



# City of Denton

City Hall  
215 E. McKinney St.  
Denton, Texas 76201  
[www.cityofdenton.com](http://www.cityofdenton.com)

## Meeting Agenda

### City Council

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Tuesday, November 9, 2021

2:00 PM

Council Chambers

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

**CITY COUNCIL CONSIDERATION OF THE CONSENT AGENDA AND ITEMS FOR INDIVIDUAL CONSIDERATION WILL BEGIN IMMEDIATELY FOLLOWING THE WORK SESSION 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.):

- eComment – On November 5, the agenda was posted online at [www.cityofdenton.com/publicmeetings](http://www.cityofdenton.com/publicmeetings). Once the agenda is posted, a link to make virtual comments using the eComment module will be made available next to the meeting listing on the Upcoming Events Calendar. Within eComment, 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 ability to make an eComment will be closed. Similar to when a citizen submits a white card to indicate their position on an item, the eComments will be sent directly to members of the City Council 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, November 9, 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 21-2425](#) Receive a report, hold a discussion, and give staff direction on the development of the draft of a Comprehensive Solid Waste Management Strategy for the City of Denton.  
\* [Council Priority; Estimated Presentation/Discussion Time: 90 minutes]

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

- B. [ID 21-2037](#) Receive a report, hold a discussion, and give staff direction regarding an update on Police Headquarters.  
[Estimated Presentation/Discussion Time: 45 minutes]

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

- C. [ID 21-2100](#) Receive a report, hold a discussion, and give staff direction regarding drafting of a comprehensive non-discrimination ordinance for the city of Denton.  
[Estimated Presentation/Discussion Time: 90 minutes]

Attachments:      [Exhibit 1 - Agenda Information Sheet](#)  
                             [Exhibit 2 - Presentation](#)  
                             [Exhibit 3 - Ordinance Drafting](#)  
                             [Exhibit 4 - Sept. 14, 2021 Work Session Materials](#)

- D. [ID 21-2429](#) 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 21-1763](#) Receive a report, hold a discussion, and give staff direction on pending City Council

requests for:

- (1) A proposed Council resolution to DCTA from No Bus Cuts Denton  
[Estimated Presentation/Discussion Time: 30 minutes]

**Attachments:**

[Exhibit 1 - Agenda Information Sheet](#)

[Exhibit 2 - Ordinance 21-1837 - City Council Request Process](#)

[Exhibit 3 - No Bus Cuts Denton Press Release](#)

[Exhibit 4 - Presentation](#)

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 551.07 -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.**

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Following the completion of the Work Session, 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 21-2210](#) Consider approval of the minutes of October 19, October 26, and November 1, 2021.

**Attachments:**

[Exhibit 1 - Agenda Information Sheet](#)

[Exhibit 2 - October 19, 2021 Minutes Draft](#)

[Exhibit 3 - October 26, 2021 Minutes Draft](#)

[Exhibit 4 - November 1, 2021 Minutes Draft](#)

- B. [ID 21-2251](#) Consider adoption of an ordinance of the City of Denton authorizing an agreement between the City of Denton and Denton Black Chamber of Commerce, Inc. for the purpose of the 2022 Denton Blues Festival and Young Minority Entrepreneurs Program sponsorship; providing for the expenditure of funds; and providing for an effective date.

(\$5,000 - Community Partnership Committee recommends approval 3-0)

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

- C.    [ID 21-2303](#)    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 Verint Americas Inc., dba Verint Systems Inc., for a 311/CRM software solution for the Customer Service and Public Affairs Departments; providing for the expenditure of funds therefor; and providing an effective date (RFP 7446 - awarded to Verint Americas Inc., dba Verint Systems 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 \$1,300,000). The Public Utilities Board recommends approval (7 - 0).

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

- D.    [ID 21-2304](#)    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 N. Harris Computer Corporation, for the purchase of SilverBlaze, utility billing software to be used by the Customer Service 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; providing for the expenditure of funds therefor; and providing an effective date (File 7621 - awarded to N. Harris Computer Corporation, 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 \$761,008.78). The Public Utilities Board recommends approval (7 - 0).

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

- E.    [ID 21-2381](#)    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 KBS Electrical Distributors, Inc., for OPGW Conductors and Accessories for Denton Municipal Electric to be stocked in the City of Denton Warehouse; providing for the expenditure of funds therefor; and providing an effective date (IFB 7810 - awarded to KBS Electrical Distributors, 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 \$575,000.00).

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

- F.    [ID 21-2479](#)    Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager to execute Change Order No. 1 to the Owner-Construction Manager Agreement with Thos. S. Byrne, Inc., for the renovation of Police Headquarters, and construction of the new Police Substation and Firing Range;

providing for the expenditure of funds therefor; and providing an effective date (RFQ 7249 - CMAR Change Order No. 1 awarded to Thos S. Byrne, Inc., in the not-to-exceed amount of \$6,000,000.00, for a total contract award aggregated to \$52,039,401.00).

