



# City of Denton

City Hall  
215 E. McKinney St.  
Denton, Texas 76201  
[www.cityofdenton.com](http://www.cityofdenton.com)

## Meeting Agenda

### City Council

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Tuesday, May 11, 2021

3:00 PM

Council Work Session Room & Council Chamber

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**SPECIAL CALLED MEETING BEGINS AT 3:00 P.M. IN THE COUNCIL WORK SESSION ROOM & COUNCIL CHAMBER**

**WORK SESSION BEGINS IMMEDIATELY FOLLOWING RECESS OF THE SPECIAL CALLED MEETING IN THE COUNCIL WORK SESSION ROOM**

**CLOSED MEETING BEGINS IMMEDIATELY FOLLOWING THE WORK SESSION IN THE COUNCIL WORK SESSION ROOM**

**SPECIAL CALLED MEETING WILL RECONVENE 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 as well as Council Members-Elect Vicki Byrd, Brian Beck and Alison Maguire will be participating in the work session, closed meeting 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 May 11, 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 May 7, the agenda was posted online at [www.cityofdenton.com/publicmeetings](http://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 Special Called Meeting on Tuesday, May 11, 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:

### **1. ITEMS FOR INDIVIDUAL CONSIDERATION**

NOTE: Council Member(s)-Elect will be issued their Certificate of Election, Statement of Officer, and Oaths of Office in the Council Chamber.

- A. [ID 21-741](#) Consider adoption of an ordinance canvassing the returns and declaring the results of the Regular Municipal Election to elect four City Council Members to Districts 1, 2, 3, and 4 of the City Council of the City of Denton, held on May 1, 2021; declaring that all candidates received the majority of votes cast for their respective District with no Runoff Election being necessary; and providing an effective date.

Attachments: [Exhibit 1 - AIS Canvassing May 1, 2021 General Election - Rev](#)  
[Exhibit 2 - Ordinance & Exhibit A - Canvassing May 1 2021 General Election](#)  
[Exhibit 3 - Presentation](#)

- B. [ID 21-742](#) Issue the following to newly Elected Council Members:

- Certificate of Election
- Statement of Officer
- Oaths of Office

Attachments: [Exhibit 1 - AIS Certificate, Statement & Oaths for Newly Elected](#)

- C. [ID 21-743](#) Proclamations in appreciation of service to the City of Denton as a City Council Member for the following:

- Birdia Johnson
- Connie Baker
- John Ryan

Attachments: [Exhibit 1 - AIS Proclamations of Appreciation](#)

- D. [ID 21-744](#) Election of Mayor Pro Tem.

**Attachments:**      [Exhibit 1 - AIS Election of Mayor Pro Tem](#)  
                                 [Exhibit 2 - Election of Mayor Pro Tem Process](#)  
                                 [Exhibit 3 - Presentation](#)

## **2. RECESS OF SPECIAL CALLED MEETING**

The Special Called Meeting will recess at this time and reconvene after the Closed Meeting.

Following the Items for Individual Consideration, the City Council will convene in a Work Session to consider the following items:

### **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 21-635](#)      Receive a report, hold a discussion, and give staff direction regarding an update to the City of Denton's COVID-19 response, including providing direction on public meetings.

**Attachments:**      [Exhibit 1 - Agenda Information Sheet](#)  
                                 [Exhibit 2 - CARES Act Funding Facility Improvements](#)  
                                 [Exhibit 3 - Meeting Schedule, Views, and Public Participation](#)  
                                 [Exhibit 4 - Presentation](#)

- B.    [ID 21-555](#)      Receive a report, hold a discussion, and give staff direction regarding the trails concept map for future identification, renovation, and expansion of facilities and trails.

**Attachments:**      [Exhibit 1 - Agenda Information Sheet](#)  
                                 [Exhibit 2 - Presentation](#)

- C.    [ID 21-912](#)      Receive a report, hold a discussion, and give staff direction regarding updating the existing "Denton Municipal Electric - Energy Risk Management Policy."

**Attachments:**      [Exhibit 1- Agenda Information Sheet](#)  
                                 [Exhibit 2 - Risk Policy Presentation](#)  
                                 [Exhibit 3- Proposed 2021 Risk Policy- 'clean'](#)  
                                 [Exhibit 4-Proposed 2021 Risk Policy- 'red line'](#)

- D.    [ID 21-435](#)      Receive a report, hold a discussion, and give staff direction on pending City Council requests for:

- (1) Discussion regarding the Public Improvement District (PID) policy to better define Economic Development and to discuss residential requirements.
- (2) Entering a letter of opposition for SB29, SB 1646 and HB 1399.

