



City of Denton

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

Meeting Agenda

City Council

Tuesday, October 16, 2018

2:00 PM

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, October 16, 2018 at 2:00 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:

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 October 16, 2018.

3. Work Session Reports

- A. [ID 18-1584](#) Receive a report from City staff and Hickory & Rail Ventures staff regarding Stoke Denton's annual report and the renewal of the management contract with Hickory & Rail Ventures, LLC, hold a discussion, and give staff direction.

Attachments:

[Exhibit 1 - Agenda Information Sheet](#)

[Exhibit 2 - Stoke Annual Report](#)

[Exhibit 3 - Stoke Year-End Profit and Loss](#)

[Exhibit 4 - City of Denton Projected Stoke Revenues Over Expenses](#)

[Exhibit 5 - Contract with Hickory & Rail Ventures \(2017-371\)](#)

[Exhibit 6 - Hickory & Rail Ventures Presentation](#)

[Exhibit 7 - Presentation](#)

- B. [ID 18-1722](#) Receive a report from staff, hold a discussion, and give staff direction regarding the design and construction of a median beautification project at the intersection of Dallas and Teasley, Eagle and Elm, and a parking lot in South Lakes Park.

- Attachments:**
- [Exhibit 1 Agenda Information Sheet](#)
 - [Exhibit 2 Presentation](#)
 - [Exhibit 3 Draft Concept Plan \(Dallas and Teasley\)](#)
 - [Exhibit 4 Estimated Costs \(Dallas and Teasley\)](#)
 - [Exhibit 5 Draft Concept Plan 1 \(Eagle and Elm\)](#)
 - [Exhibit 6 Estimated Costs Plan 1 \(Eagle and Elm\)](#)
 - [Exhibit 7 Draft Concept Plan 2 \(Eagle and Elm\)](#)
 - [Exhibit 8 Estimated Costs Plan 2 \(Eagle and Elm\)](#)
 - [Exhibit 9 Draft Concept Plan \(South Lakes Park\)](#)
 - [Exhibit 10 Estimated Costs \(South Lakes Park\)](#)

- C. [ID 18-1723](#) Receive a report, hold a discussion and give staff direction regarding Pension Benefits for Public Safety Dispatchers

- Attachments:**
- [Exhibit 1 - Agenda Information Sheet.pdf](#)
 - [Exhibit 2 - Informal Staff Report \(July 2018\).pdf](#)
 - [Exhibit 3 Ordinance 2017-387.pdf](#)
 - [Exhibit 4 - Proposed Meet and Confer Amendment.pdf](#)
 - [Exhibit 5 - Pension Cost Analysis.pdf](#)
 - [Exhibit 6 - Presentation.pdf](#)

NOTE: 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.

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 18-1716](#) Extra Mile Day
- B. [ID 18-1717](#) United States Marine Corps 243rd Birthday Celebration
- C. [ID 18-1760](#) National Friends of the Libraries Week
- D. [ID 18-1725](#) Resolution of Appreciation for Mark Nelson.

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 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 18-1619](#) Vicki Oppenheim regarding the Denton Community Market.

B. [ID 18-1773](#) Reyna Galyon regarding traffic on Teasley Lane and the safety of school children.

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 – P). 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 – P 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 18-1525](#) Consider adoption of an ordinance of the City of Denton authorizing the City Manager, or his designee, to execute on behalf of the City of Denton an acceptance of an offer from the Texas Department of Transportation relating to a grant of \$50,000 for Routine Airport Maintenance Program, requiring the City to provide \$50,000 in matching funds, and declaring an effective date. Airport Advisory Board recommended approval (5-0).

Attachments: [Exhibit 1 - Agenda Information Sheet - TxDOT Ramp Grant](#)

[Exhibit 2 - Ordinance](#)

[Exhibit 3 - TxDOT Ramp Grant](#)

- B. [ID 18-1583](#) Consider adoption of an ordinance of the City of Denton, Texas, amending the Code of Ordinances, related to Chapter 10, titled "Finance and Taxation," Article VII, titled "Tax Exemption for Historically Significant Sites," Section 10-131, titled "Designation of Historically Significant Sites" to expand eligibility for a tax exemption for historically significant sites; providing findings of fact; providing severability; providing codification;

confirming proper notice and meeting; and providing for an effective date.

