



City of Denton

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

Meeting Agenda

City Council

Tuesday, October 12, 2021

2:00 PM

Council Chambers

SPECIAL CALLED MEETING

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

CITY COUNCIL CONSIDERATION OF THE CONSENT AGENDA, ITEMS FOR INDIVIDUAL CONSIDERATION, AND PUBLIC HEARING 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 October 8, 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, October 12, 2021, at 2:00 p.m. in the Council Chambers 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 21-1802](#) Receive a report, hold a discussion, and give staff direction regarding Audit Project 006 - Roadway Quality Management: Follow-Up Review. [Estimated Presentation/Discussion Time: 30 minutes]

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
 [Exhibit 2 - Follow-Up Review of the Roadway Quality Management Audit](#)
 [Exhibit 3 - Presentation](#)

- B. [ID 21-2212](#) Receive a report, hold a discussion, and give staff direction regarding the City Manager recruitment process. [Estimated Presentation/Discussion Time: 30 minutes]

Attachments: [Exhibit 1- Agenda Information Sheet.pdf](#)

- C. [ID 21-1162](#) Receive a report, hold a discussion, and give staff direction regarding the performance of the tree preservation and mitigation requirements in the Denton Development Code. [Council Priority; Estimated Presentation/Discussion Time: 90 minutes]

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
 [Exhibit 2 - DDC Section 7.7.4](#)
 [Exhibit 3 - 2020 Urban Forest Master Plan](#)
 [Exhibit 4 - Presentation](#)

- D. [ID 21-2134](#) Receive a report, hold a discussion, and give staff direction regarding an update to the City of Denton's COVID-19 response. [Council Priority; Estimated Presentation/Discussion Time: 30 minutes]

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

- E. [ID 21-1416](#) Receive a report, hold a discussion, and give staff direction on pending City Council requests for: [Estimated Presentation/Discussion Time: 30 minutes]

- (1) A work session to establish a Green Catalyst Fund.
- (2) Passing a resolution to engage State delegation to oppose the currently proposed redistricting.
- (3) Passing a resolution thanking Chris Watts for his service on the DCTA Board and remove him and John Ryan from their positions for cause.

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
 [Exhibit 2 - Ordinance 21-1837](#)
 [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 21-2269](#) Consultation with Attorneys under Texas Government Code Section 551.071 and Deliberations Involving Medical or Psychiatric Records of Individuals under Texas Government Code Chapter 551.0785.

Receive information from staff, discuss, and provide staff with direction related to a police officer's plan benefits related to an injury in the line of duty. Consultation with the City's attorney regarding legal issues associated with benefits where a public discussions 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; to consider information in the medical or psychiatric records related to a police officer's injury in the line of duty.

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 – M). 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 21-1887](#) Consider the approval of the minutes for September 14 and September 21, 2021.
- Attachments: [Exhibit 1 - Agenda Information Sheet](#)
 [Exhibit 2 - September 14, 2021 Minutes Draft](#)
 [Exhibit 3 - September 21, 2021 Minutes Draft](#)
- B. [ID 21-2259](#) Consider nominations/appointments to the City's Boards, Commissions, and Committees: Committee on Persons with Disabilities.
- Attachments: [Exhibit 1 - Agenda Information Sheet](#)
 [Exhibit 2 - Nominations](#)
- C. [ID 21-2139](#) Consider adoption of an ordinance of the City of Denton granting Arco National Construction a special permit pursuant to Section 17-20 of the City of Denton Code of Ordinances, with respect to sound levels and hours of operation for construction of I-35 Cold Storage located at 6651 North I-35; granting a variance in the hours of operation; and providing an effective date.
- Attachments: [Exhibit 1 - Agenda Information Sheet](#)
 [Exhibit 2 - Applicant Request](#)
 [Exhibit 3 - Aerial Map](#)
 [Exhibit 4 - Slab Sequence Map](#)
 [Exhibit 5 - Site Plan](#)
 [Exhibit 6 - Draft Ordinance](#)
- D. [ID 21-2145](#) Consider approval of a resolution of the City of Denton abolishing the Appointee Performance Review Committee; and providing an effective date.
- Attachments: [Exhibit 1 - Agenda Information Sheet](#)
 [Exhibit 2 - Resolution](#)
- E. [ID 21-2012](#) Consider approval of a resolution nominating members to the Board of Directors of the Denton County Appraisal District; and declaring an effective date.
- Attachments: [Exhibit 1 - Agenda Information Sheet](#)
 [Exhibit 2 - Resolution](#)
 [Presentation](#)