**Attachments:**

- [Exhibit 1 - Agenda Information Sheet](#)
- [Exhibit 2 - Ordinance No. 19-2026](#)
- [Exhibit 3 - Adopted Legislative Program](#)
- [Exhibit 4 - SB 1646 Engrossed](#)
- [Exhibit 5 - HB 1399 Filed](#)
- [Exhibit 6 - SB 29 Engrossed](#)
- [Exhibit 7 - 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 21-704](#) 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 risks of wholesale energy supply and risk management plans, hedge plans, and strategies as each relates to the DME electric power and gas portfolio; discuss, deliberate, and provide direction to staff regarding the same. Consultation with the City's attorneys regarding legal issues associated with the above matters 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.

- B. [ID 21-925](#) Deliberations regarding Real Property - Under Texas Government Code Section 551.072; Consultation with Attorneys - Under Texas Government Code Section 551.071.

Receive information from staff, discuss, deliberate, and provide staff with direction pertaining to the potential sale of City-owned real property situated in the Robert Beaumont Survey, Abstract No. 31 and the William Neill Survey, Abstract No. 971, City of Denton, Denton County, Texas, located at 414 West Parkway Street, where a public deliberation of such potential sale would have a detrimental effect on the City's position in negotiations with a third party. Consultation with the City's attorneys regarding legal issues associated with the potential sale involving the real property described above 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 otherwise compromise the City's legal position in any negotiations.

- C. [ID 21-928](#) Deliberations regarding Personnel Matters - Under Texas Government Code 551.074; and Consultation with Attorneys - Under Texas Government Code 551.071.

Continue deliberations and discussions on the appointment, employment, duties, and retirement of the City Attorney, including the appointment and compensation of an interim City Attorney; consultation with the City's attorneys regarding associated legal issues where public discussion associated with 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.

- D. [ID 21-941](#) Deliberations regarding Personnel Matters - Under Texas Government Code Section 551.074.

Deliberate and discuss the performance, employment, and duties of the Interim City Manager.

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 Special Called 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 reconvene into the 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 – E). 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 21-811](#) Consider the approval of the minutes for April 27 and May 3, 2021.

Attachments:      [Exhibit 1 - AIS](#)  
                             [Exhibit 2 - April 27, 2021 Minutes Draft](#)  
                             [Exhibit 3 - May 3, 2021 Minutes Draft](#)

- B. [ID 21-846](#) Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the approval of a fifth amendment to a Professional Services Agreement between the City of Denton and Teague Nall and Perkins, Inc., amending the contract approved by City Council on May 8, 2018, in the not-to-exceed amount of \$300,050.00; amended by Amendment No. 1, approved by the City Manager; Amendment No. 2, approved by City Council on September 24, 2019, Amendment No. 3, approved by Purchasing, Amendment No. 4, approved by Purchasing; said fifth amendment to provide a conceptual site plan to include additional engineering, parking plan, and landscape design for the City of Denton Service Center Complex; providing for the expenditure of funds therefor; and providing an effective date (File 6581 - providing for an additional fifth amendment expenditure amount not-to-exceed \$49,500.00, with the total contract amount not-to-exceed \$513,490.00).

Attachments:      [Exhibit 1 - Agenda Information Sheet](#)  
                             [Exhibit 2 - Original Ordinance and Contract](#)  
                             [Exhibit 3 - Amendment 1](#)  
                             [Exhibit 4 - Ordinance and Amendment 2](#)  
                             [Exhibit 5 - Amendment 3](#)  
                             [Exhibit 6 - Amendment 4](#)  
                             [Exhibit 7 - Ordinance and Amendment 5](#)

- C. [ID 21-847](#) Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the approval of Change Order No. 3 to the contract between the City of Denton and Quality Excavation, LLC, for the 2019 Street Reconstruction project for the City of Denton with geographical limits as follows: Hercules Lane from Locust Street to Stuart Road, Scripture Street from Thomas Street to Jagoe Street, Thomas Street from West Oak Street to Panhandle Street, and Windsor Drive from North Locust Street to Armstrong Street; providing for the expenditure of funds therefor; and providing an effective date (IFB 7237 - Change Order No. 3 in the not-to-exceed amount of \$514,642.84 for a total contract award aggregated to \$11,902,878.28).

