

CITY OF DENTON CITY COUNCIL MINUTES

June 7, 2022

After determining that a quorum was present, the City Council of the City of Denton, Texas convened in a Work Session on Monday, June 7, 2022, at 2:01 p.m. in the Council Work Session Room at City Hall, 215 E. McKinney Street, Denton, Texas.

PRESENT IN PERSON: Mayor Gerard Hudspeth, Mayor Pro Tem Brian Beck and Council Members Vicki Byrd, Jesse Davis, Alison Maguire, Brandon Chase McGee, and Chris Watts

ABSENT: None

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

The posted agenda noted the registration process for both in-person, call-in, and virtual public participation at this meeting. While citizen commentary received via the online registration process was not read, each member for the City Council received each online commentary as it was submitted. In-person, call-in, and/or online comments received will be reflected in the exhibit to the minutes of this meeting, if/as applicable.

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 items:
 - Council Member Beck: Items 4.E (22-978), 4.I (22-1029), and 4.Q (22-1163)
 - Mayor Hudspeth: Items 4.E (22-978), 4.J (22-1032), 4.AB (22-1151), and 4.AH (22-1141)
- The following item was pulled for Individual Consideration:
 - Council Members Davis and Maguire: Item 4.D (22-953)

3. Work Session Reports

- A. ID 22-701 Receive a report, hold a discussion, and give staff direction regarding Audit Project 018 - Health Insurance Operations: Follow-Up Review. [Estimated Presentation/Discussion Time: 30 minutes]

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

- B. ID 22-801 Receive a report, hold a discussion, and give staff direction regarding proposals from the Board of Ethics to amend the Ethics Ordinance and Board of Ethics Rules of Procedure. [Estimated Presentation/Discussion Time: 60 minutes]

Following discussion, City Council consensus was to present an ordinance for consideration at a future date for the following components. Staff will revisit requested items for additional review by the Board of Ethics.

- 1: Update to Panel Composition Requirements
- 3: Alignment with Updated Ethics Complaint Form
- 4: Clarification of Panel's Ability to Recommend Frivolity Hearing
- 5: Adjustment to Preliminary Assessment Panel Assignment Criteria
- 6: Clarification of Advisory Opinion Request Timelines & Reporting Process
- Additional Minor Verbiage Changes

- C. ID 22-815 Receive a report, hold a discussion, and give staff direction regarding the role of City Council Committees, membership to subcommittees and other internal/external groups, and their associated nomination and appointment processes. [Estimated Presentation/Discussion Time: 45 minutes]

The item was presented and discussion followed.

Following discussion, City Council consensus was to schedule formal appointment as presented at the June 28, 2022 City Council meeting with the only change being to reach out to the Denton County Behavioral Health Leadership Team for the addition of a second seat providing for the appointment of Council Member Alison Maguire.

- D. ID 22-828 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 2022 Action Plan. [Estimated Presentation/Discussion Time: 30 minutes]

The item was presented and discussion followed.

Following discussion, staff was directed to proceed with the proposed recommendations as presented for inclusion in the 2022 Action Plan.

Council Member Jesse Davis arrived at 3:25 p.m.; advance notice was provided.

The work session was recessed for a short break at 3:30 p.m. and reconvened at 3:45 p.m.

- E. ID 22-419 Receive a report, hold a discussion, and give staff direction on pending City Council requests for: (1) A Council vote to increase the allotted time for public comment from four to five minutes. (2) A work session to discuss incentives and or requirements for EV charging electrical circuitry and infrastructure for single-family homes with garages and multifamily developments of certain sizes. (3) A Council vote on a resolution that directs the Denton Police Department to make investigations and criminal enforcement related to reproductive healthcare its lowest priority, and recommends against using City funds for such purposes. (4) Authorizing staff resources to be spent in developing a policy related to panhandling and public health policy. [Estimated Presentation/Discussion Time: 30 minutes]

Following discussion, City Council consensus was as follows:

- ID 22-419 (1) A Council vote to increase the allotted time for public comment from four to five minutes.
 - No consensus for a work session.
- ID 22-419 (2) A work session to discuss incentives and or requirements for EV charging electrical circuitry and infrastructure for single family homes with garages and multifamily developments of certain sizes.
 - Consensus for a future work session.
- ID 22-419 (3) A Council vote on a resolution that directs the Denton Police Department to make investigations and criminal enforcement related to reproductive healthcare its lowest priority, and recommends against using City funds for such purposes.
 - Consensus for a future work session.
- ID 22-419 (4) Authorizing staff resources to be spent in developing a policy related to panhandling and public health policy.
 - Consensus for a future work session.

The work session ended at 4:10 p.m.

