

CITY OF DENTON CITY COUNCIL MINUTES
May 2, 2023

After determining that a quorum was present, the City Council of the City of Denton, Texas convened in a Work Session on Tuesday, May 2, 2023, at 2:00 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, Jesse Davis, Brandon Chase McGee, and Chris Watts (Virtual)

ABSENT: None

VACANT: District 4

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:
 - Mayor Pro Tem Beck: Consent Item 4.K (23-891)

3. Work Session Reports

- A. ID 23-149 Receive a report, hold a discussion, and give staff direction regarding Audit Project 022 - Building Permit Processes: Follow-Up Review. [Estimated Presentation/Discussion Time: 15 minutes]

The item was presented and discussion followed.

Following discussion, there was no direction provided as the item was for presentation/discussion purposes.

- B. ID 23-150 Receive a report, hold a discussion, and give staff direction regarding Audit Project 016 - COVID-19 Response: Pandemic Preparedness Follow-Up Review. [Estimated Presentation/Discussion Time: 15 minutes]

The item was presented and discussion followed.

Following discussion, there was no direction provided as the item was for presentation/discussion purposes.

- C. ID 23-286 Receive a report, hold a discussion, and give staff direction regarding funding recommendations from the Community Services Advisory Committee (CSAC) for the proposed activities to be included in the 2023-2027 Consolidated Plan for Housing and Community Development and 2023 Action Plan. [Estimated Presentation/Discussion Time: 30 minutes]

The item was presented and discussion followed.

Following discussion, City Council consensus was to direct staff to proceed with the proposed CSAC recommendations as presented to be included in the 2023/24 Action Plan.

- D. ID 23-456 Receive a report, hold a discussion, and give staff direction regarding an allocation of excess sales tax. [Estimation Presentation/Discussion Time: 30 minutes]

The item was presented and discussion followed.

Following discussion, City Council consensus was to continue with current process.

CLOSED MEETING

1. The City Council convened into a Closed Meeting at 2:59 p.m. consistent with Chapter 551 of the Texas Government Code, as amended, or as otherwise allowed by law, as follows:

- A. ID 23-842 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 regarding an update on the Core Scientific Power Purchase Agreement and Lease that includes data stemming from public power utility competitive data; discuss, deliberate, and provide direction to staff regarding same. Consultation with City's attorney regarding legal issues associated with the above matter 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 Rule of Professional Conduct of State Bar of Texas, or would jeopardize the City's legal position in any administrative proceeding or potential litigation.

DELIBERATED

- B. ID 23-911 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 issues associated with the "Application of Denton Municipal Electric to Change Rates for Wholesale Transmission Service" pending before the Public Utility

Commission of Texas under Docket No. 52715; where public discussion of these legal matters would conflict with the duty of the City's attorneys to the City of Denton and Denton Municipal Electric (DME) under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas, or otherwise compromise the City's legal position.

DELIBERATED

The closed meeting started at 3:00 p.m. and ended at 4:02 p.m. No votes or actions were taken during the closed meeting.

The work session ended at 4:02 p.m.

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, 2, 2023, at 6:33 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, Jesse Davis, Brandon Chase McGee, and Chris Watts (Virtual)

ABSENT: None

VACANT: District 4

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.

1. PLEDGE OF ALLEGIANCE

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

2. PROCLAMATIONS/PRESENTATIONS

A. ID 23-429 Proclamation: National Preservation Month
PRESENTED

B. ID 23-607 Proclamation: DFW Great 100 Award Recognition, Rebecca A. Jones, Director of Critical Care
PRESENTED

C. ID 23-608 Proclamation: DFW Great 100 Award Recognition, Crystal Perry, MSN, RN, CEN, TCRN, Trauma Program Director
PRESENTED

