CITY OF DENTON CITY COUNCIL MINUTES
November 14, 2023

After determining that a quorum is present, the City Council of the City of Denton, Texas will convene in a Work Session on Tuesday, November 14, 2023, at 2:00 p.m. in the Council Work Session Room at City Hall, 215 E. McKinney Street, Denton, Texas at which the following items will be considered:

PRESENT: Mayor Gerard Hudspeth, Mayor Pro Tem Brian Beck and Council Members Vicki Byrd, Paul Meltzer, Joe Holland, and Chris Watts

ABSENT: Council Member Brandon Chase McGee

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

The posted agenda noted the registration process for public participation at this meeting. However, there were no online registrations or call ins on any items on the agenda.

WORK SESSION

1. Citizen Comments on Consent Agenda Items

Citizen comments received are noted on Exhibit A. OR None OR 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 on Exhibit A.

2. Requests for clarification of agenda items listed on this agenda for public hearing and individual consideration.

None

A. ID 23-648 Meeting Questions, Responses & Handouts

3. Work Session Reports

Council Member Chris Watts arrived at 2:03 p.m.

A. ID 23-1812 Receive a report, hold a discussion, and give staff direction regarding Audit Project 017 - Meter Reading and Billing: Electric and Water Utilities Follow-Up Review. [Estimated Presentation/Discussion Time: 15 minutes]

The item was presented, and discussion followed.

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

B. ID 23-1813 Receive a report, hold a discussion, and give staff direction regarding Audit Project 021 - Water System Operations: Rate Structure, Distribution, and Production Follow-Up Review. [Estimated Presentation/Discussion Time: 15 minutes]

The item was presented, and discussion followed.

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

C. ID 23-2124 Receive a report, hold a discussion, and give direction regarding the proposed creation of a Tourism Public Improvement District in Denton. [Estimated Presentation/Discussion Time: 30 minutes]

The item was presented, and discussion followed.

Following discussion, City Council consensus was to establish the TPID and follow the service level as presented.

D. ID 23-227 Receive a report, hold a discussion, and give staff direction on pending City Council requests for: 1. A work session to discuss the City creating Public Facility Corporations to develop affordable housing in the City of Denton, including a comprehensive analysis of the definition, creation, and administration of Public Facility Corporations. [Estimated Presentation/Discussion Time: 30 minutes]

Following discussion, City Council consensus was as follows:

Consensus for a future work session.

The work session ended at 3:17 p.m.

CLOSED MEETING

1. The City Council convened into a Closed Meeting at 3:17 p.m. consistent with Chapter 551 of the Texas Government Code, as amended, or as otherwise allowed by law, as follows:

A. ID 23-1978 Deliberations regarding Real Property Under Texas Government Code Section 551.072; Receive information from staff, discuss, deliberate, and provide staff with direction pertaining to the potential acquisition of certain real property interests located near Hercules Lane, in and around the B.B.B. and C.R.R. Company Survey, Abstract Number 186, in the City of Denton, Denton County, Texas, for future park uses, where a public deliberation of

such potential acquisitions would have a detrimental effect on the City's position in negotiations with third parties.
DELIBERATED

B. ID 23-2046 Deliberations regarding Real Property - Under Texas Government Code Section 551.072. Receive information from staff, discuss, deliberate, and provide staff with direction pertaining to the potential acquisition of certain real property interests located on Ryan Road, in and around the T. Labor Survey, Abstract Number 779; and N. Britton Survey, Abstract Number 051, each in the City of Denton, Denton County, Texas, for a new South Branch Library and public amenities and improvements at Lake Forest Park, where a public deliberation of such potential acquisitions would have a detrimental effect on the City's position in negotiations with third parties.
DELIBERATED

C. ID 23-2169 Consultation with Attorneys - Under Texas Government Code Section 551.071. Consultation with City's attorneys under Texas Government Code Section 551.071 regarding a proposed class action settlement agreement for the Aqueous Film-Forming Foam (AFF) Product Liability Litigation (MDL 2872); District Court of the District of South Carolina, Master Docket No. 2:18-MN-2873-RMG where a public discussion of these legal matters would conflict with the duty of the City's attorneys to the City of Denton and the Denton City Council under Texas Disciplinary Rules of Professional Conduct of State Bar of Texas, or would jeopardize the City's legal position in any administrative proceeding or potential litigation.
DELIBERATED

Mayor recessed for a short break at 4:51 p.m.

Mayor reconvened the meeting at 5:02 p.m.

