

City of Denton

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

Meeting Agenda City Council

Tuesday, April 3, 2018

11:30 AM

Work Session Room & Council Chambers

After determining that a quorum is present, the City Council of the City of Denton, Texas will convene in a Work Session on Tuesday, April 3, 2018 at 11:30 a.m. in the Council Work Session Room at City Hall, 215 E. McKinney Street, Denton, Texas at which the following items will be considered:

1. Citizen Comments on Consent Agenda Items

This section of the agenda allows citizens to speak on Consent Agenda Items only. Each speaker will be given a total of three (3) minutes to address any items he/she wishes that are listed on the Consent Agenda. A Request to Speak Card should be completed and returned to the City Secretary before Council considers this item.

2. Requests for clarification of agenda items listed on the agenda for April 3, 2018.

3. Citizen Comments on Ethics Related Work Session Report Items

The City Council has agreed to suspend the Rules of Procedure for citizen comment on Work Session Report Items related to an ethics ordinance. This section of the agenda allows citizens to speak on Work Session Report Items related to an ethics ordinance only. Each speaker will be given a total of three (3) minutes to address any item related to an ethics ordinance he/she wishes that are listed on the Work Session Report. A Request to Speak Card should be completed and returned to the City Secretary before Council considers this item.

4. Work Session Reports

A. <u>DCA17-0011</u> Receive a report, hold a discussion, and provide staff direction concerning the proposed revisions to the Denton Development Code regarding environmentally sensitive areas (Subchapters 3, 17, and 23).

Attachments: Exhibit 1 - Agenda Information Sheet

Exhibit 2 - Public Comments and Staff Responses

Exhibit 3 - Subchapter 17 Redline Version

Exhibit 4 - Subchapter 17 Clean Version

Exhibit 5 - Presentation

B. ID 18-515 Receive a report, hold a discussion, and provide direction regarding current City of Denton facilities and how to proceed with planning for future needs.

Attachments: Exhibit 1 - City Hall Master Plan.docx

Exhibit 2 - Presentation.pdf

C. <u>ID 18-527</u> Receive a report, hold a discussion and give staff direction regarding a Citizen Comment Pilot Program for Section 3.B. items ("Receive Scheduled Citizen Reports from Members

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of the Public") of the City Council's Regular Meeting Agenda, which pilot program was enacted by Ordinance No. 2017-402.

Attachments: Exhibit 1 Agenda Information Sheet

Exhibit 2 2017-402 Rules of Procedure-2.pdf

Exhibit 3 CC Rules of Procedures-Draft Ordinance Permanent-04032018.pdf

Exhibit 4 CC Rules of Procedures-Draft Extension 04032018.pdf

D. ID 18-531 Receive a report and hold a discussion and provide direction regarding the appointment of an Alternate to the Board of Directors of the Denton County Transportation Authority.

Attachments: Exhibit 1 AIS DCTA Alternate

Exhibit 2 - DCTA Alternate.pdf

E. <u>ID 18-560</u> Receive a report, hold a discussion, and give staff direction regarding the G. Roland Vela Athletic Complex capital project.

Attachments: Exhibit 1 - Agenda Information Sheet.pdf

Exhibit 2 Presentation.pdf
Exhibit 3 Cost Projection.pdf

F. <u>ID 18-508</u> Receive a report, hold a discussion, and give staff direction on a draft ethics ordinance from attorney Alan Bojorquez.

Attachments: Exhibit 1- Ethics AIS Work Session.pdf

Exhibit 2- Ethics Ordinance Draft C clean.pdf
Exhibit 3- Ethics Ordinance Draft C redlined.pdf

Exhibit 4- Public Comment.pdf
Exhibit 5- Memo to Council
Exhibit 6- Presentation

G. ID 18-516 Receive a report, hold a discussion, and give staff direction regarding the development of an ethics policy for all City of Denton employees.

