



City of Denton

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

Meeting Agenda

City Council

Tuesday, October 13, 2020

12:00 PM

Council Work Session Room

WORK SESSION BEGINS AT 12:00 P.M. IN THE COUNCIL WORK SESSION ROOM

CITY COUNCIL CONSIDERATION OF THE CONSENT AGENDA AND ITEMS FOR INDIVIDUAL CONSIDERATION WILL BEGIN IMMEDIATELY FOLLOWING THE CLOSED MEETING IN THE COUNCIL WORK SESSION ROOM

Note: Mayor Chris Watts, Mayor Pro Tem Gerard Hudspeth, and Council Members Keely Briggs, Jesse Davis, John Ryan, Deb Armintor and Paul Meltzer will be participating in the work session, closed meeting, and special called meeting via video/teleconference.

REGISTRATION GUIDELINES FOR ADDRESSING THE CITY COUNCIL

Due to COVID-19 precautions, members of the public will not be able to attend the October 13, 2020 City Council meeting in-person. To accommodate and receive input on agenda items, citizens will be 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 9, 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 13, 2020, at 12:00 p.m. in the Council Work Session Room 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 20-1664](#) Receive a report, hold a discussion, and give staff direction regarding an update to the City of Denton's COVID-19 response.

Attachments: [Exhibit 1 - Agenda Information Sheet.pdf](#)
[Exhibit 2 - Presentation.pdf](#)
[Exhibit 3 - Governor Abbott Executive Order GA-32.pdf](#)

- B. [ID 20-2084](#) Receive a report, hold a discussion, and give staff direction on a proposed Advisory Board to the Chief of Police following the ad-hoc Use-of-Force Committee recommendations and City Council discussion on October 5, 2020 on a proposed Advisory Board and its components, including whether the scope of the Board should be expanded, or create a Public Safety Community Relations Board, to include not only advising the Chief of Police on use of force situations and closely related topics but to provide input and advice to both the Chief of Police and Fire Chief on other issues such as community engagement and recruitment & hiring.

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

- C. [ID 20-1470](#) Receive a report, hold a discussion, and give staff direction regarding an overview of the previous February 25, 2020 Council work session, federal and state civil rights law, summary of a recent Supreme Court decision regarding employment matters, and research of comprehensive non-discrimination ordinances.

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
 [Exhibit 2 - Presentation](#)
 [Exhibit 3 - February 25, 2020 Work Session Materials](#)

- D. [ID 20-1794](#) Receive a report, hold a discussion and give staff direction regarding the creation of a Sustainability Advisory Committee to advise City Council on implementation of Simply Sustainable -A Framework for Denton's Future.

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
 [Exhibit 2 - Comparison Summary](#)
 [Exhibit 3 - Presentation](#)

- E. [ID 20-1476](#) Receive a report, hold a discussion, and give staff direction regarding the Stoke Denton Entrepreneur Center, the associated lease and sublease agreements, and the management agreement with Hickory & Rail Ventures, LLC.

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
 [Exhibit 2 - Ord. 2015-300 Lease Agr. with Railyard Partners](#)
 [Exhibit 3 - Commencement Letter](#)
 [Exhibit 4 - Ord. 2017-371 Management & Sublease Agr. with HRV](#)
 [Exhibit 5 - Ord. 18-1846 Amendment to Management & Sublease Agr. with HRV](#)
 [Exhibit 6 - 2019 HRV/Stoke Annual Report](#)
 [Exhibit 7 - Proposal for Program Agreement from HRV](#)
 [Exhibit 8 - 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 20-2015](#) Consultation with Attorneys - Under Texas Government Code Section 551.071.

Consultation, discussion, deliberation, and receipt of information from the City's attorneys involving legal matters relating to the annexation or extension/renewal of non-annexation agreements for eligible properties, 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.

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.

2. 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 – L). 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 20-1918](#) Consider adoption of an ordinance of the City of Denton authorizing the City Manager, or his designee, to execute an Interlocal Agreement in the form of a Memorandum of Understanding with the Denton Independent School District (DISD), for reimbursement to the City in the estimated amount of \$609,276 for compensation and benefits of student resource officers (SROs) assigned at DISD for the period of July 1, 2020, through June 30, 2021, and providing an effective date.

