

CITY OF DENTON CITY COUNCIL MINUTES  
May 11, 2021

After determining that a quorum was present, the City Council of the City of Denton, Texas convened in a Special Called Meeting on Tuesday, May 11, 2021, at 3:07 p.m. in the Council Work Session Room at City Hall, 215 E. McKinney Street, Denton, Texas.

PRESENT: Mayor Hudspeth, Mayor Pro Tem Davis and Council Members Birdia Johnson, Connie Baker, John Ryan, Deb Armintor, and Paul Meltzer

ABSENT: None

Also present were Interim City Manager Sara Hensley and City Attorney Aaron Leal.

**Note: Mayor Gerard Hudspeth, Mayor Pro Tem Jesse Davis and Council Members Birdia Johnson, Connie Baker, John Ryan, Deb Armintor, and Paul Meltzer participated in the meeting via video/teleconference under the provisions allowed by the Texas Government Code Section 551.127**

**The posted agenda noted the registration process for public participation at this virtual meeting. While citizen commentary received via the online registration process was not read, each member of the City Council received each registration as it was submitted.**

**SPECIAL CALLED MEETING**

**1. ITEMS FOR INDIVIDUAL CONSIDERATION**

NOTE: Council Members-Elect were 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.

**ASSIGNED ORDINANCE NO. 21-741**

All members of the City Council received the comment as submitted and had the opportunity to review all submissions prior to the start of the meeting and consider such comment when voting on the item. The summary of public commentary/registrations are noted in Exhibit A.

This item was presented and no discussion followed.

The election results reported the following. As a result, each candidate qualified for election to the noted District. With the following candidates having received over 50% of total votes cast in the respective District, a runoff election was not necessary.

District 1	Vicki Byrd	Elected
District 2	Brian Beck	Elected
District 3	Jesse Davis	Elected
District 4	Alison Maguire	Elected

Council Member Meltzer moved to adopt the item as presented. Motion seconded by Council Member Armintor. Motion carried.

AYES (6): Mayor Hudspeth and Council Members Johnson, Baker, Ryan, Armintor, and Meltzer

NAYS (0): None

ABSENT WHEN VOTE TAKEN (1): Mayor Pro Tem Davis

The meeting was recessed to transition from the Council Work Session Room to the Council Chamber at 3:14 p.m. and reconvened at 3:19 p.m.

B. ID 21-742 Issue the following to newly Elected Council Members:

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

Mayor Hudspeth presented the newly elected members noted below with a Certificate of Election, after which City Secretary Rios administered the Statement of Officer and Oaths of Office to each.