D. ID 23-610 Proclamation: DFW Great 100 Award Recognition, Maritza Cates
PRESENTED

E. ID 23-653 Proclamation: National Nurses Week
PRESENTED

F. ID 23-670 Proclamation: International Compost Awareness Week
PRESENTED

G. ID 23-672 Proclamation: National Day of Prayer
PRESENTED

H. ID 23-843 Proclamation: Small Business Week
PRESENTED

3. PRESENTATIONS FROM MEMBERS OF THE PUBLIC

A. Review of procedures for addressing the City Council.

B. Reports from members of the public

1) Scheduled Citizen Reports from Members of the Public

a. ID 23-912 Ms. Camila Parra regarding youth and education
PRESENTED

b. ID 23-913 Mr. Stephen Dillenburg regarding Campaign and General Welfare of Denton Status Update and Query.
PRESENTED

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-M. During the Work Session held earlier in the day, no items were pulled for Individual Consideration.

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

Motion carried.

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

NAYS (0): None

VACANT (1): District 4

- A. ID 23-029 Consider approval of the minutes of the April 18, 2023 Meeting.

APPROVED

- B. ID 23-059 Consider nominations/appointments to the City's Boards, Commissions, and Committees: Special Citizens Bond Advisory Committee and Public Art Committee.

APPROVED

APPOINTMENTS LISTED ON EXHIBIT B

- C. ID 23-727 Consider adoption of an ordinance of the City Council of the City of Denton designating the City Secretary as the public information coordinator pursuant to Texas Government Code Section 552.012 (c); designating an electronic mailing address for all public information requests by electronic mail; designating a mailing address for all public information requests received by mail; designating a portal for other electronic submission and designating a physical address for hand delivery, as authorized by the Texas Government Code Section 552.234; and providing an effective date.

ASSIGNED ORDINANCE NO. 23-727

- D. ID 23-884 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 Freese and Nichols, Inc., for environmental engineering and consulting services for the Environmental Services and Sustainability Department as set forth in the contract; providing for the expenditure of funds therefor; and providing an effective date (RFQ 8171 - Professional Services Agreement for engineering and consulting services awarded to Freese and Nichols, 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 \$750,000.00). The Public Utilities Board recommends approval (7 - 0).

ASSIGNED ORDINANCE NO. 23-884

- E. ID 23-885 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 OW Investors, LLC dba Mars Company, for a meter test bench and mobile testers for the Water Meter Department; providing for the expenditure of funds therefor; and providing an effective date (IFB 8173 - awarded to OW Investors, LLC dba Mars Company, 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 \$796,435.00). The Public Utilities Board recommends approval (7 - 0).

ASSIGNED ORDINANCE NO. 23-885

- F. ID 23-886 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 KBS Electrical Distributors, Inc., for the purchase of Electric Utility Substation Switches for

Denton Municipal Electric; providing for the expenditure of funds therefor; and providing an effective date (IFB 8178 - awarded to KBS Electrical Distributors, 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 \$2,693,820.00). The Public Utilities Board recommends approval (7-0).

ASSIGNED ORDINANCE NO. 23-886

- G. ID 23-887 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 Stearns, Conrad and Schmidt Consulting Engineers, Inc., for the engineered design of a concrete road and a vehicle undercarriage wash (wheel-wash) for the Solid Waste and Recycling Department; providing for the expenditure of funds therefor; and providing an effective date (RFQ 7109-032 - Professional Services Agreement for design services awarded to Stearns, Conrad and Schmidt Consulting Engineers, Inc., in the not-to-exceed amount of \$205,245.00). The Public Utilities Board recommends approval (7 - 0).

ASSIGNED ORDINANCE NO. 23-887

- H. ID 23-888 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the approval of a first amendment to a contract between the City of Denton and Core and Main LP, amending the contract approved by City Council on March 17, 2020, in the not-to-exceed amount of \$5,800,000.00, said first amendment to continue to provide Water and Wastewater Inventory for the Warehouse Department; providing for the expenditure of funds therefor; and providing an effective date (IFB 7187 - providing for an additional first amendment expenditure amount not-to-exceed \$1,450,000.00, for a total contract amount not-to-exceed \$7,250,000.00).

