



City of Denton

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

Meeting Agenda

City Council

Tuesday, August 25, 2020

1:00 PM

Council Work Session Room

WORK SESSION BEGINS AT 1:00 P.M. IN THE WORK SESSION ROOM

CLOSED MEETING WILL BEGIN IMMEDIATELY FOLLOWING THE WORK SESSION

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

Note: Mayor Chris Watts, Mayor Pro Tem Gerard Hudspeth, and Council Members Keely Briggs, Jesse Davis, John Ryan, Deb Armintor and Paul Meltzer will be participating in the work session, closed meeting, and special called 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 August 25, 2020 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 August 21, 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, August 25, 2020, at 1:00 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 20-1528](#) Receive a report, hold a discussion, and give staff direction regarding an update on the Council-directed milestones at the Green Tree Estates subdivision.
- Attachments:* [Exhibit 1 - Agenda Information Sheet](#)
[Exhibit 2 - Presentation](#)
- B. [ID 20-1207](#) Receive a report, hold a discussion, and give staff direction regarding an update to the City of Denton's COVID-19 response.
- Attachments:* [Exhibit 1 - Agenda Information Sheet](#)
[Exhibit 2 - Presentation](#)
- C. [ID 20-1585](#) Receive a report, hold a discussion, and give staff direction regarding the Energy Management Organization Financial Review conducted by Deloitte.
- Attachments:* [Exhibit 1 - Agenda Information Sheet](#)
[Exhibit 2 - Presentation](#)
- D. [ID 20-1667](#) Receive a report, hold a discussion, and give staff direction regarding a request by

Historic Denton Inc. to be delegated as a 3rd party administrator on behalf of the City of Denton to apply to the Texas Historic Commission for a Certified Local Government (CLG) grant to conduct a historical survey of the North Texas State Normal Neighborhood for nomination as a National Historic District.

Attachments: [Exhibit 1- Agenda Information Sheet](#)
[Exhibit 2 - CLG Grant Application](#)
[Exhibit 3- Letter of Intent](#)
[Exhibit 4 - Presentation](#)

- E. [ID 20-1680](#) Receive a report, hold a discussion and give staff direction regarding whether Denton City streets should be allowed as a medium for messages to be placed by citizens upon request via the City's Special Events Ordinance or other City ordinance, and whether any ordinance revisions should be made to regulate this activity.

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

- F. [ID 20-1051](#) Receive a report, hold a discussion, and give staff direction on pending City Council requests for:
1. Discussing the possibility of closing the square to vehicular traffic Friday evenings through Sunday evenings for the duration of the emergency order.
 2. Using the Tree Fund to plant 100 or more oak trees in the IOOF Cemetery.
 3. Naming the new senior center in Southeast Denton the "Betty Kimble Senior Center."
 4. Repealing City ordinances that experts, advocacy groups, and my homeless constituents both say criminalize homelessness. The public interest in law enforcement reform and civil liberties.

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
[Exhibit 2 - Ordinance 19-2026 - City Council Request Process](#)
[Exhibit 3 - Naming Policy Resolution](#)
[Exhibit 4 - Presentation](#)

Following the completion of the Work Session, the City Council will convene in a Closed Meeting to consider specific item(s) when these item(s) 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 20-1530](#) Consultation with Attorneys - Under Texas Government Code Section 551.071.
Consult with the City's attorneys on the legal status, expenses, strategy and options for resolution of litigation in Cause No. DC-17-08139, styled "Michael Grim and Jim Maynard v. City of Denton, Texas" pending in the 68th Judicial District Court, Dallas County, 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 in pending litigation.

- B. [ID 20-1533](#) Deliberate regarding Real Property - Under Texas Government Code Section 551.072; Consultation with Attorneys - Under Texas Government Code Section 551.071.

Discuss, deliberate, receive information from staff, and provide staff with direction pertaining to the potential purchase of real property located southeast of the corner of Thomas J. Egan Rd. and Jim Christal Rd. in Denton, Denton County, Texas ("Property"), where the deliberation of same in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person or potential litigation. Consultation with the City's attorneys regarding legal issues associated with potential claims against the City associated with the Property, 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 negotiations or potential litigation.

- C. [ID 20-1552](#) Deliberations Regarding Real Property - Under Texas Government Code, Section 551.072; Consultation with Attorneys - Under Texas Government Code, Section 551.071.

