

## CITY OF DENTON CITY COUNCIL MINUTES

January 23, 2024

After determining that a quorum was present, the City Council of the City of Denton, Texas convened in a Work Session on Tuesday, January 23, 2024, at 4:00 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, Brandon Chase McGee, Joe Holland, and Chris Watts (Virtual)

**ABSENT:** None

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

**The posted agenda noted the registration process for public participation at this meeting. However, there were no online registrations or call ins on any items on the agenda.**

### **WORK SESSION**

#### **1. Citizen Comments on Consent Agenda Items**

None

#### **2. Requests for clarification of agenda items listed on this agenda.**

- Clarification was requested on the following item:
  - o Council Member Byrd Item E. 23-2455
- The following items were pulled For Individual Consideration:
  - o Mayor Pro Tem Beck: Item N. 24-121
  - o Council Member Meltzer: Item H. 24-007

#### **3. Work Session Reports**

- A. ID 23-1945 Receive a report, hold a discussion, and give staff direction regarding amending Chapter 23 of the City Code - Police - Article VI, Section 23-177, Denton Police Department Chief of Police Advisory Board, to extend board member terms to three years, stagger board member terms, define what constitutes a term, and amend the board schedule and reporting procedures; and providing an effective date. [Estimated Presentation/Discussion Time: 30 minutes]

The item was presented and discussion followed.

Following discussion, City Council consensus was to support staff recommendation with an emphasis on reporting.

- B. ID 24-004 Receive a report, hold a discussion, and give staff direction on pending City Council requests for: 1) Request for a work session to discuss Narcan distribution and education (used for the emergency treatment of an Opioid overdose). 2) Request for a medium priority work session to discuss a resolution to support legislation similar to H.B. 870 and S.B. 1989, which would prohibit pet stores from selling dogs or cats unless they are obtained from an animal control agency, an animal shelter, or an animal rescue organization. [Estimated Presentation/Discussion Time: 30 minutes]

The items were presented, and discussion followed.

Following discussion, City Council consensus was to schedule for future work sessions.

The Work Session ended at 4:36 p.m.

### **CLOSED MEETING**

1. The City Council convened into a Closed Meeting at 4:36 p.m. consistent with Chapter 551 of the Texas Government Code, as amended, or as otherwise allowed by law, as follows:

1. Closed Meeting:

- A. ID 24-115 Consultation with Attorneys - Under Texas Government Code Section 551.071. This Closed Session item is related to Consent Agenda Item ID 24-116 and will be a placeholder unless the item is pulled for individual review. Consultation with City's attorneys under Texas Government Code Section 551.071 regarding City of Denton v. Delilah Solar Energy, LLC, et al, DC-22-17013, currently pending in the 192nd Judicial District, Dallas County, Texas, where a 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 Texas Disciplinary Rules of Professional Conduct of State Bar of Texas, or would jeopardize the City's legal position in any administrative proceeding or potential litigation.

**NOT DELIBERATED**

- B. ID 24-119 Consultation with Attorneys - Under Texas Government Code Section 551.071. This Closed Session item is related to Consent Agenda Item ID 24-121 and will be a placeholder unless the item is pulled for individual review. Consultation with City's attorneys under Texas Government Code Section 551.071 regarding a proposed settlement agreement with the Public Utilities Commission of Texas (PUCT) settling a disgorgement of \$42,012.60 for revenues received by Denton Municipal Electric in February of 2021 from the Electric Reliability Commission of Texas (ERCOT) where a 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 Texas Disciplinary Rules of Professional Conduct of State Bar of Texas, or would jeopardize the City's legal position in any administrative proceeding or potential litigation.

**DELIBERATED**

The Mayor convened the meeting at 4:48 pm to be reconvened in the council chambers.

**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, January 23, 2024, at 4:54 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, Brandon Chase McGee, Joe Holland, and Chris Watts (Virtual)

ABSENT: None

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**

The Consent Agenda consisted of Items 4. A - N. During the Work Session held earlier in the day, Item 4.H 21-007 was pulled for Individual Consideration by Council Member Meltzer and Item 4.N. 21-121 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 - G, I -M. Motion seconded by Council Member Holland.

Motion carried.

