CITY OF DENTON CITY COUNCIL MINUTES
April 2, 2024

After determining that a quorum was present, the City Council of the City of Denton, Texas convened in a Work Session on Tuesday, April 2, 2024, at 2:00 p.m. in the Council Work Session Room at City Hall, 215 E. McKinney Street, Denton, Texas.

PRESENT: Mayor Gerard Hudspeth, Mayor Pro Tem Brian Beck and Council Members Vicki Byrd, Paul Meltzer, Brandon Chase McGee, Joe Holland, 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 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**

   o None

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

   o None

3. **Work Session Reports**

A. ID 24-111 Receive a report, hold a discussion, and give staff direction regarding potential subject matter to be discussed by a future Charter Review Committee. [Estimated Presentation/Discussion Time: 45 minutes]

The item was presented and discussion followed.

Following discussion, City Council consensus was Council consensus to move forward with a Charter Review Committee Charge:

Section 14.04. Ethics Ordinance Requirement

The Council will move forward with the following Work Session schedule:

April 2, 2024	Article XIV. General Provisions,
April 16, 2024	Article IV. Initiative, Referendum and Recall
May 21, 2024	2 Minute Pitch

B. ID 24-485 Receive a report and hold a discussion on the Denton Police Department Annual Update and 2023 Annual Report. [Estimated Presentation/Discussion Time: 45 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 24-317 Receive a report, hold a discussion, and give staff direction regarding menstrual products in City facilities. [Estimated Presentation/Discussion Time: 30 minutes]

The item was presented and discussion followed.

Following discussion, City Council consensus was: Option # 1 • Add baskets in the City's 20 facilities with public access, a total of 56 restrooms • FY 24-25 Budget Request of $12,596 (ongoing).

D. ID 24-519 Receive a report, hold a discussion, and give staff direction regarding appointments to vacancies on City of Denton boards and commissions. [Estimated Presentation/Discussion Time: 1 hour]

The item was presented and discussion followed.

Following discussion, the following items received Council consensus to be included in the proposed ordinance:

- Holdover vacancies should be included in the 90-day deadline, with exceptions detailed in the items below.
- A vacant Council seat's appointment(s) will be eligible for substitute nominations, should the seat remain vacant over 90 days.
- Staff should develop the notification process and communicate it clearly with the Council.
- Council should provide a nomination to the City Secretary via email within the 90 days, nominees will have unlimited time to submit the appropriate documents, and the City Secretary's Office will have unlimited time to process nominations and vet nominees.
- If a nominee is deemed ineligible through the vetting process or not approved by the Council, the 90-day deadline will start over.
- If multiple substitute nominations are received, they will be included on the Council agenda for consideration in the order in which they were received by the City Secretary's Office.
- Each Council member will be limited to one appointee made under a substitute nomination per board or commission.

Staff will move forward with drafting an ordinance to bring back to Council in the upcoming months.

The work session ended at 4:26 p.m.

CLOSED MEETING

1. The City Council convened into a Closed Meeting at 4:26 p.m. consistent with Chapter 551 of the Texas Government Code, as amended, or as otherwise allowed by law, as follows:

A. ID 24-659 Consultation with Attorneys - Under Texas Government Code Section 551.071. Consult with City attorneys regarding the definition and land use regulations for donation boxes within the City of Denton, Texas, 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 4:33 p.m. and ended at 5:12 p.m. No votes or actions were taken during the closed meeting.

The work session was recessed at 5:13 p.m.

REGULAR MEETING

After determining that a quorum was present, the City Council of the City of Denton, Texas convened in a Regular Meeting on Tuesday, April 2, 2024, 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, Paul Meltzer, Joe Holland, 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 in-person, call-in, and 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 online comments received are reflected on the exhibit to the minutes of this meeting.

1. PLEDGE OF ALLEGIANCE

A. U.S. Flag B. Texas Flag

2. PROCLAMATIONS/PRESENTATIONS

A. ID 24-461 Proclamation: Child Abuse Prevention Month
PRESENTED

B. ID 24-599 Proclamation: National Community Development Week
PRESENTED

C. ID 24-720 Proclamation: City of Denton Fleet Services ASE Blue Seal of Excellence Award
PRESENTED

D. ID 24-721 Proclamation: 25th Annual Women's Symposium
PRESENTED

3. PRESENTATIONS FROM MEMBERS OF THE PUBLIC

A. Review of procedures for addressing the City Council.

B. Reports from members of the public shall be received through the following two (2) methods. A total of up to seven (7) speakers are permitted to provide public comment and may include any combination of prior registration and open microphone speakers.

