

City of Denton

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

Meeting Agenda City Council

Tuesday, April 20, 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 Jesse 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 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 April 20, 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 April 16, 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, April 20, 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. <u>ID 21-500</u> Receive a report, hold a discussion, and give staff direction regarding funding

recommendations from the Community Development Advisory Committee (CDAC) and the Human Services Advisory Committee (HSAC) for the proposed activities to be included in the 2020-2022 Consolidated Plan for Housing and Community Development

and 2021 Action Plan.

<u>Attachments:</u> <u>Exhibit 1 - Agenda Information Sheet</u>

Exhibit 2 - CDAC Funding Recommendations with Descriptions

Exhibit 3 - HSAC Funding Recommendations with Descriptionscriptions

Exhibit 4 - Presentation

B. ID 21-678 Receive a report, hold a discussion, and give staff direction regarding the Bowling Green

Park master plan for the property located at 2200 Bowling Green Street.

Attachments: Exhibit 1 – Agenda Information Sheet

Exhibit 2 - Presentation

C. ID 21-680 Receive a report, hold a discussion, and give staff direction regarding the Villages of

Carmel master plan for the park property located at 5493 Edwards Road.

Attachments: Exhibit 1 – Agenda Information Sheet

Exhibit 2 - Presentation

D. ID 21-383 Receive a report, hold a discussion, and give staff direction regarding the Hartlee Field

development project and a request for consideration of a public improvement district.

<u>Attachments:</u> Exhibit 1 - Agenda Information Sheet

Exhibit 2 - R18-1039 PID Guidelines

Exhibit 3 - Developer Preliminary Financial Data

Exhibit 4 - Developer Presentation

Exhibit 5 - Staff Presentation

E. ID 21-631 Receive a report, hold a discussion, and give staff direction regarding the FY 2020-21

Budget, Capital Improvement Program, Rates and Five-Year Financial Forecast for

Water, Wastewater (Drainage), Solid Waste, and Electric Funds.

Attachments: Exhibit 1 - Agenda Information Sheet

Exhibit 2 - Water Presentation

Exhibit 3 - Wastewater Presentation

Exhibit 4 - Solid Waste Presentation

Exhibit 5 - Electric 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. <u>ID 21-797</u> Consultation with Attorneys - Under Texas Government Code Section 551.071

Consult with the City's attorneys and provide direction pertaining to the legal status, legal analysis, legal strategy, and potential resolution of litigation in Cause No. D-1-GN-21-001227, styled "City of Denton, Texas v. Electric Reliability Council of Texas (ERCOT)," pending in the 353rd Judicial District Court, Travis County, Texas; where discussion of these legal matters in an open meeting 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.

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. 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.
- 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 - K). 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. <u>ID 21-272</u> Consider approval of the minutes of April 6, 2021.

Attachments: Exhibit 1 - April 6, 2021

B. ID 21-271 Consider approval of a resolution of the City of Denton adopting a revised Handbook for Boards, Commissions, and Council Committees; and declaring an effective date.

Attachments: Exhibit 1 - Agenda Information Sheet - B&C Handbook

Exhibit 2 - ISR 2021-019 (April 2, 2021) with no attachment

Exhibit 3 - 2021 Handbook - Redlined

Exhibit 4 - Resolution with Handbook (if adopted as presented)

C. <u>ID 20-2172</u> Consider adoption of an ordinance approving an agreement between the City of Denton and Hickory & Rail Ventures, LLC, regarding an economic development program for Stoke Denton; and providing an effective date. The Economic Development Partnership Board recommends approval (7-0).

<u>Attachments:</u> Exhibit 1 - Agenda Information Sheet

Exhibit 2 - LLC Members

Exhibit 3 - Ordinance and Agreement

Exhibit 4 - Presentation

D. ID 21-692 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 Assetworks, LLC, for the supply of Computer Maintenance Management Software (CMMS) for the Denton Energy Center; providing for the expenditure of funds therefor; and providing an effective date (RFP 7380 - awarded to Assetworks, LLC, for three (3) years, with the option for two (2) additional one (1) year extensions, in the total five (5) year not-to-exceed amount of \$519,390.00). The Public Utilities Board recommends approval (6 - 0).

Attachments: Exhibit 1 - Agenda Information Sheet

Exhibit 2 - Pricing Evaluation

Exhibit 3 - LLC Members

Exhibit 4 - Ordinance and Contract

E. ID 21-693 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 Strong Data, Inc., for the purchase of scale house software for the Solid Waste Department; providing for the expenditure of funds therefor; and providing an effective date (RFP 7447 - awarded to Strong Data, Inc., for three (3) years, with the option for two (2) additional one (1) year extensions, in the total five (5) year not-to-exceed amount of \$337,630.00). The Public Utilities Board recommends approval (6 - 0).

