City of Denton



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

Meeting Agenda City Council

Tuesday, August 17, 2021 3:00 PM Council Chambers

WORK SESSION BEGINS AT 3:00 P.M. MEETING IN THE COUNCIL CHAMBERS

REGULAR MEETING BEGINS AT 6:30 P.M. 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.):

online White Card On August agenda 13. the was posted 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, August 17, 2021, at 3:00 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. <u>ID 21-1361</u> Receive a report, hold a discussion, and give staff direction regarding an incentive application for Safran Electrical Components USA, Inc, a subsidiary of Safran Electrical & Power.

<u>Attachments:</u> Exhibit 1 - Agenda Information Sheet

Exhibit 2 - Application

Exhibit 3 - Presentation

B. ID 21-1271 Receive a report, hold a discussion, and give staff direction regarding City of Denton policies related to development districts including, but not limited to, tax increment reinvestment zones, public improvement districts, municipal management districts, municipal development districts, and municipal utility districts.

Attachments: Exhibit 1 - Agenda Information Sheet

Exhibit 2 - Resolution 18-1039 PID Guidelines

Exhibit 3 - Presentation

C. <u>ID 21-459</u> Receive a report, hold a discussion, and give staff direction regarding the General Fund preliminary FY 2021-22 Proposed Budget, Tax Rate, Capital Improvement Program, and Five-Year Financial Forecast.

Attachments: Exhibit 1 - Agenda Information Sheet

Exhibit 2 - Presentation (revised)
Exhibit 3 - Budget Follow Up Memo

Exhibit 4 - Informal Staff Report 2021-060
Exhibit 5 - Informal Staff Report 2021-058

D. <u>ID 21-1090</u> Receive a report, hold a discussion, and give staff direction on pending City Council requests for:

(1) The adoption of an action plan for bicycle friendly communities.

Attachments: Exhibit 1 - Agenda Information Sheet

Exhibit 2 - Ordinance19-2026 - City Council Request Process

Exhibit 3 - Action Plan for Bicycle Friendly Communities

Exhibit 4 - Presentation

Following the completion of the Work Session, the City Council will convene the 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 21-1411

Deliberations Regarding Certain Public Power Utilities: Competitive Matters - Under Texas Government Code Section 551.086; Consultation with Attorneys - Under Texas Government Code, Section 551.071.

Receive competitive and financial public power information from staff related to a power purchase agreement between the City of Denton, as the seller of power and electric energy services, and Texas Woman's University, as buyers of power and electric energy services; discuss and deliberate actions regarding the same. Consultation with the City's attorneys regarding legal issues associated with the above matters where a public discussion of these legal matters would 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, or would jeopardize the City's legal position in any administrative proceeding or potential litigation.

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 Regular 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.

AFTER DETERMINING THAT A QUORUM IS PRESENT, THE REGULAR MEETING OF THE CITY OF DENTON CITY COUNCIL WILL CONVENE AT 6:30 P.M. IN THE COUNCIL CHAMBERS AT CITY HALL, 215 E. MCKINNEY STREET, DENTON, TEXAS AT WHICH THE FOLLOWING ITEMS WILL BE CONSIDERED:

1. PLEDGE OF ALLEGIANCE

- A. U.S. Flag
- B. Texas Flag

"Honor the Texas Flag – I pledge allegiance to thee, Texas, one state under God, one and indivisible."

2. PROCLAMATIONS/PRESENTATIONS

3. PRESENTATION FROM MEMBERS OF THE PUBLIC

- A. Review of procedures for addressing the City Council.
- B. Reports from members of the public shall be received through the following two (2) methods. A total of up to seven (7) speakers are permitted to provide public comment and may include any combination of prior registration and open microphone speakers.
- 1) Pre-registration. This section of the agenda permits any person who has registered in advance to make a citizen report regarding a public business item he or she wishes to be considered by the City Council. Each speaker is allowed a maximum of four (4) minutes to present their report. At the conclusion of each report, the City Council may pose questions to the speaker or may engage in discussion. If the City Council believes that a speaker's report requires a more detailed review, the City Council will give the City Manager or City Staff direction to place the item on a future work session or regular meeting agenda and advise staff as to the background materials to be desired at such meeting.
- a. ID 21-1774 Mr. Edward Sanders regarding masks in schools and defiance of the Governor.
- 2) Open Microphone. This section of the agenda permits any person who has not registered in advance for a citizen report to make comments about public business items not listed on the agenda. Such person(s) shall have registered using the "Virtual White Card" or "By Phone" process outlined by the City on its website or meeting notice.