1) Pre-registration. This section of the agenda permits any person who has registered in advance to make a citizen report regarding a public business item he or she wishes to be considered by the City Council. Each speaker is allowed a maximum of four (4) minutes to present their report. At the conclusion of each report, the City Council may pose questions to the speaker or may engage in discussion. If the City Council believes that a speaker's report requires a more detailed review, the City Council will give the City Manager or City Staff direction to place the item on a future work session or regular meeting agenda and advise staff as to the background materials to be desired at such meeting.

a. ID 24-661 Mr. Stephen Dillenberg regarding "The usurpation of the law by Denton City Council is killing us. Their actions are not compliant with Local, State nor Federal Law, so frequently in fact, I asked why, and one of them actually told me, "We can do whatever we want."
PRESENTED

b. ID 24-662 Ms. Dana Dillenberg regarding "Recovering from A Seriously Debilitating Series of Neurological Issues (3 TIA's) after dose 1 of Pfizer, without support from the people who

recommended it, who then congratulated themselves for their successes, without acknowledging the harm done to this community."
NOT PRESENTED

c. ID 24-669 Mr. Jeff Barr regarding ETJ.
NOT PRESENTED

d. ID 24-670 Mr. Ed Soph regarding Denton Climate Action and Adaptation Plan.
PRESENTED

e. ID 24-671 Ms. Melinda Preston regarding Israel.
PRESENTED

f. ID 24-672 Mr. Tad Preston regarding Israel.
PRESENTED

g. ID 24-673 Ms. Carole Novielli regarding Volunteer Storm Spotters.
PRESENTED

2) Open Microphone. This section of the agenda permits any person who has not registered in advance for a citizen report to make comments about public business items not listed on the agenda. Such person(s) shall have registered using the "Virtual White Card" or "By Phone" process outlined by the City on its website or meeting notice.

(2) Additional Citizen Reports (Open Microphone)

Citizen comments received are noted on Exhibit A.

4. CONSENT AGENDA

The Consent Agenda consisted of Items 4. A – U. 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 Agenda as presented. Motion seconded by Council Member McGee.

Motion carried.

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

NAYS (0): None

A. ID 24-089 Consider approval of the minutes of the March 19, 2024 Regular Meeting.
APPROVED

B. ID 24-248 Consider adoption of an ordinance of the City of Denton approving an Airport Land Lease Agreement for a term of twenty-five (25) years between the City of Denton, Texas, and Roanoke Air and Auto, Inc covering property at 904 Aeronca Lane, Denton, Texas at the Denton Enterprise Airport; authorizing the City Manager to execute the Airport Lease Agreement; and providing an effective date. Airport Advisory Board recommends approval (5-0).
ASSIGNED ORDINANCE NO. 24-248

C. ID 24-345 Consider adoption of an ordinance of the City of Denton authorizing the City Manager to execute Amendment 1 to the funding agreement between the City and Cumberland Youth and Family Services approved by City Council on April 19, 2022; said first amendment to extend the term of the agreement and to require additional services; and providing an effective date.
ASSIGNED ORDINANCE NO. 24-345

D. ID 24-346 Consider adoption of an ordinance of the City of Denton authorizing the City Manager to execute Amendment 1 to the funding agreement between the City and Denton County MHMR approved by City Council on April 19, 2022; said first amendment to extend the term of the agreement and to require additional services; and providing an effective date.
ASSIGNED ORDINANCE NO. 24-346

E. ID 24-564 Consider approval of a resolution of the City of Denton amending Resolution No. 19-2886 relating to the Bond Oversight Committee, to amend the scope of responsibilities of the committee; and provide for an effective date.
ASSIGNED RESOLUTION NO. 24-564

F. ID 24-588 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager to accept on behalf of the City an offer from the Federal Aviation Administration ("FAA"), administered by the Texas Department of Transportation ("TxDOT") relating to an Infrastructure Investment and Jobs Act ("IIJA") grant of $763,000.00 for the Airport Master Plan with the City responsible for ten percent of total project costs; requiring the City to provide $78,864.40 in contributory funds for the Airport Master Plan at the Denton Enterprise Airport with an estimated total project cost of $788,644.00; and providing an effective date. The Airport Advisory Board recommends (5-0).
ASSIGNED ORDINANCE NO. 24-588

G. ID 24-604 Consider adoption of an ordinance of the City of Denton authorizing the City Manager to execute a temporary utility service contract by and between the City of Denton and the Kansas City Southern Railroad Company D/B/A CPKC ("KCSRR") relating to the construction of Hickory Creek Road within the railroad right-of-way located at KCSRR Milepost MM99.54, within the County and City of Denton, Texas; providing for the expenditure of funds not to exceed the amount of $22,470.86 for the temporary utility service line installation (the City will receive a final invoice upon completion of the work); and providing an effective date.
ASSIGNED ORDINANCE NO. 24-604

