CITY OF DENTON CITY COUNCIL MINUTES
January 24, 2023

After determining that a quorum was present, the City Council of the City of Denton, Texas convened in a Work Session on Tuesday, January 24, 2023, at 2:00 p.m. in the 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 Sarah 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. **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 Beck: Items 2.O (23-175) and 2.S (23-197)
  - Council Member Watts: Item 5.B (23-230)

- The following items were pulled for Individual Consideration:
  - None

## WORK SESSION

3. **Work Session Reports**

A. ID 22-2442 Receive a report, hold a discussion, and give staff direction regarding Audit Project 030 - Solid Waste Operations: Safety, Training, & Reporting Compliance. [Estimated Presentation/Discussion Time: 30 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 22-2568 Receive a report, hold a discussion, and give staff direction regarding the updates to the Roadway Impact Fees. [Estimated Presentation/Discussion Time: 45 minutes]

The item was presented and discussion followed.
Following discussion, there was no City Council consensus regarding a proposed Collection Rate Option. Staff to return at a future date with additional options resulting from input provided during discussion of the item.

C. ID 22-741 Receive a report, hold a discussion and give staff direction regarding roadway funding strategies. [Estimated Presentation/Discussion Time: 1 hour]

The item was presented and discussion followed.

Following discussion, City Council consensus was to look at increasing allocations to streets as part of the upcoming budget process under Option 3 (Implement Supplemental Revenue Funding to maintain road condition (> 70 OCI)). Staff to return with additional information on funding opportunities for street improvements to reduce city-absorbed costs and where the city ended up with the supplemental spending in FY 22.

D. ID 22-2503 Receive a report, hold a discussion, and give staff direction on a 2023 Bond Election. [Estimated Presentation/Discussion Time: 1 hour]

The item was presented and discussion followed.

The work session was recessed for a short break at 4:58 p.m. and reconvened at 5:10 p.m.

Following discussion, City Council consensus was to move forward with a proposed bond election in November 2023. This item will return for additional discussion and direction.

E. ID 23-087 Receive a report, hold a discussion, and give staff direction regarding the May 6, 2023 General Election, and any runoff election if applicable, including locations, dates, and times. [Estimated Presentation/Discussion Time: 30 minutes]

The item was presented and discussion followed.

Following discussion, City Council consensus was to use all recreation centers as early voting locations (Denia, North Lakes, and MLK). Staff will present final list of proposed locations at the February 7, 2023 Council Meeting when the ordinance ordering the May 6, 2023 General Election is presented.

The work session ended at 6:08 p.m.

## CLOSED MEETING

**1. Closed Meeting:**

The City Council convened into a Closed Meeting at 6:09 p.m. consistent with Chapter 551 of the Texas Government Code, as amended, or as otherwise allowed by law, as follows.

A. ID 23-316 Consultation with Attorneys - Under Texas Government Code Section 551.071. Consult with the City's attorneys regarding the creation of Tabor Ranch Municipal Utility District of Denton County, and to provide the City's attorneys with direction, where public discussion of these legal matters would conflict with the duty of the City's attorneys to the City of Denton and the Denton City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.
**DELIBERATED**

B. ID 23-317 Consultation with Attorneys - Under Texas Government Code Section 551.071. Consult with the City's attorneys regarding the creation of Denton County Emergency Services District No. 2, and to provide the City's attorneys with direction, where public discussion of these legal matters would conflict with the duty of the City's attorneys to the City of Denton and the Denton City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.
**NOT DELIBERATED**

Although not deliberated, the item related to Individual Consideration Item 5.B. (23-230) considered later in the day.

C. ID 23-309 Consultation with Attorneys - Under Texas Government Code Section 551.071. Consult with the City's attorneys regarding the Water Department filing a response in Docket No. 53960- Order No.5 Finding Petition, As Supplemented, Administratively Complete and Notice Sufficient, and Establishing Procedural Schedule, and to provide the City's attorneys with direction, where public discussion of these legal matters would conflict with the duty of the City's attorneys to the City of Denton and the Denton City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.
**DELIBERATED**

The closed meeting started at 6:09 p.m. and ended at 6:26 p.m. No votes or actions were taken during the closed meeting.

## SPECIAL CALLED MEETING

After determining that a quorum was present, the City Council of the City of Denton, Texas convened in a Special Called Meeting on Tuesday, January 24, 2023, at 6:31 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.**

## 2. CONSENT AGENDA

The Consent Agenda consisted of Items 2.A-T. During the Work Session held earlier in the day, no items were pulled for Individual Consideration.

