



# 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, January 11, 2022

4:00 PM

Council Chambers  
&  
Council Work Session Room

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### **SPECIAL CALLED MEETING**

**WORK SESSION BEGINS AT 4:00 P.M. IN THE COUNCIL CHAMBERS**

**CLOSED MEETING BEGINS IMMEDIATELY FOLLOWING THE WORK SESSION IN THE COUNCIL WORK SESSION ROOM**

**CITY COUNCIL CONSIDERATION OF THE CONSENT AGENDA AND ITEM 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.):

- eComment – On January 7, 2022, 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 immediately upon entry into the module 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, January 11, 2022, at 4:00 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 22-081](#) Receive a report and hold a discussion on the Denton Police Department's policy on marihuana enforcement and the Denton Municipal Court's policies related to drug paraphernalia citation processing.

[Estimated Presentation/Discussion Time: 45 minutes]

**Attachments:** [Exhibit 1 - Agenda Informaton Sheet](#)  
[Exhibit 2 - Cannabis Presentation](#)

- B. [ID 21-2387](#) Receive a report, hold a discussion, and give staff direction on pending City Council requests for:

- (1) A work session to discuss amending the inclement weather policy.

[Estimated Presentation/Discussion Time: 30 minutes]

**Attachments:** [Exhibit 1 - Agenda Information Sheet - Pending Council Request](#)  
[Exhibit 2 - Pending WS Requests Presentation](#)  
[Exhibit 3 - Ordinance 21-1837](#)

Following the completion of the Work Session, the City Council will convene in a 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:**

- A. [ID 22-086](#) Deliberations regarding Real Property - Under Texas Government Code Section 551.072.

Receive information from staff, discuss, deliberate, and provide staff with direction pertaining to the potential sale of City-owned real property situated in the Robert Beaumont Survey, Abstract No. 31 and the William Neill Survey, Abstract No. 971, City of Denton, Denton County, Texas, located at 414 West Parkway Street / 413 Congress, where a public deliberation of such potential sale would have a detrimental effect on the City's position in negotiations with a third party.

- B. [ID 22-154](#) Consultation with Attorneys - Under Texas Government Code Section 551.071.

Consultation, discussion, deliberation, and receipt of information from the City's attorneys involving legal issues relating to a disaster declaration and related order pertaining to the COVID-19 emergency, and to provide the City's attorneys with direction, where a public discussion of these legal matters would clearly 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.

- C. [ID 22-157](#) Consultation with Attorneys - Under Texas Government Code Section 551.071.

Consultation, discussion, deliberation, and receipt of information from the City's attorneys to review and discuss litigation styled Tarver v. City of Denton et al, Cause No. 4:21-CV-00970-SDJ, pending in the Eastern District of Texas, Sherman Division, where the City's Attorneys' duties to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflict with Chapter 551 of the Texas Open Meetings Act.

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 Closed Meeting, the City Council will reconvene in Open Meeting to take action, if any, on matters discussed in closed session.

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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 – 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 22-087](#) Consider approval of the minutes of December 14, 2021.

Attachments:      [Exhibit 1 - Agenda Information Sheet](#)  
[Exhibit 2 - December 14, 2021 Minutes Draft](#)

- B. [ID 22-076](#) Consider appointment to the Tax Increment Reinvestment Zone Number Two (Westpark TIRZ) Board of Directors.

Attachments:      [Exhibit 1 - Agenda Information Sheet](#)  
[Exhibit 2 - December 31 2021 Appointment](#)

- C. [ID 22-001](#) Consider adoption of an ordinance authorizing the City Manager to execute the Amendment No. 2 to the “Memorandum of Understanding - The Environment” between the City of Denton and the University of North Texas which provides for the extension of the terms of said agreement until September 30, 2026; providing for the expenditure of funds therefor; and providing an effective date. (The Memorandum of Understanding establishes conditions for conducting small, short term research projects between the City of Denton and the University of North Texas.)

Attachments:      [Exhibit 1 - Agenda Information Sheet](#)  
[Exhibit 2 - Amendment](#)  
[Exhibit 3 - Memorandum](#)  
[Exhibit 4 - Ordinance](#)

- D. [ID 22-061](#) 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 Custom Landscapes, Inc. dba Classic Landscapes & Maintenance, for mowing and maintenance services for DME, Water Reclamation, and Water Production Departments, Section F - Public Works/Utilities; providing for the expenditure of funds therefor; and providing an effective date (RFP 7788 - awarded to Custom Landscapes, Inc. dba Classic Landscapes & Maintenance, 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 \$1,923,495.00).

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

- E. [ID 22-062](#) 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 BrightView Landscape Services, Inc., for mowing and maintenance services for the Parks and Recreation and Fire Departments, Section C - Southeast Public Buildings, Parks, Trails, and Medians; providing for the expenditure of funds therefor; and providing an effective date (RFP 7788 - awarded to BrightView Landscape Services, Inc., 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 \$2,871,373.00).

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

- F. [ID 22-063](#) 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 Watts Ellison, LLC dba D&D Commercial Landscape Management, for mowing and maintenance services for the Parks and Recreation, Fire, Community Improvement Services, and the Denton Enterprise Airport Departments, Section D - Southwest Public Buildings, Parks, Trails, and Medians and Section E - ROW and Rough Cut; providing for the expenditure of funds therefor; and providing an effective date (RFP 7788 - awarded to Watts Ellison, LLC dba D&D Commercial Landscape Management, 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 \$4,292,759.00).