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

- G.    [ID 21-2260](#)    Consider adoption of an ordinance of the City of Denton authorizing the City Manager to expend funds for payment by the City to the Texas Commission on Environmental Quality for the annual consolidated Water Quality Fee for operation of the Pecan Creek Water Reclamation Plant; and providing an effective date. (Consolidated Water Quality Fee in the total not-to-exceed amount of \$127,000.00). The Public Utilities Board recommends approval (7-0).

**Attachments:**      [Exhibit 1 - Agenda Information Sheet TCEQ Water Quality Fee](#)  
                                 [Exhibit 2 - Ordinance](#)

- H.    [ID 21-2261](#)    Consider adoption of an ordinance of the City of Denton authorizing the City Manager to expend funds for payment by the City to the Texas Commission on Environmental Quality for the annual Water System Fee; and providing an effective date. (Water System Fee in the total not-to-exceed amount of \$100,000.00). The Public Utilities Board recommends approval (7-0).

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

- I.    [ID 21-2316](#)    Consider adoption of an ordinance of the City of Denton authorizing the expenditure of funds for payment by the City for the annual major capital repair (“MCR”) and operations and maintenance (“O&M”) fees for water storage at Lake Lewisville and Lake Ray Roberts to the U.S. Army Corps of Engineers; and providing an effective date (Water storage MCR and O&M fees in the total amount not to exceed \$200,000). The Public Utilities Board recommends approval (7-0).

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

## **2. ITEMS FOR INDIVIDUAL CONSIDERATION – CONSIDERATION OF THE USE OF EMINENT DOMAIN TO CONDEMN REAL PROPERTY INTERESTS**

- A.    [ID 21-1751](#)    Consider adoption of an ordinance of the City of Denton determining the public use, need, and necessity for the acquisition of various (I) Fee Tracts, (II) Temporary Construction Easements, and (III) a Utility Easement, generally located along Hickory Creek Road from Riverpass Drive to FM 1830, situated in the J. Rogers Survey, Abstract 1084; M. Rogers Survey, Abstracts 1079 and 1080; J. Withers Survey, Abstract 1343; and J. Shultz Survey, Abstract 1223, all in the City and County of Denton, Texas, and more particularly described in the attached Exhibit “A” (collectively, the “Property Interests”);

authorizing the City Manager and City Attorney to acquire the Property Interests by agreement if possible, including making all offers required by law; authorizing the use of the power of eminent domain to condemn the Property Interests if agreement cannot be reached; authorizing the City Attorney to file eminent domain proceedings if necessary; authorizing the expenditure of funding; making findings; providing a savings clause; and providing an effective date.

**Attachments:**      [Exhibit 1 - Agenda Information Sheet](#)  
                              [Exhibit 2 - Project Location Map](#)  
                              [Exhibit 3 - Ordinance](#)  
                              [Exhibit 4 - Recommended Motion](#)  
                              [Exhibit 5 - PowerPoint](#)

### **3. ITEMS FOR INDIVIDUAL CONSIDERATION**

- A.    [ID 21-2467](#)    Consider approval of a resolution of the City of Denton stating no objection to the Primrose at Sequoia Park, LP 4% housing tax credit application to Texas Department of Housing and Community Affairs for proposed acquisition and rehabilitation of Primrose at Sequoia Park Apartments in Denton, Texas to provide affordable rental housing; and providing an effective date.

**Attachments:**      [Exhibit 1 - Agenda Information Sheet](#)  
                              [Exhibit 2 - Application for a Resolution of No Objection](#)  
                              [Exhibit 3 - Draft Resolution](#)  
                              [Exhibit 4 - Presentation](#)

- B.    [ID 21-2468](#)    Consider approval of a resolution of the City of Denton stating no objection to the Rosemont at Pecan Creek, LP 4% housing tax credit application to Texas Department of Housing and Community Affairs for proposed acquisition and rehabilitation of Rosemont at Pecan Creek Apartments in Denton, Texas to provide affordable rental housing; and providing an effective date.

**Attachments:**      [Exhibit 1 - Agenda Information Sheet](#)  
                              [Exhibit 2 - Application for a Resolution of No Objection](#)  
                              [Exhibit 3 - Draft Resolution](#)  
                              [Exhibit 4 - Presentation](#)

- C.    [ID 21-2140](#)    Consider adoption of an ordinance of the City of Denton authorizing the City Manager to enter into a Development Agreement between the City of Denton and BJH Johnson Properties LTD, for the dedication of park land for a city park at the Audra Oaks Development; authorizing acceptance of land; and providing an effective date.

**Attachments:**      [Exhibit 1- Agenda Information Sheet](#)  
                              [Exhibit 2- Ordinance](#)  
                              [Exhibit 3- Development Agreement](#)  
                              [Exhibit 4- Presentation](#)

**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 November 5, 2021, in advance of the 72-hour posting deadline, as applicable, and in accordance with Chapter 551 of the Texas Government Code.

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**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.