Mayor Pro Tem Beck moved to adopt the Consent Agendas 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

A. ID 23-021 Consider approval of the minutes of the January 10, 2023 Meeting.
**APPROVED**

B. ID 23-051 Consider nominations/appointments to the City's Boards, Commissions, and Committees: Public Utilities Board.
**APPROVED**

**APPOINTMENT LISTED ON EXHIBIT B**

C. ID 22-2332 Consider adoption of an ordinance of the City of Denton approving the Personal Trainer Facility Use Agreement to be used between the City of Denton Parks and Recreation Department and potential personal trainers to conduct personal training services in City of Denton facilities; and providing an effective date.
**ASSIGNED ORDINANCE NO. 22-2332**

D. ID 23-110 Consider adoption of an ordinance of the City of Denton approving the Briercliff Park Master Plan; and providing an effective date. The Parks, Recreation, and Beautification Board recommends approval (5-0).
**ASSIGNED ORDINANCE NO. 23-110**

E. ID 23-111 Consider adoption of an ordinance of the City of Denton approving the Pecan Creek Regional Trail Master Plan; and providing an effective date. The Parks, Recreation, and Beautification Board recommends approval (5-0).
**ASSIGNED ORDINANCE NO. 23-111**

F. ID 22-2590 Consider adoption of an ordinance of the City of Denton authorizing the City Manager to execute a funding agreement between the City of Denton and the Grace Like Rain, Inc. DBA Giving Grace for the payment and use of American Rescue Plan funding; providing for the expenditure of funds in an amount not to exceed $180,000.00; and providing an effective date.
**ASSIGNED ORDINANCE NO. 22-2590**

G. ID 22-2591 Consider adoption of an ordinance of the City of Denton authorizing the City Manager to execute a funding agreement between the City of Denton and Our Daily Bread, Inc. for the payment and use of American Rescue Plan funding; providing for the expenditure of funds in an amount not to exceed $240,000.00; and providing an effective date.
**ASSIGNED ORDINANCE NO. 22-2591**

H. ID 22-2530 Consider approval of a resolution of the City Council of the City of Denton, Texas, establishing a date for a public hearing to consider the amendment of roadway capital improvements plan, and the imposition of updated roadway impact fees; and providing for an effective date.
**ASSIGNED RESOLUTION NO. 22-2530**

I. ID 23-136 Consider approval of a resolution of the City of Denton ratifying the submission of an application to the State of Texas, Office of the Governor, 2023 Bullet-Resistant Shield grant program in the amount of $28,500 for equipment; and providing an effective date.
**ASSIGNED RESOLUTION NO. 23-136**

J. ID 22-2565 Consider adoption of an ordinance of the City of Denton approving a grant application from Theatre Denton Inc., located at 214 W. Hickory St. from the Downtown Reinvestment Grant Program not to exceed $2,500.00; and providing for an effective date. The Downtown Denton Tax Increment Reinvestment Zone No.1 Board recommends approval (4-0).
**ASSIGNED ORDINANCE NO. 22-2565**

K. ID 22-2567 Consider adoption of an ordinance of the City of Denton adopting an updated Downtown Reinvestment Grant Program Policy for the Downtown Reinvestment Grant Program; providing a repealer; and providing an effective date. The Downtown Denton Tax Increment Financing Reinvestment Zone No. 1 Board recommends approval (4-0).
**ASSIGNED ORDINANCE NO. 22-2567**

L. ID 23-008 Consider adoption of an ordinance of the City Council of the City of Denton authorizing the City Manager to execute an agreement with the Texas Historical Commission to participate in the Texas Main Street Program demonstrating the City of Denton's commitment to continue as a "sustaining level official main street city" and authorizing payment of the annual fee in the amount of $2,600; and providing an effective date.
**ASSIGNED ORDINANCE NO. 23-008**

M. ID 23-167 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 Interfaith Ministries of Denton, Inc., amending the contract approved by City Council on April 21, 2020, in the not-to-exceed amount of $625,000.00; said first amendment to continue to provide a utility assistance program for the Customer Service Department; providing for the expenditure of funds therefor; and providing an effective date (RFP 7244 - providing for an additional first amendment expenditure amount not-to-exceed $156,250.00, with the total contract amount not-to-exceed $781,250.00). The Public Utilities Board recommends approval (6 - 0).
**ASSIGNED ORDINANCE NO. 23-167**

N. ID 23-168 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 Green Equipment Company, through the Buy Board Cooperative Purchasing Network Contract # 676-22, for Sewer Inspection Equipment and Repair for the Wastewater Collection Department; providing for the expenditure of funds therefor; and providing an effective date (File 8148 - awarded to Green Equipment Company, in the not-to-exceed amount of $787,500.00). The Public Utilities Board recommends approval (6 - 0).
**ASSIGNED ORDINANCE NO. 23-168**