During open microphone reports under this section of the agenda, the Council may listen to citizens speak. However, because notice of the subject of the open microphone report has not been provided to the public in advance, the Texas Open Meetings Act limits any deliberation or decision by the Council to: a proposal to place the item on a future agenda; a statement of factual information; or a recitation of existing policy. Council Members may not ask the open microphone speakers questions or discuss the items presented during open microphone reports.

NOTE: If audio/visual aids during presentations to Council are needed, they must be submitted to the City Secretary 24 hours prior to the meeting.

4. 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 - K). 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 21-1352

Consider nominations/appointments to the City's Boards, Commissions, and Committees: Animal Shelter Advisory Committee, Board of Ethics, Committee on Persons with Disabilities, Community Services Advisory Committee, Health & Building Standards Commission, Historic Landmark Commission, Library Board, Parks, Recreation & Beautification Board, Planning & Zoning Commission, Public Art Committee, Public Utilities Board, and Zoning Board of Adjustment.

Attachments:

Exhibit 1 - Agenda Information Sheet

Exhibit 2 - Nominations Sheet

B. ID 21-1700

Consider approval of a resolution of the City of Denton providing the July 28, 2021 meeting absence of a Planning and Zoning Commission Member be excused; and declaring an effective date.

Attachments:

Exhibit 1 - Agenda Information Sheet
Exhibit 2 - Draft Resolution & Exhibit

C. ID 21-1722

Consider approval of a resolution of the City of Denton providing the August 5, 2021 meeting absence of a Public Art Committee Member be excused; and declaring an effective date.

Attachments:

Exhibit 1 - Agenda Information Sheet

Exhibit 2 - Draft Resolution & Exhibit

D. ID 21-1481

Consider approval of a resolution of the City Council of the City of Denton confirming the City Manager's reappointment of Jaime Blanton to the Civil Service Commission to serve for the term beginning September 1, 2021, and ending on August 31, 2024; and providing an effective date.

Attachments:

Agenda Information Sheet

Jaime Blanton Biography

Resolution

E. ID 21-1556

Consider approval of a resolution of the City of Denton ratifying a letter of support to the Texas Commission on the Arts for an application by the Denton Festival Foundation for the Arts Respond Project - Economic Development grant in the amount of \$12,000 for marketing and promotion related to the 2022 Arts and Jazz Festival; and providing an effective date.

Attachments:

Exhibit 1 - Agenda Information Sheet

Exhibit 2 - Resolution

Exhibit 3 - Letter of Request Exhibit 4 - Letter of Support

F. ID 21-1582

Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, approving a power purchase agreement between the City and Texas Woman's University, a Texas Higher Education Institution; providing for the expenditure of funds; and providing for an effective date.

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Attachments: 1 - Age

1 - Agenda Information Sheet

2 - Ordinance

G. ID 21-1327

Consider adoption of an ordinance of the City Council of the City of Denton authorizing the City Manager to execute an agreement with the Denton Central Business District Association, Inc. dba Denton Main Street Association to allow the Denton Main Street Association to hire a program manager and support programming for the Texas Main Street Locally Designated Program; and providing an effective date.

Attachments:

Exhibit 1 - Agenda Information Sheet

Exhibit 2 - DMSA Main Street Program Report

Exhibit 3 - Ordinance and Agreement

H. ID 21-1627

Consider approval of a resolution of the City of Denton nominating PACCAR, Inc., to the Office of the Governor Economic Development and Tourism through the Economic Development Bank as an Enterprise Project; and providing an effective date. The Economic Development Partnership Board recommends approval (9-0).

Attachments:

Exhibit 1 - Agenda Information Sheet

Exhibit 2 - Resolution

Exhibit 3 - TEZ Program Overview

I. ID 21-1596

Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager, or their designee, to execute a contract with FARO Technologies, Inc., for the FARO 3D Laser Scanner System Upgrade for the Police Department; providing for the expenditure of funds therefor; and providing an effective date (RFP 7681 - awarded to FARO Technologies, 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 \$77,400.00).