Attachments: Exhibit 1 - Agenda Information Sheet

Exhibit 2 - Ethics Policy
Exhibit 3 - Presentation

Following the completion of the Work Session, the City Council will convene in a Closed Meeting to consider specific items 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 18-432 Deliberations regarding a Personnel Matter - Under Government Code Section 551.074

Deliberate and discuss the evaluation, duties, discipline, procedures, and contracts of the City Manager and City Attorney.

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 ACTION, DECISION, OR VOTE IS TAKEN IN THE CLOSED MEETING IN ACCORDANCE WITH THE PROVISIONS OF \$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 TEX. GOV'T. CODE, \$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 \$551.071-551.086 OF THE TEXAS OPEN MEETINGS ACT.

Regular Meeting of the City of Denton City Council 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

- A. ID 18-499 Denton Arbor Day
- **B.** ID 18-500 University Day
- C. ID 18-501 Child Abuse Prevention Month

3. PRESENTATION FROM MEMBERS OF THE PUBLIC

- A. Review of procedures for addressing the City Council.
- B. Receive Scheduled Citizen Reports from Members of the Public. 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. This is limited to no more than four (4) speakers per meeting with each speaker allowed a maximum of three (3) 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. Such questions or discussion shall not exceed two (2) minutes. If the City Council believes 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.
- C. Additional Citizen Reports This section of the agenda permits any person not registered for a citizen report to make comments regarding public business on items not listed on the agenda. This is limited to two speakers per meeting with each speaker allowed a maximum of four (4) minutes. Such person(s) shall have filed a "Blue Card" requesting to speak during this period prior to the calling of this agenda item.

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 the 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, Consent Agenda Items A - M below 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 18-412

Consider adoption of an ordinance of the City of Denton, Texas, a Texas home-rule municipal corporation, authorizing the City Manager to execute a contract for household hazardous disposal services with Green Planet Inc.; providing for the expenditure of funds therefore; and providing an effective date (RFP 6618-awarded to Green Planet Inc., in the three (3) year not-to-exceed amount of \$216,350). The Public Utilities Board recommends approval (6-0).

Attachments:

Exhibit 1 - Agenda Information Sheet.pdf

Exhibit 2 - Pricing Tabulation.pdf

Exhibit 3 - Contract.pdf

Exhibit 4 - Ordinance.pdf

B. <u>ID 18-416</u>

Consider adoption of an ordinance of the City of Denton, Texas, a Texas home-rule municipal corporation, authorizing the City Manager to execute a contract for the purchase of substation Remote Terminal Unit (RTU) software and Human Machine Interface (HMI) software, with Subnet Solutions, Inc., which is the sole provider of this software. In accordance with Texas Local Government Code 252.022, 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; and providing an effective date (File 6500 awarded to Subnet Solutions, Inc. in the three (3) year not-to-exceed amount of \$307,980). The Public Utilities Board recommends approval (6-0).

Attachments:

Exhibit 1 - Agenda Information Sheet.pdf

Exhibit 2 - RTU Cost Comparison.pdf

Exhibit 3 - Subnet Sole Source Letter.pdf

Exhibit 4 - Department Justification Memo.pdf

Exhibit 5 - Contract rev.pdf

Exhibit 6 - Ordinance.pdf

C. ID 18-425

Consider adoption of an ordinance of the City of Denton authorizing an agreement between the City of Denton, Texas and the United Way of Denton County for the purpose of expenses for Denton County Barriers Fund; providing for the expenditure of funds therefor; and providing for an effective date. (\$200)

Attachments:

Exhibit 1 - Agenda Information Sheet - United Way Barriers Fund.docx

Exhibit 2 - Ordinance United Way-Denton Co Barriers Fund.pdf

Exhibit 3 - Agreement United way-Denton Co Barriers Fund.pdf

D. ID 18-426

Consider adoption of an ordinance of the City of Denton authorizing an agreement between the City of Denton, Texas and The University of North Texas for the purpose of hosting the African Cultural Festival; providing for the expenditure of funds therefor; and providing for an effective date. (\$350)

Attachments:

Exhibit 1 - Agenda Information Sheet - UNT Cultural Festival.docx

Exhibit 2 - Ordinance unt african cultural festival - Copy.pdf

Exhibit 3 - Agreement unt african cultural festival.pdf

E. ID 18-467

Consider approval of a resolution authorizing the city manager to execute a Memorandum of Understanding on behalf of the City of Denton with the Denton Independent School District, relating to the School Resource Officer program; increasing the DISD reimbursement from \$199,085 to \$404,390; and providing an effective date.

