

CITY OF DENTON CITY COUNCIL MINUTES
August 25, 2020

After determining that a quorum was present, the City Council of the City of Denton, Texas convened in a Work Session on Tuesday, August 25, 2020, at 1:04 p.m. in the Council Work Session Room at City Hall, 215 E. McKinney Street, Denton, Texas.

PRESENT: Mayor Chris Watts, Mayor Pro Tem Gerard Hudspeth and Council Members Keely Briggs, Jesse Davis, John Ryan, Deb Armintor, and Paul Meltzer

ABSENT: None

Also present were City Manager Todd Hileman, City Attorney Aaron Leal, and First Assistant City Attorney Larry Collister

Note: Mayor Chris Watts, Mayor Pro Tem Gerard Hudspeth, and Council Members Keely Briggs, Jesse Davis, John Ryan, Deb Armintor and Paul Meltzer participated in the work session, closed meeting, and special called meeting via video/teleconference under the provisions allowed by the Texas Government Code Section 551.127.

The posted agenda noted the registration process for public participation at this virtual meeting. While citizen commentary received via the online registration process was not read, each member of the City Council received each registration as it was submitted.

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:
 - Council Member Briggs: Item 1.C (ID 20-1537)
- The following items were pulled for Individual Consideration:
 - Council Member Meltzer: Item 1.A (ID 20-1441)
 - Council Member Armintor: Item 1.F (ID 20-1573)

3. Work Session Reports

- A. ID 20-1528 Receive a report, hold a discussion, and give staff direction regarding an update on the Council-directed milestones at the Green Tree Estates subdivision.

The item was presented and discussion followed.

Following discussion, there was no direction provided as the item was for reporting purposes only.

- B. ID 20-1207 Receive a report, hold a discussion, and give staff direction regarding an update to the City of Denton's COVID-19 response.

The item was presented and discussion followed.

Following discussion, City Council concurred with the effective period of the Declaration of Local Disaster being September 30, 2020. That date was reflected on the proposed ordinance under Individual Consideration Item 2.D (ID 20-1597) formally adopted at the Regular Meeting that followed later in the day. Further, Staff to send out social media advisory as to utility assistance funding options and resources for overdue accounts as well as reach out to Denton Independent School District with the same message.

The Work Session was recessed for a short break at 2:10 p.m. and reconvened at 2:24 p.m.

- C. ID 20-1585 Receive a report, hold a discussion, and give staff direction regarding the Energy Management Organization Financial Review conducted by Deloitte.

The item was presented and discussion followed.

Following discussion, there was no direction provided as the item was for reporting purposes only.

- D. ID 20-1667 Receive a report, hold a discussion, and give staff direction regarding a request by Historic Denton Inc. to be delegated as a 3rd party administrator on behalf of the City of Denton to apply to the Texas Historic Commission for a Certified Local Government (CLG) grant to conduct a historical survey of the North Texas State Normal Neighborhood for nomination as a National Historic District.

The item was presented and discussion followed.

Following discussion, City Council consensus was to have Staff provide more information as to the estimated and ongoing costs involved with delegating to a 3rd party administrator and present at a future meeting.

- E. ID 20-1680 Receive a report, hold a discussion and give staff direction regarding whether Denton City streets should be allowed as a medium for messages to be placed by citizens upon request via the City's Special Events Ordinance or other City ordinance, and whether any ordinance revisions should be made to regulate this activity.

The item was presented and discussion followed.

Mayor Watts recessed the Work Session at 3:23 p.m and convened into a Closed Meeting, consistent with Chapter 551 of the Texas Government Code, as amended, or as otherwise allowed by law, as follows

- 1.D. ID 20-1693 Consultation with Attorneys - Under Texas Government Code Section 551.071. Consultation, discussion, deliberation, and receipt of information from the City's attorneys involving legal matters relating to the use of Denton City streets as a medium for messages to be placed by citizens upon request via the City's Special Events Ordinance or other City Ordinance, and to provide the City's attorneys with direction, where a public discussion of these legal matters would clearly 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.

The Closed Meeting started at 3:39 p.m. and ended at 3:52 p.m. No votes or actions were taken during the Closed Meeting.

Work Session was reconvened at 3:59 p.m.

