



City of Denton

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

Meeting Agenda

City Council

Tuesday, August 10, 2021

2:00 PM

Council Work Session Room
&
Council Chambers

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

WORK SESSION BEGINS IMMEDIATELY FOLLOWING THE CLOSED MEETING IN THE COUNCIL CHAMBERS

CLOSED MEETING WILL CONTINUE IMMEDIATELY FOLLOWING THE WORK SESSION IN THE COUNCIL WORK SESSION ROOM

CITY COUNCIL CONSIDERATION OF THE CONSENT AGENDA AND ITEMS FOR INDIVIDUAL CONSIDERATION WILL BEGIN IMMEDIATELY FOLLOWING THE CLOSED MEETING IN THE COUNCIL CHAMBERS

REGISTRATION GUIDELINES FOR ADDRESSING THE CITY COUNCIL

Citizens are 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 6, 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 Closed Meeting on Tuesday, August 10, 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:

1. Closed Meeting:

- A. [ID 21-1252](#) Deliberations regarding Personnel Matters - Under Texas Government Code Section 551.074.
Deliberate and discuss the evaluation, duties, discipline, dismissal, compensation, and/or contract of the Municipal Judge.
- B. [ID 21-1251](#) Deliberations regarding Personnel Matters - Under Texas Government Code Section 551.074.
Deliberate and discuss the evaluation, duties, discipline, dismissal, compensation, and/or contract of the City Auditor.

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.

Following the recess of the Closed Meeting, the City Council will convene in a Work Session in the Council Chambers to consider the following items:

WORK SESSION

1. Citizen Comments on Consent Agenda Items

This section of the agenda allows citizens to speak on any item listed on the Consent Agenda prior to its consideration. Each speaker will be given a total of three (3) minutes to address any item(s). Any person who wishes to address the City Council regarding these items may do so by utilizing the "By Phone" registration process as referenced under the REGISTRATION GUIDELINES FOR ADDRESSING THE CITY COUNCIL detailed at the beginning of this agenda. Registration is required prior to the time the City Council considers this item. Registrants may call in and remain on hold or receive a call back at the time the

Work Session is called to Order and are encouraged to ensure they remain accessible to accept the call.

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

3. Work Session Reports

- A. [ID 21-1321](#) Receive a report, hold a discussion, and give staff direction regarding a COVID-19 update and potential options and considerations for the City of Denton to support vaccination and testing efforts.

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

- B. [ID 21-458](#) Receive a report, hold a discussion, and give staff direction regarding the General Fund preliminary FY 2021-22 Proposed Budget, Tax Rate, Capital Improvement Program, and Five-Year Financial Forecast.

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
 [Exhibit 2 - Presentation](#)
 [Exhibit 3 - Budget Follow Up Memo.pdf](#)

- C. [ID 21-1686](#) Receive a report, hold a discussion, and give staff direction regarding funding and use options for the development of a Sustainability Fund.

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

- D. [ID 21-1268](#) Receive a report, hold a discussion, and give staff direction regarding the scope and connectivity options for the Westgate Roadway Improvement Project.

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
 [Exhibit 2 - Presentation](#)
 [Exhibit 3 - June 8 Presentation](#)
 [Exhibit 4 - Schematic of June 8 Work Session City Council Recommendation](#)
 [Exhibit 5 – Kimley-Horn and Associates Traffic Study](#)
 [Exhibit 6 - Resident Proposal](#)
 [Exhibit 7 - Resident Notification Letter](#)
 [Exhibit 8 - Schematic of Staff Recommendation](#)

- E. [ID 21-1089](#) Receive a report, hold a discussion, and give staff direction on pending City Council requests for:

(1) Complete a comprehensive Environmentally Sensitive Area (ESA) inventory

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
 [Exhibit 2 - Ordinance19-2026 - City Council Request Process](#)
 [Exhibit 3 - Presentation](#)

Following the completion of the Work Session, the City Council will reconvene the Closed Meeting in the Council Work Session Room 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 - Continued:

- C. [ID 21-1671](#) Deliberations Regarding Certain Public Power Utilities Competitive Matters - Under Texas Government Code Section 551.086.

Receive a presentation from staff regarding public power competitive and financial matters pertaining to the purchase of renewable energy; discuss and deliberate renewable energy strategies.

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 in the Council Chambers 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 21-1355](#) Consider the approval of the minutes for July 27 and August 2, 2021.

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
 [Exhibit 2 - July 27, 2021 - Minutes Draft](#)
 [Exhibit 3 - August 2, 2021 - Minutes Draft](#)

- B. [ID 21-1349](#) Consider nominations/appointments to the City's Boards, Commissions, and Committees: Animal Shelter Advisory Committee, Committee on Persons with Disabilities, Planning & Zoning Commission, Public Art Committee, and Zoning Board of Adjustment.