ASSIGNED ORDINANCE NO. 23-888

- I. ID 23-889 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the approval of a first amendment to a contract between the City of Denton and Ferguson Enterprises, LLC, amending the contract approved by City Council on March 17, 2020, in the not-to-exceed amount of \$3,630,000.00, said first amendment to continue to provide Water and Wastewater Inventory for the Warehouse Department; providing for the expenditure of funds therefor; and providing an effective date (IFB 7187 - providing for an additional first amendment expenditure amount not-to-exceed \$907,500.00, for a total contract amount not-to-exceed \$4,537,500.00).

ASSIGNED ORDINANCE NO. 23-889

- J. ID 23-890 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the approval of a first amendment to a Professional Services Agreement between the City of Denton and Weaver and Tidwell, L.L.P., amending the contract approved by the City Council on July 28, 2020, in the not-to-exceed amount of \$354,500.00; said first amendment to provide external audit services for the City of Denton's fiscal year 2022-23, including an audit of the financial statements and single audit for the year ending September 30, 2023, and an agreed-upon procedures report for the Texas

Commission on Environmental Quality as managed by the City Auditor's Office; providing for the expenditure of funds therefor; and providing an effective date (RFQ 7284 - providing for an additional first amendment expenditure amount not-to-exceed \$123,500.00, with the total contract amount not-to-exceed \$478,000.00).

ASSIGNED ORDINANCE NO. 23-890

- K. ID 23-891 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager to execute a contract extension between the City of Denton and Nexus Solutions USA, Inc. through February 28, 2025, for airport vegetation management; and declaring an effective date (File 7333 - extending a contract with Nexus Solutions USA, Inc., to February 28, 2025).

ASSIGNED ORDINANCE NO. 23-891

- L. ID 23-892 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 Innovative Transportation Solutions, Inc., for transportation consulting services on various projects for the Capital Projects Department as set forth in the contract; providing for the expenditure of funds therefor; and providing an effective date (RFQ 8179 - Professional Services Agreement for consulting services awarded to Innovative Transportation Solutions, Inc., for two (2) years, with the option for three (3) additional one (1) year extensions, in the total five (5) year not-to-exceed amount of \$630,000.00).

ASSIGNED ORDINANCE NO. 23-892

- M. ID 23-894 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 Ben E Keith Company, for the supply of food and concessions at the Water Works Park and Civic Center Pool concession stands for the Parks and Recreation Department; providing for the expenditure of funds therefor; and providing an effective date (RFP 7854-02 - awarded to Ben E Keith Company, 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 \$363,000.00).

ASSIGNED ORDINANCE NO. 23-894

5. PUBLIC HEARING

- A. PD21-0007d Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas regarding a request by Aimee Bisset, 97 Land Company, LLC., on behalf of the owner, Tony Riley, to rezone approximately 20.92 acres from a Suburban Corridor (SC) District to a Planned Development Mixed-Use Neighborhood (PD-MN) District. The site is generally located at the northeast corner of Loop 288 and FM 428, in the City of Denton, Denton County, Texas. THE APPLICANT HAS WITHDRAWN THIS ITEM FROM CONSIDERATION. (PD21-0007d, Sherman Drive Mixed Use, Angie Manglaris).

WITHDRAWN

Mayor Hudspeth reiterated the item was withdrawn at the request of the applicant. There was no objection voiced by the City Council.

6. ITEMS FOR INDIVIDUAL CONSIDERATION

- A. ID 23-753 Consider adoption of an ordinance of the City of Denton, Texas, amending the fiscal year 2022-2023 budget and annual program of services of the City of Denton to allow for adjustments to the Tourist & Convention Fund of two hundred and fifty thousand dollars (\$250,000) for the purpose of providing funding to the Denton Black Film Festival Institute, Inc. to support in part the production of a documentary series on Quakertown; declaring a public purpose; directing the City Secretary attach a copy to the 2022-2023 budget; requiring approval by at least five votes; and providing a severability clause, an open meetings clause, and an effective date.

