CITY OF DENTON CITY COUNCIL MINUTES
August 24, 2021

After determining that a quorum was present, the City Council of the City of Denton, Texas convened in a Work Session on Tuesday, August 24, 2021, at 2:00 p.m. in the Council Chambers at City Hall, 215 E. McKinney Street, Denton, Texas.

PRESENT IN PERSON: Mayor Gerard Hudspeth and Council Members Vicki Byrd, Jesse Davis, and Deb Armintor

PRESENT VIRTUALLY: Mayor Pro Tem Meltzer and Council Member Alison Maguire

ABSENT: None

Also present were Interim City Manager Sara Hensley and Interim City Attorney Catherine Clifton.

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.

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:
     - Mayor Pro Tem Meltzer: Items 1. G. (21-1832) and 1.H.(21-1705)
   - The following item was pulled for Individual Consideration:

     None

3. **Work Session Reports**

A. ID 21-1478 Receive a report from Texas Woman's University regarding their Master Plan and hold a discussion.

The item was presented and discussion followed.

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

The meeting was recessed for a short break at 3:04 p.m. to address technical issues and reconvened at 3:18 p.m.

B. ID 21-1718 Receive a report and hold a discussion, and give staff direction on the proposed Water and Wastewater Rates for FY 2021-2022.

The item was presented and discussion followed.

Following discussion, City Council consensus was to proceed with Option 4 as follows:

- Combines seasonal residential rates into one annual volume rate based on current revenues;
- Creates two new tiers from 0-5,000 and 5,001-7,000; and
- Potentially provides an average residential customer decrease of $2.49 per month.

The work session was recessed at 3:42 p.m. to convene the Closed Meeting to deliberate Item 1.C (21-1817). [Detail outlined in the Closed Meeting section of these Minutes.]

The work session was reconvened at 4:14 p.m.

C. ID 21-1818 Receive a report, hold a discussion, and give staff direction regarding an update to the City of Denton's COVID-19 response.

The item related to Closed Meeting Item 1.C (21-1817) deliberated prior to presentation of this item and Individual Consideration Item 2.E (21-1831) scheduled for formal consideration at the Special Called Meeting that followed.

The item was presented and discussion followed.

Following discussion, City Council consensus was as follows:

- City Attorney's Office provide a follow-up on the defense of COVID-19 vaccine and issues with other required vaccines;
- For city-sponsored recreational activities, if individuals do not want to/or it is not possible to use a mask, move classes outside or cancel and issue a refund;
- Specify if a person is alone in a room, there is no need to wear a mask;
- Check with Denton County about more testing options and obtain additional information on what can be done to further expand testing and associated costs;
- Explore options in requiring testing of City employees and provide follow-up via Legal Status report.

D. ID 21-1091 Receive a report, hold a discussion, and give staff direction on pending City Council requests for:
1) A work session to add Denton college and university campuses to our new mask ordinance.
2) A resolution opposing Senate Bill 1 and House Bill 3, which are planned for consideration in the Texas Legislature's special session.

- Item 21-1091 (1) A work session to add Denton college and university campuses to our new mask ordinance.
  - No consensus for a work session.

- Item 21-1091 (2) A resolution opposing Senate Bill 1 and House Bill 3, which are planned for consideration in the Texas Legislature's special session.
  - Consensus for a future work session.

The work session ended at 5:18 p.m.

CLOSED MEETING

1. The City Council convened into a Closed Meeting at 5:19 p.m. consistent with Chapter 551 of the Texas Government Code, as amended, or as otherwise allowed by law, as follows.

A. ID 21-1717 Deliberations regarding Personnel Matters - Under Texas Local Government Code Section 551.074. Receive a report, hold a discussion, and give staff direction on filling the City Attorney position and the recruitment process.
DELIBERATED

B. ID 21-1358 Deliberations Regarding Certain Public Power Utilities Competitive Matters - Under Texas Government Code Section 551.086. Receive a presentation from staff containing public power information related to a proposed power purchase agreement between the City of Denton, as the seller of power and electric energy services, and Core Scientific Inc.; discuss and deliberate actions regarding the same.
DELIBERATED

The item related to Item for Individual Consideration Items 2. F (21-1486) and 2.G (21-1364) scheduled for later in the day.