Following further discussion, City Council consensus was to maintain the process as is (status quo) and advise requestors on the existing permitting process.

- F. ID 20-1051 Receive a report, hold a discussion, and give staff direction on pending City Council requests for:
1. Discussing the possibility of closing the square to vehicular traffic Friday evenings through Sunday evenings for the duration of the emergency order.
 2. Using the Tree Fund to plant 100 or more oak trees in the IOOF Cemetery.
 3. Naming the new senior center in Southeast Denton the "Betty Kimble Senior Center."
 4. Repealing City ordinances that experts, advocacy groups, and my homeless constituents both say criminalize homelessness. The public interest in law enforcement reform and civil liberties.

The item was presented and discussion followed.

Following discussion, results were as follows:

1. Discussing the possibility of closing the square to vehicular traffic Friday evenings through Sunday evenings for the duration of the emergency order.
 - o There was no City Council consensus but that additional discussion at a future work session was warranted as to parking on the Square.
2. Using the Tree Fund to plant 100 or more oak trees in the IOOF Cemetery.
 - o City Council consensus to proceed with a work session.

3. Naming the new senior center in Southeast Denton the "Betty Kimble Senior Center".
 - o There was no City Council consensus to proceed with a work session.
4. Repealing City ordinances that experts, advocacy groups, and my homeless constituents both say criminalize homelessness. The public interest in law enforcement reform and civil liberties
 - o NOT PRESENTED

The Work Session ended at 4:21 p.m.

CLOSED MEETING

1. The City Council convened into a Closed Meeting at 4:21 p.m. consistent with Chapter 551 of the Texas Government Code, as amended, or as otherwise allowed by law, as follows.

NOTE: The items are noted in the order deliberated.

- D. ID 20-1693 Consultation with Attorneys - Under Texas Government Code Section 551.071. Consultation, discussion, deliberation, and receipt of information from the City's attorneys involving legal matters relating to the use of Denton City streets as a medium for messages to be placed by citizens upon request via the City's Special Events Ordinance or other City Ordinance, and to provide the City's attorneys with direction, where a public discussion of these legal matters would clearly 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.

DELIBERATED

The item was deliberated during the Work Session held earlier in the day under Item 3.E (ID 20-1680).

- B. ID 20-1533 Deliberate regarding Real Property - Under Texas Government Code Section 551.072; Consultation with Attorneys - Under Texas Government Code Section 551.071. Discuss, deliberate, receive information from staff, and provide staff with direction pertaining to the potential purchase of real property located southeast of the corner of Thomas J. Egan Rd. and Jim Christal Rd. in Denton, Denton County, Texas ("Property"), where the deliberation of same in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person or potential litigation. Consultation with the City's attorneys regarding legal issues associated with potential claims against the City associated with the Property, 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 the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas, or would jeopardize the City's legal position in negotiations or potential litigation.

DELIBERATED

- A. ID 20-1530 Consultation with Attorneys - Under Texas Government Code Section 551.071. Consult with the City's attorneys on the legal status, expenses, strategy and options for resolution of litigation in Cause No. DC-17-08139, styled "Michael Grim and Jim Maynard v. City of Denton, Texas" pending in the 68th Judicial District Court, Dallas 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

- C. ID 20-1552 Deliberations Regarding Real Property - Under Texas Government Code, Section 551.072; Consultation with Attorneys - Under Texas Government Code, Section 551.071. Discuss, deliberate, and receive information from staff and provide staff with direction pertaining to the potential purchase of real property interests located within the City of Denton, Denton County, Texas, generally located in the Rayzor Ranch East, E. Morris, MRP & PRR, M. Austin, M. Forrest, W. Durham, J. Douthitt, H.B. Williams, G. Walker, N. Britton, WM Roark, BBB & CRR, J.W. Withers, A. Hickman, Home Acres Addn, J.L. Harris, MEP & PRR, J. Rogers, Hickory Lake, N.H. Meisenheimer, North Lakes Fire Station Addn, Denton County Law Enforcement Center, and M. Rogers surveys. The potential purchases are related to the City's park and tree preservation initiatives. Consultation with the City's attorneys regarding legal issues associated with the potential acquisition of the real property interests described above 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 the Texas Rules of Professional Conduct of the State Bar of Texas.

