

CITY OF DENTON CITY COUNCIL MINUTES
September 15, 2020

After determining that a quorum was present, the City Council of the City of Denton, Texas convened in a Work Session on Tuesday, September 15, 2020, at 12:04 p.m. in the Council Work Session Room at City Hall, 215 E. McKinney Street, Denton, Texas.

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

ABSENT: Mayor Chris Watts

Also present were City Manager Todd Hileman and City Attorney Aaron Leal.

Mayor Pro Tem Hudspeth served as Presiding Officer.

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 regular meeting via video/teleconference.

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 4.L. (ID S17-0008e)
- The following item was pulled for Individual Consideration:
 - Council Member Davis: Item 4.I. (ID 20-1708)

3. Work Session Reports

- A. ID 20-1494 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 Consensus was to have the Director of Public Health attend an upcoming meeting to provide an update as to the pandemic.

- B. ID 20-1384 Receive a report, hold a discussion, and give staff direction regarding an internal audit of COVID-19 Response: Pandemic Preparedness.

The item was presented and discussion followed.

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

- C. ID 20-1368 Receive a report, hold a discussion, and give staff direction regarding the November 3, 2020 General and Special Elections.

The item was presented and discussion followed.

Following discussion, City Council consensus was as follows:

- Seek City Council input on locations for future November elections, even though the Election Code mandates required to use County locations;
- Address construction on Lillian Miller near South Branch Library – place signage (arrows) on how to gain access to the building;
- Educate voters on guidance with DISD regarding their facilities/rooms and how to be accessed; and
- Have Agenda Committee address Election Day (November 3) as it is a City Council meeting day.

The work session was recessed for a short break at 1:08 p.m. and reconvened at 1:22 p.m.

- D. ID 20-1524 Receive a report, hold a discussion, and give staff direction regarding the FY 2020-21 Budget, Capital Improvement Program, and Five Year Financial Forecast.

The item was presented and discussion followed.

Following discussion, City Council Consensus was to maintain a low tax rate and not get above the “no-new tax rate”; also address/calculate the Return on Investment (ROI).

- E. ID 20-1202 Receive a report, hold a discussion, and give staff direction on pending City Council requests for:
1. Installing a "Wall of Fame" at the American Legion Hall

The item was presented and discussion followed.

Following discussion, results were as follows:

1. Installing a "Wall of Fame" at the American Legion Hall.
 - o Consensus was to hold a future work session.

The Work Session ended at 2:57 p.m.

CLOSED MEETING

Mayor Pro Tem Hudspeth served as Presiding Officer as Mayor Watts was not in attendance.

1. The City Council convened into a Closed Meeting at 3:11 p.m. consistent with Chapter 551 of the Texas Government Code, as amended, or as otherwise allowed by law, as follows. Item 1.F (ID 20-1883) was not deliberated.

- A. ID 20-1670 Deliberations Regarding Certain Public Power Utilities Competitive Matters - Under Texas Government Code Section 551.086; Consultation with Attorneys - Under Texas Government Code Section 551.071. Receive information from staff about and discuss and deliberate (i) the City's current renewable energy resources portfolio and (ii) new opportunities to add additional renewable energy resources to the portfolio. Consultation with the City's attorneys regarding legal issues associated with the procurement of the additional renewable energy resources, including, but not limited to, agreements related to the above, where discussions of these legal matters in an open meeting 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 the State Bar of Texas.

DELIBERATED

- B. ID 20-1840 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

- C. ID 20-1793 Consultation with Attorneys under Texas Government Code Section 551.071, Personnel Matters under Texas Government Code Chapter 551.074, and Deliberations Involving Medical or Psychiatric Records of Individuals under Texas Government Code Chapter 551.0785. Discuss, deliberate, receive information from staff, and provide staff with direction pertaining to the line of duty injury of Denton Police Officer Urban Rodriguez. Consultation with the City's attorney regarding legal issues, personnel matters, and medical records associated with Officer Rodriguez' line of duty injury, including an extension of line of duty injury leave of absence under Texas Local Government Code Chapter 143.073 as

well as the workers' compensation benefits available to and received by Officer Rodriguez, where a public discussions 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

- D. ID 20-1822 Deliberations regarding Real Property - Under Texas Government Code Section 551.072; Consultation with Attorneys - Under Texas Government Code Section 551.071. Receive information from staff, discuss, deliberate, and provide staff with direction pertaining to the potential acquisition of real property interests in the William Wilburn Survey, Abstract No. 1419 Denton County, Texas, and located generally on the north side of Tom Cole Road, adjacent to the northwest end of Denton Enterprise Airport, within the City of Denton. Consultation with the City's attorneys regarding legal issues associated with the potential acquisition or condemnation 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 Disciplinary Rules of Professional Conduct of the State Bar of Texas, or would jeopardize the City's legal position in any administrative proceeding, negotiation, or potential litigation.