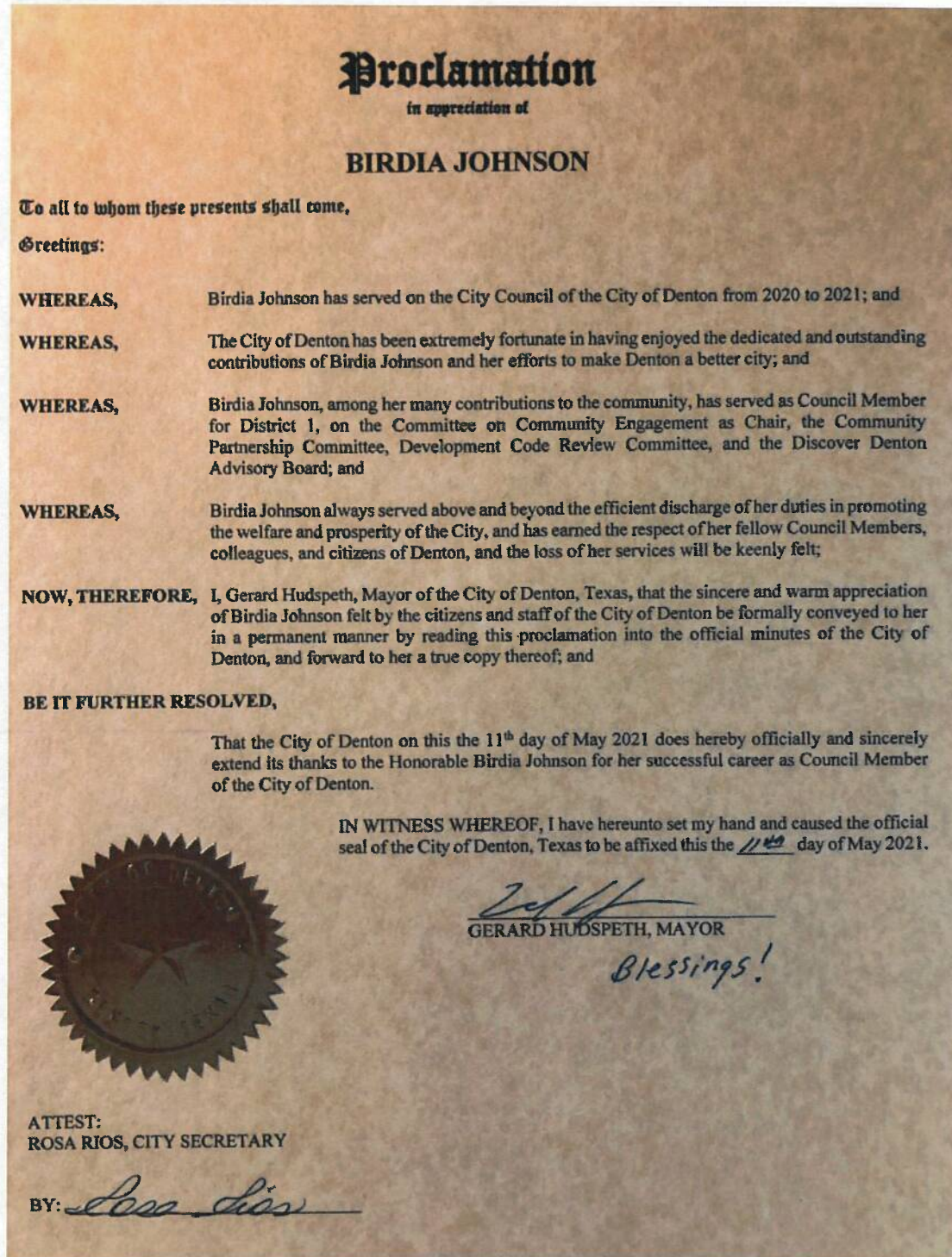
District 1	Vicki Byrd
District 2	Brian Beck
District 3	Jesse Davis
District 4	Alison Maguire

The meeting was recessed to transition from the Council Chamber to the Council Work Session Room at 3:30 p.m. and reconvened at 3:37 p.m.