[NOTE: THE FOLLOWING ITEM WAS DELIBERATED PRIOR TO PRESENTATION/ DISCUSSION ON WORK SESSION ITEM 3C (21-1818) BUT LISTED HERE FOR CONTINUITY PURPOSES.]

C. ID 21-1817 Consultation with Attorneys - Under Texas Government Code Section 551.071. Consultation, discussion, deliberation, and receipt of information from the City's attorneys involving legal issues relating to a disaster declaration and possible litigation pertaining to

the COVID-19 emergency, and to provide the City's attorneys with direction, where a public discussion of these legal matters would clearly conflict with the duty of the City's attorneys to the City of Denton and the Denton City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.

DELIBERATED

The item related to Work Session Item 3.C (21-1818) presented/discussed earlier in the day and Individual Consideration Item 2.E (21-1831) scheduled for formal consideration at the Special Called Meeting that followed.

The closed meeting for the deliberation of Item 1.C. (25-1817) earlier in the day started at 3:50 p.m. with the closed meeting recessing at 4:09 p.m. No votes or actions were taken during this portion of the closed meeting.

The closed meeting was later reconvened at 5:48 p.m. to continue deliberation of closed meeting Items 1.A (21-1717) and 1.B (21-1358) with the closed meeting ending at 7:40 p.m. No votes or actions were taken during this portion of the closed meeting.

SPECIAL CALLED MEETING

After determining that a quorum was present, the City Council of the City of Denton, Texas convened in a Special Called Meeting on Tuesday, August 24, 2021, at 7:52 p.m. in the Council Chambers at City Hall, 215 E. McKinney Street, Denton, Texas.

PRESENT IN PERSON:	Mayor Gerard Hudspeth and Council Members Vicki Byrd, Jesse Davis, and Deb Armintor
PRESENT VIRTUALLY:	Mayor Pro Tem Meltzer and Council Member Alison Maguire
ABSENT:	None

Also present were Interim City Manager Sara Hensley and Interim City Attorney Catherine Clifton.

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

1. CONSENT AGENDA

The Consent Agenda consisted of Items 1.A-L. No items were pulled for Individual Consideration.

Council Member Beck moved to adopt the Consent Agenda as presented. Motion seconded by Council Member Byrd. Motion carried.

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

A. ID 21-1685 Consider the approval of the minutes for August 3, August 10, and August 12, 2021.
APPROVED

B. ID 21-1351 Consider nominations/appointments to the City's Boards, Commissions, and Committees: Airport Advisory Board, Board of Ethics, Community Services Advisory Committee, Parks, Recreation & Beautification Board, and Public Art Committee.
APPROVED

Appointments listed on Exhibit B.

C. ID 21-1508 Consider approval of a resolution of the City of Denton authorizing and approving execution of a Memorandum of Understanding with the Denton Black Chamber of Commerce to collaborate on business support activities within the City of Denton; and providing an effective date. The Economic Development Partnership Board recommends approval (6-0).
ASSIGNED RESOLUTION NO. 21-1508

D. ID 21-1696 Consider adoption of an ordinance authorizing the City Manager to execute a Joint Funding Agreement for Water Resource Investigations with the United States Geological Survey (USGS) related to continued support of the Hickory Creek Streamflow Station in the amount of $4,700.00 (Agreement Number: 22SJJFATX161000); authorizing the expenditure of funds therefor; and providing an effective date.
ASSIGNED ORDINANCE NO. 21-1696

E. ID 21-1594 Consider adoption of an ordinance of the City of Denton authorizing a second amended and restated service agreement between the City of Denton, Texas, and Kiwanis Youth Services, Inc., for the purpose of 4th of July Fireworks Show sponsorship; and providing for an effective date. (Community Partnership Committee 3-0)
ASSIGNED ORDINANCE NO.21-1594

F. ID 21-1559 Consider approval of a resolution of the City of Denton approving and adopting Administrative Policy No. 402.10 "Grant Administration"; and providing an effective date.
ASSIGNED RESOLUTION NO. 21-1559

G. ID 21-1832 Consider adoption of an ordinance of the City of Denton, a Texas Home-Rule Municipal Corporation, authorizing the City Attorney to execute an engagement letter with Stanton LLP for Professional Legal Services relating to the City's Declared State of Local Disaster due to COVID-19 and Orders issued pursuant thereto, and, as needed, associated litigation; providing for the expenditure of funds in a not to exceed amount of $100,000.00; and providing an effective date.
ASSIGNED ORDINANCE NO. 21-1832