DELIBERATED

- D. ID 20-1693 Consultation with Attorneys - Under Texas Government Code Section 551.071. Consultation, discussion, deliberation, and receipt of information from the City's attorneys involving legal matters relating to the use of Denton City streets as a medium for messages to be placed by citizens upon request via the City's Special Events Ordinance or other City Ordinance, and to provide the City's attorneys with direction, where a public discussion of these legal matters would clearly 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.

DELIBERATED

The item was deliberated during the Work Session held earlier in the day under Item 3.E (ID 20-1680).

The Closed Meeting started at 4:30 p.m. and ended at 6:31 p.m. No votes or actions were taken during the Closed Meeting.

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, August 25, 2020, at 6:31 p.m. in the Council Work Session Room at City Hall, 215 E. McKinney Street, Denton, Texas.

PRESENT: Mayor Watts, Mayor Pro Tem Gerard Hudspeth and Council Members Keely Briggs, Jesse Davis, John Ryan, Deb Armintor, and Paul Meltzer

ABSENT: None

Also present were City Manager Todd Hileman, City Attorney Aaron Leal, and First Assistant City Attorney Larry Collister

Note: Mayor Chris Watts, Mayor Pro Tem Gerard Hudspeth, and Council Members Keely Briggs, Jesse Davis, John Ryan, Deb Armintor and Paul Meltzer participated in the work session, closed meeting, and special called meeting via video/teleconference under the provisions allowed by the Texas Government Code Section 551.127.

The posted agenda noted the registration process for public participation at this virtual meeting. While citizen commentary received via the online registration process was not read, each member of the City Council received each registration as it was submitted.

1. CONSENT AGENDA

The Consent Agenda consisted of Items 1.A-I. During the Work Session held earlier in the day, Item 1.A (ID 20-1441) was pulled for Individual Consideration by Council Member Meltzer and Item 1.F (ID 20-1573) was pulled for Individual Consideration by Council Member Armintor.

Council Member Ryan moved to adopt the Consent Agenda, now consisting of items 1.B-E and 1.G-I. Motion seconded by Council Member Meltzer. Motion carried.

AYES (7): Mayor Watts, Mayor Pro Tem Hudspeth and Council Members Briggs, Davis, Ryan, Armintor, and Meltzer

NAYS (0): None

- B. ID 20-1529** Consider adoption of an ordinance of the City of Denton authorizing expenditure of funds in the amount of \$234,357.00 to the Texas Department of Transportation (TxDOT), in addition to the previously authorized amount of \$32,915.00, for the improvement of traffic signals and pedestrian facilities at the intersections of E. McKinney Street at Woodrow Lane and E. McKinney Street at Mockingbird Lane; and providing an effective date.

ASSIGNED ORDINANCE NO. 20-1529

- C. ID 20-1537 Consider adoption of an ordinance of the City of Denton authorizing the removal of a construction zone speed limit on Interstate 35E and returning the speed limit to the prima facie speed of 70 miles per hour; providing a repealer clause; providing a penalty clause; providing for publication; and declaring an effective date.

ASSIGNED ORDINANCE NO. 20-1537

- D. ID 20-1571 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 Pure Technologies U.S. Inc., to provide a condition assessment of the City's 27-inch diameter Lake Lewisville raw water line; providing for the expenditure of funds therefor; and providing an effective date (RFP 7347 - awarded to Pure Technologies U.S., Inc., in the not-to-exceed amount of \$612,000). The Public Utilities Board recommends approval (4 - 0).

ASSIGNED ORDINANCE NO. 20-1571

- E. ID 20-1572 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 Aliron International, Inc., for Section A - N95 face masks, for various City departments; providing for the expenditure of funds therefor; and providing an effective date (IFBBV 7403 - awarded to Aliron International, 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 \$150,000).

ASSIGNED ORDINANCE NO. 20-1572

- G. ID 20-1655 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 Security 2 Standard, LLC, for the procurement of Dedicated Security Officer Services for the City of Denton; providing for the expenditure of funds therefor; and providing an effective date (RFP 7411 - awarded to Security 2 Standard, 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 \$350,000).

ASSIGNED ORDINANCE NO. 20-1655

- H. ID 20-1576 Consider approval of the minutes of August 11, 2020.