Discuss, deliberate, and receive information from staff and provide staff with direction pertaining to the potential purchase of real property interests located within the City of Denton, Denton County, Texas, generally located in the Rayzor Ranch East, E. Morris, MRP & PRR, M. Austin, M. Forrest, W. Durham, J. Douthitt, H.B. Williams, G. Walker, N. Britton, WM Roark, BBB & CRR, J.W. Withers, A. Hickman, Home Acres Addn, J.L. Harris, MEP & PRR, J. Rogers, Hickory Lake, N.H. Meisenheimer, North Lakes Fire Station Addn, Denton County Law Enforcement Center, and M. Rogers surveys. The potential purchases are related to the City's park and tree preservation initiatives. Consultation with the City's attorneys regarding legal issues associated with the potential acquisition of the real property interests 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 Rules of Professional Conduct of the State Bar of Texas.

- D. [ID 20-1693](#) Consultation with Attorneys - Under Texas Government Code Section 551.071.

Consultation, discussion, deliberation, and receipt of information from the City's attorneys involving legal matters relating to the use of Denton City streets as a medium for messages to be placed by citizens upon request via the City's Special Events Ordinance or other City Ordinance, and to provide the City's attorneys with direction, where a public discussion of these legal matters would clearly 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.

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 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 20-1441](#) Consider adoption of an ordinance of the City of Denton, Texas approving a second amendment to an economic development agreement with Buc-ee's, Ltd., to clarify the term of the agreement; and providing an effective date.

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

- B. [ID 20-1529](#) Consider adoption of an ordinance of the City of Denton authorizing expenditure of funds in the amount of \$234,357.00 to the Texas Department of Transportation (TxDOT), in addition to the previously authorized amount of \$32,915.00, for the improvement of traffic signals and pedestrian facilities at the intersections of E. McKinney Street at Woodrow Lane and E. McKinney Street at Mockingbird Lane; and providing an effective date.

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
[Exhibit 2 - Proposed 2018 Denton HSIP Project Locations](#)
[Exhibit 3 - Ordinance with Attachment](#)
[Exhibit 4 - McKinney HSIP Photos](#)
[Exhibit 5 - Final AFA 0918-46-310 Denton](#)

- C. [ID 20-1537](#) Consider adoption of an ordinance of the City of Denton authorizing the removal of a construction zone speed limit on Interstate 35E and returning the speed limit to the prima facie speed of 70 miles per hour; providing a repealer clause; providing a penalty clause; providing for publication; and declaring an effective date.

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

- D. [ID 20-1571](#) 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 Pure Technologies U.S. Inc., to provide a condition assessment of the City's 27-inch diameter Lake Lewisville raw water line; providing for the expenditure of funds therefor; and providing an effective date (RFP 7347 - awarded to Pure Technologies U.S., Inc., in the not-to-exceed amount of \$612,000). The Public Utilities Board recommends approval (4 - 0).

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
 [Exhibit 2 - Pricing Evaluation](#)
 [Exhibit 3 - Ordinance and Contract](#)

- E. [ID 20-1572](#) 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 Aliron International, Inc., for Section A - N95 face masks, for various City departments; providing for the expenditure of funds therefor; and providing an effective date (IFBBV 7403 - awarded to Aliron International, 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 \$150,000).

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
 [Exhibit 2 - Bid Tabulation](#)
 [Exhibit 3 - Ordinance and Contract](#)

- F. [ID 20-1573](#) 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 Catalyst PR, Inc., for the procurement of Face Masks, for Section B - KN95 Face Masks, Section C - Disposable Surgical Face Masks, and Section D - Reusable Cloth Face Masks for various City departments; providing for the expenditure of funds therefor; and providing an effective date (IFBBV 7403 - awarded to Catalyst PR, Inc., in the 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 \$125,000).

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
 [Exhibit 2 - Bid Tabulation](#)
 [Exhibit 3 - Ordinance and Contract](#)

- G. [ID 20-1655](#) 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 Security 2 Standard, LLC, for the procurement of Dedicated Security Officer Services for the City of Denton; providing for the expenditure of funds therefor; and providing an effective date (RFP

7411 - awarded to Security 2 Standard, LLC, for one (1) year, with the option for two (2) additional one (1) year extensions, in the total three (3) year not-to-exceed amount of \$350,000).