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

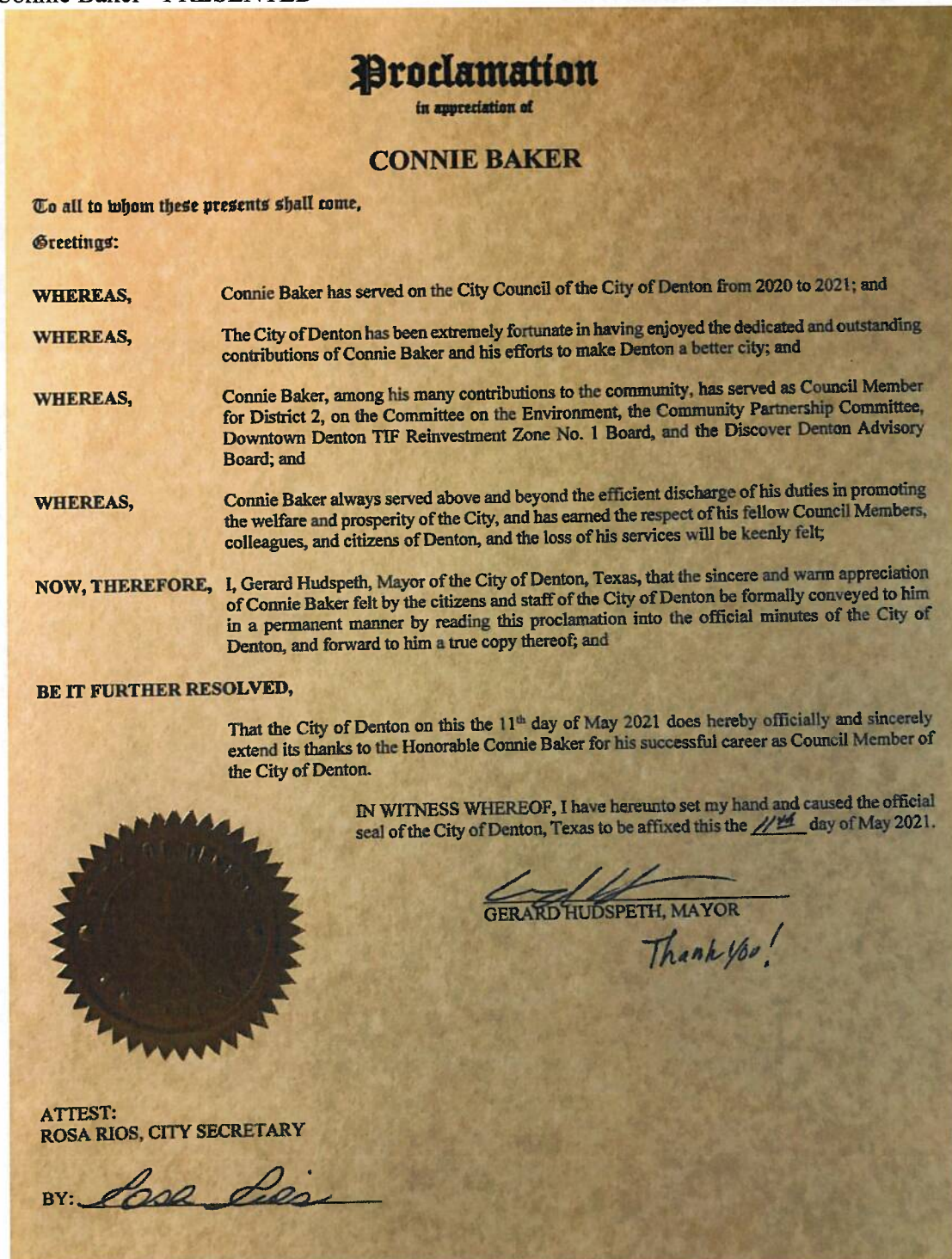
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- Birdia Johnson - PRESENTED