Attachments:

Exhibit 1 - AIS - DISD MOU

Exhibit 2 - Resolution - DISD MOU

Exhibit 3 - DISD MOU

F. ID 18-488

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 through the Buy Board Cooperative Purchasing Network Contract # 515-16 for the acquisition of one (1) replacement 2018 Case model 590SN Extended Reach Backhoe for \$92,897.24 for the Denton Municipal Electric Distribution Department; providing for the expenditure of funds therefor; and providing an effective date (File 6763 - awarded to Associated Supply Company, Inc., in the amount of \$92,897.24). The Public Utilities Board recommends approval (6-0).

Attachments:

Exhibit 1 - Agenda Information Sheet.pdf

Exhibit 2 - Pricing Comparison and Quotes.pdf

Exhibit 3 - Ordinance.pdf

G. ID 18-489

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 through the Buy Board Cooperative Purchasing Network Contract# 515-16 for the acquisition of one (1) replacement Kubota model SVL95-2SHFC compact track loader for \$63,497.59 for the Water Distribution Department; providing for the expenditure of funds therefor; and providing an effective date (File 6764 - awarded to Zimmerer Kubota & Equipment, Inc., in the amount of \$63,497.59). The Public Utilities Board recommends approval (6-0).

Attachments: Exhibit 1 - Agenda Information Sheet.pdf

Exhibit 2 - Pricing Comparison and Quotes.pdf

Exhibit 3 - Justification Memo.pdf

Exhibit 4 - Ordinance.pdf

H. ID 18-492

Consider adoption of an ordinance of the City of Denton, Texas, a Texas home-rule municipal corporation, authorizing the City Manager to execute a contract for Maintenance and Repairs of TXDOT Street Lights with Standard Utility Construction, Inc.; providing for the expenditure of funds therefore; and providing an effective date (RFP 6640 awarded to Standard Utility Construction, Inc. in the three (3) year not-to-exceed amount of \$300,000). The Public Utilities Board recommends approval (6-0).

Attachments:

Exhibit 1 Agenda Information Sheet TXDOT Street Light Mtnce BW030518 (JF

Exhibit 2 - Pricing Evaluation.pdf

Exhibit 3 - Contract.pdf

Exhibit 4 - Ordinance.pdf

I. ID 18-496

Consider adoption of an ordinance of the City of Denton, Texas, a Texas home-rule municipal corporation, authorizing the City Manager to execute a contract for the supply of Distribution Gang Operated Air Break ("GOAB") Switches for Denton Municipal Electric to be stocked in the City of Denton Distribution Center; providing for the expenditure of funds therefor; and providing an effective date (RFP 6623-awarded to Techline, Inc., in the three (3) year not-to-exceed amount of \$166,000).

Attachments:

Exhibit 1-Agenda Information Sheet.pdf

Exhibit 2- Evaluation Sheet.pdf

Exhibit 3 - Contract.pdf

Exhibit 4 - Ordinance.pdf

J. ID 18-497

Consider adoption of an ordinance of the City of Denton, Texas, a Texas home-rule municipal corporation, authorizing the City Manager to execute a contract for Veterinary Services for the Linda McNatt Animal Care and Adoption Center with RSVP Services, Inc.; providing for the expenditure of funds therefore; and providing an effective date (RFP 6624 awarded to RSVP Services, Inc. in the four (4) year not-to-exceed amount of \$1,180,000).