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

- C. [ID 21-1287](#) Consider adoption of an ordinance of the City of Denton authorizing the City Manager to execute and deliver to the University of North Texas an electric easement containing approximately 1,344 square feet (0.031 acres) and a temporary construction easement containing approximately 1,874 square feet (0.043 acres), each situated in the E. Puchalski Survey, Abstract No. 996, City and County of Denton, Texas and being a portion of South Welch Street and West Sycamore Street; providing for severability; and providing an effective date.

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

- D. [ID 21-1555](#) Consider adoption of an ordinance of the City of Denton authorizing the transfer of funds from the Downtown Tax Increment Reinvestment Zone (TIRZ) Sidewalk and Lighting Project to the Downtown Storm Drain Phase 1 Project in the amount of \$102,451.25 to facilitate the construction of the McKinney Street segment (Bell Place to Frame Street) of the 2018 Sidewalk Improvements Project. The Downtown Denton Tax Increment Financing Zone No. One Board recommends approval (4-0).

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
 [Exhibit 2 - Ordinance](#)
 [Exhibit 3 - 2018-003](#)

- E. [ID 21-1587](#) Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the approval of Change Order No. 4 to the contract between the City of Denton and Quality Excavation LTD, for construction of the McKinney Street sidewalk segment for the Downtown Storm Sewer Trunk Line PH I Project; providing for the expenditure of funds therefor; and providing an effective date (IFB 7086 - Change Order No. 4 in the not-to-exceed amount of \$102,451.25, for a total contract award aggregated to \$1,218,908.25).

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

- F. [ID 21-1557](#) Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the expenditure of funds in the amount of \$70,553.00 to the Texas Department of Transportation (TxDOT) in addition to the previously authorized amount of \$29,562.00, for the improvement of traffic signals and pedestrian facilities at the intersections of Loop 288 at Kings Row, Loop 288 at US 380, and Loop 288 at E. McKinney Street.

Attachments:

[Exhibit 1 - Agenda Information Sheet](#)

[Exhibit 2 - Ordinance for HSIP Loop 288](#)

[Exhibit 3 - Final AFA 2250-01-028 & 2250-02-019 Denton](#)

[Exhibit 4 - Ordinance 20-2134 December 1 2020](#)

- G. [ID 21-1580](#) Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the approval of a first amendment to a contract between the City of Denton and RSVP Services, Inc., amending the contract approved by City Council on April 3, 2018, in the not-to-exceed amount of \$1,180,000.00, said first amendment to provide additional veterinary staffing services for the Animal Services Department; providing for the expenditure of funds therefor; and providing an effective date (RFP 6624 - providing for an additional first amendment expenditure amount not-to-exceed \$150,000.00, with the total contract amount not-to-exceed \$1,330,000.00).

Attachments:

[Exhibit 1 - Agenda Information Sheet](#)

[Exhibit 2 - Original Ordinance and Contract](#)

[Exhibit 3 - Ordinance and Amendment 1](#)

- H. [ID 21-1588](#) 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 New Waste Concepts, Inc., for the purchase of a spray on cover material for the City of Denton Landfill, which is the sole provider of this commodity, 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; providing for the expenditure of funds therefor; and providing an effective date (File 7763 - awarded to New Waste Concepts, 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 \$1,455,000.00).

Attachments:

[Exhibit 1 - Agenda Information Sheet](#)

[Exhibit 2 - Ordinance and Contract](#)

- I. [ID 21-1592](#) 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 New Waste Concepts, Inc., for one (1) new CAPS F Series Hydro-Mulch Machine for the Solid Waste Landfill Department; providing for the expenditure of funds therefor; and providing an effective date (IFB 7745 - awarded to New Waste Concepts, Inc., in the not-to-exceed amount of \$164,530.00).

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

2. ITEM FOR INDIVIDUAL CONSIDERATION

- A. [ID 21-1698](#) Consider approval of a resolution of the City Council of the City of Denton, Texas placing a proposal on the September 21, 2021, City Council public meeting agenda to adopt a 2021 Tax Rate that will exceed the lower of the no-new-revenue tax rate or the voter-approval tax rate; calling a public hearing on a tax rate to be held on September 14, 2021, and calling a budget public hearing on the Fiscal Year 2021-2022 Annual Program of Services of the City of Denton to be held on September 14, 2021; requiring publication of notices of the public hearings and meetings in accordance with the law; requiring the posting of the notices of the public hearings on the City's Internet website; requiring the posting of the notices on the City's public access channel; and providing an effective date.

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
 [Exhibit 2 - Resolution](#)
 [Exhibit 3 - Presentation](#)

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 official website (<https://www.cityofdenton.com/en-us/government/open/agendas-minutes>) and bulletin board at City Hall, 215 E. McKinney Street, Denton, Texas, on August 6, 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: 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.