DELIBERATED

- E. ID 20-1842 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, including a discussion of what information may be shared with the Public Utility Board, 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

- F. ID 20-1883 Consultation with Attorneys - Under Texas Government Code Section 551.071. Consultation with the City's attorneys regarding legal matters with the escrow agreement related to the Denton Grove specific use permit (S20-0004), 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.

NOT DELIBERATED

The closed meeting started at 3:11 p.m. and ended at 6:08 p.m. No votes or actions were taken during the closed meeting.

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, September 15, 2020, at 6:38 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 and City Attorney Aaron Leal.

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, and regular 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. PLEDGE OF ALLEGIANCE

- A. U.S. Flag and B. Texas Flag

2. PROCLAMATIONS/PRESENTATIONS

- A. ID 20-1849 Fall Prevention Awareness Day
PRESENTED
- B. ID 20-1850 National Suicide Awareness Month
PRESENTED

3. PRESENTATION FROM MEMBERS OF THE PUBLIC

- A. Review of procedures for addressing the City Council.
- B. Reports from members of the public
 - 1) Receive Scheduled Citizen Reports from Members of the Public
None.
 - 2) Additional Citizen Reports (Open Microphone)

Citizen comments received are noted in 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.I (ID 20-1708) was pulled for Individual Consideration by Council Member Davis.

Mayor Pro Tem Hudspeth moved to adopt the Consent Agenda, now consisting of Items 4.A-H and 4.J-L. Motion seconded by Council Member Ryan. Motion carried.

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

- A. ID 20-1634 Consider adoption of an ordinance approving an agreement between the City of Denton and the Denton Chamber of Commerce regarding an Economic Development Program; and providing an effective date. The Economic Development Partnership Board recommends approval (11-0).

ASSIGNED ORDINANCE NO. 20-1634

- B. ID 20-1684 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 North Texas Five Star Events, LLC, for the supply of Chemical Toilet Rental Services for the City of Denton, Section A - Standard and Handicap Rentals, Section F - Hand Washing Stations, Section G - Accessories and Additional Service Fees, and Section H - Special Event/Weekend Rentals; providing for the expenditure of funds therefor; and providing an effective date (RFP 7070 - awarded to North Texas Five Star Events, 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 \$225,000).

ASSIGNED ORDINANCE NO. 20-1684

- C. ID 20-1686 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 United Site Services of Texas, Inc., for the supply of Chemical Toilet Rental Services for the City of Denton, Section B - Trailer Mounted Rentals, Section C - Restroom Trailer, Section D - Laundry Trailer and Section E - Shower Trailer; providing for the expenditure of funds therefor; and providing an effective date (RFP 7070 - awarded to United Site Services of Texas, Inc., 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 \$225,000).

ASSIGNED ORDINANCE NO. 20-1686

- D. ID 20-1688 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 Techline Inc., for the supply of underground distribution cables for Denton Municipal Electric to be stocked in the Distribution Center; providing for the expenditure of funds therefor; and

providing an effective date (RFP 7391 - awarded to Techline Inc., for three (3) years, with the option for one (1) additional one (1) year extension, in the total four (4) year not-to-exceed amount of \$1,000,000).

ASSIGNED ORDINANCE NO. 20-1688

- E. ID 20-1689 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager, or his designee, to utilize a contract through an interlocal agreement with Tarrant County, for the purchase of High Performance Asphalt Cold Mix Patch Material, as awarded by Tarrant County Bid RFB #2019-264; providing for the expenditure of funds therefor; and providing an effective date (File 7445 - awarded to Austin Asphalt, Inc. and Texas Materials Group, Inc., dba TexasBit, in the not-to-exceed amount of \$400,000).

ASSIGNED ORDINANCE NO. 20-1689

- F. ID 20-1757 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager to execute a contract through the Department of Information Resources (Dir) Cooperative Purchasing Network Contract Number DIR-CPO-4470 with DataVox, Inc., for audio/video design and installation for the Development Services Center; providing for the expenditure of funds therefor; and providing an effective date (File 7467 - awarded to DataVox, Inc., in the not-to-exceed amount of \$337,287.17).

ASSIGNED ORDINANCE NO. 20-1757

- G. ID 20-1788 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 contract between the City of Denton and Rehrig Pacific Company, amending the contract approved by City Council on January 15, 2019, in the not-to-exceed amount of \$1,010,208; amended by Amendment 1 approved by Purchasing, said second amendment to provide for the additional purchase of residential refuse and recycling carts and replacement parts; providing for the expenditure of funds therefor; and providing an effective date (File 6926 - providing for an additional second amendment expenditure amount not-to-exceed \$190,000, with the total contract amount not-to-exceed \$1,200,208).