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Attachments: Exhibit 1 - Agenda Information Sheet

Exhibit 2 - Pricing Evaluation

Exhibit 3 - Ordinance and Contract

F. ID 21-694

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 Zeit Energy, LLC, for the CNG Fuel Station Maintenance & Repairs for the Solid Waste & Recycling Department; providing for the expenditure of funds therefor; and providing an effective date (RFP 7604 - awarded to Zeit Energy, LLC, for three (3) years, with the option for two (2) additional one (1) year extensions, in the total five (5) year not-to-exceed amount of \$150,000). The Public Utilities Board recommends approval (6 - 0).

Attachments:

Exhibit 1 - Agenda Information Sheet

Exhibit 2 - Pricing Evaluation

Exhibit 3 - LLC Members

Exhibit 4 - Ordinance and Contract

G. <u>ID 21-695</u>

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 Berry Companies, Inc., dba Bobcat of Dallas, through the Buy Board Cooperative Purchasing Network Contract #597-19, for the municipal lease of skid-steer loaders for various City departments; providing for the expenditure of funds therefor; and providing an effective date (File 7617 - awarded to Berry Companies, Inc., dba Bobcat of Dallas, 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 \$225,000.00). The Public Utilities Board recommends approval (6 - 0).

Attachments:

Exhibit 1 - Agenda Information Sheet

Exhibit 2 - Cost Comparison

Exhibit 3 - Ordinance and Contract

H. ID 21-696

Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the approval of the third amendment to a Bank Depository Services (Retail Image Lockbox Service) Reassignment Contract between the City of Denton and Remitco, LLC, amending the contract approved by City Council on April 26, 2016, to continue to provide utility lockbox payment processing services for Customer Service; said third amendment to extend the term of the contract to September 30, 2021; and providing an effective date (RFP 5962 - extending a contract with Remitco, LLC, to September 30, 2021).

Attachments:

Exhibit 1 - Agenda Information Sheet

Exhibit 2 - Original Ordinance and Contract

Exhibit 3 - Amendment 1

Exhibit 4 - Remitco's Acceptance of Assignment

Exhibit 5 - LLC Members

Exhibit 6 - Ordinance and Amendment 3

I. ID 21-697

Consider adoption of an ordinance of the City of Denton authorizing the City Manager, or their designee, to execute a Confidentiality and Non-Disclosure Agreement for external

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auditing services of the City's health plan claims between the City, United HealthCare Services, Inc., and BMI Audit Services, LLC; providing for a severability clause; and providing for an effective date.

Attachments:

Exhibit 1 - Agenda Information Sheet

Exhibit 2 - Original Contract

Exhibit 3 - LLC Members

Exhibit 4 - Ordinance and Non-Disclosure Agreement

J. ID 21-699

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 LeadsOnline LLC, for the purchase of the Real Time Crime (RTC) Investigation System for the Police Department, which is the sole provider of this software, in accordance with Texas Local Government Code 252.022, which provides that procurement of commodities and services that are available from one source are exempt from competitive bidding, and if over \$50,000 shall be awarded by the governing body; and providing an effective date (File 7645 - awarded to LeadsOnline LLC, for three (3) years, with the option for two (2) additional one (1) year extensions, in the total five (5) year not-to-exceed amount of \$100,172.77).

Attachments:

Exhibit 1 - Agenda Information Sheet

Exhibit 2 - LLC Members

Exhibit 3 - Ordinance and Contract

K. ID 21-688

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 an Interlocal Agreement with the Denco Area 9-1-1 District ("Denco"), under the Texas Government Code, Chapter 791, to authorize the City of Denton's contract use of Denco's Annex for a backup Emergency Communication Center and information technology support space; declaring an effective date.

Attachments:

Exhibit 1 - Agenda Information Sheet

Exhibit 2 - Ordinance and Interlocal Agreement

4. ITEMS FOR INDIVIDUAL CONSIDERATION

A. <u>ID 21-588</u>

Consider adoption of an ordinance directing the publication of Notice of Intention to issue \$30,180,000 in principal amount of Certificates of Obligation of the City of Denton for General Government and Solid Waste projects; and providing for an effective date.

Attachments:

Exhibit 1 - Agenda Information Sheet

Exhibit 2 - Ordinance
Exhibit 3 - Presentation

B. ID 21-592

Consider adoption of an ordinance directing the publication of Notice of Intention to issue \$130,660,000 in principal amount of Certificates of Obligation of the City of Denton for Waterworks and Wastewater System and Electric System projects; and providing for an effective date.