CLOSED MEETING

1. The City Council convened into a Closed Meeting at 4:10 p.m. consistent with Chapter 551 of the Texas Government Code, as amended, or as otherwise allowed by law, as follows.
 - A. ID 22-832 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 a presentation from staff regarding public power competitive and financial matters about the risks of wholesale energy supply and risk management plans, hedge plans, and strategies as each relates to the DME electric power and gas portfolio; discuss, deliberate, and provide direction to staff regarding the same. Consultation with the City's attorneys regarding legal issues associated with the above

matters 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 or potential litigation.

NOT DELIBERATED

- B. ID 22-1031 Consultation with Attorneys under Texas Government Code Section 551.071 and Deliberations Involving Medical or Psychiatric Records of Individuals under Texas Government Code Chapter 551.0785. Receive information from staff, discuss, and provide staff with direction related to a police officer's plan benefits related to an injury in the line of duty. Consultation with the City's attorney regarding legal issues associated with benefits 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; to consider information in the medical or psychiatric records related to a police officer's injury in the line of duty.

DELIBERATED

The closed meeting started at 4:15 p.m. and ended at 5:00 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, June 7, 2022, at 6:32 p.m. in the Council Chambers at City Hall, 215 E. McKinney Street, Denton, Texas.

PRESENT IN PERSON: Mayor Gerard Hudspeth, Mayor Pro Tem Brian Beck and Council Members Vicki Byrd, Jesse Davis, Alison Maguire, Brandon Chase McGee, and Chris Watts

ABSENT: None

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

The posted agenda noted the registration process for both in-person, call-in, and virtual public participation at this meeting. While citizen commentary received via the online registration process was not read, each member for the City Council received each online commentary as it was submitted. Both in-person, call-in, and online comments received are reflected in the exhibit to the minutes of this meeting, if/as applicable

1. PLEDGE OF ALLEGIANCE

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

2. PROCLAMATIONS/PRESENTATIONS

A. ID 22-1181 Proclamation: Denton LGBTQ Pride Month
PRESENTED

B. ID 22-1182 Proclamation: Juneteenth Day
PRESENTED

3. PRESENTATIONS FROM MEMBERS OF THE PUBLIC

A. Review of procedures for addressing the City Council.

B. Reports from members of the public

1) Receive Scheduled Citizen Reports from Members of the Public

a. ID 22-1127 Ms. Debbie Sims, 1801 N. Elm Street, regarding continual issues with water line breaks/leaks at her hair business, Debi Do & Company Salon (1801 N. Elm Street).

PRESENTED

b. ID 22-1128 Ms. Kathy Woods, 504 Retama Street, regarding the financial impact of water main issues at Debi Do & Company Salon (1801 N. Elm Street).

PRESENTED

c. ID 22-1143 Mr. Max Folmar, 1412 Fox Hollow, regarding transportation services and Go Zone.

PRESENTED

d. ID 22-1210 Ms. Elisabeth Gould, 1103 Bernard Street, representing Speaking At Her Best, LLC, regarding what to look out for when loving yourself wholeheartedly.

PRESENTED

e. ID 22-1212 Mr. Stephen Dillenburg, 1001 Abbots Lane, regarding follow-up to comments made on Emergency Resolution of Public Corruption.

PRESENTED

f. ID 22-1213 Dr. David Zoltner, 2501 Timber Trail, regarding abuse of the Open Microphone by citizens who sign up for the opportunity to speak, and by members of Council and Staff who fail to enforce decorum.

PRESENTED

- g. ID 22-1238 Mr. Gladden, 1822 W. Oak Street, regarding Invalid Certification of Recall Petition by the Denton City Secretary.

PRESENTED

- 2) Additional Citizen Reports (Open Microphone)

None

4. CONSENT AGENDA

The Consent Agenda consisted of Items 4.A-H. During the Work Session held earlier in the day, Item 4.D was pulled for Individual Consideration by Council Members Davis and Maguire, and Items 4.AF and 4.AG were Removed From Consideration and rescheduled to a future date by Mayor Hudspeth at the request of Staff.

Mayor Pro Tem Beck moved to adopt the Consent Agenda, now consisting of Items 4.A-C. E-AE and AH. Motion seconded by Council Member McGee. Motion carried.

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

NAYS (0): None

- A. ID 22-811 Consider approval of the minutes of May 17, 2022 (Canvassing and Regular) Meetings.

APPROVED

- B. ID 22-1133 Consider approval of a resolution of the City of Denton providing the May 9, 2022 meeting absence of a Public Utilities Board Member be excused; and declaring an effective date.