D. ID 23-2222 Consultation with Attorneys - Under Texas Government Code Section 551.071. Consult with the City's attorneys regarding potential litigation related to petitions for removal from the City's extraterritorial jurisdiction under Subchapters D and E of Chapter 42 of the Texas Local Government Code; where public discussion of these legal matters would conflict with the duty of the City's attorneys to the City of Denton and the Denton City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas, or otherwise compromise the City's legal position.
DELIBERATED

The closed meeting started at 3:27 p.m. and ended at 5:22 p.m. No votes or actions were taken during the closed meeting.

Mayor recessed to move to the Chamber at 5:22 p.m.

Mayor reconvened the meeting in the Chambers at 5:30 p.m.

Following the completion of the Closed Meeting, the City Council will convene in a Special Called Meeting in Council Chambers to consider the following items:

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, November 14, 2023, 2023, at 5:30 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, Paul Meltzer, Joe Holland, and Chris Watts

ABSENT: Council Member Brandon Chase McGee

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

The posted agenda noted the registration process for public participation at this meeting. However, there were no online registrations or call ins on any items on the agenda.

1. PLEDGE OF ALLEGIANCE

A. United States Flag B. Texas Flag

2. PRESENTATIONS FROM MEMBERS OF THE PUBLIC

None

3. CONSENT AGENDA

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

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

Motion carried.

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

NAYS (0): None

ABSENT (1): Council Member McGee

A. ID 23-048 Consider approval of the minutes of the October 24, 2023 Meeting.
APPROVED

B. ID 23-073 Consider nominations/appointments to the City's Boards, Commissions, and Committees: Planning & Zoning Commission.
APPROVED

APPOINTMENTS LISTED ON EXHIBIT B

C. ID 23-2103 Consider approval of a resolution of the City of Denton ratifying the submission of an application to the U.S. Department of Housing and Urban Development (HUD) Pathways to Removing Obstacles to Housing (PRO Housing) Program in the amount of $10,000,000 to increase the capacity of the affordable housing program; and providing an effective date.
ASSIGNED RESOLUTION NO. 23-2103

D. ID 23-2111 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager, or designee, authorizing expenditure of funds for a total not to exceed $297,133.70 for the overage cost for the intersections of 1) Hickory Street and Fry Street (CSJ-0918-46-327) and 2) West Oak Street and Thomas Street (CSJ-0918-46-328) in the City of Denton, Denton County, Texas under the Advanced Funding Agreement for Highway Safety Improvement Project Off-System by and between the City of Denton and the Texas Department of Transportation ("TxDOT"); and providing for an effective date.
ASSIGNED ORDINANCE NO. 23-2111

E. ID 23-2112 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager, or designee, to execute an agreement for the furnishing of traffic signal equipment by a municipality by and between the City of Denton and the Texas Department of Transportation ("TxDOT") providing for the reimbursement of the cost of furnishing of traffic signal equipment for the intersections of 1) Hickory Street and Fry Street 2) West Oak Street and Thomas Street and 3) US 77 and Discovery Boulevard in the City of Denton, Denton County, Texas; providing for the expenditure of funds for a total not to exceed $42,982.00; and providing for an effective date.
ASSIGNED ORDINANCE NO. 23-2112

F. ID 23-2113 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 Professional Services Agreement between the City of Denton and Solutient Geosciences, Inc., amending the contract approved by the City Council on January 28, 2020, in the not-to-exceed amount of $321,415.00; amended by Amendment 1 approved by City Council; said second

amendment to continue to provide hydrogeological consulting and analytical services regarding the City's landfill monitoring and reporting requirements for the Solid Waste Department; providing for the expenditure of funds therefor; and providing an effective date (RFQ 7109-005 - providing for an additional second amendment expenditure amount not-to-exceed $121,109.00, with the total contract amount not-to-exceed $558,726.00).

ASSIGNED ORDINANCE NO. 23-2113

G. ID 23-2114 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 Binkley & Barfield, Inc., for design services for the Riney Road East Reconstruction Project for the Capital Projects Department as set forth in the contract; providing for the expenditure of funds therefor; and providing an effective date (RFQ 7599-014 - Professional Services Agreement for design services awarded to Binkley & Barfield, Inc., in the not-to-exceed amount of $267,645.00).

ASSIGNED ORDINANCE NO. 23-2114

H. ID 23-2115 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 professional services agreement between the City of Denton and NewGen Strategies and Solutions, LLC, amending the contract approved by City Council on May 4, 2021, in the not-to-exceed amount of $169,500.00; amended by Amendment 1 approved by Purchasing; said second amendment to continue to use services to refresh the Electric Cost of Service study and expand the study to include the value of solar for Denton Municipal Electric; providing for the expenditure of funds therefor; and providing an effective date (RFQ 7628 - providing for an additional second amendment expenditure amount not-to-exceed $150,000.00, with the total contract amount not-to-exceed $326,000.00).