ASSIGNED ORDINANCE NO. 20-1788

- H. ID 20-1867 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager to execute an Interlocal Agreement with the Town of Little Elm, under the Government Code, Chapter 791.001, to authorize City of Denton contracts for the purpose of providing public safety communication services to the Town of Little Elm, Texas; authorizing the expenditure of funds therefor; and declaring an effective date (File 7374 - authorize an Interlocal Agreement with the Town of Little Elm).

ASSIGNED ORDINANCE NO. 20-1867

- J. ID 20-1740 Consider approval of the minutes of August 25, August 27 and September 1, 2020.

APPROVED

- K. ID 20-1782 Consider adoption of an ordinance by the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager, or his designee, to execute an interlocal agreement with the City of Fort Worth to define the duties and obligations involved with the coordination of public safety related efforts; and providing an effective date.

ASSIGNED ORDINANCE NO. 20-1782

- L. S17-0008e Consider adoption of an ordinance of the City of Denton, Texas, Nunc Pro Tunc, correcting an inadvertent mistake in Ordinance No. S17-0008d, relating to the approval date; providing for a savings clause and an effective date. (S17-0008e, Woodlands of McKinney Street)

ASSIGNED ORDINANCE NO. S17-0008e

ITEM PULLED FOR INDIVIDUAL CONSIDERATION

- I. ID 20-1708 Consider approval of a resolution of the City of Denton in support of the Texas Department of Transportation's proposed alignment and construction schedule for the Loop 288 West Northbound and Southbound Frontage Road Construction Project; authorizing the City Manager to sign a letter of support; and providing an effective date.

ASSIGNED ORDINANCE NO. 20-1708

Pulled for Individual Consideration by Council Member Davis.

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

The item was presented and discussion followed.

Following discussion, Council Member Briggs 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

5. ITEMS FOR INDIVIDUAL CONSIDERATION

- A. ID 20-1870 Consider approval of a resolution of the city council of the City of Denton, a Texas home-rule municipal corporation, approving a negotiated settlement between the Atmos cities steering committee ("ASCS") and Atmos Energy Corp., Mid-Tex Division regarding the company's 2020 rate review mechanism filing; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement; finding the rates to be set by the attached settlement tariffs to be just and reasonable and in the public interest; approving an attached exhibit establishing a benchmark for pensions and retiree medical benefits; approving an attached exhibit regarding

amortization of regulatory liability; requiring the company to reimburse ACSC's reasonable ratemaking expenses; determining that this resolution was passed in accordance with the requirements of the Texas open meetings act; adopting a savings clause; declaring an effective date; and requiring delivery of this resolution to the company and the ACSC's legal counsel.

ASSIGNED RESOLUTION NO. 20-1870

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

The item was presented and discussion followed.

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

AYES (6): Mayor Watts, Mayor Pro Tem Hudspeth and Council Members Davis, Ryan, Armintor, and Meltzer
NAYS (1): Council Member Briggs

- B. ID 20-1694 Consider adoption of an ordinance amending Ordinance No. 20-741 postponing the election to be held in the City of Denton, Texas, on May 2, 2020 and, if a runoff election is required, on June 13, 2020, for the purpose of electing Council Members to Places 5 and 6 and electing a Mayor to Place 7 of the City Council of the City of Denton, to November 3, 2020 by extending early voting; confirming candidate filings; providing dates for voter registration and applications for a ballot by mail; authorizing the City Manager and City Secretary to coordinate with the Elections Administrator of Denton County as necessary; providing a savings clause; providing an open meetings clause; and providing an effective date.

ASSIGNED ORDINANCE NO. 20-1694

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

Items 5.B (ID 20-1694) and 5.C (ID 20-1695) were collectively read into the record, presented, and discussed, but voted on individually.

Citizen comments received are noted in Exhibit A.

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

- C. ID 20-1695 Consider adoption of an ordinance amending Ordinance No. 20-742 postponing the special election to be held in the City of Denton, Texas, on May 2, 2020 and, if a runoff election is required, on June 13, 2020, to fill a vacancy in Districts 1 and 2 for the unexpired term ending in May, 2021, to November 3, 2020 by extending early voting; confirming candidate filings; providing dates for voter registration and applications for a ballot by mail; authorizing the City Manager and City Secretary to coordinate with the Elections Administrator of Denton County as necessary; providing a savings clause; providing an open meetings clause; and providing an effective date.

ASSIGNED ORDINANCE NO. 20-1695

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

Items 5.B (ID 20-1694) and 5.C (ID 20-1695) were collectively read into the record, presented, and discussed, but voted on individually.