APPROVED

- C. ID 22-834 Consider adoption of an ordinance of the City of Denton repealing Ordinance No. 21-765; approving the 2022 Denton Municipal Electric - Energy Risk Management Policy; (the "2022 EMRP"); delegating authority as provided in the 2022 ERMP; authorizing and approving the subsequent execution of such other ancillary and related documents, including, without limitation, contracts, nominations, certificates, assignments, licenses, directions, instruments, confirmations, orders, and statements as are authorized by the 2022 ERMP, which are incident to or related thereto; confirming that the City of Denton, its Mayor, its City Council members, its City Manager, its City Attorney, and its City Secretary are authorized to perform such acts and obligations as are reasonably required to consummate those future transactions which are provided for and authorized by the 2022 ERMP; finding that the purchase of electricity, natural gas, and related commodities and instruments are

exempt from the requirements of competitive bidding; finding that the purchase of electric energy, natural gas, and related commodities and instruments made by the city under the terms of the 2022 ERMP are in the public welfare of the citizens and electric ratepayers of the city; authorizing the expenditure of funds therefor; and, providing an effective date. The Public Utilities Board recommends approval [7-0].

ASSIGNED ORDINANCE NO. 22-834

- E. ID 22-978 Consider adoption of an ordinance of the City of Denton approving a City co-sponsorship to the Denton Juneteenth Celebration Committee in an amount not to exceed \$20,365.89 of in-kind services and resources for the Denton Juneteenth Celebration, which will be held on Friday, June 17, 2022 through Saturday, June 18, 2022, at the Fred Moore Park; and providing an effective date.

ASSIGNED ORDINANCE NO. 22-978

- F. ID 22-1081 Consider adoption of an ordinance of the City of Denton granting the Denton Juneteenth Celebration Committee a three-year noise exception for the Denton Juneteenth Celebration, to be held on June 17-19, 2022, June 16-18, 2023, and June 14-16, 2024 at Fred Moore Park; and providing an effective date.

ASSIGNED ORDINANCE NO. 22-1081

- G. ID 22-1024 Consider approval of a resolution of the City of Denton authorizing the City Manager to execute an agreement allowing Denton County Brewing Company to sell alcoholic beverages at the Yappy Hour event, on Friday, June 10, 2022, and Friday, August 5, 2022, at North Lakes Dog Park upon satisfying certain conditions; and providing for an effective date.

ASSIGNED RESOLUTION NO. 22-1024

- H. ID 22-1028 Consider adoption of an ordinance of the City of Denton granting the North Texas State Fair Association a three-year noise exception for the North Texas Fair and Rodeo which will be held August 18-28, 2022, August 17-27, 2023, and August 15-25, 2024, at 2217 N. Carroll Boulevard; and providing an effective date.

ASSIGNED ORDINANCE NO. 22-1028

- I. ID 22-1029 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 \$8,502.80 of in-kind services and resources for the Annual North Texas Fair and Rodeo Parade which will be held on Saturday, August 20, 2022, at 10:00 a.m., at the Downtown Square; and providing an effective date.

ASSIGNED ORDINANCE NO. 22-1029

- J. ID 22-1032 Consider adoption of an ordinance of the City of Denton authorizing the City Manager to execute on behalf of the City the disc golf course rental agreement for disc golf tournaments and events in the parks; and providing an effective date.

ASSIGNED ORDINANCE NO. 22-1032

- K. ID 22-1053 Consider approval of a resolution of the City of Denton authorizing the Original Denton District to provide a letter of support to the Texas Commission on the Arts for an application by the Denton Festival Foundation for the Arts Respond Project - Economic Development grant in the amount of \$15,000 for musician salaries related to the 2023 Arts and Jazz Festival; and providing an effective date.

ASSIGNED RESOLUTION NO. 22-1053

- L. ID 22-1054 Consider approval of a resolution of the City of Denton authorizing the Original Denton District to provide a letter of support to the Texas Commission on the Arts for an application by the Greater Denton Arts Council for the Arts Respond - Cultural District Project grant in the amount of \$10,000 for the implementation of the "63 & 93: Generations in Conversation" art exhibition, an exhibition hosting works by artists thirty-years and younger alongside artists sixty-years and older; and providing an effective date.

ASSIGNED RESOLUTION NO. 22-1054

- M. ID 22-1055 Consider approval of a resolution of the City of Denton authorizing the Original Denton District to provide a letter of support to the Texas Commission on the Arts for an application by Tejas Storytelling Association for the Arts Respond - Cultural District Project grant in the amount of \$7,000 for aid in 2023 Texas Storytelling Festival expenses; and providing an effective date.

ASSIGNED RESOLUTION NO. 22-1055

- N. ID 22-1056 Consider approval of a resolution of the City of Denton authorizing the Original Denton District to provide a letter of support to the Texas Commission on the Arts for an application by Theatre Denton for the Arts Respond - Cultural District project grant in the amount of \$5,000 for renovation of the neon campus theatre sign; and providing an effective date.

ASSIGNED RESOLUTION NO. 22-1056

- O. ID 22-1082 Consider approval of a resolution of the City of Denton in support of the Original Denton District's application for the Arts Respond - Cultural District Project grant from the Texas Commission on the Arts in the amount of \$12,000 for traffic utility box art program; authorizing the Original Denton District to execute a letter of support; and providing an effective date.