Attachments:

Exhibit 1 - Agenda Information Sheet

Exhibit 2 - Ordinance and Contract

J. ID 21-1643

Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, rejecting any and all competitive proposals under RFP 7696 for Fire Hydrant Maintenance; and providing an effective date (RFP 7696). The Public Utilities Board recommends approval (5 - 0).

Attachments:

Exhibit 1 - Agenda Information Sheet

Exhibit 2 - Ordinance

K. ID 21-1692

Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager, or their designee, to execute a contract with Joe Goddard Enterprises, LLC, for the preventative maintenance and repair of outdoor early warning sirens for the Fire Department; providing for the expenditure of funds therefor; and providing an effective date (RFP 7728 - awarded to Joe Goddard Enterprises, LLC, 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 \$639,314.00).

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Attachments: Exhibit 1 - Agenda Information Sheet

Exhibit 2 - Evaluation

Exhibit 3 - LLC Members

Exhibit 4 - Ordinance and Contract

5. ITEMS FOR INDIVIDUAL CONSIDERATION

A. ID 21-1781

Consider adoption of an ordinance of the City of Denton, Texas, reappointing Tyler Atkinson as the Presiding Judge with a two-year term commencing on July 24, 2021, and ending on July 24, 2023; approving a salary increase for the Presiding Judge Tyler Atkinson under the performance review provision of his employment agreement with the city; paying the presiding judge's percentage of cost for his participation in the Texas Municipal Retirement System (TMRS); contributing 6% of the presiding judge's annual base salary to the ICMA-RC's 457 plan; increasing the Presiding Judge's car allowance to \$400; authorizing the Mayor to execute the Presiding Judge's employment agreement; authorizing expenditure of funds; and providing an effective date.

Attachments:

Exhibit 1-AIS.pdf

Exhibit 2-Ordinance.pdf

Exhibit 3-Employment Agreement.pdf

B. ID 21-1783

Consider adoption of an ordinance of the City of Denton, Texas, approving a salary increase for the City Auditor, Madison Rorschach under the performance review provision of her employment agreement with the City; extending the term of the City Auditor's employment agreement until August 7, 2025; paying the City Auditor's percentage of cost for her participation in the Texas Municipal Retirement System (TMRS); contributing 6% of the City Auditor's annual base salary to the ICMA-RC's 457 plan; authorizing the Mayor to execute the City Auditor's first amended employment agreement; authorizing expenditure of funds; and providing an effective date.

Attachments:

Exhibit 1-AIS.pdf

Exhibit 2-Ordinance.pdf

Exhibit 3-Employment Agreement.pdf

C. ID 21-1329

Consider adoption of an ordinance of the City of Denton amending the provisions of Chapter 6 of the Code of Ordinances by amending Section 6-2 "definitions" by providing definitions for key terms and removing the definition of "dangerous animal" to replace it with the definition of "dangerous dog"; by amending Article II of Chapter 6 of the Code of Ordinances regarding dangerous dogs by changing the title of Article II to "dangerous dogs and aggressive dogs"; amending the complaint filing process, outlining ramifications for failure to comply, and outlining and implementing a dangerous and aggressive dog registry; providing for a severability clause; providing for a savings clause; providing for a penalty; providing for codification; and providing an effective date.

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Attachments: Exhibit 1 - Agenda Information Sheet.pdf

Exhibit 2 - Ordinance.pdf
Exhibit 3 - Presentation.pdf

Exhibit 4 - Chapter 6 Sec 33-39 Redline.pdf

D. <u>ID 21-1328</u> Consider adoption of an ordinance of the City of Denton authorizing the City Manager to execute a renewal letter to extend the agreement between the City of Denton and the

Denton Chamber of Commerce regarding an economic development program for Fiscal Year 2021-2022; authorizing the expenditure of funds; and providing an effective date.

The Economic Development Partnership Board recommends approval (8-0).

<u>Attachments:</u> Exhibit 1 - Agenda Information Sheet

Exhibit 2 - Chamber Request to Renew Letter

Exhibit 3 - Partnership Interim Annual Report

Exhibit 4 - Ordinance and Letter

Exhibit 5 - Presentation

E. <u>ID 21-1334</u> Consider nominations/appointments to the City's Economic Development Partnership

Board.