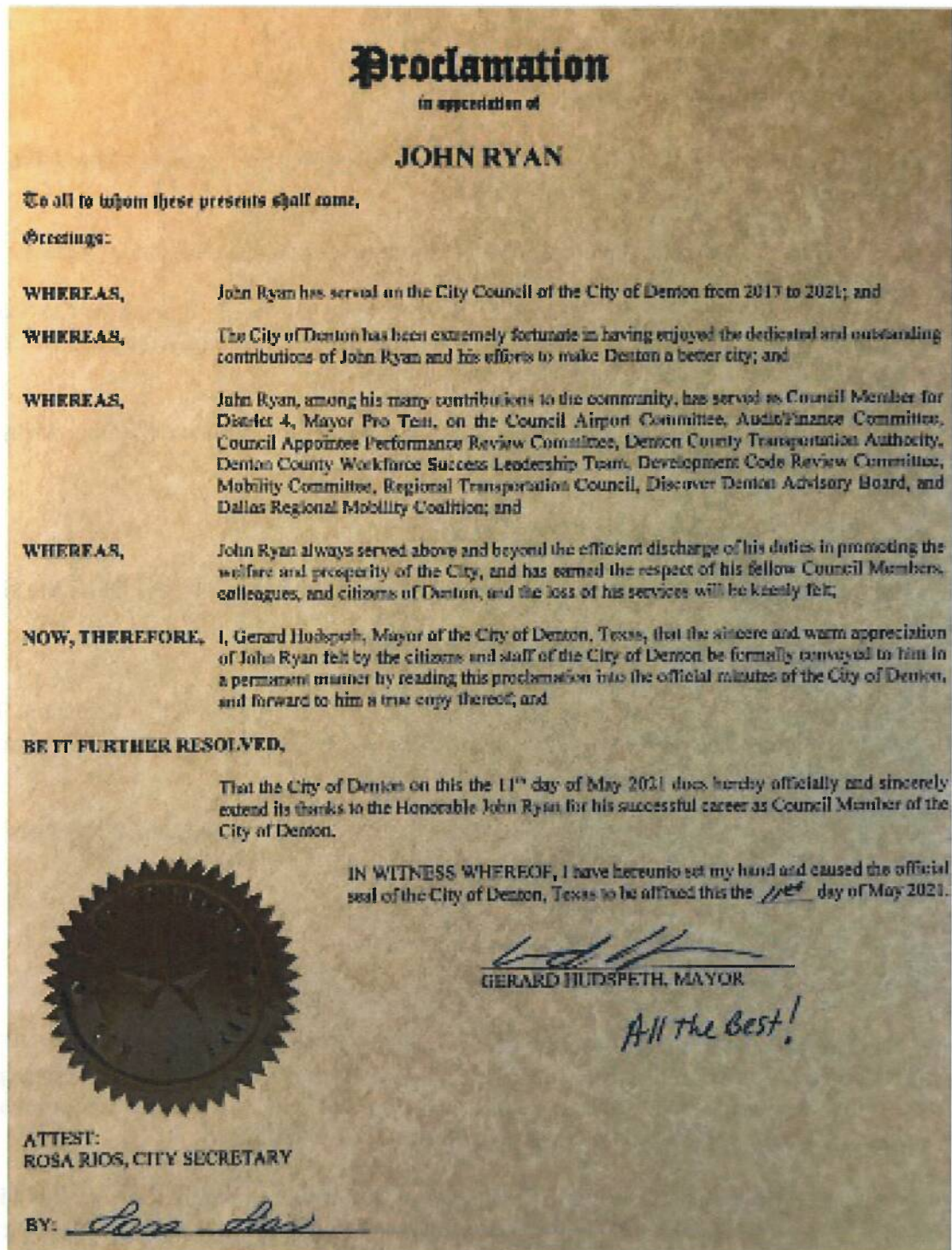




- Connie Baker - PRESENTED



- John Ryan - PRESENTED





D. ID 21-744 Election of Mayor Pro Tem.

The item was presented and discussion followed.

Mayor Hudspeth opened the nominations process.

Council Member Maguire nominated Council Member Meltzer to serve as Mayor Pro Tem. Motion seconded by Council Member Beck.

There being no further nominations, Mayor Hudspeth closed the nomination process.

Following discussion, Council Member Beck offered a friendly amendment to Council Member Maguire's motion to suspend the rules and utilize a "straight" vote process. Council Member Maguire accepted the friendly amendment.

Mayor Hudspeth called a voice vote on the motion to elect Council Member Meltzer as Mayor Pro Tem. The motion carried unanimously.

**2. RECESS OF SPECIAL CALLED MEETING**

The meeting was recessed at 4:03 p.m. and was reconvened following the Close Meeting.

**WORK SESSION**

After determining that a quorum was present, the City Council of the City of Denton, Texas convened in a Work Session on Tuesday, May 11, 2021, at 4:03 p.m. in the Council Work Session Room at City Hall, 215 E. McKinney Street, Denton, Texas.

