

CITY OF DENTON CITY COUNCIL MINUTES

November 9, 2021

After determining that a quorum was present, the City Council of the City of Denton, Texas convened 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

PRESENT: Mayor Gerard Hudspeth, Mayor Pro Tem Paul Meltzer and Council Members Vicki Byrd, Brian Beck, Jesse Davis, Alison Maguire, and Deb Armintor

ABSENT: None

Also present were Interim City Manager Sara Hensley and City Attorney Mack Reinwand.

The posted agenda noted the registration process for public participation at this virtual meeting. However, there were no online registrations or call ins on any items on the agenda.

WORK SESSION

1. Citizen Comments on Consent Agenda Items

None

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

- Clarification was requested on the following item:
 - Council Member Armintor: Item 1.F (21-2479)
- The following item was pulled for Individual Consideration:
 - Council Member Armintor: Item 1.F (21-2479)

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]

The item was presented and discussion followed. Scott Pasternak, with Burns & McDonnell consulting firm, also presented on the item.

Following discussion, there was no direction provided as the item was for presentation/discussion purposes.

- 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]

The item was presented and discussion followed. Chris Squadra, Founder/Principal of Peak Program Value, LLC, presented on the item.

Following discussion, there was no direction provided as the item was for presentation/discussion purposes.

The work session was recessed at 3:33 p.m. for a short break and reconvened at 3:44 p.m.

- 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]

At Mayor Pro Tem Meltzer's request, City Council convened into an Executive Session at 3:45 p.m. under Texas Open Meeting Act, Section 551.071 (Consultation with Attorney), to deliberate the specifics of the information provided in Tuesday, November 9, 2021, Legal Status Report as related to the proposed comprehensive non-discrimination ordinance.

The Executive Session started at 3:51 p.m. and ended at 4:22 p.m. No votes or actions were taken during the Executive Session.

The work session reconvened at 4:28 p.m.

The item was presented and discussion followed.

Following discussion, consensus was to proceed with the following:

- Add a provision prohibiting discrimination based on source of income for veterans;
- Establish a clear enforcement mechanism, possibly Class C Misdemeanor, if unable to conciliate;
- Use of a contracted firm on an as-needed basis to handle the initial review, and if required, the investigation and conciliation stages of a complaint; and if investigated or conciliated, contracted firm makes a recommendation to City staff;
- Provide for a robust public comment period once the draft ordinance is developed; and
- Present a more concise draft ordinance for discussion/review at the January 11, 2022 meeting.

- 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]

The item was presented and discussion followed.

Following discussion, City Council consensus was to prepare a draft Order that extends the provisions of the Sixteenth Order of Council through December 31, 2021 for consideration at the November 16, 2021 meeting.

- 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]

- Item 21-1763 1) A proposed Council resolution to DCTA from No Bus Cuts Denton
 - No consensus for a resolution.

The work session ended at 6:10 p.m.

SPECIAL CALLED MEETING

After determining that a quorum was present, the City Council of the City of Denton, Texas convened in a Special Called Meeting on Tuesday, November 9, 2021, at 6:47 p.m. in the Council Chambers at City Hall, 215 E. McKinney Street, Denton, Texas.

PRESENT: Mayor Gerard Hudspeth, Mayor Pro Tem Paul Meltzer and Council Members Vicki Byrd, Brian Beck, Jesse Davis, Alison Maguire, and Deb Armintor

ABSENT: None

Also present were Interim City Manager Sara Hensley and City Attorney Mack Reinwand.

The posted agenda noted the registration process for public participation at this virtual meeting. However, there were no online registrations or call ins on any items on the agenda.

Mayor Hudspeth allowed Ms. Eva Grecco, 802 W. Oak Street Apt. 5, to address the City Council regarding Work Session Items 1.A (21-2425) and 1.E (21-7163).

1. CONSENT AGENDA

The Consent Agenda consisted of Items 1. A-I. During the Work Session held earlier in the day, Item 1.F (21-2479) was pulled for Individual Consideration by Council Member Armintor.

Council Member Beck moved to adopt the Consent Agenda, now consisting of Items 1.A-E and 1.G-I. Motion seconded by Council Member Maguire. Motion carried.

AYES (7): Mayor Hudspeth, Mayor Pro Tem Meltzer and Council Members Byrd, Beck, Davis, Maguire, and Armintor

NAYS (0): None

- A. ID 21-2210 Consider approval of the minutes of October 19, October 26, and November 1, 2021.