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
 [Exhibit 2 - 2018 Ordinance](#)
 [Exhibit 3 - Application](#)
 [Exhibit 4 - Ordinance No. 1998-116 \(original\)](#)
 [Exhibit 5 - Ordinance No. 2014-125 \(current\)](#)

- C. [ID 18-1602](#) Consider adoption of an ordinance of the City of Denton, Texas authorizing the City Manager, or his designee, to execute and administer a right-of-way registration and application with the city of Corinth, Texas, to obtain permits, and execute ancillary documents related thereto, and providing for an effective date. The Public Utilities Board recommends approval 4-0.

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

- D. [ID 18-1659](#) Consider adoption of an ordinance of the City of Denton, Texas, a Texas home-rule municipal corporation, authorizing the City Manager to execute an Administration of Post-65 Retiree Medicare Supplement contract with Labor First, LLC for the City of Denton; providing for the expenditure of funds therefor; and providing an effective date (RFP 6807- awarded to Labor First, LLC, for three (3) years, with the option for two (2) additional one (1) year extensions, in a total not-to-exceed amount of \$2,440,000 for all years).

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

- E. [ID 18-1663](#) Consider adoption of an ordinance of the City of Denton, Texas, a Texas home-rule municipal corporation, authorizing the City Manager to execute a Professional Services Agreement with Freese and Nichols, Inc., for On-Call Engineering Related Professional Services, as set forth in the agreement; providing for the expenditure of funds therefor; and providing an effective date (RFQ 6590-042 - Professional Services Agreement for on-call Engineering Related Professional Services awarded to Freese and Nichols, Inc., in the not-to-exceed amount of \$1,200,000). The Public Utilities Board recommends approval (4-0).

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

- F. [ID 18-1664](#) Consider adoption of an ordinance of the City of Denton, Texas, a Texas home-rule municipal corporation, authorizing the City Manager to execute a Professional Services Agreement with Teague Nall and Perkins, Inc., for Engineering Related Professional Services for the West Hickory Street Drainage, Paving and Sidewalks Project, as set forth in the agreement; providing for the expenditure of funds therefor; and providing an effective date (RFQ 6590-043 - Professional Services Agreement for Engineering Related Professional Services awarded to Teague Nall and Perkins, Inc. in the

not-to-exceed amount of \$167,500). The Public Utilities Board recommends approval (4-0).

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

- G. [ID 18-1667](#) Consider adoption of an ordinance of the City of Denton, Texas, a Texas home-rule municipal corporation, authorizing the approval of a third amendment to a Professional Services Agreement between the City of Denton and Freese and Nichols, Inc., amending the contract approved by City Council on July 17, 2012, in the not-to-exceed amount of \$435,701, amended by Amendments 1 and 2 approved by the Purchasing Manager and the City Manager, said third amendment to provide additional Design Services for the North-South Water Main Phases II and III project; providing for the expenditure of funds therefor; and providing an effective date (File 4978 - providing for an additional third amendment expenditure amount not-to-exceed \$140,113.60, with the total contract amount not-to-exceed \$656,268.60). The Public Utilities Board recommends approval (4-0).

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

- H. [ID 18-1668](#) Consider adoption of an ordinance of the City of Denton, Texas, a Texas home-rule municipal corporation, authorizing the approval of Change Order No. 4 to the contract between the City of Denton and Condie Construction Company, Inc., for the Cooper Creek Interceptor I and II project; providing for the expenditure of funds therefor; and providing an effective date (IFB 6576 - Change Order No. 4 in the not-to-exceed amount of \$35,723.41, for a total contract award aggregating to \$3,249,548.85). The Public Utilities Board recommends approval (4-0).

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

- I. [ID 18-1669](#) 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 and installation of trees for the City of Denton Parks, Medians, Right of Ways, Public Buildings, and other City Departments, as needed; providing for the expenditure of funds therefor; and providing an effective date (IFB 6811 - awarded to Fannin Tree Farm Sales, LLC, for one (1) year, with the option for three (3) additional one (1) year extensions, in the not-to-exceed amount of \$800,000 for the Parks Department and \$406,000 for the Solid Waste Landfill Buffer Zone Tree project in a total not-to-exceed amount of \$1,206,000 for all years). The Public Utilities Board recommends approval (4-0).