APPROVED

- I. ID 20-1682 Consider adoption of an ordinance of the City of Denton, Texas establishing a rate schedule for electric vehicle charging rate ("Schedule EVCR"); and, providing for an effective date.

ASSIGNED ORDINANCE NO. 20-1682

ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

- A. ID 20-1441 Consider adoption of an ordinance of the City of Denton, Texas approving a second amendment to an economic development agreement with Buc-ee's, Ltd., to clarify the term of the agreement; and providing an effective date.

ASSIGNED ORDINANCE NO. 20-1441

Pulled for Individual Consideration by Council Member Meltzer.

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

The item was presented and discussion followed.

Following discussion, Mayor Pro Tem Hudspeth moved to adopt the item as presented. Motion seconded by Council Member Council Member Ryan. Motion carried.

AYES (4): Mayor Watts, Mayor Pro Tem Hudspeth and Council Members Davis and Ryan
NAYS (3): Council Members Briggs, Armintor, and Meltzer

- F. ID 20-1573 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 Catalyst PR, Inc., for the procurement of Face Masks, for Section B - KN95 Face Masks, Section C - Disposable Surgical Face Masks, and Section D - Reusable Cloth Face Masks for various City departments; providing for the expenditure of funds therefor; and providing an effective date (IFBBV 7403 - awarded to Catalyst PR, Inc., in the 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 \$125,000).

ASSIGNED ORDINANCE NO. 20-1573

Pulled for Individual Consideration by Council Member Armintor.

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 Council Member Davis. Motion carried.

AYES (7): Mayor Watts, Mayor Pro Tem Hudspeth and Council Members Briggs, Davis, Ryan, Armintor, and Meltzer
NAYS (0): None

2. ITEMS FOR INDIVIDUAL CONSIDERATION

- A. A20-0002c Conduct the second of two readings and consider adoption of an ordinance of the City of Denton, Texas annexing approximately 140.607 acres of land generally located on both sides of Vintage Boulevard and west of Fort Worth Drive to the City of Denton, Denton County, Texas; providing for a correction to the city map to include the annexed land; and provide for a savings clause and an effective date. (A20-0002, Burch Tract, Ron Menguita)
ASSIGNED ORDINANCE NO. A20-0002c

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/registration(s) is noted in Exhibit A.

The item was presented and discussion followed.

Following discussion, Council Member Ryan moved to adopt the item as presented. Motion seconded by Council Member Davis. Motion carried.

AYES (7): Mayor Watts, Mayor Pro Tem Hudspeth and Council Members Briggs, Davis, Ryan, Armintor, and Meltzer

NAYS (0): None

- B. AESA20-0004c Consider a motion to reconsider the August 18, 2020, postponement of regular agenda item 6C regarding the Alternative Environmental Sensitive Area (AESA) Plan (AESA20-0003c) for approximately 213.9-acres of land generally located north of the 3500-3600 block of Roselawn Drive and the east side of the Kansas City Southern Railroad tracks in the City of Denton, Denton County, Texas; adopting an amendment to the City's official Environmentally Sensitive Areas map; providing for a penalty in the maximum amount of \$2,000.00 for violations thereof; providing a severability clause and an effective date.

RECONSIDERATION APPROVED

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

Citizen comments received are noted in Exhibit A.

The item was presented and discussion followed.

Following discussion, Council Member Davis moved to approve the reconsideration of Item 6.C (ID AESA20-0003c) originally presented on August 18, 2020. Motion seconded by Council Member Ryan. Motion carried.

AYES (7): Mayor Watts, Mayor Pro Tem Hudspeth and Council Members Briggs, Davis, Ryan, Armintor, and Meltzer

NAYS (0): None

- C. ID 20-1418 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation approving a Bill of Sale and Assumption Agreement with Denton Power, LLC, a Michigan Limited Liability Company, in the amount of \$2,750,000 plus an adjustment for August 2020 energy deliveries not to exceed \$150,000, for the purchase of Denton Power's Landfill Gas Electric Generation Facility and its assets, the assumption of contracts related to the same, and satisfaction of the City's remaining obligations under the contracts being assumed; providing for the expenditure of funds; and providing an effective date.