Attachments: [Exhibit 1 - AIS - 20-21 SRO Program](#)
 [Exhibit 2 - Ordinance & Agreement - SRO Program 20-21](#)

- B. [ID 20-1919](#) Consider adoption of an ordinance of the City of Denton, Texas, establishing classifications and positions in the Police Department; creating and abolishing certain positions; repealing ordinance No. 19-2943 relating to establishing the classifications and prescribing the number of positions in each classification for the Police Department; providing repealer, cumulative, and severability clauses; and declaring an effective date.

Attachments: [Exhibit 1 - AIS - FY20-21 Staffing Appropriation](#)
 [Exhibit 2 - Ordinance - FY20-21 Staffing Appropriation](#)

- C. [ID 20-2056](#) Consider adoption of an ordinance of the City of Denton authorizing an Amended and Restated Sponsorship Agreement between the City of Denton and North Texas State Fair Association, Inc., for the purpose of the 2020 and 2021 North Texas Fair and

Rodeo Kids Zone sponsorship; providing for the expenditure of funds; and providing for an effective date.

Attachments: [Exhibit 1 Agenda Information Sheet](#)
 [Exhibit 2 Ordinance](#)
 [Exhibit 3 Ordinance 19-2415](#)

- D. [ID 20-1973](#) Consider adoption of an ordinance of the City of Denton authorizing the City Manager, or his designee, to accept the TexTreasures Grant #TXT-21007 for SFY 2021 (Federal Award Identification No. LS-246193-0LS-20) from the Texas State Library and Archives Commission through the Institute of Museum and Library Services in the amount of \$24,820.00 for the period of September 1, 2020 through August 31, 2021; authorizing the City Manager to carry out all duties of the City pursuant to the grant; providing a savings clause; and providing an effective date.

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

- E. [ID 20-1995](#) 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 Peak Program Value, LLC, a Colorado Limited Liability Company, for program management services for the construction phase of the Public Safety Buildings (Police Headquarters, Police Substation, and Firing Range) and additional services for new or renovations of City buildings as set forth in the contract; providing for the expenditure of funds therefor; and providing an effective date (RFQ 7425 - Professional Services Agreement for Program Management Services awarded to Peak Program Value, LLC, for one (1) year, with the option for two (2) additional one (1) year extensions, in the total three (3) year term; approval of Task Order #1 for construction phase services for the Public Safety Buildings in a not to exceed amount of \$696,074).

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

- F. [ID 20-1996](#) Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, rejecting any and all competitive bids under IFB 7463 for Landscape & Grounds Maintenance; and providing an effective date (IFB 7463).

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

- G. [ID 20-1997](#) Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager, or his designee, to execute a contract with GT Distributors, Inc., through the Buy Board Cooperative Purchasing Network Contract # 603-20, for the purchase of public safety equipment and supplies for the Denton Police and Fire Departments; providing for the expenditure of funds therefor; and providing an effective date (File 7479 - awarded to GT Distributors, Inc., in the not-to-exceed amount

of \$393,000).

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

- H. [ID 20-1998](#) Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager, or his designee, to execute a contract with BWI, Inc., through the Buy Board Cooperative Purchasing Network Contract # 611-20, for the acquisition of turf grass seeds, tools, and landscape supplies for the Parks and Recreation Department; providing for the expenditure of funds therefor; and providing an effective date (File 7496 - awarded to BWI, 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 \$75,000).

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

- I. [ID 20-1909](#) Consider approval of a resolution of the Council of the City of Denton revising the City's Harassment Prevention Policy; and providing an effective date.

Attachments: [Exhibit 1 - AIS - Harassment Prevention Policy Revisions](#)
 [Exhibit 2 - Resolution - Harassment Prevention Policy No. 108.10](#)
 [Exhibit 3 - 108.10 Harassment Prevention Policy Revisions](#)

- J. [ID 20-2092](#) Consider approval of the minutes of October 5, 2020.