Attachments: Exhibit 1 - Agenda Information Sheet

Exhibit 2 - Ordinance
Exhibit 3 - Presentation

C. <u>ID 21-613</u>

Consider adoption of an ordinance of the City of Denton, Texas, amending the fiscal year 2020-2021 Budget and Annual Program of Services of the City of Denton to allow for adjustments to the Electric Fund of one hundred forty million dollars (\$140,000,000) for the purpose of purchasing power during the Winter Storm Uri event; declaring a public purpose; providing a severability clause; an open meetings clause and an effective date. The Public Utilities Board (PUB) recommends approval (6-0).

<u>Attachments:</u> Exhibit 1 - Agenda Information Sheet

Exhibit 2 - Ordinance
Exhibit 3 - Presentation

D. <u>ID 21-414</u>

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 Wärtsilä North America, Inc., for the supply of routine maintenance supplies and services for the Denton Energy Center; providing for the expenditure of funds therefor; and providing an effective date (IFB 7544 - awarded to Wärtsilä North America, Inc., for three (3) years, with the option for two (2) additional one (1) year extensions, in the total five (5) year not-to-exceed amount of \$3,448,184.00). The Public Utilities Board recommends approval (6 - 0).

Attachments:

Exhibit 1 - Agenda Information Sheet

Exhibit 2 - Presentation

Exhibit 3 - Ordinance and Contract

E. <u>AESA20-000</u> 6f

Consider adoption of an ordinance of the City of Denton, Texas approving an Alternative Environmentally Sensitive Area Plan for a site generally located on the south side of the I-35 East Service Road, approximately 672 feet west of Sam Bass Boulevard, in the City of Denton, Denton County, Texas; adopting an amendment to the city's official Environmentally Sensitive Areas map; authorizing the acceptance and execution of a conservation easement from Acme Brick Company; providing for a penalty in the maximum amount of \$2,000.00 for violations thereof; providing a severability clause and an effective date. (AESA20-0006, Urban Logistics 35, Christi Upton)

<u>Attachments:</u> Exhibit 1 - Agenda Information Sheet

Exhibit 2 - Staff Analysis

Exhibit 3 - Site and ESAs Location Map

Exhibit 4 - ESA Field Assessment Reports

Exhibit 5 - April Cover Letter

Exhibit 6 - Acme Industrial AESA Restoration Plan April 2021

Exhibit 7 - Tree Exhibit

Exhibit 8 - AESA Conservation Easement Agreement

Exhibit 9 - Notification and Responses

Exhibit 10 - Draft Ordinance
Exhibit 11 - Staff Presentation

F. ID 21-652 Consider nominations/appointments to the City's Boards, Commissions, and Committees:

Health & Building Standards Commission and Sustainability Framework Advisory

Committee.

<u>Attachments:</u> Exhibit 1 - Agenda Information Sheet

Exhibit 2 - Nominations Sheet

5. PUBLIC HEARINGS

A. <u>ID 21-645</u>

Hold a public hearing and consider adoption of an ordinance of the City of Denton adopting Standards of Care for recreational care programs administered by Denton's Parks and Recreation Department pursuant to Texas Human Resources Code Section 42.041(b)(14); and providing an effective date. The Parks, Recreation and Beautification Board recommends approval (6-0).

Attachments:

Exhibit 1 - Agenda Information Sheet

Exhibit 2 – Ordinance

B. <u>Z20-0014a</u>

Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, regarding a change in the zoning district and use classification from Residential 6 (R6) to a Light Industrial (LI) district on approximately 12.69 acres of land generally located on the east side of Geesling Road, approximately 320 feet south of E. University Drive 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 [5-0] to approve the request. THE APPLICANT HAS REQUESTED TO POSTPONE THIS ITEM TO A DATE CERTAIN OF MAY 4, 2021. (Z20-0014a, Geesling Road Industrial, Hayley Zagurski).

Attachments:

Exhibit 1 - Agenda Information Sheet

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.

CERTIFICATE

certify the notice the official website Ι that of meeting was posted on (https://www.cityofdenton.com/en-us/government/open/agendas-minutes) and bulletin board at City Hall, 215 E. McKinney Street, Denton, Texas, on April 16, 2021, in advance of the 72-hour posting deadline, as applicable, and in accordance with Chapter 551 of the Texas Government Code.

CITY SECRETARY

NOTE: CITY OF DENTON'S DESIGNATED PUBLIC **MEETING FACILITIES** ACCESSIBLE IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT. WILL PROVIDE ACCOMMODATION, SUCH AS SIGN LANGUAGE INTERPRETERS FOR THE 48 HOURS IF REQUESTED AT LEAST IN **ADVANCE** HEARING IMPAIRED, 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.