, responsibilities, and rulemaking authority of the City Manager and the City with respect to administration of this franchise; reserving to the governing body of the City the right to set charges and rates of grantee; regulating the construction work done by the grantee in the City; addressing the joint use of poles, trenches, and ducts in certain instances; addressing relocation of facilities; providing for compensation to the City from the grantee for the franchise privilege; requiring certain records and reports and providing for inspections and preservation thereof; providing for enforcement of the franchise; providing for assignment of the franchise; providing for indemnity and insurance; providing for term, renewal, effective date, and acceptance of this franchise; addressing conformity with applicable laws, City charter and City code; providing for good faith effort; providing for the repeal of the existing franchise ordinance no. 2012-359 to Oncor Electric Delivery Company LLC, its predecessors and assigns, and finding that the meeting at which this ordinance is passed is open to the public; and providing an effective date.

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.

There were no online registrations or call-ins on the item.

The item was presented, and discussion followed.

Citizen comments received are noted on Exhibit A.

Following discussion, Mayor Pro Tem Beck moved to pass.

Motion seconded by Council Member McGee.

Motion passed.

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

NAYS (0): None

ABSENT (1): Council Member Chris Watts

B. ID 23-2330 Consider adoption of an ordinance of the City of Denton authorizing the City Manager to execute an interlocal agreement between the City of Denton and Texas Woman's University, a Higher Education Agency of the State of Texas, providing financial support in the amount of \$1,500,000.00 for the Bezos Academy preschool project.

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.

There were no online registrations or call-ins on the item.

The item was presented, and discussion followed.

Citizen comments received are noted on Exhibit A.

Following discussion, Mayor Pro Tem Beck moved to adopt.

Motion seconded by Council Member McGee.

Motion carried.

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

NAYS (0): None

ABSENT (1): Council Member Chris Watts

£006/81/21

C. ID 23-2227 Consider approval of a resolution of the City of Denton casting votes for membership to the Board of Directors of the Denton Central Appraisal District; and providing for an effective date.

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.

There were no online registrations or call-ins on the item.

The item was presented, and discussion followed.

Following discussion, Mayor Pro Tem Beck moved to adopt.

Motion seconded by Council Member Byrd.

Motion carried.

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

NAYS (0): None

ABSENT (1): Council Member Chris Watts

7. CONCLUDING ITEMS

Council Members expressed items of interest.

With no further business, the meeting was adjourned at 9:49 p.m.

GERARD HUDSPETH

MAYOR

CITY OF DENTON, TEXAS

JESUS SALAZAR

CITY SECRETARY

CITY OF DENTON, TEXAS

MINUTES APPROVED ON:

12/12/2023