Attachments: [Exhibit 1 - October 5, 2020 Minutes](#)

- K. [ID 20-2086](#) Consider adoption of an ordinance of the City of Denton approving a Joint Election Agreement and Contract for election services with Denton County for joint election services for the Denton regular municipal election being held for the purpose of electing Council Members to Places 5 and 6 and electing a Mayor to Place 7 and a special municipal election for the purpose of filling a vacancy in Districts 1 and 2 for the unexpired term ending in May, 2021, to be held on November 3, 2020 within said City at a total estimated cost of \$78,840.83; and providing an effective date.

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
 [Exhibit 2 - Ordinance, Contract & Exhibits](#)
 [Exhibit 3 – Cost Estimate Details](#)
 [Exhibit 4 – Ordinance 20-264 Ordering General Election for May 2, 2020 \(Origin](#)
 [Exhibit 5 – Ordinance 20-741 Postponing General Election to November 3, 2020](#)
 [Exhibit 6 – Ordinance 20-1694 Amending General Election Ordinance 20-741 \(E](#)
 [Exhibit 7 – Ordinance 20-265 Ordering Special Election for May 2, 2020 \(Origin:](#)
 [Exhibit 8 – Ordinance 20-742 Postponing Special Election to November 3, 2020](#)
 [Exhibit 9 – Ordinance 20-1695 Amending Special Election Ordinance 20-742 \(E](#)

- L. [ID 20-2087](#) Consider adoption of an ordinance of the City of Denton, Texas, delegating Historic Denton Inc. as a Third Party Administrator to apply for the Fiscal Year 2021 Certified

Local Government Subgrant through the Texas Historical Commission for a Historical Survey of an area selected and approved by the Texas Historical Commission and for Nomination as a National Historic District; Authorize the Mayor and City Manager to sign the grant application on behalf of the City; and providing for an effective date.

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
 [Exhibit 2 - Draft Ordinance](#)
 [Exhibit 3 - Ordinance 20-1928](#)

3. ITEMS FOR INDIVIDUAL CONSIDERATION

- A. [ID 20-1994](#) 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 Professional Services Agreement between the City of Denton and RPS Infrastructure, Inc., amending the contract approved by City Council on September 18, 2018, in the not-to-exceed amount of \$2,031,479.50; amended by Amendment 1 approved by City Council; said second amendment to provide additional engineering and design services relating to the Bonnie Brae Phase 6 - University (US 380) to Loop 288 street improvement project; providing for the expenditure of funds therefor; and providing an effective date (File 6590-032 - providing for an additional second amendment expenditure amount not-to-exceed \$340,609, with the total contract amount not-to-exceed \$2,769,848.50).

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

- B. [ID 20-2009](#) 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 Burns & McDonnell, Inc., for the supply of a solid waste management strategy for the Solid Waste and Recycling Department; providing for the expenditure of funds therefor; and providing an effective date (RFP 7281 - awarded to Burns & McDonnell, Inc., in the not-to-exceed amount of \$155,250).

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

- C. [ID 20-2039](#) Consider adoption of an ordinance of the City of Denton prohibiting parking on Kimberly Drive between Morse Street and Karina Street; providing a repealer clause; providing a savings clause; providing for a penalty not to exceed \$200 for violations of this ordinance; providing that violations of this ordinance shall be governed by Chapter 18 of the Code of Ordinances of the City of Denton; and providing for an effective date.

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

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

- A. [ID 20-2100](#) Consider adoption of an ordinance of the City of Denton determining the public use, need, and necessity for the acquisition of various (I) fee simple tracts, (II) temporary construction easements, and (III) a permanent drainage easement, generally located along North Bonnie Brae Street, south of U.S. Highway 77 (North Elm Street) and north of U.S. Highway 380 (University Drive), situated in the F. Batson Survey - Abstract No. 43, the N.H. Meisenheimer Survey - Abstract 810, the J. Collard Survey - Abstract No. 297, and the N. Wade Survey - Abstract 1407, 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, or their respective designees, to acquire the Property Interests by agreement, if possible, including making initial and final 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, or his designee, 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 - Location Map](#)
 [Exhibit 3 - Secretary of State Information](#)
 [Exhibit 4 - Ordinance 2012-073 \(Relocation\)](#)
 [Exhibit 5 - Recommended Motion](#)
 [Exhibit 6 - Ordinance](#)

5. 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 bulletin board at the City Hall of the City of Denton, Texas, on the 9th day of October 2020 at 3:20 p.m.

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.