ASSIGNED RESOLUTION NO. 22-1082

- P. ID 22-1161 Consider approval of a resolution of the City of Denton authorizing the City Manager to execute an agreement allowing Denton County Brewing Company to sell alcoholic beverages at the Glow in the Park event, on Saturday, June 18, 2022, at the North Lakes Disc Golf Course upon satisfying certain conditions; and providing for an effective date.

ASSIGNED RESOLUTION NO. 22-1161

- Q. ID 22-1163 Consider adoption of an ordinance of the City of Denton approving a City co-sponsorship in an amount not to exceed \$2,545.70 of in-kind services and resources for the Glow in the Park event hosted by the Denton Parks Foundation, which will be held on Saturday, June 18, 2022, from 6:00 p.m. to 10:30 p.m., at the North Lakes Disc Golf Course, 2201 N Bonnie Brae St; and providing an effective date.

ASSIGNED ORDINANCE NO. 22-1163

- R. ID 22-1103 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the approval of Change Order No. 5 to the contract between the City of Denton and Quality Excavation, LTD, for the construction of the McKinney Street sidewalk segment for the Downtown Storm Sewer Trunk Line PH I Project; providing for the expenditure of funds therefor; and providing an effective date (IFB 7086 - Change Order No. 5, in the not-to-exceed amount of \$65,757.40 for a total contract award aggregated to \$1,289,375.65). The Public Utilities Board recommends approval (7 - 0).

ASSIGNED ORDINANCE NO. 22-1103

- S. ID 22-1104 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 Biggs and Mathews Environmental, Inc., for the scale facility and roadway improvements at the City of Denton Landfill for the Solid Waste and Recycling Department; providing for the expenditure of funds therefor; and providing an effective date (RFQ 7109-025 - Professional Services Agreement for design services awarded to Biggs and Mathews Environmental, Inc., in the not-to-exceed amount of \$160,000.00). The Public Utilities Board recommends approval (7 - 0).

ASSIGNED ORDINANCE NO. 22-1104

- T. ID 22-1105 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 Allegro Development Corporation, for the Energy Trading and Risk Management Application for Denton Municipal Electric, which is the sole provider of this software, in accordance with Texas Local Government Code 252.022, which provides that procurement of commodities and services that are available from one source are exempt from competitive bidding, and if over \$50,000, shall be awarded by the governing body; providing for the expenditure of funds therefor; and providing an effective date (File 7916 - awarded to Allegro Development Corporation, in the eight (8) year not-to-exceed amount of \$1,658,561.00). The Public Utilities Board recommends approval (7 - 0).

ASSIGNED ORDINANCE NO. 22-1105

- U. ID 22-1106 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 Freese and Nichols, Inc., amending the contract approved by the City Manager on January 18, 2021, in the not-to-exceed amount of

\$96,963.00, said first amendment to provide collaborative project delivery consulting services for the Capital Improvement Projects division; providing for the expenditure of funds therefor; and providing an effective date (File 7620 - providing for an additional first amendment expenditure amount not-to-exceed \$110,725.00 with the total contract amount not-to-exceed \$207,688.00).

ASSIGNED ORDINANCE NO. 22-1106

- V. ID 22-1107 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 purchase of roll duct, PVC conduit, fittings, and accessories for the Denton Municipal Electric Department to be stocked in the City of Denton Warehouse; providing for the expenditure of funds therefor; and providing an effective date (IFB 7973 - awarded to Techline, 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 \$10,000,000.00).

ASSIGNED ORDINANCE NO. 22-1107

- W. ID 22-1108 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 SHI Government Solutions, Inc., amending the contract approved by City Council on May 3, 2022, to add Technology Solutions Products & Services through The Interlocal Purchasing System (TIPS) Cooperative Program Contract # 200105; providing for the expenditure of funds therefor; and providing an effective date (File 7983 - providing for an amendment to the ordinance to add the TIPS Cooperative Program Contract #200105).

ASSIGNED ORDINANCE NO. 22-1108

- X. ID 22-1110 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 Kimley-Horn and Associates, Inc., to provide regulatory permitting/approval support, process evaluation, design services, bidding assistance, and construction phase services for the Pecan Creek Water Reclamation Plant (PCWRP) Headworks Project for the Water Utilities Department; providing for the expenditure of funds therefor; and providing an effective date (RFQ 7574-013 - Professional Services Agreement for design services awarded to Kimley-Horn and Associates, Inc., in the not-to-exceed amount of \$3,828,700.00). The Public Utilities Board recommends approval (7 - 0).

ASSIGNED ORDINANCE NO. 22-1110

- Y. ID 22-1131 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 the development of a Storm Water Master Plan assessment for the Drainage Department as set forth in the contract; providing for the expenditure of funds therefor; and providing an effective date (RFQ 7599-006 - Professional Services Agreement for assessment services awarded to Freese and Nichols, Inc., in the not-to-exceed amount of \$500,000.00). The Public Utilities Board recommends approval (7 - 0).

