



City of Denton

City Hall
215 E. McKinney St.
Denton, Texas 76201
www.cityofdenton.com

Meeting Agenda

City Council

Tuesday, March 23, 2021

3:00 PM

Council Work Session Room

Special Called Meeting

WORK SESSION BEGINS AT 3:00 P.M. IN THE COUNCIL WORK SESSION ROOM

CITY COUNCIL CONSIDERATION OF THE CONSENT AGENDA AND ITEMS FOR INDIVIDUAL CONSIDERATION WILL BEGIN IMMEDIATELY FOLLOWING THE CLOSED MEETING IN THE COUNCIL WORK SESSION ROOM

Note: Mayor Gerard Hudspeth, Mayor Pro Tem Jesse Davis and Council Members Birdia Johnson, Connie Baker, John Ryan, Deb Armintor and Paul Meltzer will be participating in the work session and meeting via video/teleconference.

REGISTRATION GUIDELINES FOR ADDRESSING THE CITY COUNCIL

Due to COVID-19 precautions, members of the public will not be able to attend the March 23, 2021, City Council meeting in-person. To accommodate and receive input on agenda items, citizens will be able to participate in one of the following ways (NOTE: Other than public hearings, citizens are only able to comment one time per agenda item; citizens cannot use both methods to comment on a single agenda item. Public comments are not held for work session reports.):

- Virtual White Card – On March 19, the agenda was posted online at www.cityofdenton.com/publicmeetings. Once the agenda is posted, a link to the Virtual White Card, an online form, will be made available under the main heading on the webpage. Within this form, citizens may indicate support or opposition and submit a brief comment about a specific agenda item. Comments may be submitted up until the start of the meeting, at which time, the Virtual White Card form will be closed. Similar to when a citizen submits a white card to indicate their position on the item, these comment forms will be sent directly to City Council members and recorded by the City Secretary.

City Council Members review comments received in advance of the meeting and take that public input into consideration prior to voting on an agenda item. The Mayor will announce the number of Comment Cards submitted in support or opposition to an item during the public comment period. Comments will not be read during the meeting. The City Secretary will reflect the number of comments submitted in favor/opposition to an item, the registrant's name, address, and (summary of) comments within the Minutes of the Meeting, as applicable.

OR

- By phone – Citizens wishing to speak over the phone during this Council meeting, may call (940) 349-7800 beginning 30 minutes prior to the meeting start time. Comments by phone will be accepted until the item is opened for discussion by the Council. When the call is initially received, a staff member will receive the caller's information and either: 1) offer to call the citizen back when it is time for them to speak, or 2) record the caller's information, support or opposition, and comment. If the caller chooses to record their support or opposition, rather than speaking during the meeting, the Mayor will announce the number of comments submitted in support or opposition to the item. If the caller wishes to receive a call back, the voice of each caller will be broadcast into the meeting during the public commenting time of their desired agenda item. Individuals will be able to comment once per agenda item, no matter the method.
- At regular meetings only, citizens can speak on any topic that is not on the agenda (Open Microphone). Alert the call taker if you wish to speak under the Open Microphone category. If you would like to give a public report, see the information below.

After determining that a quorum is present, the City Council of the City of Denton, Texas will convene in a Work Session on Tuesday, March 23, 2021, at 3:00 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:

WORK SESSION

1. Citizen Comments on Consent Agenda Items

This section of the agenda allows citizens to speak on any item listed on the Consent Agenda prior to its consideration. Each speaker will be given a total of three (3) minutes to address any item(s). Any person who wishes to address the City Council regarding these items may do so by utilizing the "By Phone" registration process as referenced under the REGISTRATION GUIDELINES FOR ADDRESSING THE CITY COUNCIL detailed at the beginning of this agenda. Registration is required prior to the time the City Council considers this item. Registrants may call in and remain on hold or receive a call back at the time the Work Session is called to Order and are encouraged to ensure they remain accessible to accept the call.

2. Requests for clarification of agenda items listed on this agenda.

3. Work Session Reports

- A. [ID 21-485](#) Receive a report, hold a discussion, and give staff direction regarding the FY 2019-2020 Comprehensive Annual Financial Report and annual audit.

