



City of Denton

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

Meeting Agenda

City Council

Tuesday, February 2, 2021

2:00 PM

Council Work Session Room

WORK SESSION BEGINS AT 2:00 P.M. IN THE COUNCIL WORK SESSION ROOM

REGULAR MEETING BEGINS AT 6:30 P.M. IN THE COUNCIL WORK SESSION ROOM

Note: Mayor Gerard Hudspeth, Mayor Pro Tem Davis and Council Members Birdia Johnson, Connie Baker, John Ryan, Deb Armintor and Paul Meltzer will be participating in the work session, closed meeting and regular 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 February 2, 2021 meeting, 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 January 29, 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, February 2, 2021, at 2:00 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 20-1844](#) Receive a report, hold a discussion, and give staff direction regarding an affordable housing assessment report for the City of Denton provided by Reinvestment Fund, Inc.

Attachments:

[Exhibit 1 - Agenda Information Sheet](#)

[Exhibit 2 - Affordable Housing Needs & Market Value Analysis Report](#)

[Exhibit 3 - Presentation](#)

- B. [ID 21-093](#) Receive a report, hold a discussion, and give staff direction regarding a request for a resolution of support from a developer applying for 9% housing tax credit with the Texas Department of Housing and Community Affairs.

Attachments:

[Exhibit 1 - Agenda Information Sheet](#)

[Exhibit 2 - TX Legacy Denton, LP City of Denton HTC Application](#)

[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 21-121](#) Deliberations regarding Real Property Under Texas Government Code Section 551.072.

Receive information from staff, discuss, deliberate, and provide staff with direction pertaining to the potential acquisition of certain real property interests located in the B.B.B & C.R.R. Co. Survey, Abstract 196, the W. Roark Survey, Abstract 1087, the J. Severe

Survey, Abstract 1164 and the J. Withers Survey, Abstract 1343, all in Denton County, Texas, for utility infrastructure and parks-related use and associated infrastructure.

- B. [ID 21-027](#) 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 acquisition of certain real property interests located on Hickory Creek Road, in and around the J. Rogers Survey, Abstract Number 1084; the J. Withers Survey, Abstract Number 1343; the M. Rogers Survey, Abstract Number 1080; and the N. Britton Survey, Abstract Number 051, all in Denton County, Texas where a public deliberation of such potential acquisitions would have a detrimental effect on the City's position in negotiations with third persons. Consultation with the City's attorneys regarding legal issues associated with the potential acquisition 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 jeopardize the City's legal position in any negotiation, potential administrative proceeding, or potential litigation.

- C. [ID 21-155](#) Consultation with Attorneys - Under Texas Government Code Section 551.071

Consultation with the City's attorneys regarding legal issues including, but not limited to, allegations of Fair Housing Act, Fair Housing Amendments Act, and Americans with Disabilities Act violations, and related statutory and common law claims and potential resolution thereof, 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.

REGULAR MEETING OF THE CITY OF DENTON CITY COUNCIL AT 6:30 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. PLEDGE OF ALLEGIANCE

- A. U.S. Flag
- B. Texas Flag

“Honor the Texas Flag – I pledge allegiance to thee, Texas, one state under God, one and indivisible.”

2. PRESENTATION 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 21-134](#) Ashley Chapman regarding a Non-Annexation agreement and City of Denton permitting process.

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.

During open microphone reports under this section of the agenda, the Council may listen to citizens speak. However, because notice of the subject of the open microphone report has not been provided to the public in advance, the Texas Open Meetings Act limits any deliberation or decision by the Council to: a proposal to place the item on a future agenda; a statement of factual information; or a recitation of existing policy. Council Members may not ask the open microphone speakers questions or discuss the items presented during open microphone reports.

NOTE: If audio/visual aids during presentations to Council are needed, they must be submitted to the City Secretary 24 hours prior to the meeting.

3. 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 – G). 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 21-200](#) Consider approval of a Resolution of the City Council of the City of Denton appointing an Interim City Manager; setting forth the terms of the appointment; setting forth the Interim City Manager's salary; and providing an effective date.

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

- B. [ID 21-095](#) Consider adoption of an ordinance of the City of Denton, a Texas home-rule corporation, providing for and authorizing the expenditure of funds by the City Manager and the Purchasing Agent for the purchase of EMS Professional Liability insurance coverage for the City of Denton, through the City's sole broker of record, Lockton Companies, LLC; and providing an effective date (File 7622 - awarded to Admiral Insurance Company for a three (3) year not-to-exceed amount of \$72,926.43).