ASSIGNED ORDINANCE NO. 22-1131

- Z. ID 22-1145 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, for the approval of a pre-qualified list for utility relocation and construction services for various Capital Investment Projects within the City of Denton; providing for the expenditure of funds therefor; and providing an effective date (RFQ 7968 - for a three (3) year term).

ASSIGNED ORDINANCE NO. 22-1145

- AA. ID 22-1146 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, rejecting any and all competitive proposals under RFP 7982 for Voluntary Products, to include accident, critical illness with cancer, and hospital indemnity coverage; and providing an effective date (RFP 7982).

ASSIGNED ORDINANCE NO. 22-1146

- AB. ID 22-1151 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 Ray McCain Services, Inc., for repairs, replacement, maintenance, and installation of automatic gates and overhead doors for the Facilities Management Department; providing for the expenditure of funds therefor; and providing an effective date (RFP 7951 - awarded to Ray McCain Services, Inc., for one (1) year, with the option for four (4) additional one (1) year extensions, in the total five (5) year in the not-to-exceed amount of \$750,000.00).

ASSIGNED ORDINANCE NO. 22-1151

- AC. ID 22-1154 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 2L Construction, L.L.C., for the construction of the North Texas Boulevard Widening and Improvements at Apogee Stadium Project; providing for the expenditure of funds therefor; and providing an effective date (IFB 7966 - awarded to 2L Construction, L.L.C., in the not-to-exceed amount of \$802,815.83).

ASSIGNED ORDINANCE NO. 22-1154

- AD. ID 22-1160 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 Artistic Painting Company, Inc., for interior and exterior painting services for the Facilities Management Department; providing for the expenditure of funds therefor; and providing an effective date (RFP 7952 - awarded to Artistic Painting Company, 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 \$600,000.00).

ASSIGNED ORDINANCE NO. 22-1160

- AE. ID 22-1197 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, rejecting any and all competitive proposals under RFP 7975 for the Channel Grinder Provision and Install for the Solid Waste Department; and providing an effective date (RFP 7975).

ASSIGNED ORDINANCE NO. 22-1197

AH. ID 22-1141 Consider approval of a resolution by the City of Denton. a Texas home-rule municipal corporation, suspending Oncor Electric Delivery Company LLC's proposed effective date of June 17, 2022, for ninety days in connection with Oncor's statement of intent to increase rates filed on or about May 13, 2022; requiring the reimbursement of municipal rate case expenses; authorizing participation in the coalition of similarly situated cities; authorizing intervention and participation in related rate proceedings; authorizing the retention of special counsel; finding that the meeting complies with the open meetings act; making other findings and provisions related to the subject; and declaring an effective date
ASSIGNED RESOLUTION NO. 22-1141

ITEM PULLED FOR INDIVIDUAL CONSIDERATION

D. ID 22-953 Consider adoption of an ordinance of the City of Denton authorizing the City Manager to execute an Interlocal Agreement between the City of Denton and Denton Independent School District (DISD) for the widening of Riney Road as an addendum to the Bonnie Brae Phase 6 Project, for which funds will provided for by DISD.
ASSIGNED ORDINANCE NO. 22-953

Pulled for Individual Consideration by Council Members Davis and Maguire.

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

Council Members Davis and Maguire had a conflict of interest and left the Council Chambers.

The item was not presented and no discussion followed.

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

AYES (5): Mayor Hudspeth, Mayor Pro Tem Beck and Council Members Byrd, McGee, and Watts

NAYS (0): None

ABSTENTIONS (2): Council Members Davis and Maguire

ITEMS PULLED FROM CONSIDERATION

AF. ID 22-1170 Consider adoption of an ordinance of the City of Denton ratifying and authorizing the city manager, to execute an advance funding agreement with the Texas Department of Transportation for a project using funds held in the State Highway 121 subaccount-roadway improvements (off state system) providing for the extension of Mayhill

Road from as a four-lane divided urban arterial roadway from IH 35 east to US 380 in the City of Denton; authorizing the expenditure of funds therefor; and providing an effective date.

PULLED FROM CONSIDERATION; RESCHEDULED TO A FUTURE DATE

The item was pulled from consideration by Mayor Hudspeth at Staff's request and rescheduled to a future date.

- AG. ID 22-1172 Consider adoption of an ordinance of the City of Denton ratifying and authorizing the City Manager, to execute and deliver an Advance Funding Agreement with the Texas Department of Transportation for a project using funds held in the State Highway 121 subaccount providing for an expansion of Hickory Creek Road from a two-lane rural roadway to a four-lane divided urban roadway and intersection improvements on Hickory Creek Road from FM 1830 to Riverpass Drive in the City of Denton; authorizing the expenditure of funds therefor; and providing an effective date.