AYES (7): Mayor Hudspeth, Mayor Pro Tem Beck and Council Members Byrd, Meltzer, Holland, McGee, and Watts

NAYS (0): None

- A. ID 24-005 Consider approval of the minutes of the January 9, 2024 Special Called Meeting.  
**APPROVED**

- B. ID 24-006 Consider nominations/appointments to the City's Boards, Commissions, and Committees: Mobility Committee.

**APPROVED**

**APPOINTMENTS LISTED ON EXHIBIT B**

- C. ID 23-2218 Consider approval of a resolution of the City of Denton providing the December 11, 2023 meeting absence by Public Utilities Board Member Susan Parker be excused; and declaring an effective date.

**ASSIGNED RESOLUTION NO. 23-2218**

- D. ID 23-2375 Consider approval of a resolution of the City of Denton providing the November 16, 2023 meeting absence by Committee on Persons with Disabilities Member Isaiah Heck be excused; and declaring an effective date.

**ASSIGNED RESOLUTION NO. 23-2375**

- E. ID 23-2455 Consider approval of a resolution of the City of Denton ratifying the submission of an application to the Texas Department of Transportation (TXDOT) for the 2025 General Traffic Safety Grant Program in the amount of \$135,000 to provide blood draw services on Driving While Intoxicated Arrests; and providing an effective date.

**ASSIGNED RESOLUTION NO. 23-2455**

- F. ID 23-2484 Consider adoption of an ordinance of the City of Denton, Texas authorizing the City Manager to execute an Interlocal Agreement with the University of North Texas to conduct "Court on Campus" events, allowing University students to interact with court personnel, learn about court processes, and resolve any outstanding offenses before the court; and providing an effective date.

**ASSIGNED ORDINANCE NO. 23-2484**

- G. ID 23-2490 Consider adoption of an ordinance of the City Council of the City of Denton authorizing the City Manager to execute an agreement with the Texas Historical Commission to participate in the Texas Main Street Program demonstrating the City of Denton's commitment to continue as a "sustaining level official main street city" and authorizing payment of the annual fee in the amount of \$3,100; and providing an effective date.

**ASSIGNED ORDINANCE NO. 23-2490**

- I. ID 24-033 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 7Arrows Land Staff, LLC, for land and easement acquisitions and relocation advisory services for the WD-LC Transmission Easement Acquisition (Spencer to Locust Transmission Line) and Texas Department of Transportation I-35 Sign Relocation project for the Real Estate Department as set forth in the contract; providing for the expenditure of funds therefor; and providing an effective date (RFQ 7480-005 - Professional Services

Agreement for advisory services awarded to 7Arrows Land Staff, LLC, in the not-to-exceed amount of \$114,000.00).

**ASSIGNED ORDINANCE NO. 24-033**

- J. ID 24-035 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 the emergency purchase of excess workers' compensation, packaged general liability, and automobile physical damage insurance coverage for the City of Denton; and providing an effective date (File 8416 - awarded to Lockton Companies, LLC, for one (1) year, with the option for two (2) additional one (1) year extensions, in the total three (3) year not-to-exceed amount of \$3,213,282.66).

**ASSIGNED ORDINANCE NO. 24-035**

- K. ID 24-036 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 Granicus LLC, through The Interlocal Purchasing System (TIPS) Cooperative Program Contract # 220105, for streaming, remote meeting production, and closed captioning for Denton Television; providing for the expenditure of funds therefor; and providing an effective date (File 8427 - awarded to Granicus LLC, in the five (5) year not-to-exceed amount of \$600,000.00).

**ASSIGNED ORDINANCE NO. 24-036**

- L. ID 24-056 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 Garrison Minerals LLC, for the supply of magnesium hydroxide, serving as an alkalinity supplement, and the rental of necessary dosing equipment for the Pecan Creek Water Reclamation Plant; providing for the expenditure of funds therefor; and providing an effective date (RFP 8423 - awarded to Garrison Minerals LLC, for three (3) years, with the option for two (2) additional one (1) year extensions, in the total five (5) year not-to-exceed amount of \$800,000.00).

**ASSIGNED ORDINANCE NO. 24-056**

- M. ID 24-116 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the approval of a third amendment to an engagement between the City of Denton and King & Spalding, LLP, amending the engagement approved by the City Attorney on March 11, 2022, in the not-to-exceed amount of \$49,500.00; amended by Amendments 1 and 2 approved by City Council; said third amendment to provide additional legal services for the City of Denton; providing for the expenditure of funds therefor; and providing an effective date (File 8159 - providing for an additional third amendment expenditure amount not-to-exceed \$250,000.00, with the total contract amount not-to-exceed \$850,000.00).