O. ID 23-169 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, rejecting any and all competitive proposals under RFP 8080 for Air Quality monitors; and providing an effective date (RFP 8080).
**ASSIGNED ORDINANCE NO. 23-169**

P. ID 23-174 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 ImageNet Consulting, LLC, amending the contract approved by City Council on November 19, 2019, to add the Interlocal Purchasing System (TIPS) Cooperative Program Contracts: Technology Solutions Products & Services Contract # 200105; Copier, Fax, Multifunction Machines & Services Contract # 210103; providing an effective date (File 7134 - providing for an amendment to the ordinance to add the TIPS Cooperative Program Contracts #200105 & #210103).
**ASSIGNED ORDINANCE NO. 23-174**

Q. ID 23-175 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 Robertson's Outdoor Cleaning Solutions, LLC dba Power Wash Plus, for graffiti abatement of public and private property; providing for the expenditure of funds therefor; and providing an effective date (IFB 8145 - awarded to Robertson's Outdoor Cleaning Solutions, LLC dba Power Wash Plus, for a three (3) year term in the not-to-exceed amount of $75,000.00).
**ASSIGNED ORDINANCE NO. 23-175**

R. ID 23-176 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 Procore Technologies, Inc., through the North Central Texas Council of Governments (NCTCOG) Purchasing Network, Contract #2020-064, for the renewal extension of project management software for the Engineering Department; providing for the expenditure of funds therefor; and providing an effective date (File 8170 - awarded to Procore Technologies, Inc., 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 $814,747.08).
**ASSIGNED ORDINANCE NO. 23-176**

S. ID 23-197 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, rejecting any and all competitive bids under IFB 8094 for the Bonnie Brae Phase 3 Road Widening and Reconstruction Project; and providing an effective date (IFB 8094).
**ASSIGNED ORDINANCE NO. 23-197**

T. ID 23-240 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 Quality Response Medical Staffing, LLC, for city jail phlebotomy services for the Police Department; providing for the expenditure of funds therefor; and providing an effective date (RFP 8137 - awarded to Quality Response Medical Staffing, LLC, in the one (1) year not-to-exceed amount of $189,250.00).
**ASSIGNED ORDINANCE NO. 23-240**

## 3. ITEM FOR INDIVIDUAL CONSIDERATION

A. A22-0003 Consider adoption of an ordinance of the City of Denton, Texas regarding a Municipal Services Agreement, pursuant to Tex. Loc. Gov. Code Sec. 43.0672, between the City of Denton and Timothy and Jeanna Sutton for the provision of city services to approximately 7 acres of land, generally located east of Bonnie Brae Street and approximately 1,000 feet south of Vintage Boulevard; approving a schedule of annexation; authorizing the City Manager to execute the agreement; and providing an effective date. (A22-0003, Roark Annexation, Ron Menguita)
**ASSIGNED ORDINANCE NO. A22-0003**

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

The item related to Public Hearing Item 4.A. (A22-0003a) and Individual Consideration item 5.A. (A22-0003b) considered later in the day.

The item was presented and no discussion followed.

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

## 4. PUBLIC HEARING

NOTE: Action on this item occurred after 6:30 p.m. in accordance with the published public notice.

A. A22-0003a Hold a public hearing and consider a petition for voluntary annexation of approximately 7 acres of land, generally located east of Bonnie Brae Street and approximately 1,000 feet south of Vintage Boulevard into the City of Denton, Denton County, Texas. (A22-0003a, Roark Annexation, Ron Menguita)

The item related to Individual Consideration Item 3.A. (A22-0003) considered earlier in the day and Individual Consideration Item 5.A, (A22-0001b) considered later in the day.

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 with no callers in the queue, the public hearing was closed.

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

## 5. ITEMS FOR INDIVIDUAL CONSIDERATION - CONTINUED

A. A22-0003b Conduct the first of two readings of an ordinance of the City of Denton, Texas annexing approximately 7 acres of land, generally located east of Bonnie Brae Street and approximately 1,000 feet south of Vintage Boulevard into the City of Denton, Denton County, Texas; providing for a correction to the city map to include the annexed land; and providing for a savings clause and an effective date. (A22-0003b, Roark Annexation, Ron Menguita)

Note: There was no ordinance number assigned as this was the first of two required readings. The second reading is tentatively scheduled for March 7, 2023.

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

The item related to Individual Consideration Item 3.A. (A22-0001) and Public Hearing Item 4.A. (A22-0001a) considered earlier in the day.

The item was presented and no discussion followed.