PULLED FROM CONSIDERATION; RESCHEDULED TO A FUTURE DATE

The item was pulled from consideration by Mayor Hudspeth at Staff's request and rescheduled to a future date.

5. PUBLIC HEARINGS

- A. ID 22-829 Hold a public hearing inviting citizens to comment on the 2022 Action Plan for Housing and Community Development.

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

The item was presented and no discussion followed.

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.

NOTE: There was no action taken as the item was only a public hearing.

- B. S22-0002b Hold a public hearing and consider making a recommendation to City Council regarding a request by Terrano Realty, Inc. for a Specific Use Permit to allow for a Multifamily Dwelling Use on approximately 11.891 acres of land, generally located on the east side of Woodrow Lane, approximately 1,365 feet south of East McKinney Street, in the City of Denton, Denton County, Texas. THE ITEM HAS BEEN POSTPONED TO THE JUNE 28, 2022 CITY COUNCIL MEETING (S22-0002b, Pathway Woodrow Lane Multifamily, Julie Wyatt)

CONTINUED TO JUNE 28, 2022 WITH THE PUBLIC HEARING OPEN

Mayor Hudspeth announced the public hearing remained open and continued to June 28, 2022.

- C. Z21-0017b 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 Residential Rural (RR) District to Planned Development (PD) District with a Light Industrial (LI) base zone on approximately 311.5 acres of land generally located on the northeast corner of Hampton Road and Masch Branch Road in the City of Denton, Denton County, Texas; adopting an amendment to the City's Official Zoning Map; providing for a penalty in the maximum amount of \$2,000.00 for violations thereof; providing a severability clause and an effective date. The Planning and Zoning Commission voted [4-2] to recommend denial of the initial request to rezone to Light Industrial (LI) (Z21-0017b, RM Squared Denton Tract, Tina Firgens).

ASSIGNED ORDINANCE NO. Z21-0017b

All members of the City Council received the comments as submitted and had the opportunity to review all submissions prior to the start of the meeting and consider such comments when voting on the item. The summary of public commentary/registrations are noted in Exhibit A.

The item was presented and discussion followed.

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

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

NAYS (0): None

The council meeting was recessed for a short break at 8:57 p.m. and reconvened at 9:16 p.m.

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

- A. ID 22-657 Consider adoption of an ordinance of the City of Denton determining the public use, need, and necessity for the acquisition of a (i) permanent water line easement and a (ii) temporary construction easement, generally located along Loop 288 and US 77 between Interstate Highway 35E to Nicosia Street, situated in the Nathan Wade Survey Abstract No. 1407, in the City and County of Denton, Texas, and more particularly described in the attached Exhibit "A" (collectively the "Property Interests"); authorizing the City Manager and City Attorney, to acquire the Property Interests by agreement, if possible, including

making all offers required by law; authorizing the use of the power of eminent domain to condemn the property interests if agreements cannot be reached; authorizing the City Attorney, to file eminent domain proceedings if necessary; authorizing the expenditure of funding; making findings; providing a savings clause; and providing an effective date.

ASSIGNED ORDINANCE NO. 22-657

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

The item was presented and no discussion followed.

Council Member Maguire moved that the City of Denton, after having made the offers required by State Law, use the power of eminent domain, if needed, to acquire various permanent waterline easements, permanent sanitary sewer easements, and temporary construction easements, located generally along Loop 288 and US 77 between Interstate Highway 35E to Nicosia Street, situated in the Nathan Wade Survey Abstract No. 1407, BBB&CRR Co. Survey Abstract No. 141, all in the City and County of Denton, Texas, and more particularly described in the attached Exhibit "A" to the ordinance now under consideration and on the screen to be displayed to the audience, all of which are for a valid public use necessary to install a transmission main and pump station as part of the Water Distribution Master Plan to move water to the elevated storage tank located at Loop 288 and IH35, to serve the public and citizens of the City of Denton.

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

Motion seconded by Council Member McGee. Motion carried.

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

NAYS (0): None

- B. ID 22-777 Consider adoption of an ordinance of the City of Denton determining the public use, need, and necessity for the acquisition of various (i) permanent sanitary sewer easements and (ii) temporary construction easements, generally located between Interstate Highway 35E and Westgate Dr., situated in the Nathan Wade Survey Abstract No. 1407, F. Baston Survey Abstract No. 43, all in the City and County of Denton, Texas, and more particularly described in the attached Exhibit "A" (collectively, the "Property Interests"); authorizing the City Manager and City Attorney to acquire the Property Interests by agreement, if possible, including making all offers required by law; authorizing the use of the power of eminent domain to condemn the property interests if agreements cannot be reached; authorizing the City Attorney, to file eminent domain proceedings if necessary; authorizing the expenditure of funding; making findings; providing a savings clause; and providing an effective date.

ASSIGNED ORDINANCE NO. 22-777

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

The item was presented and discussion followed.