APPROVED

- 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)

ASSIGNED ORDINANCE NO. 21-2251

- 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).

ASSIGNED ORDINANCE NO. 21-2303

- 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).

ASSIGNED ORDINANCE NO. 21-2304

- 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).

ASSIGNED ORDINANCE NO. 21-2381

- 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).

ASSIGNED ORDINANCE NO. 21-2260

- 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).

ASSIGNED ORDINANCE NO. 21-2261

- 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).

ASSIGNED ORDINANCE NO. 21-2316

ITEM PULLED FOR INDIVIDUAL CONSIDERATION

- 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).

ASSIGNED ORDINANCE NO. 21-2479

The item was pulled for Individual Consideration by Council Member Armintor.

The item was not presented or discussed.

There were no online registrations or call-ins on the item.

Council Member Davis moved to adopt the item as presented. Motion seconded by Council Member Beck. Motion carried.

AYES (6): Mayor Hudspeth, Mayor Pro Tem Meltzer and Council Members Byrd, Beck, Davis, and Maguire
NAYS (1): Council Member Armintor

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.
ASSIGNED ORDINANCE NO. 21-1751

There were no online registrations or call-ins on the item.

The item was presented and discussion followed.

Following discussion, Council Member Maguire moved that the City of Denton, after having made the offers required by State law, use the power of eminent domain, if needed, to acquire various fee tracts, temporary construction easements, and a utility easement generally located along Hickory Creek Road between Riverpass Drive and FM 1830, and being 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 of Denton, Denton County, Texas, and more particularly described in Exhibit "A" to the ordinance now under consideration and on the screen to be displayed to the audience, all of which are for a valid public use, necessary to construct a four-lane extension and realignment of Hickory Creek Road from Riverpass Drive to FM 1830, to serve the public and citizens of the City of Denton. Motion seconded by Council Member Davis.

Each page of Exhibit A of the proposed ordinance was displayed prior to the vote for adoption.

Mayor Hudspeth republished Council Member Maguire's motion, seconded by Council Member Davis, that the City of Denton, after having made the offers required by State law, use the power of eminent domain, if needed, to acquire various fee tracts, temporary construction easements, and a utility easement generally located along Hickory Creek Road between Riverpass Drive and FM 1830, and being 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 of Denton, Denton County, Texas, and more particularly described in Exhibit "A" to the ordinance now under consideration and on the screen to be displayed to the audience, all of which are for a valid public use, necessary to construct a four-lane extension and realignment of Hickory Creek Road from Riverpass Drive to FM 1830, to serve the public and citizens of the City of Denton. Motion carried.

AYES (7): Mayor Hudspeth, Mayor Pro Tem Meltzer and Council Members Byrd, Beck, Davis, Maguire, and Armintor
NAYS (0): None

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.

ASSIGNED RESOLUTION NO. 21-2467

There were no online registrations or call-ins on the item.

The item was presented and commentary followed.

Following commentary, Mayor Pro Tem Meltzer moved to approve the item as presented. Motion seconded by Council Member Armintor. Motion carried.

AYES (7): Mayor Hudspeth, Mayor Pro Tem Meltzer and Council Members Byrd, Beck, Davis, Maguire, and Armintor
NAYS (0): None

- 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.

ASSIGNED RESOLUTION NO. 21-2468

There were no online registrations or call-ins on the item.

The item was presented and no discussion followed.

Mayor Pro Tem Meltzer moved to approve the item as presented. Motion seconded by Council Member Byrd. Motion carried.

AYES (7): Mayor Hudspeth, Mayor Pro Tem Meltzer and Council Members Byrd, Beck, Davis, Maguire, and Armintor

NAYS (0): None

- 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.

ASSIGNED ORDINANCE NO. 21-2140

There were no online registrations or call-ins on the item.

The item was presented and discussion followed.

Following discussion, Council Member Armintor moved to adopt the item as presented. Motion seconded by Council Member Beck. Motion carried.


AYES (7): Mayor Hudspeth, Mayor Pro Tem Meltzer and Council Members Byrd, Beck, Davis, Maguire, and Armintor


NAYS (0): None

4. CONCLUDING ITEMS

Council Members expressed items of interest.

With no further business, the meeting was adjourned at 7:22 p.m.


GERARD HUDSPETH
MAYOR
CITY OF DENTON, TEXAS


CATHY WELBORN
ASSISTANT CITY SECRETARY
CITY OF DENTON, TEXAS

MINUTES APPROVED ON: December 7, 2021