H. ID 21-1705 Consider adoption of an ordinance of the City Of Denton, a Texas home-rule municipal corporation, authorizing the City Manager to execute an agreement with Global Waterjet, LLC, for the art design and production services of the public art sculpture installation to be located at Fire Station 3, 1401 Underwood Street; providing for the expenditure of funds therefor; and providing an effective date (File 7706 - awarded to Global Waterjet, LLC, in the not-to-exceed amount of $55,452.36).
ASSIGNED ORDINANCE NO. 21-1705

I. ID 21-1706 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 Petrosys Solutions, Inc. dba PSI Technology, through the Department of Information Resources (DIR) Cooperative Purchasing Network Contract No. DIR-TSO-3983, for the Everbridge Mass Notification Pro System which notifies residents of emergency situations for the Fire Department; providing for the expenditure of funds therefor; and providing an effective date (File 7774 - awarded to Petrosys Solutions, Inc. dba PSI Technology, in the not-to-exceed amount of $275,879.00).
ASSIGNED ORDINANCE NO. 21-1706

J. ID 21-1707 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 Floyd Smith Concrete, Inc., amending the contract approved by City Council on October 17, 2017, in the not-to-exceed amount of $21,976,261.84; amended by Amendment 1 approved by the City Council; said second amendment is for additional miscellaneous concrete related repair and installation projects throughout the City by the Streets Department; providing for the expenditure of funds therefor; and providing an effective date (File 6547 - providing for an additional second amendment expenditure amount not-to-exceed $1,980,000.00, with the total contract amount not-to-exceed $24,176,495.71).
ASSIGNED ORDINANCE NO. 21-1707

K. ID 21-1694 Consider approval of a resolution of the City of Denton allowing the Denton Parks Foundation to sell alcoholic beverages at Dog Days of Denton, on Saturday, September 11, 2021, from 9:00 a.m. to 3:00 p.m., at the Quakertown Park and the Civic Center Pool, upon satisfying certain conditions; authorizing the Interim City Manager, or her designee, to execute an agreement in conformity with this resolution; and providing for an effective date.
ASSIGNED RESOLUTION NO. 21-1694

L. ID 21-1695 Consider adoption of an ordinance of the City of Denton approving a City co-sponsorship in an amount not to exceed $15,201 of in-kind services and resources for the Dog Days of Denton, which will be held on Saturday, September 11, 2021, from 9:00 a.m. to 3:00 p.m., at the Civic Center Pool and Quakertown Park; and providing an effective date.
ASSIGNED ORDINANCE NO. 21-1695

2. ITEMS FOR INDIVIDUAL CONSIDERATION

A. ID 21-1270 Consider appointments to the Development Code Review Committee.
APPROVED

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 appoint the following:

- Planning and Zoning Commission Members:
  - Eric Pruett
  - Margie Ellis
  - Tim Smith

- Council Members:
  - Jesse Davis
  - Brian Beck
  - Vicki Byrd

Motion seconded by Council Member Byrd.

Council Member Armintor presented a friendly amendment to Council Member Davis to replace Tim Smith with Jordan Villareal. The friendly amendment was not accepted by Council Member Davis.

Mayor Hudspeth republished Council Member Davis' motion, seconded by Council Member Byrd. Motion failed.

AYES (3): Mayor Hudspeth and Council Members Byrd and Davis
NAYS (4): Mayor Pro Tem Meltzer and Council Members Beck, Maguire, and Armintor

Following additional discussion, Council Member Byrd moved to appoint the members as noted on Exhibit A. Motion seconded by Council Member Armintor. Motion carried.

AYES (4): Council Members Byrd, Beck, Maguire, and Armintor
NAYS (3): Mayor Hudspeth, Mayor Pro Tem Meltzer and Council Member Davis

B. ID 21-1345 Consider approval of a resolution of the City of Denton providing for removal for cause of a Member of the Health and Building Standards Commission, in accordance with Article XIV, Section 14.16 of the Denton City Charter; providing notice; and providing an effective date.
ASSIGNED RESOLUTION NO. 21-1345

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 deny the item as presented removing Cyndell Addison from the Health and Building Standards Commission. Motion seconded by Mayor Pro Tem Meltzer.