Following discussion, Council Member Davis moved that the City of Denton, after having made the offers required by State Law, use the power of eminent domain, if needed, to acquire a permanent waterline easement and temporary construction easement, located between Interstate Highway 35E and Westgate Dr., situated in the Nathan Wade Survey Abstract No. 1407, F. Baston Survey Abstract No. 43, all in the City and County of Denton, Texas, and more particularly described in the attached Exhibit “A” to the ordinance now under consideration and on the screen to be displayed to the audience, all of which are for a valid public use necessary to install to abandon the existing Barrow wastewater lift station, to serve the public and citizens of the City of Denton.

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

Motion seconded by Council Member Maguire.

Council Member Davis amended his motion to clarify the last portion, “...*to install a new sanitary sewer line and abandon the existing Barrow wastewater lift station, to serve the public and citizens of the City of Denton.*” Council Member Maguire, who seconded the original motion, accepted the amendment. Motion carried.

AYES (7): Mayor Hudspeth, Mayor Pro Tem Beck and Council Members Byrd, Davis, Maguire, McGee, and Watts
NAYS (0): None

7. ITEMS FOR INDIVIDUAL CONSIDERATION

- A. ID 22-862 Consider approval of a resolution of the City of Denton stating no objection to a 4% housing tax credit application to the Texas Department of Housing and Community Affairs for the proposed new development of the Pathways on Woodrow to provide affordable rental housing; authorizing the Texas Housing Foundation to exercise its powers within the territorial boundaries of the City of Denton; authorizing a cooperation agreement; and providing an effective date.

ASSIGNED RESOLUTION NO. 22-862

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 Watts moved to adopt the item as presented. Motion seconded by Council Member Byrd. Motion carried.

AYES (7): Mayor Hudspeth, Mayor Pro Tem Beck and Council Members Byrd, Davis, Maguire, McGee, and Watts
NAYS (0): None

- B. ID 22-921 Consider adoption of an ordinance considering all matters incident and related to the issuance, sale and delivery of up to \$89,000,000 in principal amount of "City of Denton General Obligation Refunding and Improvement Bonds, Series 2022"; authorizing the issuance of the bonds; delegating the authority to certain City officials to execute certain documents relating to the sale of the bonds; approving and authorizing instruments and procedures relating to said bonds; enacting other provisions relating to the subject; and providing an effective date. The Public Utilities Board recommends approval (7-0).

ASSIGNED ORDINANCE NO. 22-921

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

Items 7.B (22-921) and 7.C (22-922) were collectively read into the record, presented, and discussed, but voted on individually.

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

AYES (7): Mayor Hudspeth, Mayor Pro Tem Beck and Council Members Byrd, Davis, Maguire, McGee, and Watts
NAYS (0): None

- C. ID 22-922 Consider adoption of an ordinance considering all matters incident and related to the issuance, sale and delivery of up to \$121,000,000 in principal amount of "City of Denton Certificates of Obligation, Series 2022"; authorizing the issuance of the certificates; delegating the authority to certain city officials to execute certain documents relating to the sale of the certificates; approving and authorizing instruments and procedures relating to said certificates; enacting other provisions relating to the subject; and providing an effective date. The Public Utilities Board recommends approval (7-0).

ASSIGNED ORDINANCE NO. 22-922

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

Items 7.B (22-921) and 7.C (22-922) were collectively read into the record, presented, and discussed, but voted on individually.

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

AYES (7): Mayor Hudspeth, Mayor Pro Tem Beck and Council Members Byrd, Davis, Maguire, McGee, and Watts
NAYS (0): None

- D. ID 22-1027 Consider adoption of an ordinance of the City of Denton approving a co-sponsorship to the Denton Noon Kiwanis Club in an amount not to exceed \$24,095.00 of in-kind services and resources for the 4th of July fireworks show, which will be held on Sunday, July 3, 2022, at North Lakes Park; and providing an effective date.

ASSIGNED ORDINANCE NO. 22-1027

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 Maguire. Motion carried.

AYES (6): Mayor Hudspeth and Council Members Byrd, Davis, Maguire, McGee, and Watts
NAYS (1): Mayor Pro Tem Beck

- E. ID 22-1030 Consider adoption of an ordinance of the City of Denton granting the Denton Noon Kiwanis Club a noise exception with respect to sound levels and hours of operation for the 4th of July Fireworks show to be held on Sunday, July 3, 2022, from 9:30 p.m. to 10 p.m. at North Lakes Park; and providing an effective date.

ASSIGNED ORDINANCE NO. 22-1030

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 Watts. Motion carried.

AYES (6): Mayor Hudspeth and Council Members Byrd, Davis, Maguire, McGee, and Watts
NAYS (1): Mayor Pro Tem Beck

- F. ID 22-1224 Consider approval of a resolution of the City of Denton expressing its support of the City of Uvalde regarding the tragic events that occurred at Robb Elementary School; and providing an effective date.