H. ID 24-349 Consider adoption of an ordinance of the City of Denton, Texas, authorizing the City Manager to execute a supplement to the agreement for street lighting service by and between Oncor Electric Delivery Company LLC and the City of Denton for Townsend Green Phase 2 - McKinney Street and Trinity Road authorizing the expenditure of funds; and providing for an effective date.
ASSIGNED ORDINANCE NO. 24-349

I. ID 24-417 Consider approval of a resolution of the City Council of the City of Denton, approving the 2022/2023 Tax Increment Reinvestment Zone Number Two (Westpark TIRZ) annual report; and declaring an effective date. The TIRZ Number Two Board recommends approval (11-0).
ASSIGNED RESOLUTION NO. 24-417

J. ID 24-420 Consider approval of a resolution of the City of Denton authorizing the submission of an application to the U.S. Department of Transportation FY 2024 Safe Streets and Roads for All grant program funded by the Infrastructure Investment and Jobs Act (IIJA) in the amount of $600,000 to develop a comprehensive safety action plan; and providing an effective date.
ASSIGNED RESOLUTION NO. 24-420

K. ID 24-641 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., for water and wastewater modeling services for the Water Utilities Department as set forth in the contract; providing for the expenditure of funds therefor; and providing an effective date (RFQ 7574-031 - Professional Services Agreement for water and wastewater modeling services awarded to Kimley-Horn and Associates, Inc., in the not-to-exceed amount of $95,000.00). The Public Utilities Board recommends approval (5 - 0).
ASSIGNED ORDINANCE NO. 24-641

L. ID 24-642 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 PowerWorld

Corporation, for the annual licensing, maintenance, and support of PowerWorld Simulator software, currently used by 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 8404 - awarded to PowerWorld Corporation, in the not-to-exceed amount of $63,112.50, with a contract term expiring February 21, 2027). The Public Utilities Board recommends approval (5 - 0).

ASSIGNED ORDINANCE NO. 24-642

M. ID 24-643 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 Strong Data, Inc., for scalehouse software and hardware for the Solid Waste and Recycling 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 8431 - awarded to Strong Data, 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 $339,080.85). The Public Utilities Board recommends approval (5 - 0).

ASSIGNED ORDINANCE NO. 24-643

N. ID 24-644 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 Xylem Water Solutions U.S.A., Inc., to purchase Flygt pumps, equipment, parts, supplies, and services to operate and maintain the City of Denton sewage pumping stations and treatment plants for the Water Utilities Department, which is the sole provider of this service, 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 8476 - awarded to Xylem Water Solutions U.S.A., 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 $1,875,000.00). The Public Utilities Board recommends approval (5 - 0).

ASSIGNED ORDINANCE NO. 24-644

O. ID 24-645 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the approval of a sixth amendment to a Professional Services Agreement between the City of Denton and Nelson + Morgan Architects, Inc., amending the contract approved by Purchasing on February 13, 2014, in the not-to-exceed amount of $24,840.00, amended by Amendments 1-5 approved by Purchasing and City Council, said sixth amendment to provide additional design services for the base project and additional design services of the HVAC system at Fleet Maintenance; providing for the

expenditure of funds therefor; and providing an effective date (File 5497 - providing for an additional sixth amendment expenditure amount not-to-exceed $171,299.00, with the total contract amount not-to-exceed $541,698.97).
ASSIGNED ORDINANCE NO. 24-645

P. ID 24-646 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 Coffman Associates, Inc., amending the contract approved by Purchasing on July 26, 2023, in the not-to-exceed amount of $15,000.00; amended by Amendment 1 approved by City Council; said second amendment to provide additional objectives within the Scope of Work for the Airport Master Plan; providing for the expenditure of funds therefor; and providing an effective date (File 8133 - providing for an additional second amendment expenditure amount not-to-exceed $788,644.00, with the total contract amount not-to-exceed $874,894.00). The Airport Advisory Board recommends approval (5 - 0).
ASSIGNED ORDINANCE NO. 24-646

Q. ID 24-647 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, for the approval of a pre-qualified professional services list for operations and management of the Denton Community Shelter; and providing an effective date (RFQ 8268 - for a three (3) year term).
ASSIGNED ORDINANCE NO. 24-647

R. ID 24-648 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 Nelson/Nygaard Consulting Associates, Inc., for a Citywide Parking Study for the Engineering Department as set forth in the contract; providing for the expenditure of funds therefor; and providing an effective date (RFP 8360 - Professional Services Agreement for Citywide Parking Study awarded to Nelson/Nygaard Consulting Associates, Inc., in the not-to-exceed amount of $109,967.00).
ASSIGNED ORDINANCE NO. 24-648