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

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

NAYS (0): None

- D. ID 20-1871 Consider approval of a resolution of the City of Denton expressing support for Mayor Watts to approve certain outdoor components of the North Texas Fair and Rodeo organized by the North Texas State Fair Association to be held October 16-24, 2020 at 221 N. Carroll Boulevard in compliance with Governor Abbott's executive orders regarding outdoor gatherings; and providing an effective date.

NOT APPROVED

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.

Citizen comments received are noted in Exhibit A.

The meeting was recessed for a short break at 8:39 p.m. and reconvened at 8:45 p.m.

Following discussion, Council Member Davis moved to adopt the item as presented. Motion died for lack of a second.

- E. ID 20-1749 Consider adoption of an ordinance of the City of Denton approving a City co-sponsorship to the North Texas State Fair Association in an amount not to exceed \$6,501 of in-kind services and resources for the Annual North Texas Fair and Rodeo Parade, which will be held on Saturday, October 17, 2020, at 10:00 a.m., at the historic downtown square; and providing an effective date.

ASSIGNED ORDINANCE NO. 20-1749

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

The item was presented and discussion followed.

Citizen comments received are noted in Exhibit A.

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

AYES (5): Mayor Watts, Mayor Pro Tem Hudspeth and Council Members Briggs, Davis, and Ryan

NAYS (2): Council Members Armintor and Meltzer

- F. ID 20-1755 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the approval of a fourth amendment to a Professional Services Agreement between the City of Denton and Graham Associates, Inc., amending the contract approved by City Council on January 10, 2017, in the not-to-exceed amount of \$900,256.25; amended by Amendments 1 - 3 approved by the City Council, City Manager and Purchasing; said fourth amendment to provide additional engineering services to the Bonnie Brae Phase 4 I-35 Scripture project; providing for the expenditure of funds therefor; and providing an effective date (File 6285 - providing for an additional fourth amendment expenditure amount not-to-exceed \$594,234.70, with the total contract amount not-to-exceed \$1,871,640.95).

ASSIGNED ORDINANCE NO. 20-1755

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 Hudspeth. Motion carried.

AYES (5): Mayor Watts, Mayor Pro Tem Hudspeth and Council Members Davis, Ryan, and Meltzer

NAYS (2): Council Members Briggs and Armintor

- G. ID 20-1786 Consider adoption of an ordinance of the City of Denton, Texas, granting the North Texas State Fair Association an exception pursuant to section 17-20 of the City of Denton code of ordinances, with respect to sound levels and hours of operation for the North Texas Fair and Rodeo, which will be held October 16-24, 2020 at 221 N. Carroll Boulevard; granting a variance in the hours of operation for said dates on Monday through Thursday from 10:00 p.m. to midnight, Friday and Saturday from 10:00 p.m. to 1:00 a.m., and Sunday from 11:00 a.m. to 11:00 p.m., with sound not to exceed 70 decibels; and providing an effective date.

ASSIGNED ORDINANCE NO. 20-1786

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

The item was presented and discussion followed.

Citizen comments received are noted in Exhibit A.

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

AYES (5): Mayor Watts, Mayor Pro Tem Hudspeth and Council Members Briggs, Davis, and Ryan

NAYS (2): Council Members Armintor and Meltzer

- H. AESA20-0003d Consider adoption of an ordinance of the City of Denton, Texas regarding an Alternative Environmentally Sensitive Area Plan 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. (AESA20-0003d, Christi Upton)

ASSIGNED ORDINANCE NO. AESA20-0003d

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.

At 10:02 p.m., the City Council convened into an Executive Session pursuant to Chapter 551 of the Texas Government Code, Section 551.071, (Consultation with Attorneys).

The Executive Session started at 10:11 p.m. and ended at 10:13 p.m. No votes or actions were taken during the Executive Session.

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

AYES (6): Mayor Watts, Mayor Pro Tem Hudspeth and Council Members Briggs, Davis, Ryan, and Meltzer

NAYS (1): Council Member Armintor

- I. ID 20-1882 Consider adoption of an ordinance of the City of Denton, Texas, Authorizing the City Manager to execute the certified local government subgrant fiscal year 2021 grant letter of support for Historic Denton Inc., relating to the Texas Historic Commission Certified Local Government (CLG) grant to conduct a historical survey of the North Texas State normal neighborhood for nomination as a National Historic District.

POSTPONED TO OCTOBER 22

The item was postponed to October 22, 2020 at Staff's request.

- J. S20-0004b Consider adoption of an ordinance of the City of Denton, Texas, approving a Specific Use Permit to allow for a Multi-Family Dwelling use on approximately 16.2 acres of land, generally located on the northwest corner of Duchess Drive and Loop 288, in the City of Denton, Denton County, Texas; providing for a penalty in the maximum amount of \$2,000.00 for violations thereof; providing for severability; and establishing an effective date. The Planning and Zoning Commission recommended approval (6-0). (S20-0004b, Denton Grove Apartments, Julie Wyatt)

ASSIGNED ORDINANCE NO. S20-0004b

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

The item was not presented or discussed.