Attachments:

Exhibit 1 - Agenda Information Sheet.pdf

Exhibit 2 - Pricing Evaluation.pdf

Exhibit 3 - Contract.pdf

Exhibit 4 - Ordinance.pdf

K. <u>ID 18-530</u>

Consider approval of a resolution confirming the appointment of Kenneth W. Hedges, by the City Manager, as Fire Chief for the City of Denton Fire Department, and declaring an effective date. Attachments: Exhibit 1 - Agenda Information Sheet

Exhibit 2 - Resolution

L. <u>ID 18-545</u>

Consider adoption of an ordinance of the City of Denton, Texas, a Texas home-rule municipal corporation, authorizing the City Manager to execute a three (3) year Professional Services Agreement with Sawko and Burroughs, P.C., for Professional Services related to collection of delinquent taxes on behalf of the City of Denton; and establishing an effective date. (File 6770)

Attachments: Exhibit 1 - Agenda Information Sheet.pdf

Exhibit 2 - Contract.pdf

Exhibit 3 - Staff Memorandum.pdf
Exhibit 4 - March 20 Presentation.pdf

Exhibit 5 - Ordinance.pdf

M. <u>ID 18-590</u>

Consider approval of a resolution of the City Council of the City of Denton, Texas, nominating Council Member Keely Briggs to the National Environmental Justice Advisory Council; and providing an effective date.

Attachments:

Exhibit 1 - Agenda Information Sheet.docx

Exhibit 2 - Resolution.pdf

Exhibit 3 - Notification of Request for Nominations .pdf

5. ITEMS FOR INDIVIDUAL CONSIDERATION

A. ID 18-494

Consider adoption of an ordinance of the City of Denton, Texas, a Texas home-rule municipal corporation, authorizing the City Manager to execute a contract for a utility assistance program supporting low-income households; providing for the expenditure of funds therefore; and providing an effective date (RFP 6669- awarded to Interfaith Ministries of Denton Inc. in the three (3) year not-to-exceed amount of \$375,000). The Public Utilities Board recommends approval (6-0).

<u> Attachments:</u>

Exhibit 1 - Agenda Information Sheet.pdf

Exhibit 2 - Pricing Evaluation.pdf

Exhibit 3 - Contract.pdf

Exhibit 4-Staff Presentation.pdf

Exhibit 5 - Ordinance.pdf

B. ID 18-533

Consider approval of a resolution of the City Council of the City of Denton, Texas, appointing an alternate representative to the Board of Directors of the Denton County Transportation Authority; providing a repealer; and providing an effective date.

Attachments:

Exhibit 1 AIS DCTA Alternate.pdf.docx

Exhibit 2 - DCTA Letter.pdf

Exhibit 3 Resolution DCTA Bd Alternate.pdf
Exhibit 4 - Presentation DCTA Alternate.pdf

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6. PUBLIC HEARINGS

A. ID 18-524 Hold a public hearing regarding a draft ethics ordinance from attorney Alan Bojorquez.

Attachments: Exhibit 1 - Ethics AIS Public Hearing.pdf

Exhibit 2- Ethics Ordinance Draft C.pdf

Exhibit 3- Presentation.pdf

B. Z18-0003a

Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, regarding a zoning change from Neighborhood Residential 2 (NR-2) to a Community Mixed Use General (CM-G) District on approximately 3.11 acres and an initial zoning to a CM-G District on approximately 3.26 acres, the subject site is generally located north of Teasley Lane, approximately 300 feet east of Old Alton 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 recommended 6-0 to approve the request.

Attachments:

Exhibit 1 - Agenda Information Sheet

Exhibit 2 - Staff Analysis

Exhibit 3 - Site Location Map

Exhibit 4 - Future Land Use Map

Exhibit 5 - Zoning Map

Exhibit 6 - Proposed Zoning Map

Exhibit 7 - Comparison of Permitted Uses

Exhibit 8 - Notification Map and Responses

Exhibit 9 - Applicant's Project Narrative

Exhibit 10 - Planning and Zoning Commission Minutes

Exhibit 11 - Draft Ordinance

Exhibit 12 - Staff Presentation

C. Z17-0029a

Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, regarding a change in zoning classification from Neighborhood Residential 2 (NR-2) district and use classification to an Employment Center Commercial Downtown (EC-C) district and use classification on approximately 1.79 acres of land located on the south side of West University Drive/U.S. 380 approximately 820 feet west of the intersection of West University and 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 recommended 5-1 to approve the request. A supermajority vote by Council is required for approval.