ASSIGNED ORDINANCE NO. 23-753

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

The item was presented and discussion followed.

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

Motion carried.

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

NAYS (0): None

VACANT (1): District 4

- B. ID 23-916 Consider adoption of an ordinance of the City of Denton authorizing the City Manager to execute an agreement between the City of Denton and the Denton Black Film Festival Institute, Inc., for the payment and use of hotel tax revenue in support of the Quakertown Docuseries; and providing an effective date. (\$250,000 - Community Partnership Committee recommends approval 3-0)

ASSIGNED ORDINANCE NO. 23-916

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

The item was presented and discussion followed.

Citizen comments received are noted on Exhibit A.

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

Motion carried.

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

NAYS (0): None

VACANT (1): District 4

- C. ID 23-865 Consider approval of a resolution of the City of Denton, Texas, authorizing and approving the creation of Denton Public Facility Corporation, a public facility corporation, pursuant to Chapter 303 of the Texas Local Government Code; approving the articles of incorporation; appointing the initial directors of the corporation; approving the initial bylaws for the corporation; and providing an effective date.

NOT APPROVED

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

The item was presented and discussion followed.

Council Member McGee moved to delay the item until May 16, 2023. Council Member Byrd seconded the motion.

More discussion followed.

Mayor Pro Tem Beck motioned to amend the delay to a Work Session in July for additional discussion rather than vote on May 16. Council Member McGee seconded the motion.

Motion failed.

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

NAYS (3): Mayor Hudspeth, and Council Members Davis and Watts

VACANT (1): District 4

Mayor Hudspeth called for a vote on the original motion by Council Member McGee to delay the item until May 16, 2023, which was seconded by Council Member Byrd.

Motion failed.

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

NAYS (3): Mayor Hudspeth, and Council Members Davis and Watts

VACANT (1): District 4

Council Member Davis moved approval of the draft resolution with the names Gerard Hudspeth, Brandon Chase McGee, and Chris Watts inserted as initial Directors of the Board. Mayor Hudspeth seconded the motion.

More discussion followed.

Council Member McGee moved to amend the motion to include the full body of the Council as initial Directors of the Board. Mayor Pro Tem Beck seconded the motion.

More discussion followed.

Mayor Hudspeth tabled Item C to allow the City Attorney to discuss the amendment with his team.

Mayor Hudspeth read Item D into the record for consideration.

Discussion on tabled Item C continued after consideration of Item D was completed.

Mayor Hudspeth called for a vote on the amended motion made prior to tabling of the item.

Motion failed.

AYES (3): Mayor Hudspeth, and Council Members Davis and Watts

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

VACANT (1): District 4

Mayor Hudspeth called for a vote on the original motion made by Council Member Davis and seconded by Mayor Hudspeth to approve the draft resolution with the names Gerard Hudspeth, Brandon Chase McGee, and Chris Watts inserted as initial Directors of the Board.

Motion failed.

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

NAYS (3): Mayor Hudspeth, and Council Members Davis and Watts

VACANT (1): District 4

- D. ID 23-883 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 Eurovia Atlantic Coast, LLC dba Sunmount Paving Company, for the 2019 Street Bond Neighborhood 4 project for the Capital Projects Department; providing for the expenditure of funds therefor; and providing an effective date (CSP 8110 - awarded to Eurovia Atlantic Coast, LLC dba Sunmount Paving Company, in the not-to-exceed amount of \$7,541,673.42). The Public Utilities Board recommends approval (6 - 0).

ASSIGNED ORDINANCE NO. 23-883

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

Mayor Pro Tem Beck had a conflict of interest and left the Council Chambers.

The item was presented and no discussion followed.

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

Motion carried.