Council Member Briggs 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

- K. S20-0004c Consider adoption of an ordinance approving an Escrow Agreement between the City of Denton, Texas, and Pedcor Investments, A Limited Liability Company, regarding Pedcor's funding of Traffic Control Facilities to be constructed at the intersection of Duchess Drive and S. Loop 288 (\$400,000); authorizing the City Manager, or his designee, to execute the same; approving the expenditure of funds therefor; and declaring an effective date. (S20-0004c, Denton Grove Apartment)

ASSIGNED ORDINANCE NO. S20-0004c

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 Briggs. Motion carried.

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

NAYS (0): None

6. **PUBLIC MEETING**

- A. ID 20-1544 Hold a public meeting on a proposal to adopt a tax rate of \$0.590454 with a maximum allowable rate of \$0.615454 per \$100 valuation, which will not exceed the lower of the non-new revenue rate or the voter approval tax rate. Public comments will be received in accordance with the public hearing process

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 public meeting was opened for public comment and citizen comments received are noted in Exhibit A.

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

7. **PUBLIC HEARINGS**

- A. Z20-0007a 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 Rural Residential (RR) District to General Office (GO) District on approximately 55.37 acres of land generally located on the west side of Interstate Highway 35, approximately 680 feet north of Barthold 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 [7-0] to approve the request with conditions. (Z20-0007a, Primoris Corporate Offices, Hayley Zagurski)
ASSIGNED ORDINANCE NO. Z20-0007a

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

The item was presented and discussion followed.

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

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

AYES (6): Mayor Watts, Mayor Pro Tem Hudspeth and Council Members Briggs, Davis, Ryan, and Meltzer

NAYS (1): Council Member Armintor

- B. ID 20-1543 Hold a public hearing and receive citizen input on the FY 2020-21 Proposed Budget.

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 public hearing was opened and citizen comments received are noted in Exhibit A.

The meeting was recessed for a short break at 11:25 p.m. and reconvened 11:34 p.m.

Citizen comments continued.

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

No formal action was taken as the item was only a public hearing.

- C. S19-0013b Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas approving a Specific Use Permit to allow for a Multi-Family Dwelling use on approximately 4 acres of land generally located on the north side of Mingo Road, approximately 150 feet southwest of Boyd Street in the City of Denton, Denton County, Texas; providing for a penalty in the maximum amount of \$2,000.00 for violations thereof; providing for severability; and establishing an effective date. The Planning and Zoning Commission voted 6-0 to recommend approval of the request with conditions. (S19-0013b, Mingo Road Apartments, Julie Wyatt)

ASSIGNED ORDINANCE NO. S19-0013b

The item was presented and discussion followed.

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 public hearing was opened and citizen comments received are noted in Exhibit A. With no other callers on queue, the public hearing was closed.

Following discussion, Mayor Pro Tem Hudspeth moved to deny the item as presented. Motion seconded by Council Member Meltzer. Motion failed.

AYES (3): Mayor Pro Tem Hudspeth and Council Members Briggs and Meltzer

NAYS (4): Mayor Watts and Council Members Davis, Ryan, and Armintor

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

AYES (4): Mayor Watts and Council Members Davis, Ryan, and Armintor

NAYS (3): Mayor Pro Tem Hudspeth and Council Members Briggs and Meltzer

- D. PD20-0003a Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, approving a Detailed Plan for a charter school on a 37.3 acre phase of Planned Development District No. 139 (The Vintage), generally located on the southeast corner of Vintage Boulevard and I-35W Vintage Boulevard Ramp intersection, 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 (7-0) to approve the request. (PD20-0003b, PD 139; Charter School, Julie Wyatt)

ASSIGNED ORDINANCE NO. PD20-0003a

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

The item was presented and discussion followed.

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

Following discussion, Council Member Briggs 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

8. CONCLUDING ITEMS

Council Members expressed item of interest.

With no further business, the meeting was adjourned on Wednesday, September 16, 2020, at 12:34 a.m.



