

CITY OF DENTON CITY COUNCIL MINUTES

January 11, 2022

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

PRESENT IN PERSON: Mayor Gerard Hudspeth and Council Members Vicki Byrd, Alison Maguire, and Jesse Davis

PRESENT VIRTUALLY: Mayor Pro Tem Paul Meltzer and Council Members Brian Beck 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 announced the Closed Meeting would be held at the end of the meeting, providing for consideration of the Consent Agenda and Item for Individual Consideration to be presented/considered beforehand.

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 items:
 - Council Member Armintor: Items 1.D (22-061), 1.E (22-062), 1.F (22-063), 1.G (22-064), and 1.H (22-065)
 - Mayor Hudspeth: Item 1.K (22-078)
- The following item) was pulled for Individual Consideration:
 - Council Member Maguire: Item 1.C (22-001)
 - Council Member Davis: Item 1.C (22-001)
 - Council Member Armintor: Item 1.C (22-001)

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]

The item was presented and discussion followed.

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

- 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]
 - ID 21-2387 (1) A work session to discuss amending the inclement weather policy.
 - Consensus for a future work session. Staff was directed to move what work sessions items were necessary to provide for scheduling this work session at the February 1, 2022 meeting date.

The work session ended at 5:34 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, January 11, 2022, at 5:55 p.m. in the Council Chambers at City Hall, 215 E. McKinney Street, Denton, Texas.

PRESENT IN PERSON: Mayor Gerard Hudspeth and Council Members Vicki Byrd, Alison Maguire, and Jesse Davis

PRESENT VIRTUALLY: Mayor Pro Tem Paul Meltzer and Council Members Brian Beck 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.

1. CONSENT AGENDA

The Consent Agenda consisted of Items 1.A-M. During the Work Session held earlier in the day, Item 1.C (22-001) was pulled for Individual Consideration by Council Members Davis, Maguire, and Armintor.

Council Member Beck moved to adopt the Consent Agenda, now consisting of Items 1.A, B, and D-M. 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 22-087 Consider approval of the minutes of December 14, 2021.

APPROVED

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

APPROVED

Appointments listed on Exhibit A.

- 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).

ASSIGNED ORDINANCE NO. 22-061

- 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).

ASSIGNED ORDINANCE NO. 22-062

- 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).

ASSIGNED ORDINANCE NO. 22-063

- 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).

ASSIGNED ORDINANCE NO. 22-064

- 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).

ASSIGNED ORDINANCE NO. 22-065

- 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).

ASSIGNED ORDINANCE NO. 22-066

- 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).

ASSIGNED ORDINANCE NO. 22-077

- 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).

ASSIGNED ORDINANCE NO. 22-078

- 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).

ASSIGNED ORDINANCE NO. 22-079

- 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).

ASSIGNED ORDINANCE NO. 22-092

ITEM PULLED FOR INDIVIDUAL CONSIDERATION

- 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.)

ASSIGNED ORDINANCE NO. 22-001

The item was pulled for Individual Consideration by Council Members Davis, Maguire, and Armintor.

Council Members Davis, Maguire, and Armintor had a conflict of interest on the item. Per City Attorney Reinwand, no members were required to leave the Council Chambers or be removed from meeting video in order to maintain a quorum of the City Council present at the meeting.

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

The item was not presented and no discussion followed.

Council Member Beck moved to approve the item as presented. Motion seconded by Council Member Byrd. Motion carried.

AYES (4): Mayor Hudspeth, Mayor Pro Tem Meltzer and Council Members Byrd, and Beck
NAYS (0): None

ABSTAIN (3): Council Members Davis, Maguire, and Armintor

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.

ASSIGNED RESOLUTION NO. 21-2733

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

The item was presented and discussion followed. Matt Pool from Kimley-Horn and Associates, Inc. also presented on the item.

Following discussion, Mayor Pro Tem Meltzer moved to approve the item as presented, with the expectation that in May 2022, City Council would be able to review a more detailed work plan. 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

3. CONCLUDING ITEMS

Council Members expressed items of interest.

The special called meeting was adjourned at 6:41 p.m.

CLOSED MEETING

1. The City Council convened into a Closed Meeting at 6:41 p.m. consistent with Chapter 551 of the Texas Government Code, as amended, or as otherwise allowed by law, as follows.

- 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.

DELIBERATED

- 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.

DELIBERATED


- 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.

DELIBERATED


Note Council Member Armintor left the closed meeting prior to deliberation of this item.

The closed meeting started at 6:48 p.m. and ended at 7:43 p.m. No votes or actions were taken during the closed meeting.

With no further business, the meeting was adjourned at 7:43 p.m.



GERARD HUDSPETH
MAYOR
CITY OF DENTON, TEXAS



ROSA RIOS
CITY SECRETARY
CITY OF DENTON, TEXAS

MINUTES APPROVED ON:

January 25, 2022

EXHIBIT A
January 11, 2022

Agenda Item 1.B (ID 22-076)

Seat	Appointee	Term	STATUS & QUALIFICATION OR PREFERENCE, IF ANY
Denton Black Chamber of Commerce	Kerry Gorree	October 1, 2021 through September 30, 2023	New