Staff read the following into the record for the first reading:

*"An ordinance of the City of Denton, Texas annexing approximately 18.60 acres of land, generally located approximately 500 feet north of US 380 (University Drive) and east of Thomas J. Egan Road into the City of Denton, Denton County, Texas; providing for a correction to the city map to include the annexed land; and providing for a savings clause and an effective date."*

There was no action taken as the item was presented for the purpose of conducting the first reading.

B. ID 23-230 Consider approval of a resolution of the City of Denton regarding a request for consent to the creation of Denton County Emergency Services District No. 2 located South of U.S. Highway 380 and West of the city limits of the City of Denton, Texas and partially located within the extraterritorial jurisdiction of the City of Denton, Texas; and providing an effective date.

**APPROVED AS PRESENTED TO DENY CONSENT; ASSIGNED RESOLUTION NO. 23-230**

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

The item related to Closed Meeting Item 1.B. (23-317) which was not deliberated earlier in the day.

The item was presented and discussion followed.

Following discussion, Mayor Hudspeth moved to deny consent [approving 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

C. ID 23-258 Consider approval of a resolution authorizing the creation of a Steering Committee to guide the development of the Northeast Denton Area Plan, generally bounded by FM 428 to the north and west, Loop 288 and University Drive to the south, and the Greenbelt and Floodplain area associated with the Elm Fork Trinity River and Lake Lewisville to the east; and providing an effective date.
**ASSIGNED RESOLUTION NO. 23-258**

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

The item was presented and discussion followed.

Following discussion, Mayor Pro Tem Beck moved to adopt the item 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

D. ID 23-170 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 McCarthy Building Companies, Inc., for the construction of the Neighborhood 7A Project with geographical limits as follows: Bernard Street from Acme Street to Parvin Street, Leslie Street from Willowwood Street to Dudley, Oakwood Drive from McCormick Street to 1100 Oakwood Drive, Underwood Street from Kendolph Drive to Avenue D, Wisteria, Azalea, and Camellia Streets from Laurel Street to Parvin Street, and all public alleyways between Laurel Street and Parvin Street; providing for the expenditure of funds therefor; and providing an effective date (CSP 7976 - awarded to McCarthy Building Companies, Inc., in the not-to-exceed amount of $7,620,553.16). The Public Utilities Board recommends approval (5 - 0).
**ASSIGNED ORDINANCE NO. 23-170**

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 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

E. ID 23-171 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 Wilson Contractor Services, LLC, for the construction of the Hickory Creek Interceptor 3 Project; providing for the expenditure of funds therefor; and providing an effective date (CSP 8091 - awarded to Wilson Contractor Services, LLC, in the not-to-exceed amount of $5,793,183.01). The Public Utilities Board recommends approval (6-0).
**ASSIGNED ORDINANCE NO. 23-171**

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 Byrd. 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

F. ID 23-172 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 McCarthy Building Companies, Inc., for the construction of the Mayhill Road Phase 2 Project; providing for the expenditure of funds therefor; and providing an effective date (CSP 8092 - awarded to McCarthy Building Companies, Inc., in the not-to-exceed amount of $20,469,433.55).
**ASSIGNED ORDINANCE NO. 23-172**

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

The item was presented and discussion followed.

Following discussion, Mayor Pro Tem Beck moved to adopt the item 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

G. ID 23-173 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 CONSOR Engineers, LLC, for construction project management and inspection services for the Mayhill Phase 2 Project as set forth in the contract; providing for the expenditure of funds therefor; and providing an effective date (RFQ 7894-002 - professional services agreement for management and inspection services awarded to CONSOR Engineers, LLC, in the not-to-exceed amount of $701,289.08).
**ASSIGNED ORDINANCE NO. 23-173**

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

The item was presented and no discussion followed.

Mayor Pro Tem Beck 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

## 6. CONCLUDING ITEMS

Council Members expressed items of interest.

With no further business, the meeting was adjourned at 7:37 p.m.

GERARD HUDSPETH
MAYOR
CITY OF DENTON, TEXAS

ROSA RIOS
CITY SECRETARY
CITY OF DENTON, TEXAS

MINUTES APPROVED ON: February 7, 2023

EXHIBIT B
January 24, 2023

**Agenda Item 2.B (ID 23-051)**

| BOARD/COMMITTEE/COMMISSION | COUNCIL PLACE | NOMINATING CCM | MEMBER NAME | NEW TERM | STATUS & QUALIFICATION OR PREFERENCE, IF ANY |
|---|---|---|---|---|---|
| Public Utilities Board | 1 | Byrd | Thomas Plock | UNEXPIRED September 1, 2019 through August 31, 2023 | New |