Attachments:      [Exhibit 1 - Agenda Information Sheet](#)  
                             [Exhibit 2 - Original Ordinance and Contract](#)  
                             [Exhibit 3 - Ordinance and Change Order No. 1](#)  
                             [Exhibit 4 - Ordinance and Change Order No. 2](#)  
                             [Exhibit 5 - LLC Members](#)  
                             [Exhibit 6 - Ordinance and Change Order No. 3](#)

- D. [ID 21-848](#) Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager, or their designee, to execute a contract with

Green Frog Systems, Inc., through the Buy Board Cooperative Purchasing Network Contract # 592-19, for the purchase of lighting equipment for the trails located within Quakertown Park and Carl Young Sr. Park for the Parks and Recreation Department; providing for the expenditure of funds therefor; and providing an effective date (File 7644 - awarded to Green Frog Systems, Inc., with a term ending October 1, 2022, in the not-to-exceed amount of \$171,488.00).

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

- E. [ID 21-849](#) Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager, or their designee, to execute a contract with EZ Dock of Texas, L.P., through the Buy Board Cooperative Purchasing Network Contract # 592-19, for the replacement of the South Lakes Fishing Dock for the Parks and Recreation Department; providing for the expenditure of funds therefor; and providing an effective date (File 7663 - awarded to EZ Dock of Texas, L.P., in the not-to-exceed amount of \$69,544.40).

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

## **2. ITEM(S) FOR INDIVIDUAL CONSIDERATION – CONSIDERATION OF THE USE OF EMINENT DOMAIN TO CONDEMN REAL PROPERTY INTERESTS**

- A. [ID 21-739](#) Consider adoption of an ordinance of the City of Denton determining the public use, need, and necessity for the acquisition of various electric easements, generally located along Bernard Street, between West Highland Street and Collins Street, situated in the Alexander Hill Survey, Abstract 623 and the M.E.P. and P.R.R. Company Survey, Abstract 925, all in the city and county of Denton, Texas, and more particularly described in the attached Exhibit A (collectively, the "Property Interests"); authorizing the Interim City Manager and the City Attorney, or their respective designees, to acquire the Property Interests by agreement, if possible, including making all offers required by law; authorizing the use of the power of eminent domain to condemn the Property Interests if agreement cannot be reached; authorizing the City Attorney, or their designee, to file eminent domain proceedings, if necessary; authorizing the expenditure of funding; making findings; providing a savings clause; and providing an effective date.

Attachments:      [Exhibit 1 - Agenda Information Sheet](#)  
                             [Exhibit 2 - Location Map](#)  
                             [Exhibit 3 - Recommended Motion](#)  
                             [Exhibit 4 - Ordinance](#)

## **3. ITEMS FOR INDIVIDUAL CONSIDERATION - CONTINUED**

- A. [ID 20-2530](#) Consider adoption of an ordinance approving an economic development agreement under Chapter 380 of the Local Government Code to promote economic development and to stimulate business activity and economic growth of the City of Denton, between the City of Denton and Ranchland Foods, LLC, regarding the expansion of operations and



increase in the number of high wage or knowledge-based jobs in the City of Denton; authorizing the expenditure of funds therefor; and providing an effective date. The Economic Development Partnership Board recommends approval (8-0).

**Attachments:**      [Exhibit 1 - Agenda Information Sheet](#)  
                                 [Exhibit 2 - LLC Information](#)  
                                 [Exhibit 3 - Ordinance and Agreement](#)  
                                 [Exhibit 4 - Presentation](#)

- B.    [ID 20-2551](#)      Consider approval of a resolution of the City Council of the City of Denton nominating Ranchland Foods, LLC, to the Office of the Governor Economic Development and Tourism through the Economic Development Bank as an Enterprise Project; and providing an effective date. The Economic Development Partnership Board recommends approval (8-0).

**Attachments:**      [Exhibit 1 - Agenda Information Sheet](#)  
                                 [Exhibit 2 - LLC Information](#)  
                                 [Exhibit 3 - TEZ Program Overview](#)  
                                 [Exhibit 4 - Resolution](#)  
                                 [Exhibit 5 - Presentation](#)

- C.    [ID 21-929](#)      Consider approval of a resolution of the City Council of the City of Denton, Texas, appointing an Interim City Attorney; setting forth the terms of the appointment; setting forth the interim city attorney's salary; and providing an effective date.

**Attachments:**      [Exhibit 1- Agenda Information Sheet.pdf](#)  
                                 [Exhibit 2- Draft Resolution.pdf - REV](#)

#### **4. 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 official website (<https://www.cityofdenton.com/en-us/government/open/agendas-minutes>) and bulletin board at City Hall, 215 E. McKinney Street, Denton, Texas, on May 7, 2021, in advance of the 72-hour posting deadline, as applicable, and in accordance with Chapter 551 of the Texas Government Code.



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CITY SECRETARY