ASSIGNED ORDINANCE NO. 20-1418

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

The item was presented and discussion followed.

Following discussion, Mayor Pro Tem Hudspeth moved to adopt the item as presented. Motion seconded by Council Member Ryan. Motion carried.

AYES (7): Mayor Watts, Mayor Pro Tem Hudspeth and Council Members Briggs, Davis, Ryan, Armintor, and Meltzer

NAYS (0): None

- D. ID 20-1597 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, extending the effective period of the declared state of local disaster to September 30, 2020; superseding and replacing the Eighth Order of Council of the City of Denton issued July 28, 2020 approved by Ordinance No. 20-1423 to provide additional requirements and guidance; confirming the expenditure of funds and authorizing the expenditure of additional funds; providing a repealer clause; and providing an effective date.

ASSIGNED ORDINANCE NO. 20-1597

The item was partially discussed under Work Session Item 1.B (ID 20-1257) at the Work Session held earlier in the day.

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

The item was presented and discussion followed.

Following discussion, Council Member Davis moved to adopt the item as presented. Motion seconded by Council Member Meltzer. Motion carried.

AYES (4): Mayor Pro Tem Hudspeth and Council Members Davis, Armintor, and Meltzer

NAYS (3): Mayor Watts, Council Members Briggs and Ryan

- E. ID 20-1678 Consider nominations/appointments to the City's Boards, Commissions, and Committees: Committee on Persons with Disabilities.

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

The item was not presented or discussed.

Following discussion, Council Member Briggs moved to appoint the following as noted below:

BOARD/COMMITTEE/COMMISSION	COUNCIL PLACE	NOMINATING CCM	MEMBER FIRST NAME	MEMBER LAST NAME	NEW TERM	STATUS & QUALIFICATION OR PREFERENCE, IF ANY
Committee on Persons with Disabilities	5	Armintor	Sam	Alphonse	UNEXPIRED September 1, 2019 through August 31, 2021	New

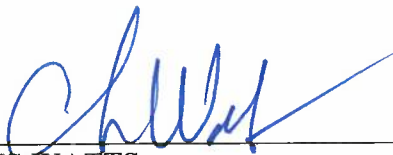
Motion seconded by Council Member Armintor. Motion carried.

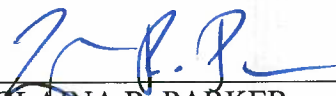
AYES (7): Mayor Watts, Mayor Pro Tem Hudspeth and Council Members Briggs, Davis, Ryan, Armintor, and Meltzer
NAYS (0): None

3. **CONCLUDING ITEMS**

Council Members expressed items of interest.

With no further business, the meeting was adjourned at 7: 28 p.m.


CHRIS WATTS
MAYOR
CITY OF DENTON, TEXAS


ZOLAINA R. PARKER
DEPUTY CITY SECRETARY
CITY OF DENTON, TEXAS

MINUTES APPROVED ON: September 15, 2020

August 25, 2020 City Council Special Called Meeting - EXHIBIT A

**Speaker Commentaries/Registrations
Online, Email, Phone**

Name	Last	Address	City	Agenda Item	Position	Method	Comments
Eric	Pruett	2111 Westwood Drive	Denton	A20-0002e	Opposed	Online	Again, I'm against annexations and rezoning to non-rural land uses until we have a rigorous fiscal analysis process in place. An RFP has already been issued for such a tool with an expected project timeline of six months. I don't trust that method used by Catalyst Commercial, and it appears the city does not either since they have issued an RFP. Why not wait until our fiscal process is in place, or at least approve contingent that any rezoning starts after our fiscal analysis plan is in place?
Randy	Sorrells	3501 Roseline Drive	Denton	AES20-0004c	Opposed	Telephone	Concerned with development happening on Rayzor Property and worried about the oak trees; water running from Roselawn goes onto my property; it is dangerous and eroded the ground; City wanted a piece of property because Roselawn is not wide enough to be a legal street - city wanted to pay him money for property, seeking to speak with engineer or relevant city staff.

NOTE: Comments for those citizens addressing the City Council are an abbreviated summary. Information contained within this exhibit includes only commentary for Open Microphone, Consent, Individual Consideration and Public Hearing Items.