Attachments:      [Exhibit 1 - Agenda Information Sheet](#)  
                             [Exhibit 2 - Pricing Evaluation](#)  
                             [Exhibit 3 - LLC Members](#)  
                             [Exhibit 4 - Ordinance and Contract](#)

- G. [ID 22-064](#) 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 Freedom Commercial Services, LLC, for mowing and maintenance services for the Parks and Recreation and Drainage Departments, Section G - Drainage; providing for the expenditure of funds therefor; and providing an effective date (RFP 7788 - awarded to

Freedom Commercial Services, LLC, 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 \$1,548,194.00).

**Attachments:**      [Exhibit 1 - Agenda Information Sheet](#)  
                                 [Exhibit 2 - Pricing Evaluation](#)  
                                 [Exhibit 3 - LLC Members](#)  
                                 [Exhibit 4 - Ordinance and Contract](#)

- H.    [ID 22-065](#)      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 Natures Greenery, Inc., for mowing and maintenance services for the Parks and Recreation and Fire Departments, Section A - Northwest Public Buildings, Parks, Trails, and Medians, Section B - Northeast Public Buildings, Parks, Trails, and Medians, and Section H - Landscape Maintenance; providing for the expenditure of funds therefor; and providing an effective date (RFP 7788 - awarded to Natures Greenery, Inc., 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 \$6,334,436.00).

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

- I.    [ID 22-066](#)      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 Infra Construction, LLC, for the replacement of the Service Center Complex fence for Facilities Management; providing for the expenditure of funds therefor; and providing an effective date (RFP 7819 - awarded to Infra Construction, LLC, in the not-to-exceed amount of \$677,856.00).

**Attachments:**      [Exhibit 1 - Agenda Information Sheet](#)  
                                 [Exhibit 2 - Pricing Evaluation](#)  
                                 [Exhibit 3 - LLC Members](#)  
                                 [Exhibit 4 - Ordinance and Contract](#)

- J.    [ID 22-077](#)      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 Elite Tree Service, L.L.C., amending the contract approved by City Council on November 6, 2018, in the not-to-exceed amount of \$350,000.00; said first amendment to continue to provide tree trimming and removal for City departments needing such work; providing for the expenditure of funds therefor; and providing an effective date (IFB 6870 - providing for an additional first amendment expenditure amount not-to-exceed \$87,500.00, with the total contract amount not-to-exceed \$437,500.00).

**Attachments:**      [Exhibit 1 - Agenda Information Sheet](#)  
                                 [Exhibit 2 - Original Ordinance and Contract](#)  
                                 [Exhibit 3 - LLC Members](#)  
                                 [Exhibit 4 - Ordinance and Amendment 1](#)

- K.    [ID 22-078](#)      Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager to execute a Professional Services Agreement with Parkhill, Smith & Cooper, Inc., for professional design services for Fire Station No. 9 for the Facilities Management Department; providing for the expenditure of funds therefor; and providing an effective date (RFQ 7818-002 - awarded to Parkhill, Smith & Cooper, Inc., in the not-to-exceed amount of \$1,011,665.00).

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

- L.    [ID 22-079](#)      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 BWI Companies, Inc., through the Buy Board Cooperative Purchasing Network Contract # 611-20, for the purchase of ryegrass seed, specialty landscape, turf, and grower supplies for the Parks and Recreation, Drainage, and Streets Departments; providing for the expenditure of funds therefor; and providing an effective date (File 7910 - awarded to BWI Companies, Inc., 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 \$200,000.00).

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

- M.    [ID 22-092](#)      Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the approval of a second amendment to a contract between the City of Denton and Maintaining the Common Ground, LLC, amending the contract approved by City Council on July 17, 2018, in the not-to-exceed amount of \$575,000.00; amended by Amendment 1 approved by Purchasing; said second amendment to provide mowing and maintenance services for the Parks and Recreation Department; providing for the expenditure of funds therefor; and providing an effective date (File 6627 - providing for an additional second amendment expenditure amount not-to-exceed \$56,135.00, with the total contract amount not-to-exceed \$680,135.00).

**Attachments:**      [Exhibit 1 - Agenda Information Sheet](#)  
                                 [Exhibit 2 - Original Ordinance and Contract](#)  
                                 [Exhibit 3 - Amendment 1](#)  
                                 [Exhibit 4 - LLC Members](#)  
                                 [Exhibit 5 - Ordinance and Amendment 2](#)

## **2. ITEM FOR INDIVIDUAL CONSIDERATION**

- A.    [ID 21-2733](#)      Consider approval of a resolution of the City of Denton adopting the Americans with

Disabilities Act Transition Plan; and declaring an effective date.

**Attachments:**      [Exhibit 1- Agenda Information Sheet](#)  
                              [Exhibit 2- Resolution](#)  
                              [Exhibit 3- Recommendations and Priorities](#)  
                              [Exhibit 4- Facility Maps](#)  
                              [Exhibit 5- ADA Transition Plan](#)  
                              [Exhibit 6- ADA Transition Plan Appendix](#)  
                              [Exhibit 7- 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 January 7, 2022, 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.