Attachments: Exhibit 1 - Agenda Information Sheet

Exhibit 2 - EDP Board Ordinance (No. 2017-203)

Exhibit 3 - Presentation

F. ID 21-1691 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal

corporation, authorizing the City Manager to execute a Construction Manager at Risk Contract with Balfour Beatty Construction, LLC, for the renovation of the Loop 288 Project, as set forth in the contract; providing for the expenditure of funds therefor; and providing an effective date (RFQ 7671 - CMAR awarded to Balfour Beatty Construction, LLC, in the not-to-exceed amount of \$5,000.00 for pre-construction

services).

<u>Attachments:</u> Exhibit 1 - Agenda Information Sheet

Exhibit 2 - Evaluation Sheet

Exhibit 3 - Presentation

Exhibit 4 - LLC Members

Exhibit 5 - Ordinance and Contract

G. ID 21-1689 Consider adoption of an ordinance of the City of Denton, Texas, establishing a

Sustainability Framework Fund; committing revenues of the City to the Sustainability

Framework Fund; providing a severability clause; and providing an effective date.

<u>Attachments:</u> Exhibit 1 - Agenda Information Sheet

Exhibit 2 - Ordinance

6. PUBLIC HEARINGS

A. PD21-0002b Hold a public hearing and consider adoption of an ordinance of the City of Denton,

Texas, regarding a request to rezone approximately 32.11 acres from Mixed Use Regional (MR) District to a Planned Development (PD) District. The site is generally located south of North Loop 288, southwest of Hwy 77 (North Elm Street), and west of North Bonnie Brae Street, in the City of Denton, Denton County, Texas. (PD21-0002b, Christopher Todd Communities, Julie Wyatt) THIS ITEM HAS BEEN POSTPONED TO A DATE UNCERTAIN.

Attachments:

Exhibit 1 - Agenda Information Sheet

B. Z21-0009a

Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, regarding a change in the zoning district and use classification from a Residential Rural (RR) District to a Residential 1 (R1) District on approximately 2.990 acres of land generally located approximately 830 feet north of the Bonnie Brae Street and Allred Road intersection, in the City of Denton, Denton County, Texas; adopting an amendment to the City's official zoning map; providing for a penalty in the maximum amount of \$2,000.00 for violations thereof; providing a severability clause and an effective date. The Planning and Zoning Commission voted [6-0] to approve the request. (Z21-0009a, Reese Single-Family Rezoning, Cameron Robertson).

Attachments:

Exhibit 1 - Agenda Information Sheet

Exhibit 2 - Staff Analysis

Exhibit 3 - Site Location Map

Exhibit 4 - Existing Zoning Map

Exhibit 5 - Proposed Zoning Map

Exhibit 6 - Future Land Use Map

Exhibit 7 - Permitted Use Comparison

Exhibit 8 - Notification Response Map and Affidavit of Sign Posting 1 - Copy

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Exhibit 9 - Draft Ordinance

Exhibit 10 - Presentation

C. Z21-0007e

Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, regarding a change in the zoning district and use classification from Public Facilities (PF) District to Light Industrial (LI) District on approximately 30.43 acres of land generally located on the south side of Jim Christal Road, approximately 900 feet east of Thomas J Egan Road, in the City of Denton, Denton County, Texas; adopting an amendment to the City's official zoning map; providing for a penalty in the maximum amount of \$2,000.00 for violations thereof; providing a severability clause and an effective date. The Planning and Zoning Commission voted [6-0] to approve the request. (Z21-0007e, Jim Christal Road Rezoning, Karina Maldonado)

<u>Attachments:</u> Exhibit 1 - Agenda Information Sheet

Exhibit 2 - Staff Analysis

Exhibit 3 - Site Location Map

Exhibit 4 - Future Land Use Map

Exhibit 5 - Existing Zoning Map

Exhibit 6 - Propose Zoning Map

Exhibit 7 - Conceptual Site Plan

Exhibit 8 - Permitted Use Comparison Table

Exhibit 10 - Draft Ordinance

Exhibit 11 - Staff Presentation

7. 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.

CERTIFICATE

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 August 13, 2021, in advance of the 72-hour posting deadline, as applicable, and in accordance with Chapter 551 of the Texas Government Code.

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.