AYES (5): Mayor Hudspeth and Council Members Byrd, Davis, McGee, and Watts

NAYS (0): None

ABSTAIN (1) Mayor Pro Tem Beck

VACANT (1): District 4

7. CONCLUDING ITEMS

Council Members expressed items of interest.

With no further business, the meeting was adjourned at 8:39 p.m.

GERARD HUDSPETH
MAYOR
CITY OF DENTON, TEXAS

JESUS SALAZAR
INTERIM CITY SECRETARY
CITY OF DENTON, TEXAS

MINUTES APPROVED ON: _____

May 2, 2023 City Council Regular Meeting - EXHIBIT A

Citizen Registrations Online, Email, Phone

NAME	LAST	ADDRESS	CITY	AGENDA ITEM	POSITION	METHOD
Kristine	Bray	1204 Cordell St.	Denton	Open Mic	N/A	In-Person
Harry	Eaddy	Not Provided	Denton	23-916	Support	In-Person
Liam	Gaume-Wakefield	Not Provided	Denton	Open Mic	N/A	In-Person
King	Hollis	Not Provided	Denton	23-916	Support	In-Person
Willie	Hudspeth	Not Provided	Denton	Open Mic	N/A	In-Person
Willie	Hudspeth	Not Provided	Denton	23-916	Support	In-Person

NOTES:

- Information contained within this exhibit includes information regarding citizens who participated in the meeting by giving commentary during Open Microphone, Consent, Individual Consideration and Public Hearing Items, or by submitting eComments in advance.

- Full agenda, meeting video, and system transcript are available by visiting the City of Denton Public Meetings Page at www.cityofdenton.com/242/Public-Meetings-Agendas, going to the Archived Meetings Section, and selecting the applicable meeting date.

- eComments, if submitted, can be found here: <https://denton-tx.granicusideas.com/meetings?scope=past>

EXHIBIT B
May 2, 2023

Agenda Item 4.B (ID 23-059)

BOARD/COMMITTEE/COMMISSION	COUNCIL PLACE	NOMINATING CCM	MEMBER NAME	NEW TERM	STATUS & QUALIFICATION OR PREFERENCE, IF ANY
Public Art Committee	GDAC - 1	Greater Denton Arts Council	Francesca Romano	UNEXPIRED September 1, 2022 through August 31, 2024	New
Special Citizens Bond Advisory Committee	1-Apr	Watts - City Council	Julianne Remski	Appointment through August 21, 2023	New
Special Citizens Bond Advisory Committee	BOC-01	Bond Oversight Committee	John Cartwright	Appointment through August 21, 2023	New
Special Citizens Bond Advisory Committee	BOC-02	Bond Oversight Committee	Clay Thurman	Appointment through August 21, 2023	New
Special Citizens Bond Advisory Committee	BOC-03	Bond Oversight Committee	Tamsyn Price	Appointment through August 21, 2023	New
Special Citizens Bond Advisory Committee	BOC-04	Bond Oversight Committee	Marty Rivers	Appointment through August 21, 2023	New
Special Citizens Bond Advisory Committee	BOC-05	Bond Oversight Committee	Greg Johnson	Appointment through August 21, 2023	New
Special Citizens Bond Advisory Committee	BOC-06	Bond Oversight Committee	Randall Robinson	Appointment through August 21, 2023	New
Special Citizens Bond Advisory Committee	BOC-07	Bond Oversight Committee	Rob Houdek	Appointment through August 21, 2023	New
Special Citizens Bond Advisory Committee	BOC-08	Bond Oversight Committee	Patricia Haworth	Appointment through August 21, 2023	New
Special Citizens Bond Advisory Committee	BOC-09	Bond Oversight Committee	Janet Shelton	Appointment through August 21, 2023	New
Special Citizens Bond Advisory Committee	BOC-10	Bond Oversight Committee	Tim Crouch	Appointment through August 21, 2023	New
Special Citizens Bond Advisory Committee	BOC-12	Bond Oversight Committee	Gary Henderson	Appointment through August 21, 2023	New