Following further discussion, the motion was withdrawn by Council Member Armintor.

Discussion continued.

Following further discussion, Council Member Armintor moved to adopt the item as presented removing Cyndell Addison from the Health and Building Standards Commission. Motion seconded by Mayor Pro Tem Meltzer. Motion carried.

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

C. ID 21-1823 Consider approval of a resolution of the City of Denton nominating PACCAR, Inc., to the Office of the Governor Economic Development and Tourism through the Economic Development Bank as an Enterprise Project; and providing an effective date. The Economic Development Partnership Board recommends approval (9-0).
ASSIGNED RESOLUTION NO. 21-1823

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

The item was not presented and discussion followed.

Following discussion, Mayor Hudspeth moved to approve the item as presented. Motion seconded by Council Member Beck. Motion carried.

AYES (6): Mayor Hudspeth, Mayor Pro Tem Meltzer and Council Members Byrd, Beck, Davis, and Maguire
NAYS (1): Council Member Armintor

D. ID 21-1704 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager, or their designee, to execute a contract with Gomez Floor Covering, Inc. dba GFC Contracting, to provide new installations, renovations, remodels, and maintenance for flooring services for various City of Denton departments, on behalf of Facilities Management; providing for the expenditure of funds therefor; and providing an effective date (RFP 7719 - awarded to Gomez Floor Covering, Inc. dba GFC Contracting, 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 $5,000,000.00).
ASSIGNED ORDINANCE NO. 21-1704

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

The item was presented and discussion followed.

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

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

E. ID 21-1831 Consider adoption of an ordinance of the City of Denton confirming the effective period of the declared state of local disaster related to the COVID-19 emergency as provided in Ordinance No. 21-1290; superseding and replacing the Thirteenth Order of Council issued August 12, 2021 approved by Ordinance No. 21-1771; providing a repealer clause; providing for severability; and providing an effective date.
ASSIGNED ORDINANCE NO. 21-1831

The item related to Closed Meeting Item 1.C (21-1817) deliberated earlier in the day and Work Session Item 3.C (21-1818) was heard earlier in the day.

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 B.

City Council was provided an amended draft ordinance which included changes requested during discussion of Work Session Item 3.C (21-1818).

The item was presented and discussion followed.

Citizen comments received are noted in Exhibit A.

Following discussion, Mayor Pro Tem Meltzer moved to adopt the item with the following amendments:

- Masks are to cover the nose and mouth; and
- The requirement of wearing a face mask does not apply if covering the nose and mouth poses a significant mental or physical health risk to the individuals.

Motion seconded by Council Member Armintor.

Discussion continued.

Mayor Hudspeth moved to table the item to allow Staff time to incorporate recommended amendments and provide an updated draft of the proposed ordinance/order. Motion seconded by Mayor Pro Tem Meltzer. Motion carried.

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

Following further discussion, staff provided an updated draft of the proposed ordinance/order.

Mayor Hudspeth removed the item from the table and republished Mayor Pro Tem Meltzer's motion, seconded by Council Member Armintor, to adopt the item with the following amendments:

- Masks are to cover the nose and mouth; and
- The requirement of wearing a face mask does not apply if covering the nose and mouth poses a significant mental or physical health risk to the individuals.

Motion carried.

AYES (5): Mayor Pro Tem Meltzer and Council Members Byrd, Beck, Maguire, and Armintor
NAYS (2): Mayor Hudspeth and Council Member Davis

F. ID 21-1486 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager to execute a Lease with Core Scientific, Inc. for approximately 30 acres of City-owned property located in the Moses H. Davis Survey, Abstract No. 377, and in the Johnson, Green, Myers, and Brummett Survey, Abstract No. 1699, all in the City and County of Denton, Texas; and providing an effective date.
ASSIGNED ORDINANCE NO. 21-1486

The item related to Closed Meeting Item 1.B (21-1358) deliberated earlier in the day.

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

Items F. (21-1486) and G. (21-1364) were collectively read into the record, presented, and discussed, but voted on individually.