**PRESENT:** Mayor Gerard Hudspeth, Mayor Pro Tem Paul Meltzer and Council Members Vicki Byrd, Brian Beck, Jesse Davis, Alison Maguire, and Deb Armintor

**ABSENT:** None

Also present were Interim City Manager Sara Hensley and City Attorney Aaron Leal.

**Note: Mayor Gerard Hudspeth, Mayor Pro Tem Paul Meltzer and Council Members Vicki Byrd, Brian Beck, Jesse Davis, Alison Maguire, Jesse Davis, and Deb Armintor participated in the work session, closed meeting and meeting via video/teleconference under the provisions allowed by the Texas Government Code Section 551.127**

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

**1. Citizen Comments on Consent Agenda Items**

None

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

- Clarification was requested on the following item:
  - Council Member Maguire: Item 1.C (21-847)
- The following item was pulled for Individual Consideration:
  - None

**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.

The item was presented and discussion followed.

Following discussion, City Council consensus was to proceed with the hybrid model as presented and follow up at a future meeting as to budgetary implications regarding closed captioning, Spanish translation, live/closed captioning, creating other zoom meetings, and expenses involved with board members not attending.

The work session was recessed for a short break at 5:26 p.m. and reconvened at 5:48 p.m.

- 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.

The item was presented and discussion followed.

Following discussion, City Council consensus was to proceed with connectivity as featured/presented, continue with feedback, identify heritage trees, and share with the Public Art Committee for informational purposes.

- 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."

The item was presented and discussion followed.

Following discussion, City Council consensus was to proceed with staff recommendation as presented.

- 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.
- Item 21-435 (1) Discussion regarding the Public Improvement District (PID) policy to better define Economic Development and to discuss residential requirements
    - Consensus for a future work session.
  - Item 21-435 (2) Entering a letter of opposition for SB29, SB 1646 and HB 1399.
    - Consensus for a future work session

The work session ended at 7:00 p.m.

### **CLOSED MEETING**

1. The City Council convened into a Closed Meeting at 7:00 p.m. consistent with Chapter 551 of the Texas Government Code, as amended, or as otherwise allowed by law, as follows.
  - 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.

**DELIBERATED**
  - 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.

**DELIBERATED**



- 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.

**DELIBERATED**

The item related to Individual Consideration Item 3.C (ID 21-929), scheduled for consideration at the Special Called Meeting to follow later in the day.

- 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.

**DELIBERATED**

The closed meeting started at 7:10 p.m. and ended at 9:25 p.m. No votes or actions were taken during the closed meeting.

**SPECIAL CALLED MEETING - CONTINUED**

After determining that a quorum was present, the City Council of the City of Denton, Texas reconvened the Special Called Meeting on Tuesday, May 11, 2021, at 9:31 p.m. in the Council Work Session Room at City Hall, 215 E. McKinney Street, Denton, Texas.

**PRESENT:** Mayor Gerard Hudspeth, Mayor Pro Tem Paul Meltzer and Council Members Vicki Byrd, Brian Beck, Jesse Davis, Alison Maguire, and Deb Armintor

**ABSENT:** None

**Note: Mayor Gerard Hudspeth, Mayor Pro Tem Paul Meltzer and Council Members Vicki Byrd, Brian Beck, Jesse Davis, Alison Maguire, and Deb Armintor participated in the work session, closed meeting and meeting via video/teleconference under the provisions allowed by the Texas Government Code Section 551.127**

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

## **1. CONSENT AGENDA**

The Consent Agenda consisted of Items 1.A-E. No items were pulled for Individual Consideration.

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

AYES (7): Mayor Hudspeth, Mayor Pro Tem Meltzer and Council Members Byrd, Beck, Davis, Maguire, and Armintor

NAYS (0): None

- A. ID 21-811 Consider the approval of the minutes for April 27 and May 3, 2021.