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Exhibit 1 - Agenda Information Sheet Attachments:

Exhibit 2 - Staff Analysis

Exhibit 3 - Site Location Map

Exhibit 4 - Existing Zoning Map

Exhibit 5 - Future Land Use Map

Exhibit 6 - Proposed Zoning Map

Exhibit 7 - Comparison of Permitted Uses

Exhibit 8 - Gas Well Plats Location Map

Exhibit 9 - Notification Response Map

Exhibit 10 - Staff Presentation

Exhibit 11 - Planning and Zoning Commission Meeting Minutes

Exhibit 12 - Draft Ordinance

D. Z17-0032a Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, regarding a change in zoning classification from Neighborhood Residential 6 (NR-6) district and use classification to a Neighborhood Residential 12 (NRMU-12) district and use classification with an overlay on approximately 8.887 acres of land generally located on the southwest side of Colorado Boulevard, approx. 315 feet northwest of San Jacinto Boulevard, 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 recommended 6-0 to approve the request with conditions.

Attachments:

Exhibit 1 - Agenda Information Sheet

Exhibit 2 - Staff Analysis

Exhibit 3 - Site Location Map

Exhibit 4 - Existing Zoning Map

Exhibit 5 - Future Land Use Map

Exhibit 6 - Proposed Zoning Map

Exhibit 7 - Comparison of Permitted Uses

Exhibit 8 - Notification Response Map

Exhibit 9 - Staff Presentation

Exhibit 10 - Planning and Zoning Commission Meeting Minutes

Exhibit 11 - Draft Ordinance

Ε. d

DCA17-0011 Hold a public hearing and consider adoption of an ordinance regarding proposed revisions to the Denton Development Code, specifically to repeal and replace Subchapter 17 Environmentally Sensitive Areas (ESAs), amend Subchapter 3 Procedures related to appeals, and amend Subchapter 23 Definitions by adding new and replacing definitions. The Planning and Zoning Commission voted 4-2 to approve the revisions with conditions. The Committee on the Environment recommended approval 3-0. (DCA17-0011, Environmentally Sensitive Areas, Deborah Viera)

Attachments: Exhibit 1 - Agenda Information Sheet

Exhibit 2 - Staff Analysis

Exhibit 3 - Subchapter 17 Redline Version

Exhibit 4 - Subchapter Clean Version

Exhibit 5 - Public Comments

Exhibit 6 - Presentation

Exhibit 7 - February 7, 2018 Planning & Zoning Commission Minutes

Exhibit 8 - February 21, 2018 Planning & Zoning Commission Minutes

Exhibit 9 - Draft Ordinance

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 v	was posted on	the bulletin	board at the City Hall of the	City of
Denton, Texas, on the	day of		, 2018 at	o'clock (a.m.) (p.m.)	
				CITY SECR	≀ETARY

NOTE: THE CITY OF DENTON CITY COUNCIL WORK SESSION ROOM AND COUNCIL **ACCESSIBLE ACCORDANCE** WITH THE **CHAMBERS** ARE IN **AMERICANS** WITH THE CITY WILL PROVIDE SIGN LANGUAGE INTERPRETERS FOR THE DISABILITIES ACT. HEARING IMPAIRED IF REQUESTED AT LEAST 48 HOURS IN ADVANCE OF THE SCHEDULED OFFICE AT MEETING. CALL THE **CITY** SECRETARY'S 349-8309 OR PLEASE TELECOMMUNICATIONS DEVICES FOR THE DEAF (TDD) BY CALLING 1-800-RELAY-TX SO THAT A SIGN LANGUAGE INTERPRETER CAN BE SCHEDULED THROUGH THE CITY SECRETARY'S OFFICE.