GERARD HUDSPETH
MAYOR PRO TEM
FOR CHRIS WATTS
MAYOR
CITY OF DENTON, TEXAS



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

MINUTES APPROVED ON:

October 16, 2020

September 15, 2020 City Council Regular Meeting - EXHIBIT A

Speaker Commentaries/Registrations Online, Email, Phone

Name	Last	Address	City	Agenda Item	Position	Method	Comments
Brian Beck		124 Mill Pond Road	Denton	20-1871	Opposed	Online	Multigenerational families and children are target audience. Event only profitable due to high density and minimal supervision. 50% gate occupancy will still cause super-spreader event. Music and carnival components too risky, esp. with beer sales limiting judgement. Parade, animal, rodeo, and art events "may" be okay if tightly controlled and monitored. Please disallow the music and carnival portions.
Andrew Bennett		1713 Carrollton Street	Denton	20-1543	N/A	Telephone	Concerned about trend of increase in police budget; it will not improve the life of constituents, in favor for increasing the budget for human services - it is a good start and should continue and push for access for food for those with mental health issues. Not in favor of increasing the police budget.
Regina Bugarin		2210 Westwood Drive	Denton	20-1544	Opposed	Online	I am AGAINST the proposed increase in the city's police budget. I am AGAINST the decrease in human services budget. This proposal leads me to believe that city officials are ignoring the outcomes from residents over the course of this pandemic. Increase the human services budget to \$1.5 million. Divide it equitably between housing assistance, utilities assistance, food assistance, and mental health resources for low income residents of Denton. Investing in these services would make me feel safer.
Carey Currin		1918 Mistywood Lane	Denton	AESA20-0003d	Support	Online	I'd like to thank the Denton City Council for improved lowland ESA modifications. I'd like to request the City purchase of Upland ESA equaling 32 acres of historical Post oak forest and tree survey. Value of property 360 K in environmental service's and 6 K structural value. Figures taken from city of Denton 2016 state of Urban forest report. Thank you for your help saving the forest.
Rachel Laura De Jager Dromgoole		2115 McCormick 3508 Woodland Hills Drive	Denton Denton	AESA20-0003d 20-1543	Opposed Opposed	Online Online	Please do not destroy the 100+-year old trees. We need green space in Denton. The Denton community has been hit hard by Covid and needs human services more than ever before. The best way to serve the people of Denton is to INCREASE the human services budget to at least \$1.5 million. Please do not increase the police budget in a time when that money can be much better used directly assisting Denton residents.
Samuel Escalante		2565 Quail Ridge Dr.	Denton	20-1543	Opposed	Online	A budget is a city's moral document. The current budget doesn't adequately address the roots of poverty and lack of resources that COVID has exacerbated, issues that also often lead to police intervention. I am asking that council (1) invest heavily in human services, at least 1.5 million, and other budgets that directly aid Dentonites in need, and (2) set the 2020-21 police budget at current (2019-20) levels. Investing in communities and providing basic necessities is what makes us truly safe.
Victoria Falcon		2500 N Interstate 35	Denton	20-1543	Opposed	Online	Hello my name is Victoria Falcon and I am opposing the proposed city budget which increases police funding and severely underfunds human services. I am calling for a stop to this practice that increases police funding every year which has no proof or correlation to a safer Denton. Council needs to raise the human services budget to \$1.5 mil to be divided equitably among human services in Denton. Thank you for reading
Victoria Falcon		3400 N. 135	Denton	20-1543	N/A	Telephone	Opposed to budget, does not increase funding for human services; increasing police funding has no proof for a safer community - does little to serve the community; issues need to be addressed; task Council with helping the community; raise for human resources to \$1.5 million, low funding is the justification for more police.
George Ferrie		Not Provided	Denton	20-1543	N/A	Telephone	Would like to uplift the callers and need to fund something that does not yield the services needed; need to see crisis intervention teams; need more organizations to help citizens; need to normalize with being wrong and just because something does not experience it does not mean it does not exist; evictions are happening; invest in all the people who live in Denton - at the end of the day \$1.5 million is a drop in the bucket to \$37.5 million.
Kristen Fox		1713 Carlton Street	Carrollton	20-1543	N/A	Telephone	What decreases suicide is material support through human services are all factors: why would we want to give them \$37 million to police and move money into social services; we need to support people who are in crisis.
Anjelica Fraga		1201 Pico Trail	Denton	20-1543	Opposed	Online	The proposed budget does not address the concerns raised by the Movement for Black Lives, nor does it adequately address the need to widen the city's social safety net in response to the covid-19 crisis. It is imperative that we increase the human services budget to 1.5 million to ensure equitable financial and mental health support for all residents of Denton. I do not support increasing the police budget while area non-profits that serve our most vulnerable community members go underfunded.
Sidney Hartz		1710 Sam Bass Blvd	Denton	20-1543	Opposed	Online	I demand that the police budget is NOT increased, and that instead the human services budget is increased to \$1.5 million, distributed between food assistance, housing assistance, utilities assistance, and mental health services. Our community needs to be served now more than ever, and more policing will not solve the root of our community's problems.
Lawrence James Holdorf Jackson		2415 N Elm Street 2007 Teasley Lane	Denton Denton	S19-0013b 20-1543	N/A Opposed	Telephone Online	Presented overview of proposed project. Please consider the impact of instituting a budget increase for the police and the decrease in funding for human services. We need to promote public safety and well-being by investing in alternatives to policing rather than increasing the scope and power of the police. I urge you to stop the practice of increasing the police budget every year while underfunding human services and set the 2020-21 police budget to last year's level of \$35.9 million.