**ASSIGNED ORDINANCE NO. 24-116**

**ITEMS PULLED FOR INDIVIDUAL CONSIDERATION**

- H. ID 24-007 Consider adoption of an ordinance amending Chapter 23 of the City Code - Police - Article VI, Section 23-177, Denton Police Department Chief of Police Advisory Board, to extend board member terms to three years, stagger board member terms, define what constitutes a term, and amend the board schedule and reporting procedures; and providing an effective date.

**ASSIGNED ORDINANCE NO. 24-007**

Pulled for Individual Consideration by Council Member Meltzer.

Following discussion, Council Member Meltzer moved to adopt the item with the exclusion of the change in reporting procedures. Motion seconded by Council Member Byrd.

Motion failed.

AYES (3): Mayor Pro Tem Beck and Council Members Byrd, and Meltzer

NAYS (4): Mayor Hudspeth, Council Members McGee, Holland and Watts

Mayor Hudspeth moved to adopt the item as presented. Motion seconded by Mayor Pro Tem Beck.

Motion carried.

AYES (7): Mayor Hudspeth, Mayor Pro Tem Beck and Council Members Byrd, Meltzer, Holland, McGee, and Watts

NAYS (0): None

- N. ID 24-121 Consider adoption of an ordinance of the City of Denton, a home-rule municipal corporation, authorizing the General Manager of Denton Municipal Electric to execute an agreement with the Public Utilities Commission of Texas (PUCT) settling a disgorgement of \$42,012.60 for revenues received by Denton Municipal Electric in February of 2021 from the Electric Reliability Commission of Texas (ERCOT); and providing an effective date.

**ASSIGNED ORDINANCE NO. 24-121**

Pulled for Individual Consideration by Mayor Pro Tem Beck.

Mayor Pro Tem Beck moved to adopt the item as presented. Motion seconded by Council Member Holland.

Motion carried.

AYES (7): Mayor Hudspeth, Mayor Pro Tem Beck and Council Members Byrd, Meltzer, Holland, McGee, and Watts

NAYS (0): None

**6. ITEMS FOR INDIVIDUAL CONSIDERATION - CONSIDERATION OF THE USE OF EMINENT DOMAIN TO CONDEMN REAL PROPERTY INTERESTS**

- A. ID 23-2417 Consider adoption of an ordinance of the City of Denton determining the public use, need, and necessity for the acquisition of permanent water easements, generally located along Interstate 35 East frontage road situated in the Alexander Hill Survey, Abstract No. 623 in the City and County of Denton, Texas, and more particularly described in the attached Exhibit "A" (collectively, the "Property Interests") for the TXDOT I35 Fort Worth Drive project; authorizing the City Manager and City Attorney to acquire the Property Interests by agreement if possible, including making all offers required by law; authorizing the use of the power of eminent domain to condemn the property interests if agreement cannot be reached; authorizing the City Attorney to file eminent domain proceedings if necessary; authorizing the expenditure of funding; making findings; providing a savings clause; and providing an effective date.

**ASSIGNED ORDINANCE NO. 23-2417**

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 the item as presented. Motion was seconded by Council Member Byrd.

Each page of Exhibit A of the proposed ordinance was shown on screen prior to a second to the motion being called.

Motion carried.

AYES (7): Mayor Hudspeth, Mayor Pro Tem Beck and Council Members Byrd, Meltzer, Holland, McGee, and Watts

NAYS (0): None

**7. ITEMS FOR INDIVIDUAL CONSIDERATION**

- A. ID 23-2433 Consider adoption of an ordinance of the City of Denton to declare the intent to reimburse capital program expenditures of General Government with Tax-Preferred Obligations (General Obligation Bonds) with an aggregate maximum principal amount not to exceed \$53,117,000; and providing an effective date.

**ASSIGNED ORDINANCE NO. 23-2433**

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

The item was presented, and discussion followed.

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

Motion carried.

AYES (7): Mayor Hudspeth, Mayor Pro Tem Beck and Council Members Byrd, Meltzer, Holland, McGee, and Watts

NAYS (0): None

- B. ID 23-1791 Consider approval of a resolution of the City Council of the City of Denton, Texas, requesting the transfer of that certain public roadway described herein on Exhibit "A" from the Texas Department of Transportation to the City of Denton. The limits of the certain public roadway described above are Elm Street and Locust Street from Eagle Drive to University Drive.