ASSIGNED ORDINANCE NO. 23-2115

I. ID 23-2116 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager to execute a contract extension between the City of Denton and HSI Workplace Compliance Solutions, Inc. until the project is complete, for consulting services related to North American Electric Reliability Corporation ("NERC") compliance for the City of Denton; and declaring an effective date (RFQ 7693 - extending a contract with HSI Workplace Compliance Solutions, Inc., until project completion).

ASSIGNED ORDINANCE NO. 23-2116

J. ID 23-2118 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 Electric Actuator Service of Texas, LLC, for the purchase of parts, equipment, and service of AUMA-Branded Actuators and Gearboxes for the Water Production Department; providing for the expenditure of funds therefor; and providing an effective date (RFP 8318 - awarded to Electric Actuator Service of Texas, LLC, for three (3) years, with the option for two (2)

additional one (1) year extensions, in the total five (5) year not-to-exceed amount of $165,000.00).

ASSIGNED ORDINANCE NO. 23-2118

K. ID 23-2119 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager to execute a contract with United Electronic Recycling, LLC, for electronics recycling services for the Solid Waste and Recycling Department; providing for the expenditure of funds therefor; and providing an effective date (RFP 8328 - awarded to United Electronic Recycling, LLC, for three (3) years, with the option for two (2) additional one (1) year extensions, in the total five (5) year not-to-exceed amount of $222,360.00).

ASSIGNED ORDINANCE NO. 23-2119

L. ID 23-2120 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 AllTerra Central, Inc., through the Texas Department of Information Resources (DIR) Cooperative Purchasing Network Contract No. DIR-CPO-4504, for the purchase of a GPS unit and data collector for the Drainage Department; providing for the expenditure of funds therefor; and providing an effective date (File 8351 - awarded to AllTerra Central, Inc., in the three (3) year not-to-exceed amount of $73,100.00).

ASSIGNED ORDINANCE NO. 23-2120

M. ID 23-2121 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 Defender Supply, LLC, for vehicle equipment upfitting for various City of Denton departments for the Fleet Services Department; providing for the expenditure of funds therefor; and providing an effective date (RFP 8186 - awarded to Defender Supply, LLC, for three (3) years, with the option for two (2) additional one (1) year extensions, in the total five (5) year not-to-exceed amount of $4,800,000.00).

ASSIGNED ORDINANCE NO. 23-2121

N. ID 23-2122 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 3C Industrial, LLC, for the replacement, installation, and repair related to air compressors for various City buildings for the Facilities Management Department; providing for the expenditure of funds therefor; and providing an effective date (RFP 8323 - awarded to 3C Industrial, LLC, 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 $500,000.00).

ASSIGNED ORDINANCE NO. 23-2122

O. ID 23-2123 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager to execute an Interlocal Cooperative Purchasing Agreement with the City of Aubrey, under the Texas Government Code, Section

791.001, to authorize the City of Aubrey and City of Denton to utilize each entities' solicited contracts for the purchasing of various goods and services; authorizing the expenditure of funds therefor; and declaring an effective date (File 8385 - award an Interlocal Cooperative Purchasing Agreement with the City of Aubrey).

ASSIGNED ORDINANCE NO. 23-2123

P. ID 23-2128 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 Lexipol, LLC, amending the contract approved by the City Council on May 12, 2020, in the not-to-exceed amount of $131,571.00; amended by Amendment 1 approved by Purchasing; said second amendment for the customized policy management, update, and training solutions for the Police Department; providing for the expenditure of funds therefor; and providing an effective date (File 7279 - providing for an additional second amendment expenditure amount not-to-exceed $79,000.00, with the total contract amount not-to-exceed $243,246.32).

ASSIGNED ORDINANCE NO. 23-2128

Q. ID 23-2132 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 Global Software, LLC, dba InsightSoftware, for continued vendor support for financial analysis and reporting software application tool and purchase of Spreadsheet Server software to enhance tool for the Technology Services Department, 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 8309 - awarded to Global Software, LLC, dba InsightSoftware, 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 $375,000.00).

ASSIGNED ORDINANCE NO. 23-2132

R. ID 23-2148 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager to execute an agreement for National Flood Insurance Program excess flood coverage for the City of Denton through the City's broker of record, Lockton Companies, LLC; and providing an effective date (File 8408 - awarded to The Hartford of Pittsburgh, PA, in the three (3) year not-to-exceed amount of $176,954.00).