Name	Last	Address	City	Agenda Item	Position	Method	Comments
Dacen	Kinser	3504 Shawdow Trail	Denton	20-1543	N/A	Telephone	In favor of increasing the human services budget; it is a very important issue in this country. against increasing the police budget; understands of need but wants to get to the root of the problem which is motivated by desperate people, get root of the problem and try to fix with police later.
Elise	Kolderup	2311 Houston Place	Denton	20-1543	N/A	Telephone	Urge to increase funding to \$1.5 million for human services and don't increase the police budget; police do not make us feel safe; there is no justification for \$37 million into police; addressing poverty is the actual effective approach; police are a metaphorical hammer and all their problems are nails.
Jennifer	Lane	Not Provided	Denton	20-1544	N/A	Telephone	Worked very hard to lower tax rates for the middle homes; request for the tax freeze to be requested to Austin; please ask for a re-vote as to Rodeo item.
Jennifer	Lane	Not Provided	Denton	20-1694	N/A	Telephone	Thank you for moving the election to November and for encouraging voting in Denton, please encourage everyone to wear masks.
Jennifer	Lane	Not Provided	Denton	20-1749	N/A	Telephone	Following the discussion which was just had, appreciate Council Member Davis explaining how it should be passed; if Council is going to sponsor, it should be dependent on the event happening as well.
Jennifer	Lane	Not Provided	Denton	20-1786	N/A	Telephone	When in the meeting on 5.G though Mayor was going to allow to speak; as a result, now people can't get away from noise due to the pandemic. [Note: Citizen provided comment for this item during Item 5.H (ID AESA20-0003d).]
Jennifer	Lane	Not Provided	Denton	20-1871	N/A	Telephone	Would like to point out that regarding the market keeping that open; the rodeo would need a huge number of staff to handle. Everything of this nature has been canceled, Day of the Dead, July 4th Parade, State Fair, it is impossible to keep them safe and fun. What is driving this and is there an understanding that this is not as dangerous as it is - there is much pressure because the driving force is not following the event, not a good time to have an exception and wait until 2021 like everyone else; flu season has started and it doesn't seem it can happen in a way that public safety is achievable.
Jennifer	Lane	Not Provided	Denton	AESA20-0003d	N/A	Telephone	The flood plain AESA looks good, but will still be impacted by removing the canopy cover, others have spoken to value of trees; post oaks do not withstand this type of invasion; the two AESAs belong together - they need to be addressed in conjunction with each other; there is a value to trees that needs to be assessed known about before developers are allowed to destroy.
Jennifer	Lane	Not Provided	Denton	Open Mic	N/A	Telephone	Staff has done a great job with allowing for calling in; however, still not good to allow for comments to be stacked and everyone is working in the dark; comments are not read out loud; there is a cramp in the dialogue and it is hard to follow the city's live stream.
Diana	Leggett	Not Provided	Denton	AESA20-0003d	N/A	Telephone	Has been wildlife rehabilitator; when moving to Denton has seen the destruction of wildlife and natural species; when 50 % of the habitat is taken out, it takes out 50% of the wildlife; space where they live needs to be preserved, the slides show the animals rehabilitated in Denton, we must act to preserve the habitat and wildlife.
Danielle	Longueville	3012 Groveland Terrace	Denton	20-1543	Opposed	Online	Our City Council has a moral obligation to protect and care for its citizens in response to the devastating impact on our community by COVID-19. Instead of funding the police department further, I request that those funds be redirected to Human Services and divided accordingly so all departments receive an equal funding increase. More police money means less survival of our citizens. Stop overfunding cops, start funding the survivability of our people.
Catherine	Lustgarten	11809 Southerland Drive	Denton	20-1543	Opposed	Online	Any budget you pass MUST include funding to expand recycling in the city to mandate recycling at apartments and businesses, and require re-distribution or composting of food excesses from restaurants and grocery stores. No expansion of the landfill should be considered until all feasible recycling processes have been maximized.
Libby	Maxwell	1810 Westminster Street apt 3	Denton	20-1543	Opposed	Online	I am against the current budget, and the trend of increasing police spending in Denton. I urge the council to support an increase in the human services budget, people in Denton need housing assistance, food, and medical assistance. This is such a pivotal moment for the city of Denton. Please consider what is really important in helping Denton citizens make it through this incredibly difficult time.
June	McCormick	1618 Kendolph Drive	Denton	20-1543	Opposed	Online	We must increase the proportion of funding allocated to preventive community investment compared to reactive police activity. The current city allocation increase is a step in the right direction, but does not go nearly far enough. Our spending in this area is a pittance, given how much further these dollars go than dollars allocated at the other end of social problems! This is the perfect time and cultural moment to listen to the community and take action to fix that.
Kim	McGibbon	1306 W. Hickory Street	Denton	AESA20-0003d	N/A	Telephone	Stumbled on Council items; repeatedly the city likes to chop these trees up; trees need to survive as a community and be kept together; no way to eradicate the Chinese Privet, drains need to be reconsidered and erosion will be turned into a mud pile and can be re-engineered to slow down the water; slow the water down and fan it out at the end, please re-examine damage drainage will cause and street pollutants; the value of trees needs to be addressed; Denton has a chance to keep these trees together in one place.
Eric	Metraux	2019 Mercedes Road	Denton	20-1543	N/A	Telephone	Budget worries him during pandemic; evictions have spiked again; utility shut off has continued; speak to reason behind cutting human services money, doesn't understand the reason, does not support the budget if human services are being cut.
Amy	Morgan	1928 Parkside Drive	Denton	20-1543	Opposed	Online	I ask that the City look for ways to increase spending on human services. We are seeing an unprecedented need while federal and state funding streams are dwindling. Public safety is a priority in the budget, but investing more in law enforcement is not the answer. We need to ensure that the basic needs of all citizens are met.