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

- J. [ID 18-1671](#) 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 with Symetra Life Insurance Company for the supply of Basic and Supplemental Life Insurance/Accidental Death and Dismemberment, Voluntary Short Term Disability and Group Long Term Disability Insurance for the City of Denton; providing for the expenditure of funds therefor; and providing an effective date (RFP 6808- awarded to Symetra Life Insurance Company for three (3) years, with the option for two (2) additional one (1) year extensions, in a total not-to-exceed amount of \$3,726,500 for all years).

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

- K. [ID 18-1677](#) Consider adoption of an Ordinance of the City of Denton, Texas, a Texas home-rule municipal corporation, authorizing the approval of a first amendment to a Professional Services Agreement between the City of Denton and Teague Nall and Perkins, Inc., amending the contract approved by City Council on October 18, 2016, in the not-to-exceed amount of \$500,000 for Professional Surveying Services; providing for the expenditure of funds therefor; and providing an effective date (File 6189 - providing for a first amendment expenditure amount not-to-exceed \$170,000, with the total contract amount not-to-exceed \$670,000).

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

- L. [ID 18-1711](#) Consider adoption of an ordinance of the City of Denton, Texas, granting the Back Dough + Bands festival, pursuant to Section 17-20 of the Code of Ordinances, a noise exception on Sunday, October 21, from noon to 5 p.m. in Queenie's Steakhouse parking lot located at 115 E. Hickory St.; granting a variance in hours of operation amplified sound levels for an outdoor music festival; and providing for an effective date.

Attachments: [Exhibit 1 Agenda Information Sheet](#)
 [Exhibit 2 Ordinance.pdf](#)
 [Exhibit 3 Letter of Request](#)

- M. [ID 18-1712](#) Consider adoption of an ordinance of the City of Denton, Texas, granting The Village Church Denton, pursuant to Section 17-20 of the Code of Ordinances, a noise exception on Sunday, October 21, from 10 a.m. to 11 a.m. at South Lakes Park; granting a variance in hours of operation for amplified sound levels for an outdoor event; and providing an effective date.

Attachments: [Exhibit 1 Agenda Information Sheet](#)
 [Exhibit 2 Ordinance.pdf](#)
 [Exhibit 3 Letter of Request](#)

- N. [ID 18-1761](#) Consider approval of a resolution of the City of Denton opposing the permit applications submitted by Interim Storage Partners, LLC and Holtec International to the United States

Nuclear Regulatory Commission for a Consolidated Interim Storage Facility for high level radioactive waste; and declaring an effective date.

Attachments: [Exhibit 1 - AIS Radioactive Waste 101018.pdf](#)
 [Exhibit 2 - Consolidated Interim Storage Facility Application Opposition resolutic](#)

- O. [ID 18-1766](#) Consider adoption of an ordinance authorizing settlement of litigation styled Knabe v. City of Denton, Cause No. 17-3526-211, currently pending in the 211th District Court of Denton County, Texas, under terms previously discussed in closed session, and further authorizing the City Manager to approve a compromise settlement agreement, and such other documents recommended by the City's Attorneys as necessary or appropriate to effectuate such terms of settlement; approving the expenditure of budgeted funds; and declaring an effective date.

Attachments: [Exhibit 1 - AIS](#)
 [Exhibit 2 - Ordinance Knabe](#)
 [Exhibit 3 - Exhibit A to Ordinance](#)

5. ITEMS FOR INDIVIDUAL CONSIDERATION

- A. [A18-0002c](#) Conduct the first of two readings of an ordinance of the City of Denton for a voluntary annexation of approximately 86.47 acres of land generally located between Creekdale Drive and Hickory Creek Road, east of the railroad tracks by the City of Denton, Texas. (A18-0002, Lakeside Place, Cindy Jackson)

Attachments: [Exhibit 1 Agenda Information Sheet](#)
 [Exhibit 2 Site Location Map](#)
 [Exhibit 3 Zoning Map](#)
 [Staff Presentation](#)
 [Exhibit 5 Draft Ordinance](#)

- B. [ID 18-1567](#) Consider adoption of an ordinance by the City of Denton authorizing the City Manager to sign and submit a substantial amendment to the 2018 Action Plan for Housing and Community Development submitted in June 2018 to the U.S. Department of Housing and Urban Development regarding the use of un-programmed funds with appropriate certifications, as authorized and required by the Housing and Community Development Act of 1974, as amended, and the National Affordable Housing Act of 1990, as amended; and providing an effective date.