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
[Exhibit 2 - Evaluation](#)
[Exhibit 3 - LLC Members](#)
[Exhibit 4 - Ordinance and Contract](#)

- H. [ID 20-1576](#) Consider approval of the minutes of August 11, 2020.

Attachments: [Exhibit 1 - August 11, 2020 Minutes](#)

- I. [ID 20-1682](#) Consider adoption of an ordinance of the City of Denton, Texas establishing a rate schedule for electric vehicle charging rate (“Schedule EVCR”); and, providing for an effective date.

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

2. ITEMS FOR INDIVIDUAL CONSIDERATION

- A. [A20-0002c](#) Conduct the second of two readings and consider adoption of an ordinance of the City of Denton, Texas annexing approximately 140.607 acres of land generally located on both sides of Vintage Boulevard and west of Fort Worth Drive to the City of Denton, Denton County, Texas; providing for a correction to the city map to include the annexed land; and provide for a savings clause and an effective date. (A20-0002, Burch Tract, Ron Menguita)

Attachments: [Exhibit 1 - Agenda Information Sheet Second Reading](#)
[Exhibit 2 - Site Location Map](#)
[Exhibit 3 - Future Land Use Map](#)
[Exhibit 4 - Current Zoning Map](#)
[Exhibit 5 - Fiscal Impact Analysis](#)
[Exhibit 6 - Draft Annexation Ordinance](#)
[Exhibit 7 - Ordinance Exhibit A - Legal Description](#)
[Exhibit 8 - Ordinance Exhibit B - Location Map](#)
[Exhibit 9 - Ordinance Exhibit C - Municipal Services Agreement](#)
[Exhibit 10 - Presentation Second Reading](#)

- B. [AESA20-0004c](#) Consider a motion to reconsider the August 18, 2020, postponement of regular agenda item 6C regarding the Alternative Environmental Sensitive Area (AESA) Plan (AESA20-0003c) for approximately 213.9-acres of land generally located north of the 3500-3600 block of Roselawn Drive and the east side of the Kansas City Southern Railroad tracks in the City of Denton, Denton County, Texas; adopting an amendment to the City’s official Environmentally Sensitive Areas map; providing for a penalty in the maximum amount of \$2,000.00 for violations thereof; providing a severability clause and

an effective date.

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
 [Exhibit 2 - Applicants request for reconsideration](#)
 [Exhibit 3 - Councilmember Davis' request for scheduling the reconsideration.](#)

- C. [ID 20-1418](#) Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation approving a Bill of Sale and Assumption Agreement with Denton Power, LLC, a Michigan Limited Liability Company, in the amount of \$2,750,000 plus an adjustment for August 2020 energy deliveries not to exceed \$150,000, for the purchase of Denton Power's Landfill Gas Electric Generation Facility and its assets, the assumption of contracts related to the same, and satisfaction of the City's remaining obligations under the contracts being assumed; providing for the expenditure of funds; and providing an effective date.

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
 [Exhibit 2 - Bill of Sale and Assumption Agreement](#)
 [Exhibit 3 - Presentation](#)
 [Exhibit 4 - Ordinance](#)
 [Exhibit 5 - Supplemental Environmental AIS Information](#)
 [Exhibit 6 - TX SOS Verify](#)

- D. [ID 20-1597](#) Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, extending the effective period of the declared state of local disaster to September 30, 2020; superseding and replacing the Eighth Order of Council of the City of Denton issued July 28, 2020 approved by Ordinance No. 20-1423 to provide additional requirements and guidance; confirming the expenditure of funds and authorizing the expenditure of additional funds; providing a repealer clause; and providing an effective date.

Attachments: [Exhibit 1 - Agenda Information Sheet 08 25 20](#)
 [Exhibit 2 - Current Ordinance 20-1423 & Order \(Adopted July 28, 2020\)](#)
 [Exhibit 3 - Presentation](#)
 [Exhibit 4 - Draft Ordinance and Order for Consideration \(Redline\)](#)
 [Exhibit 5 - Draft Ordinance and Order for Consideration \(Clean\)](#)

- E. [ID 20-1678](#) Consider nominations/appointments to the City's Boards, Commissions, and Committees: Committee on Persons with Disabilities.

Attachments: [Exhibit 1 - Agenda Information Sheet B&C - 08-25-2020](#)
 [Exhibit 2 - Nominations 08-25-2020](#)

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 21st day of August, 2020 at 4:20 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.