Attachments:

[Exhibit 1 - Agenda Information Sheet](#)

[Exhibit 2 - FY 2019-20 Comprehensive Annual Financial Report](#)

[Exhibit 3 - Single Audit Report](#)

[Exhibit 4 - Auditor's Communication](#)

[Exhibit 5 - Auditor's Presentation](#)

- B. [ID 21-342](#) Receive a report, hold a discussion, and give staff direction regarding processes, impacts, and results of service delivery during the February 2021 inclement weather event by the following departments:
1. Parks and Recreation & Community Services
 2. Finance/Purchasing/Warehouse/Compliance
 3. Public Affairs/DTV

Attachments:[Exhibit 1 - Agenda Information Sheet](#)[Exhibit 2a - 2021 Winter Storm Response - Parks and Recreation & Community](#)[Exhibit 2b - 2021 Winter Storm Response - Finance and Procurement](#)[Exhibit 2c - 2021 Winter Storm Response - Public Affairs](#)

- C. [ID 20-2388](#) Receive a report, hold a discussion, and give staff direction on pending City Council requests for:

(1) Inserting a mask requirement into municipal health codes

Attachments:[Exhibit 1 - Agenda Information Sheet](#)[Exhibit 2 - Ordinance19-2026 - City Council Request Process](#)[Exhibit 3 - Presentation](#)

Following the completion of the Work Session, the City Council will convene in a Closed Meeting to consider specific item(s) when these items are listed below under the Closed Meeting section of this agenda. The City Council reserves the right to adjourn into a Closed Meeting on any item on its Open Meeting agenda consistent with Chapter 551 of the Texas Government Code, as amended, or as otherwise allowed by law.

1. Closed Meeting:

- A. [ID 21-604](#) Deliberations Regarding Certain Public Power Utilities: Competitive Matters - Under Texas Government Code Section 551.086; Consultation with Attorneys - Under Texas Government Code, Section 551.071.

Receive a presentation from staff regarding public power competitive and financial matters about the delivery of power, wholesale energy supply and risk management plans, hedge plans, and strategies as each relates to the DME electric power and gas portfolio and to the February winter storm; discuss, deliberate, and provide direction to staff regarding the same. Consultation with the City's attorneys regarding legal issues, legal status, legal analysis, and legal strategy associated with the above matters and pending and potential litigation, including release of related confidential information, where a public discussion of these legal matters would conflict with the duty of the City's attorneys to the City of Denton and the Denton City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas, or would jeopardize the City's legal position in any administrative proceeding or potential litigation.

Any final action, decision, or vote on a matter deliberated in a Closed Meeting will only be taken in an Open Meeting that is held in compliance with Texas Government Code, Chapter 551, except to the extent such final decision, or vote is taken in the Closed Meeting in accordance with the provisions of Section 551.086 of the Texas Government Code (the 'Public Power Exception'). The City Council reserves the right to adjourn into a Closed Meeting or Executive Session as authorized by Texas Government Code, Section 551.001, et seq. (The Texas Open Meetings Act) on any item on its open meeting agenda or to reconvene in a continuation of the Closed Meeting on the Closed Meeting items noted above, in accordance with the Texas Open Meetings Act, including, without limitation Sections 551.071-551.086 of the Texas Open Meetings Act.

NOTE: Any item for which a formal action at the Regular Meeting has been taken by Council may be subject to a request for a motion for reconsideration at any time during the meeting, at the Concluding Items Section, or after the meeting. In order to comply with the Texas Open Meetings Act, a request for a motion for reconsideration made during, at the end of, or after a Council meeting will be placed on the agenda and considered at the next official meeting of the City Council.

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

1. CONSENT AGENDA

Each of these items is recommended by Staff and approval thereof will be strictly on the basis of the Staff recommendations. Approval of the Consent Agenda authorizes the City Manager or his designee to implement each item in accordance with the Staff recommendations. The City Council has received background information and has had an opportunity to raise questions regarding these items prior to consideration.