- F. [ID 21-1833](#) Consider adoption of an ordinance of the City of Denton approving the Fiscal Year 2021-22 Annual Internal Audit Plan; and providing an effective date.
- Attachments: [Exhibit 1 - Agenda Information Sheet](#)
[Exhibit 2 - Ordinance](#)
- G. [ID 21-2131](#) Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the approval of Change Order No. 2 to the contract between the City of Denton and Archer Western Construction, LLC, to provide additional construction services for the Hickory Creek Detention Facility project; providing for the expenditure of funds therefor; and providing an effective date (RFP 7061 - Change Order No. 2 in the not-to-exceed amount of \$128,824.49, for a total contract award aggregated to \$14,587,635.62).
- Attachments: [Exhibit 1 - Agenda Information Sheet](#)
[Exhibit 2 - Original Ordinance and Contract](#)
[Exhibit 3 - Change Order 1](#)
[Exhibit 4 - LLC Members](#)
[Exhibit 5 - Ordinance and Change Order 2](#)
- H. [ID 21-2132](#) 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 Whirlix Design, Inc., through the Buy Board Cooperative Purchasing Network, Contract # 592-19, for shade structures, benches, and park site amenities for the Parks and Recreation Department; providing for the expenditure of funds therefor; and providing an effective date (File 7815 - awarded to Whirlix Design, Inc., for one (1) year, with the option for five (5) additional one (1) year extensions, in the total six (6) year not-to-exceed amount of \$2,000,000.00).
- Attachments: [Exhibit 1 - Agenda Information Sheet](#)
[Exhibit 2 - Ordinance](#)
- I. [ID 21-2133](#) Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, ratifying the expenditure of funds by the City Manager, through the Buy Board Cooperative Purchasing Network, Contract #571-18, for the emergency purchase of one (1) Pierce Custom Enforcer Pumper for the Fire Department; and providing an effective date (File 7825 - awarded to Siddons-Martin Emergency Group, LLC, in the not-to-exceed amount of \$797,045.00).
- Attachments: [Exhibit 1 - Agenda Information Sheet](#)
[Exhibit 2 - Declaration of Emergency](#)
[Exhibit 3 - LLC Members](#)
[Exhibit 4 - Ordinance](#)
- J. [ID 21-2169](#) 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 Airgas USA, LLC, for bulk shipments of liquid oxygen and medical oxygen for the Water Production and Fire Departments; providing for the expenditure of funds therefor; and providing an

effective date (IFB-BV 7806 - awarded to Airgas USA, 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 \$1,300,000.00).

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

- K. [ID 21-1757](#) Consider adoption of an ordinance of the City of Denton approving an agreement with the Denton Parks Foundation to allow the Denton Parks Foundation to raise funds and support programming for the Parks and Recreation Department; authorizing the City Manager or designee to execute the Denton Parks Foundation agreement and carry out the duties of the City therein; authorizing the expenditure of funding; and providing an effective date.

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

- L. [ID 21-2056](#) Consider adoption of an ordinance of the City of Denton authorizing the Interim City Manager to execute an agreement between the City of Denton and Denton Independent School District to offer adult education and literacy classes at City of Denton Recreation Centers; authorizing the Interim City Manager, or her designee, to perform all obligations of the City under the agreement, including the expenditure of funding therefor; and providing an effective date.

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

- M. [ID 21-2089](#) Consider approval of a resolution of the City of Denton allowing Denton County Brewing Company to sell alcoholic beverages at the 940 Disc Golf tournament, on Saturday, October 16, 2021, at the North Lakes Disc Golf Course, upon satisfying certain conditions; authorizing the City Manager, to execute an agreement in conformity with this resolution; and providing for an effective date.

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

2. ITEMS FOR INDIVIDUAL CONSIDERATION

- A. [ID 21-2027](#) Consider adoption of an ordinance of the City of Denton to declare the intent to reimburse capital program expenditures of the Electric Utility (\$52,904,557), Solid Waste (\$2,533,367), Water (\$34,491,460), Wastewater (\$44,212,652), and General Government (\$66,750,452) with Tax- Preferred Obligations (Certificates of Obligation and General Obligation Bonds) with an aggregate maximum principal amount not to exceed \$200,892,488; and providing an effective date.

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

[Exhibit 2 - Project List](#)

[Exhibit 3 - Ordinance](#)

[Exhibit 4 - Presentation](#)

- B. [ID 21-2035](#) Consider adoption of an ordinance of the City of Denton creating an Internal Audit Advisory Committee to advise the City Council and City Auditor on audit activities and governance; and providing an effective date.

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

[Exhibit 2 - Ordinance](#)

[Exhibit 3 - Presentation](#)

3. PUBLIC HEARING

- A. [DCA21-0004](#) Hold a public hearing and consider adoption of an ordinance of the City of Denton, Denton County, Texas, regarding a proposed Code amendment to the Denton Development Code Subchapter 5 Use Regulations, Subchapter 7 Development Standards, and Subchapter 9 Definitions; specifically, to introduce a new use, Data Center. (DCA21-0004b, Data Center Use, Karina Maldonado) STAFF IS REQUESTING THIS ITEM BE WITHDRAWN FROM THE AGENDA.

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

4. 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 October 8, 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.