**APPROVED**

- 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).

**ASSIGNED ORDINANCE NO. 21-846**

- 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).

**ASSIGNED ORDINANCE NO. 21-847**

- 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).

**ASSIGNED ORDINANCE NO. 21-848**

- 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).

**ASSIGNED ORDINANCE NO. 21-849**

**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.

**ASSIGNED ORDINANCE NO. 21-739**

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

The item was presented and discussion followed.

Following discussion, Mayor Pro Tem Meltzer moved that the City of Denton, after having made the offers required by State law, use the power of eminent domain, if needed, to acquire various electric easements 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 of Denton, Denton County, Texas, and more particularly described on Exhibit A to the ordinance now under consideration and on the screen to be displayed to the audience, all of which are for a valid public use necessary for the expansion, construction, maintenance, and operation of the Hickory to Locust electric transmission line, to serve the public and citizens of the City of Denton.

Each page of Exhibit A of the proposed ordinance was shown online prior to a second to the motion being called.

Motion seconded by Council Member Davis. Motion carried.

AYES (7): Mayor Hudspeth, Mayor Pro Tem Meltzer and Council Members Byrd, Beck, Davis, Maguire, and Armintor

NAYS (0): None

### **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).

#### **ASSIGNED ORDINANCE NO. 20-2530**

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

The item was presented and discussion followed.

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

AYES (7): Mayor Hudspeth, Mayor Pro Tem Meltzer and Council Members Byrd, Beck, Davis, Maguire, and Armintor

NAYS (0): None

- 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).

#### **ASSIGNED RESOLUTION NO. 20-2551**

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

The item was presented and discussion followed.

Following discussion, Council Member Davis moved to adopt the item as presented. Motion seconded by Council Member Armintor. Motion carried.

AYES (7): Mayor Hudspeth, Mayor Pro Tem Meltzer and Council Members Byrd, Beck, Davis, Maguire, and Armintor

NAYS (0): None



- 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.

**ASSIGNED RESOLUTION NO. 21-929**

The item was discussed, in part, under Closed Meeting Item 1.C (ID 21-928) pursuant to Texas Government Code Sections 551.074 (Personnel Matter) and 551.071 (Consultation with Attorney) deliberated earlier in the day.

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

The item was presented and discussion followed.

Following discussion, Council Member Davis moved to adopt the item as presented. Motion seconded by Council Member Beck. Motion carried.


AYES (7): Mayor Hudspeth, Mayor Pro Tem Meltzer and Council Members Byrd, Beck, Davis, Maguire, and Armintor

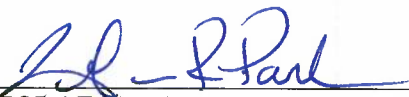
NAYS (0): None

**4. CONCLUDING ITEMS**

Council Members expressed items of interest.

With no further business, the meeting was adjourned at 10:33 p.m.

  
\_\_\_\_\_  
GERARD HUDSPETH  
MAYOR  
CITY OF DENTON, TEXAS

  
\_\_\_\_\_  
ZOLAINA PARKER  
DEPUTY CITY SECRETARY  
CITY OF DENTON, TEXAS

MINUTES APPROVED ON: May 25, 2021

**Speaker Commentaries/Registrations  
Online, Email, Phone**

Name	Last	Address	City	Agenda Item	Position	Method	Comments
Jerry	Drake	PO Box 2852	Denton	21-741	Support	Online	Congratulations to all newly elected Council members; thank you to those Council members who previously served the City in those positions; and best wishes to departing City Attorney Aaron Leal, as each of you continue your lives in service to the public

NOTE: Comments for those citizens addressing the City Council are an abbreviated summary. Information contained within this exhibit includes only commentary for Open Microphone, Consent, Individual Consideration and Public Hearing Items.