Name	Last	Address	City	Agenda Item	Position	Method	Comments
Dorothy	Pennington	1805 Linden Drive	Denton	20-1543	Opposed	Online	I urge the council to vote against the FY 2020-2021 proposed budget and amend the proposal by increasing the human services budget to \$1.5 million and saying no to increasing the police budget. The inequality in funding between the budgets ignores citizen's calls to address the root causes that lead to police intervention such as poverty and lack of access to housing, utilities, and food assistance, as well as mental health resources. COVID has only made this shift in funds even more necessary.
Brock	Pfister	13455 Noel Roas	Dallas	ABSA20-0003d	N/A	Telephone	Provided overview of proposed project.
Eric	Pruett	2111 Westwood Drive	Denton	20-1544	N/A	Telephone	Tax Rate is made by policy decision; homes have devalued; we need more smaller homes; parking requirements need to be reduced; other developments cannot build small homes; lets embrace a policy by allowing the missing middle homes.
Matt	Solomon	Not Provided	Denton	20-1543	N/A	Telephone	Cuts human services in order to increase the police budget to \$37.5 million; citizens are being penalized and human services needs to be increased to \$1.5 million and equally allocate funding - people of Denton do not need more policing.
Randy	Sorrells	Not Provided	Denton	ABSA20-0003d	N/A	Telephone	Thank you to Council for saving some of the trees; concerned about trees getting pushed around and development at risk for health issues; water drains onto his property; received letter from Erica/Veronica; if there is no downstream effect, why is the road being elevated where everything drains and the creek runs in; the water flow will be increased on to property; thanks for listening.
Lee Ann	Todd	3316 Roselawn Drive	Denton	20-1871	N/A	Telephone	Arts and Jazz has been canceled due to COVID 19; requested permission not be granted as it could contaminate the community.
Lee Ann	Todd	3316 Roselawn Drive	Denton	ABSA20-0003d	N/A	Telephone	300 feet from development, thankful for modifications regarding the drainage, would like to see amendments to reflect type and size of trees; developer be responsible to pay for per inch; 32 acres are slated to be destroyed, cited report as to environmental services; city is giving 32 acre away without compensation; appeal to consider buying the property in conjunction with UNT to maintain the upland environmental sensitive area, if trees are cut there won't be much water retention and will reduce heat index and increase flood plain; there will be expected water issues; you can't replace the value of 32 acres of trees.
Val	Vera	2420 E. McKinney Street	Denton	20-1543	Opposed	Online	I'm urging you to increase funding for human services and say no to increasing the police budget in Denton's proposed 2020-21 budget. The city should take action to address the root causes that often lead to police intervention: Poverty and the lack of access to food, housing, utilities, and mental health care. I'm asking you to support increasing the human services budget to \$1.5 million to be divided equitably between housing assistance, utilities assistance, food assistance and mental health resources.
Priscilla	Ybarra	1402 Kenwood Street	Denton	20-1543	Opposed	Online	I am against raising the funding for police. I am for raising funding for Human Services in Denton. Please raise the Human Services budget to \$1.5 million. I am proud to live in Denton, and I want us all to take pride in the investment we make to HELP people instead of policing their behavior. Help the police by preventing problems at the root with HUMAN SERVICES.

NOTE: Comments for those citizens addressing the City Council are an abbreviated summary. Information contained within this exhibit includes only speakers that spoke or provided online commentary.