S. ID 24-649 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 T.G. Whitton Company, for welding and fabrication services for various City of Denton Departments; providing for the expenditure of funds therefor; and providing an effective date (RFP 8437 - awarded to T.G. Whitton Company, 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. 24-649

T. ID 24-650 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 Reeder

Distributors, Inc., through the Buy Board Cooperative Purchasing Network Contract # 715-23, for the purchase of new equipment, as well as repairs, inspections, and replacement of existing shop equipment for the Fleet Services Department; providing for the expenditure of funds therefor; and providing an effective date (File 8485 - awarded to Reeder Distributors, 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 $2,000,000.00).
ASSIGNED ORDINANCE NO. 24-650

U. ID 24-651 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 Frazer, LTD, through the Buy Board Cooperative Purchasing Network Contract Number 650-21, and through the Houston-Galveston Area Council of Governments (H-GAC) Cooperative Purchasing Program Contract Numbers AM10-20 & AM10-23, for the purchase of ambulances for the Fleet Services Department; providing for the expenditure of funds therefor; and providing an effective date (File 8495 - awarded to Frazer, LTD, 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 $4,200,000.00).
ASSIGNED ORDINANCE NO. 24-651

5. ITEMS FOR INDIVIDUAL CONSIDERATION

A. ID 24-415 Consider adoption of an ordinance approving an economic development agreement under Chapter 380 of the Local Government Code to promote economic development, increase foot traffic, stimulate business activity and economic growth of the City of Denton between the City of Denton and Fine Arts Theater of Denton, LLC for an amount not to exceed $1,620,869 of Tax Increment Reinvestment Zone One funds; authorizing the expenditure of funds therefor; and providing an effective date. The Downtown Tax Increment Reinvestment Zone Number One Board recommends approval (5-0).
ASSIGNED ORDINANCE NO. 24-415

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.

The item was presented and discussion followed.

Citizen comments received are noted on Exhibit A.

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

Motion carried.

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

NAYS (0): None

B. ID 24-266 Consider adoption of an ordinance establishing the City of Denton Utility System Nodal Market Revenue Financing Program and authorizing Utility System Nodal Market Revenues Notes, Taxable Series A, in a maximum aggregate principal amount not to exceed sixty million five thousand dollars ($60,005,000) to satisfy ERCOT financial security requirements; and providing an effective date. The Public Utilities Board recommends approval (5-0).
ASSIGNED ORDINANCE NO. 24-266

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

The item was presented and discussion followed.

Citizen comments received are noted on Exhibit A.

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

Motion carried.

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

NAYS (0): None

C. ID 24-568 Consider adoption of an ordinance directing the publication of Notice of Intention to issue $84,770,000 in principal amount of Certificates of Obligation of the City of Denton for General Government and Solid Waste projects; and providing an effective date. The Public Utilities Board recommends approval (5-0).
ASSIGNED ORDINANCE NO. 24-568

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

The item was presented and discussion followed.

Citizen comments received are noted on Exhibit A.

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

Motion carried.

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

NAYS (0): None

D. ID 24-569 Consider adoption of an ordinance directing the publication of Notice of Intention to issue $177,560,000 in principal amount of Certificates of Obligation of the City of Denton for Waterworks and Wastewater System and Electric System projects; and providing an effective date. The Public Utilities Board recommends approval (5-0).
ASSIGNED ORDINANCE NO. 24-569

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

The item was presented and no discussion followed.

Citizen comments received are noted on Exhibit A.

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

Motion carried.

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

NAYS (0): None

E. ID 24-562 Consider approval of a resolution of the City of Denton authorizing the submission of an application through the Water Utilities Department to the Texas Water Development Board for financial assistance via a fixed rate loan in the amount of $195,845,000 from the State Water Implementation Fund for Texas to fund the Ray Roberts Water Treatment Plant Expansion Project; and providing an effective date. The Public Utilities Board recommends approval (5-0-1).
ASSIGNED RESOLUTION NO. 24-562

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

The item was presented and discussion followed.

Citizen comments received are noted on Exhibit A.

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

Motion carried.

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

NAYS (0): None

6. CONCLUDING ITEMS

Council Members expressed items of interest.

With no further business, the meeting was adjourned at 8:46 p.m.

GERARD HUDSPETH
MAYOR
CITY OF DENTON, TEXAS

JESUS SALAZAR
CITY SECRETARY
CITY OF DENTON, TEXAS

MINUTES APPROVED ON: 4-2-24