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

AYES (6): Mayor Hudspeth, Mayor Pro Tem Meltzer and Council Members Byrd, Beck, Davis, and Maguire
NAYS (1): Council Member Armintor

G. ID 21-1364 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, approving a power purchase agreement between the City and Core Scientific Inc., a Delaware corporation; providing for the expenditure of funds; and providing for an Effective Date.
ASSIGNED ORDINANCE NO. 21-1364

The item related to Closed Meeting Item 1.B (21-1358) deliberated earlier in the day.

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

Items F. (21-1486) and G. (21-1364) were collectively read into the record, presented, and discussed, but voted on individually.

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

AYES (6): Mayor Hudspeth, Mayor Pro Tem Meltzer and Council Members Byrd, Beck, Davis, and Maguire
NAYS (1): Council Member Armintor

3. CONCLUDING ITEMS

None

With no further business, the meeting was adjourned at 9:27 p.m.

GERARD HUDSPETH
MAYOR
CITY OF DENTON, TEXAS

ZOLAINA PARKER
DEPUTY CITY SECRETARY
CITY OF DENTON, TEXAS

MINUTES APPROVED ON: September 14, 2021

August 24, 2021 City Council Regular Meeting - EXHIBIT A

Speaker Commentaries/Registrations
Online, Email, Phone

Name	Last	Address	City	Agenda Item	Position	Method	Comments
Jennifer	Lane	Not Provided	Denton	21-1831	N/A	Telephone	Denton ISD passed a mask mandate and the number of COVID cases is scary. Read the message she sent to Denton ISD. Requested City Council consider the colleges and universities in the mask mandate.
Daniel	Theophanes	8008 Cherry Tree Lane	Denton	21-1831	N/A	In Person	During the Emergency Meeting, a Citizen that spoke at that meeting stated that 1000 of children would die if masks were not observed. Deaths per age range for under 30 is 0 deaths and the statement that was made is false. Detailed ospital stats from a large scale study that expanded for over a year and had been published by the CDC. Requested City Council look at the data prior to making statements or decisions.

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.

EXHIBIT B
August 24, 2021

Agenda item 1.B (ID 21-1351)

BOARD/COMMITTEE/COMMISSION	COUNCIL PLACE	NOMINATING CCM	MEMBER FIRST NAME	NEW TERM	STATUS & QUALIFICATION OR PREFERENCE, IF ANY
Airport Advisory Board	1	Byrd-1	Matthew Irvine	September 1, 2021 through August 31, 2023	Reappointment
Board of Ethics	2	Beck-2	Lara Tomlin	September 1, 2021 through August 31, 2023	Reappointment Pref. 1 - Attorney
Community Services Advisory Committee	3	Davis-3	Dale Tampke	September 1, 2021 through August 31, 2023	New
Community Services Advisory Committee	5	Armintor-5	Kamyon Conner	September 1, 2021 through August 31, 2023	New
Community Services Advisory Committee	6	Meltzer-6	Mark Courts	September 1, 2021 through August 31, 2023	New
Parks, Recreation and Beautification Board	1	Byrd-1	Kwami Koto	September 1, 2021 through August 31, 2023	New
Public Art Committee	6	Meltzer-6	Jennifer Lane	UNEXPIRED September 1, 2019 through August 31, 2021 & September 1, 2021 through August 31, 2023	New

Agenda item 2.A (ID 21-1270)

BOARD/COMMITTEE/COMMISSION	PLACE NO.	NOMINATING CCM	NOMINEE	NEW TERM*	STATUS & QUALIFICATION OR PREFERENCE, IF ANY
Development Code Review Committee	CC-1	City Council	Brian Beck	September 1, 2021 through August 31, 2023	City Council Member
Development Code Review Committee	CC-2	City Council	Jesse Davis	September 1, 2021 through August 31, 2023	City Council Member
Development Code Review Committee	CC-3	City Council	Vicki Byrd	September 1, 2021 through August 31, 2023	City Council Member
Development Code Review Committee	PZ-1	City Council	Eric Pruett	September 1, 2021 through August 31, 2023	Planning and Zoning Commission Member
Development Code Review Committee	PZ-2	City Council	Margie Ellis	September 1, 2021 through August 31, 2023	Planning and Zoning Commission Member
Development Code Review Committee	PZ-3	City Council	Jordan Villarreal	September 1, 2021 through August 31, 2023	Planning and Zoning Commission Member