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
 [Exhibit 2 - Ordinance with Action Plan proposed amendments](#)
 [Exhibit 3 - Draft CDAC Minutes Aug 9, 2018](#)
 [Exhibit 4 - Presentation.pdf](#)

- C. [ID 18-1693](#) Consider adoption of an ordinance of the City of Denton, Texas to declare the intent to reimburse capital program expenditures of the General Government with Tax Preferred Obligations (Certificates of Obligation and General Obligation Bonds) with an aggregate maximum principal amount equal to \$23,770,000; and providing an effective date.

Attachments: [Exhibit 1 - Agenda Information Sheet.pdf](#)
 [Exhibit 2 - Project Listing.pdf](#)
 [Exhibit 3 - Ordinance](#)

6. PUBLIC HEARINGS

- A. [AES16-000](#) Hold a public hearing and consider adoption of an ordinance related to a request for an Alternative Environmentally Sensitive Area Plan for Country Club Road Estates. The approximately 35.52-acre subject property is generally located on the east side of Country Club Road, approximately 270 feet south of Regency Court in the City of Denton, Denton County, Texas; providing for a penalty in the maximum amount of \$2,000.00 for violations thereof; providing a severability clause and an effective date. (AES16-0003, Country Club Road Estates, Hayley Zagurski).

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
 [Exhibit 2 - Staff Analysis](#)
 [Exhibit 3 - Aerial Map](#)
 [Exhibit 4 - Zoning Map](#)
 [Exhibit 5 - ESA and Floodplain Map](#)
 [Exhibit 6 - Alternative ESA Plan](#)
 [Exhibit 7 - Applicant Narrative](#)
 [Exhibit 8 - Preliminary Plat](#)
 [Exhibit 9 - Notification Map and Responses](#)
 [Exhibit 10 - Presentation](#)
 [Exhibit 11 - Planning and Zoning Commission Meeting Minutes](#)
 [Exhibit 12 - Draft Ordinance](#)

- B. [Z18-0015a](#) Hold a public hearing and consider adoption of an ordinance to rezone approximately 13.48 acres from a Neighborhood Residential 2 (NR-2) District to a Neighborhood Residential 4 (NR-4) District. The subject property is generally located on the south side of Audra Lane, approximately 90 feet west of Barbara Street, 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. (Z18-0015, Audra Oaks, Hayley Zagurski).

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
[Exhibit 2 - Staff Analysis](#)
[Exhibit 3 - Aerial Map](#)
[Exhibit 4 - Zoning Map](#)
[Exhibit 5 - Future Land Use Map](#)
[Exhibit 6 - Proposed Zoning Map](#)
[Exhibit 7 - Comparison of Permitted Uses](#)
[Exhibit 8 - Concept Plan and Narrative](#)
[Exhibit 9 - Notification Map and Responses](#)
[Exhibit 10 - Presentation](#)
[Exhibit 11 - Planning and Zoning Commission Meeting Minutes](#)
[Exhibit 12 - Draft Ordinance](#)

- C. [S18-0006a](#) Hold a public hearing and consider adoption of an ordinance for a Specific Use Permit to allow for a drive-through use on approximately 1.69 acres of land. The property is generally located east of Fort Worth Drive and north of the Interstate 35E frontage road in the City of Denton, Denton County, Texas; providing for a penalty in the maximum amount of \$2,000.00 for violations thereof; providing a severability clause and an effective date. (S18-0006, McDonald's, Hayley Zagurski).

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
[Exhibit 2 - Staff Analysis](#)
[Exhibit 3 - Aerial Map](#)
[Exhibit 4 - Zoning Map](#)
[Exhibit 5 - Future Land Use Map](#)
[Exhibit 6 - Preliminary Site Plan](#)
[Exhibit 7 - Preliminary Landscape Plan](#)
[Exhibit 8 - Preliminary Building Elevations](#)
[Exhibit 9 - Notification Map](#)
[Exhibit 10 - Presentation](#)
[Exhibit 11 - Draft Planning and Zoning Commission Meeting Minutes](#)
[Exhibit 12 - 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 salutory 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.

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 _____ day of _____, 2018 at _____ o'clock (a.m.) (p.m.)

CITY SECRETARY

NOTE: THE CITY OF DENTON CITY COUNCIL WORK SESSION ROOM AND COUNCIL CHAMBERS ARE ACCESSIBLE IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT. THE CITY WILL PROVIDE 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 349-8309 OR USE 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.