ASSIGNED RESOLUTION NO. 22-1224

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

The item was not presented; however, an overview of the item was detailed. The resolution was read in its entirety by Council Member Watts.

Following commentary, Council Member Watts moved to adopt the item as presented. Motion seconded by Council Member Byrd. Motion carried.

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

NAYS (0): None

- G. ID 22-1149 Receive the certification from the City Secretary regarding the petition for the recall of District 4 Council Member Alison Maguire.

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.

No City Council action was required.

- H. ID 22-1150 Receive the certification from the City Secretary regarding the petition for the decriminalization of marijuana.

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.

No City Council action was required.

8. CONCLUDING ITEMS

Council Members expressed items of interest

With no further business, the meeting was adjourned at 10:55 p.m.

GERARD HUDSPETH
MAYOR
CITY OF DENTON, TEXAS

JESUS SALAZAR
DEPUTY CITY SECRETARY
CITY OF DENTON, TEXAS

MINUTES APPROVED ON: _____

June 7, 2022 City Council Regular Meeting - EXHIBIT A

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

Name	Last	Address	City	Agenda Item	Position	Method	Comments
Deb	Armintor	2003 Mistywood Lane	Denton	22-1149	Unknown	Call-in	Proud of the volunteers who collected signatures and those who signed the petitions for the decriminalization of marijuana. As a circulator, she feels the community is very excited for the opportunity, especially as she heard heartbreaking stories of how arrests and citations harmed many.
Deb	Armintor	2003 Mistywood Lane	Denton	22-1150	Unknown	Call-in	Concerned about the legality of this petition. Inquired as to possibility of the City Secretary changing her mind on the determination following receipt of other information and if so, what the timeline would be. Also asked if it wasn't possible, if an explanation could be given to the public as to why.
Tobie	Carcano	4115 Hampton Rd	Denton	Z21-0017b	Support	In-Person	Agrees with other speakers that Orison is a great developer to work with. Concerned about heavy traffic, as well as the timeline until Loop 288 is finished. Believes the City should help them protect the neighborhood because GPS could likely send people through the neighborhood streets when construction is happening and there are blockages. Does not want heavy trucks/loads as those are not safe for the residents who walk, bike, ride horses, etc.
Eva	Grecco	802 W. Oak St, #5	Denton	Z21-0017b	Support	In-Person	Inquired about whether Masch Branch Road would be widened to accommodate large trucks given the building of a light industrial development.
Toni	Jackson (Counsel for the Developer)	None provided	N/A	22-862	Support	In Person	Responded to questions from City Council regarding the housing tax credit application to the Texas Department of Housing and Community Affairs for the proposed new development of the Pathways on Woodrow to provide affordable rental housing.
Jessica	Pharr	1919 N. Lariat Rd	Denton	Z21-0017b	Support	In-Person	Supports the development; stated that they could not have a better partner than this developer. PD does not protect them completely, but the Comp Plan intended for the land to be zoned Light Industrial so appreciates the considerable planning to keep the neighborhood as private as possible.
Jim	Poirot	3801 Hampton	Denton	Z21-0017b	Support	In-Person	As long-term resident of Ranch Estates, supports the changes. Developer has been very accommodating and supportive, looking to the community first for their input. Has enjoyed the process and feels the vast majority are in favor. Asked the City Council to support.
Lee	Ramsey (Applicant)	525 S Loop 288	Denton	Z21-0017b	Support	In-Person	Covered information regarding community support they offer, multiple neighborhood meetings held, landscaping/screening, site details, future land use plans, leaving 27 acres of RR to limit access with a 25-year deed restriction, right-of-way dedication, and property tax revenue at buildout.
Steve	Sanders (Developer)	19240 Redland Rd. Suite 112	San Antonio	22-862	Support	In Person	Responded to questions from Council regarding the housing tax credit application to the Texas Department of Housing and Community Affairs for the proposed new development of the Pathways on Woodrow to provide affordable rental housing.
Diane	Schuth	419 S. Bradshaw	Denton	22-829	Support	Call-in	Caller wanted to express her support for the Habitat for Humanity homes but was unable to identify the correct agenda item.
Ann	Smith	2013 Cindy Ln	Denton	Z21-0017b	Support	In-Person	Thanked City Council for their support, gave a history of the area, pointed out a congregation of Ranch Estates home owners who were present and who had been present throughout the process. Houses only come available every two-four years. Trusting your neighbor is necessary and the developer has been very accommodating and have become like family. Developer has proven they will respect the neighborhood. She has changed her mind about developers based on this experience. Asked the City to put in speed bumps and signage such as speed limits and no through-way.
Nicolas	Stevens	417 Amarillo	Denton	22-1150	Unknown	Call-in	Caller unable to speak due to technical issues. Will pre-register for an open microphone spot at a future meeting.

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.