Listed below are bids, purchase orders, contracts, and other items to be approved under the Consent Agenda (Agenda Items A – I). This listing is provided on the Consent Agenda to allow Council Members to discuss or withdraw an item prior to approval of the Consent Agenda. If no items are pulled, the Consent Agenda Items will be approved with one motion. If items are pulled for separate discussion, they may be considered as the first items following approval of the Consent Agenda.

- A. [ID 21-421](#) 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 Professional Services Agreement with Kimley-Horn and Associates, Inc., for the Texas Woman's University (TWU) Area Capital Projects Program; Bell Avenue Temporary Roundabouts - Phase 1 for Capital Projects-Engineering Department, as set forth in the contract; providing for the expenditure of funds therefor; and providing an effective date (RFQ 6590-107 - Professional Services Agreement for engineering services awarded to Kimley-Horn and Associates, Inc., in the not-to-exceed amount of \$109,700.00).

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
[Exhibit 2 - Ordinance and Contract](#)

- B. [ID 21-492](#) 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 Professional Services Agreement with Bridgefarmer & Associates, Inc., for the Texas Woman's University (TWU) Area Capital Projects Program - Phase 1 for Capital Projects-Engineering Department, as set forth in the contract; providing for the expenditure of funds therefor; and providing an effective date (RFQ 6590-106 - Professional Services Agreement for engineering services awarded to Bridgefarmer & Associates, Inc., in the not-to-exceed amount of \$1,577,270.00).

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
[Exhibit 2 - Ordinance and Contract](#)

- C. [ID 21-450](#) Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the Interim City Manager to execute Amendment 1 to Agreement with CASA of Denton County to extend to April 30, 2021 the term of an Agreement to

construct certain improvements to facilities located at 604 and 610 North Bell Avenue; and providing an effective date.

Attachments: [Exhibit 1 – Agenda Information Sheet](#)
 [Exhibit 2 – Ordinance and Amendment 1 to Agreement](#)

- D. [ID 21-461](#) Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the Interim City Manager to execute Amendment 1 to Agreement with Grace Like Rain, Inc. to extend to June 30, 2021 the term of an Agreement for reimbursement of pre-development costs in connection with the proposed construction of a community village at 4000 E. McKinney Street; and providing an effective date.

Attachments: [Exhibit 1 – Agenda Information Sheet](#)
 [Exhibit 2 – Ordinance and Amendment 1 to Agreement](#)

- E. [ID 21-488](#) 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 Professional Services Agreement with Hazen and Sawyer, P.C. for reclamation solids handling for the Pecan Creek Water Reclamation Plant; providing for the expenditure of funds therefor; and providing an effective date (RFQ 7350 - Professional Services Agreement for reclamation solids handling services awarded to Hazen and Sawyer, P.C., in the not-to-exceed amount of \$1,993,302.00).

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
 [Exhibit 2 - Ordinance and Contract](#)

- F. [ID 21-490](#) Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the approval of the first amendment to the Professional Services Agreement between the City of Denton and Freese and Nichols, Inc., amending the contract approved by the City Council on June 21, 2016, in the not-to-exceed amount of \$654,135.00; said first amendment to provide additional design, archeological, and environmental services for the Hickory Creek Interceptor Phases I and II Project; providing for the expenditure of funds therefor; and providing an effective date (File 6137 - providing for an additional first amendment expenditure amount not-to-exceed \$310,420.00, with the total contract amount not-to-exceed \$964,555.00).

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
 [Exhibit 2 - Original Ordinance and Contract](#)
 [Exhibit 3 - Project Schedule](#)
 [Exhibit 4 - ISR 2021-013](#)
 [Exhibit 5 - Ordinance and Amendment 1](#)

- G. [ID 21-546](#) Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, for approval of a pre-qualified professional services list for Planning, Modeling, Hydraulics, Permitting, Engineering Design for Treatment, Storage, Pumping, Distribution for Water Facilities, Engineering Design for Treatment, Detention, Lift Station and Collection for Wastewater Facilities; Electrical & Instrumentation Services; Easement and Right-of-Way Acquisition Services; Geotechnical Engineering and Testing Services;

and Surveying and Sub-surface Utility Engineering Services for the Water and Wastewater Departments; and providing an effective date (RFQ 7574 - for three (3) years, with the option for two (2) additional one (1) year extensions, in the total five (5) year term).