ASSIGNED ORDINANCE NO. 23-2148

S. ID 23-2152 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 Hoar Program Management, LLC, for project management services for Fire Station #9, the Service Center, the Solid Waste Fleet, and the Fleet Services Expansion for the Capital Projects Department as set forth in the contract; providing for the expenditure of

funds therefor; and providing an effective date (RFQ 8245-001 - professional services agreement for project management services awarded to Hoar Program Management, LLC, in the not-to-exceed amount of $2,588,509.00).
ASSIGNED ORDINANCE NO. 23-2152

T. ID 23-2167 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 Powell Electrical Systems, Inc., for the purchase of medium voltage switchgear buildings for Denton Municipal Electric; providing for the expenditure of funds therefor; and providing an effective date (RFP 8156 - awarded to Powell Electrical Systems, Inc., for three (3) years, with the option for two (2) additional one (1) year extensions, in the total five (5) year not-to-exceed amount of $6,525,253.00).
ASSIGNED ORDINANCE NO. 23-2167

U. ID 23-2150 Consider adoption of an ordinance of the City of Denton, approving an insurance claim payment from Affiliated FM Insurance Company for damage to property located at 601 East Hickory, and authorizing the City Manager, or her designee, to execute the same; and declaring an effective date.
ASSIGNED ORDINANCE NO. 23-2150

V. ID 23-2224 Consider approval of a resolution of the City of Denton opting out of proposed class action settlement agreements for the Aqueous Film-Forming Foam (AFF) Product Liability Litigation (MDL 2872); District Court of the District of South Carolina, Master Docket No. 2:18-MN-2873-RMG
ASSIGNED ORDINANCE NO. 23-2224

4. ITEMS FOR INDIVIDUAL CONSIDERATION

A. ID 23-1863 Consider adoption of an ordinance of the City of Denton adopting a schedule of fees, updating the existing charges and fees for use of city owned property and facilities, and for city services provided at or by parks and recreation department; superseding prior fee schedules; providing severability and repealer clauses; and providing for an effective date.

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 Holland.

Motion carried.

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

NAYS (1): Council Member Meltzer

ABSENT (1): Council Member McGee

B. ID 23-2117 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager to execute a Construction Manager at Risk contract with Sundt Construction, Inc., for construction phase services for Neighborhood 2 and 6 Improvements for the Capital Projects Department; providing for the expenditure of funds therefor; and providing an effective date (RFQ 8055 - awarded to Sundt Construction, Inc., including the first Guaranteed Maximum Price in the partial not-to-exceed amount of $13,889,600.00).

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

The item was presented, and discussion followed.

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

Motion carried.

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

NAYS (0): None

ABSENT (1): Council Member McGee

C. ID 23-2133 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 Stealth Partner Group, LLC, for Individual and Aggregate Stop Loss (Reinsurance) Insurance coverage for the Human Resources Department; providing for the expenditure of funds therefor, and providing an effective date (RFP 8339 - awarded to Stealth Partner Group, LLC, for three (3) years, with the option for two (2) additional one (1) year extensions, in the total five (5) year not-to-exceed amount of $38,864,326.00).

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

The item was presented, and discussion followed.

Following discussion, Council Member Watts 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, Meltzer, Holland, and Watts

NAYS (0): None

ABSENT (1): Council Member McGee

D. ID S23-0002c Consider a motion to reconsider the November 7, 2023 denial of a Specific Use Permit (File ID S23-0002b) to allow a building no more than 53 feet in height on approximately 2.695 acres of land generally located at the southwest corner of the intersection of Stuart Road and Loop 288 in the City of Denton, Denton County, Texas. (S23-0002c, Stuart Apartments, Mia Hines)

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

The item was not presented, and discussion followed.

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

Motion carried.

AYES (5): Mayor Pro Tem Beck and Council Members Byrd, Meltzer, Holland, and Watts

NAYS (1): Mayor Hudspeth

ABSENT (1): Council Member McGee

5. CONCLUDING ITEMS

Council Members expressed items of interest.

With no further business, the meeting was adjourned at 6:05 p.m.

GERARD HUDSPETH
MAYOR
CITY OF DENTON, TEXAS

JESUS SALAZAR
CITY SECRETARY
CITY OF DENTON, TEXAS

MINUTES APPROVED ON: 12/12/2023

BOARDS & COMMISSIONS - NOMINATIONS LIST
NOVEMBER 14, 2023

BOARD/COMMITTEE/COMMISSION	COUNCIL PLACE	NOMINATING CCM	NOMINEE	PRESENT TERM	NEW TERM	STATUS & QUALIFICATION OR PREFERENCE, IF ANY
Planning and Zoning Commission	4	Holland	Kimberly Thaggard	New	September 1, 2023 through August 31, 2025	New Appointment