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
[Exhibit 2 - EMS Professional Liability Quote](#)
[Exhibit 3 - EMS Liability Comparison](#)
[Exhibit 4- Broker Recommendation Letter](#)
[Exhibit 5 - LLC Members](#)
[Exhibit 6 - Ordinance](#)

- C. [ID 21-113](#) Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager, or his designee, to execute a contract with Vermeer Equipment of Texas, LLC dba Vermeer Texas-Louisiana, Inc., through the Buy Board Cooperative Purchasing Network Contract # 597-19, for the purchase of two (2) Vac Tron Model LP873STD trailer-mounted hydro-excavators for the Water Distribution and Electric Operations Departments; providing for the expenditure of funds therefor; and providing an effective date (File 7609 - awarded to Vermeer Equipment of Texas, LLC dba Vermeer Texas-Louisiana, Inc., in the not-to-exceed amount of \$177,800.00).

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
[Exhibit 2 - Price Comparison](#)
[Exhibit 3 - Quote](#)
[Exhibit 4 - LLC Members](#)
[Exhibit 5 - Ordinance](#)

- D. [ID 21-115](#) Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, rejecting any and all competitive bids under IFB 7549 for Lab Supplies for the Water Production Department and Municipal Lab; and providing an effective date (IFB 7549).

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

- E. [ID 21-117](#) Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, approving proposals from A2ZGC Inc. dba A-Star General Contracting Co., and authorizing the expenditure of funds for the reconstruction of a residential property located at 1802 Westwood Drive, under the City of Denton Home Improvement Program; providing for the expenditure of funds therefor; and providing an effective date (RFP 7565 -A2ZGC Inc. dba A-Star General Contracting Co., in the not-to-exceed amount of \$176,000.00).

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

- F. [ID 21-118](#) Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager, or his designee, to execute a contract with Industrial Power, LLC dba Industrial Power Truck and Equipment, through The Interlocal Purchasing System (TIPS) Contract # 200405 for First Responder emergency vehicle body repair services for the Fire Department; providing for the expenditure of funds therefor; and providing an effective date (File 7607 - awarded to Industrial Power, LLC dba Industrial Power Truck and Equipment, in the three (3) year not-to-exceed amount of \$180,000.00).

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
 [Exhibit 2 - Pricing Sheet for Equipment & Goods](#)
 [Exhibit 3 - Pricing Sheet for Services](#)
 [Exhibit 4 - LLC Members](#)
 [Exhibit 5 - Ordinance](#)

- G. [ID 21-071](#) Consider adoption of an ordinance of the City of Denton, a Texas Home-Rule Municipal Corporation, renaming Highland Park Road to Parvin Street, between its intersections with Bonnie Brae Street to the future extension of Parvin Street; providing for severability and an effective date.

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
 [Exhibit 2 - Site Location Map](#)
 [Exhibit 3 - Request Letter from the Applicant](#)
 [Exhibit 4 - Letter to Adjacent Property Owners](#)
 [Exhibit 5 - Mobility Plan - Highland Park Road](#)
 [Exhibit 6 - Draft Ordinance](#)
 [Presentation](#)

4. ITEMS FOR INDIVIDUAL CONSIDERATION

- A. [ID 21-090](#) Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager, or his designee, to execute a contract with Reliable Paving, Inc., for the construction of the Denton Street Rehabilitation Project for the City of Denton; providing for the expenditure of funds therefor; and providing an

effective date (IFB 7495 - awarded to Reliable Paving, Inc., in the not-to-exceed amount of \$10,933,808.55).

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
[Exhibit 2 - Bid Tabulation](#)
[Exhibit 3 - Street Segments](#)
[Exhibit 4 - Presentation](#)
[Exhibit 5 - Ordinance and Contract](#)

- B. [ID 21-177](#) Consider nominations/appointments to the City's Boards, Commissions, and Committees: Airport Advisory Board, Community Development Advisory Committee, Parks, Recreation & Beautification Board, and Public Art Committee.

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

5. PUBLIC HEARINGS

- A. [PD20-0008a](#) Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas regarding a rezoning from Residential 4 (R4) District to Planned Development (PD) District on an approximately 8.23-acre property generally located on the west side of Duncan Street and the east side of Hill Street, approximately 240 feet north of Smith Street, in the City of Denton, Denton County, Texas; adopting an amendment to the City's official zoning map; providing for a penalty in the maximum amount of \$2,000.00 for violations thereof; providing a severability clause and an effective date. The Planning and Zoning Commission voted [7-0] to approve the request. (PD20-0008a, Habitat for Humanity, Hayley Zagurski).

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
[Exhibit 2 - Staff Analysis](#)
[Exhibit 3 - Site Location Map](#)
[Exhibit 4 - Zoning Map](#)
[Exhibit 5 - Future Land Use Map](#)
[Exhibit 6 - PD Development Regulations](#)
[Exhibit 7 - PD Development Plan](#)
[Exhibit 8 - Notification Map and Responses](#)
[Exhibit 9 - Draft Ordinance](#)
[Exhibit 10 - Presentation](#)

6. 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 29th day of January, 2021 at 3:15 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.