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
[Exhibit 2 - Evaluation Sheet](#)
[Exhibit 3 - Pre-Qualified Firm List](#)
[Exhibit 4 - Ordinance](#)

- H. [ID 21-554](#) 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 of state certified Transportation Engineers for various improvements and public safety-related projects within the City of Denton; and providing an effective date (RFQ 7292 - for three (3) years, with the option for two (2) additional one (1) year extensions, in the total five (5) year term).

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
[Exhibit 2 - Evaluation Sheet](#)
[Exhibit 3 - Pre-Qualified Firm List](#)
[Exhibit 4 - Ordinance](#)

- I. [ID 21-477](#) Consider adoption of an ordinance of the City of Denton authorizing the Interim City Manager or her designee to execute an underground sprinkler license and mowing agreement between the City of Denton and the Meadows at Hickory Creek Owners Association, regarding an underground sprinkler license and mowing agreement pertaining to land located within the right-of-way of Vintage Boulevard between Bonnie Brae Street and State Highway 377, City and County of Denton, Texas; authorizing the expenditure of funds therefor; and providing an effective date.

Attachments: [Exhibit 1 – Agenda Information Sheet](#)
[Exhibit 2 – Ordinance](#)

2. ITEMS FOR INDIVIDUAL CONSIDERATION

- A. [ID 21-310](#) Consider adoption of an ordinance of the City of Denton authorizing the Interim City Manager to execute a Master Agreement regarding property at and adjacent to 414 West Parkway Street with the Denton Chamber of Commerce, Inc.; authorizing the Interim City Manager to carry out all duties pursuant thereto including the execution of a Ground Lease Termination; and providing an effective date.

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
[Exhibit 2 - Ordinance and Agreement - Chamber of Commerce Master Agreement](#)
[Exhibit 3 - Presentation - Chamber of Commerce Master Agreement](#)

- B. [ID 21-549](#) Consider adoption of an ordinance of the City of Denton authorizing the Interim City Manager to execute a Listing Agreement with Axis Realty Group of Denton, Inc. and the Denton Chamber of Commerce for the sale of certain real property and improvements

comprised of a 0.449 acre tract located at 414 West Parkway Street, Denton, Texas; and providing an effective date.

Attachments:

[Exhibit 1 - Agenda Information Sheet](#)

[Exhibit 2 - Ordinance and Agreement - Sale of 414 W Parkway](#)

[Exhibit 3 - Presentation - Sale of 414 Parkway](#)

3. CONCLUDING ITEMS

A. Under Section 551.042 of the Texas Open Meetings Act, respond to inquiries from the City Council or the public with specific factual information or recitation of policy, or accept a proposal to place the matter on the agenda for an upcoming meeting AND Under Section 551.0415 of the Texas Open Meetings Act, provide reports about items of community interest regarding which no action will be taken, to include: expressions of thanks, congratulations, or condolence; information regarding holiday schedules; an honorary or salutary recognition of a public official, public employee, or other citizen; a reminder about an upcoming event organized or sponsored by the governing body; information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official or employee of the municipality; or an announcement involving an imminent threat to the public health and safety of people in the municipality that has arisen after the posting of the agenda.

B. Possible Continuation of Closed Meeting topics, above posted.

C E R T I F I C A T E

I certify that the above notice of meeting was posted on the bulletin board at the City Hall of the City of Denton, Texas, on the 19th day of March, 2021 at 4:15 p.m.

CITY SECRETARY

NOTE: THE CITY OF DENTON'S DESIGNATED PUBLIC MEETING FACILITIES ARE ACCESSIBLE IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT. THE CITY WILL PROVIDE ACCOMMODATION, SUCH AS SIGN LANGUAGE INTERPRETERS FOR THE HEARING IMPAIRED, IF REQUESTED AT LEAST 48 HOURS IN ADVANCE OF THE SCHEDULED MEETING. PLEASE CALL THE CITY SECRETARY'S OFFICE AT 940-349-8309 OR USE TELECOMMUNICATIONS DEVICES FOR THE DEAF (TDD) BY CALLING 1-800-RELAY-TX SO THAT REASONABLE ACCOMMODATION CAN BE ARRANGED.