**ASSIGNED RESOLUTION NO. 23-1791**

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

The item was presented, and discussion followed.

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

Motion carried.

AYES (7): Mayor Hudspeth, Mayor Pro Tem Beck and Council Members Byrd, Meltzer, Holland, McGee, and Watts

NAYS (0): None

**8. CONCLUDING ITEMS**

Council Members expressed items of interest.

Mayor Recessed the meeting at 5:39 p.m. until the 6:30 p.m. Public Hearing.

Mayor reconvened the meeting at 6:30 p.m.



**5. PUBLIC HEARINGS**

PDA23-0001a Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, regarding an amendment to an existing Planned Development District (PD 174, Country Lakes), with amendments including but not limited to, modification to the development plan to increase seating and parking capacity and modify access, on approximately 28 acres of land generally located at the northeast corner of Crawford Road and Carnegie Ridge 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 (4-0) to recommend approval of the request. Motion for approval by Commissioner Smith and second by Commissioner Villareal. (PDA23-0001a, St Mark, Julie Wyatt)

**ASSIGNED ORDINANCE NO. PDA23-0001a**

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.

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 failed.

AYES (7): Mayor Hudspeth, Council Members Byrd and Watts

NAYS (0): Mayor Pro Tem Beck, Council Members McGee, Meltzer, and Holland

Following discussion Council Member McGee motion to adopt the item as amended. Motion seconded by Council Member Meltzer.

Motion carried.

AYES (7): Mayor Hudspeth, Council Members Byrd and Watts

NAYS (0): Mayor Pro Tem Beck, Council Members McGee, Meltzer, and Holland

With no further business, the meeting was adjourned at 7:59 p.m.



GERARD HUDSPETH  
MAYOR  
CITY OF DENTON, TEXAS



JESUS SALAZAR  
CITY SECRETARY  
CITY OF DENTON, TEXAS

MINUTES APPROVED ON: February 6, 2024

January 23, 2024 City Council Regular Meeting - EXHIBIT A

Speaker Commentaries/Registrations  
Online, Email, Phone

Name	Last	Address	City	Agenda Item	Position	Method	Comments
Rich	Olson	10412 Cascade	Denton	PDA23-0001a	Support	Public Hearing	St. Mark Representative
Kevin	Inming	6312 Savannah Oak Trail	Argyle	PDA23-0001a	Support	Public Hearing	Applicant
Jason	Williamson	550 Bailey Avenue	Fort Worth	PDA23-0001a	Support	Public Hearing	Applicant
Joseph	Dracoby	6620 Cedarhurst Court	Denton	PDA23-0001a	Support	Public Hearing	
Richard	Freese	6500 Cedarhurst Court	Denton	PDA23-0001a	Oppositio	Public Hearing	
Myron	Hopp	6501 Cedarhurst Court	Denton	PDA23-0001a	Oppositio	Public Hearing	
Katrina	Thomas	6408 Roaring Creek	Denton	PDA23-0001a	Oppositio	Public Hearing	
Mark	Cowan	6705 Cedarhurst Court	Denton	PDA23-0001a	Oppositio	Public Hearing	
Suzanne	Dutt	6708 Cedarhurst Court	Argyle	PDA23-0001a	Oppositio	Public Hearing	
Brian	Rush	6309 Meandering Creek Drive	Argyle	PDA23-0001a	Support	Public Hearing	
Eric	Thomas	6408 Roaring Creek	Argyle	PDA23-0001a	Oppositio	Public Hearing	
Anita	Freese	6500 Cedarhurst Court	Denton	PDA23-0001a	Oppositio	Public Hearing	

BOARDS & COMMISSIONS - NOMINATIONS LIST Exhibit B							
BOARD/COMMITTEE/COMMISSION	COUNCIL PLACE	NOMINATING CCM	NOMINEE	PRESENT TERM	NEW TERM	STATUS & QUALIFICATION OR PREFERENCE, IF ANY	
Mobility Committee	2	Brian Beck	Kristine Bray	N/A	UNEXPIRED September 1, 2023 through August 31, 2025	New	
Mobility Committee	3	Paul Meltzer	Suzanne Rumohr	N/A	UNEXPIRED September 1, 2023 through August 31, 2025	New	