



City of Denton

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

Meeting Agenda

City Council

Tuesday, November 27, 2018

12:00 PM

Work Session Room

After determining that a quorum is present, the City Council of the City of Denton, Texas will convene in a Work Session on Tuesday, November 27, 2018 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:

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 November 27, 2018.

3. Work Session Reports

- A. [ID 18-2024](#) Receive a report from the Denton County Transportation Authority and hold a discussion regarding the agency's service provisions, budget, goals and objectives for its member cities.

Attachments: [Exhibit 1 - Agenda Information Sheet.pdf](#)
[Exhibit 2 - DCTA Update Nov 27, 2018 Denton City Council.pdf](#)

- B. [ID 18-1995](#) Receive a report, hold a discussion, and give staff direction regarding public outreach and communications for City construction projects.

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
[Exhibit 2 - ISR 2018-131 Const. Projects Communications Plans](#)
[Exhibit 3 - Presentation](#)

- C. [ID 18-2007](#) Receive a report, hold a discussion, and provide staff direction regarding City Council priorities for upcoming work session report topics.

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
[Exhibit 2 - Planned Work Session Topics](#)
[Exhibit 3 - Individual Survey Responses](#)
[Exhibit 4 - Combined Survey Responses](#)
[Exhibit 5 - 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 18-2025](#) Consultation with Attorneys - Under Texas Government Code Section 551.071; Deliberations regarding Personnel Matters - Under Texas Government Code Section 551.074.

Consult with the City's attorneys for legal advice regarding a settlement offer and contemplated litigation involving Cleopatra Birckbichler, as well as with regard to legal matters closely related to that contemplated litigation, where the city's attorneys' duties to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflict with Chapter 551 of the Texas Open Meetings Act. This closed session also concerns deliberations involving a public officer or employee, under circumstances allowing closed session under section 551.074 of the Texas Open Meetings Act.

- B. [ID 18-2036](#) Deliberations regarding Real Property - Texas Government Code Section 551.072; Consultation with Attorneys - Texas Government Code Section 551.071;

Discuss, deliberate, and receive information from staff and provide staff with direction pertaining to the Lease Agreement between the City and American Biosource, LLC, dated January 7, 2014 and approved and authorized by Ordinance No. 2014-020 ("Lease Agreement"). Discuss, deliberate, and receive information from the City's attorneys and provide the City's attorneys with direction regarding legal issues associated with the Lease Agreement 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.

- C. [ID 18-2055](#) Deliberations regarding Personnel Matters - Under Texas Government Code Section 551.074; Consultation with Attorneys - Under Texas Government Code Section 551.071.

Deliberate and discuss the evaluation, duties, appointment and removal of the City of Denton's primary representative to the Denton County Transportation Authority Board of Directors. Consultation with the City's attorneys regarding legal issues associated with the evaluation, duties, appointment and removal of the City of Denton's primary representative to the Denton County Transportation Authority Board of Directors where discussion of these legal matters in an open meeting 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.

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.

Following the completion of the Closed Meeting, the City Council will convene in a Special Called Meeting to consider the following items:

1. 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 – J). 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 – J 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 18-1881](#) Consider adoption of an ordinance of the City of Denton, Texas, a home-rule municipal corporation, authorizing the City Manager, or his designee, to execute a contract through the Buy Board Cooperative Purchasing Network Contract Number 524-17 for the acquisition of rifle resistant plate carriers and rifle resistant plates for the Police Department from funds provided by the Office of the Governor through the Rifle-Resistant Body Armor Grant Program and acquisition of single magazine pouches, medical pouches and carry bags from funds in the Police Seizure Account; providing for the expenditure of funds therefor; and providing an effective date (File 6932 - awarded to GT Distributors, Inc. in the one (1) year not-to-exceed amount of \$82,539).

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

[Exhibit 2 - Tabulation Sheet](#)

[Exhibit 3 - Ordinance and Contract](#)

- B. [ID 18-1893](#) Consider adoption of an ordinance of the City of Denton, Texas authorizing the expenditure of funds for payment by the City of Denton to the Texas Commission of Environmental Quality for waste disposal fees; and providing an effective date (waste disposal fee in the total amount of \$280,000 - The Public Utilities Board recommends approval 5-0).

Attachments: [Exhibit 1 Agenda Information Sheet- Municipal Solid Waste Fee for COD Landfi](#)

[Exhibit 2 30 TAC 330](#)

[Exhibit 3 30 TAC 330](#)

[Exhibit 4- Ordinance](#)

- C. [ID 18-1899](#) Consider approval of a resolution of the City of Denton, authorizing the City Manager, or his designee, to execute an application for the Urban Area Security Initiative Grant on behalf of City of Denton Fire Emergency Medical Services Rescue Task Force; authorizing the City Manager, or his designee, to accept said grant funds in the amount of \$100,000.00 from the State Homeland Security Program through the State of Texas Office of the Governor for the period of November 2018 to August 2019; and providing an effective date.

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

[Exhibit 2 Resolution](#)

- D. [ID 18-1903](#) Consider adoption of an ordinance of the City of Denton prohibiting eastbound right turn movement at the signalized intersection of FM 2499 and Robinson Road where the eastbound traffic is facing a red signal light; providing a repealer clause; providing a savings clause; providing for penalty not to exceed \$500 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. Traffic Safety Commission recommends approval 4-0.

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

[Exhibit 2 - Location Map](#)

[Exhibit 3 - Street View](#)

[Exhibit 4 - Ordinance](#)

- E. [ID 18-1913](#) Consider approval of a resolution of the City of Denton, specifying its intent to designate a location at the Denton Enterprise Airport for the siting of a future fire station; updating the Airport Layout Plan; and providing an effective date. The Council Airport Committee recommends 2-0 and the Airport Advisory Board recommends 6-0.

Attachments: [Exhibit 1 - AIS Proposed Fire Station.pdf](#)

[Exhibit 2 - Airport Layout Plan](#)

[Exhibit 3 - Airport Fire Station Conceptual Plan](#)

[Exhibit 4 - Airport Fire Station Resolution](#)

- F. [ID 18-1914](#) Consider adoption of an ordinance of the City of Denton, authorizing the City Manager, or his designee, to execute an amended Memorandum of Understanding with the United States Department of Justice for participation in the Federal Equitable Sharing Program for Fiscal year 2019; and providing an effective date.

Attachments: [Exhibit 1 - AIS - Amended Federal Equitable Sharing Program](#)

[Exhibit 2 - Ordinance Amended Federal Equitable Sharing Program](#)

[Exhibit 3 - Amended Agreement Federal Equitable Sharing Program](#)

- G. [ID 18-1991](#) Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager to execute a contract for Traffic Signal Maintenance Services for the City of Denton with Bean Electrical, Inc.; providing for the expenditure of funds therefor; and providing an effective date (IFB 6897-awarded to Bean Electrical, Inc. in the three (3) year not-to-exceed amount of \$900,000).

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

- H. [ID 18-1993](#) Consider adoption of an ordinance of the City of Denton, approving a City sponsorship in an amount not to exceed \$15,600 of in-kind services and resources for the Denton Holiday Lighting Festival on Friday, November 30, 2018, from 4:00 p.m. to 10:00 p.m., to be held on the square in downtown Denton; and providing an effective date.

Attachments: [Exhibit 1 Agenda Information Sheet](#)
 [Exhibit 2 Ordinance \(revised\)](#)
 [Exhibit 3 Sponsorship Letter](#)
 [Exhibit 4 Letter of Request](#)
 [Exhibit 5 In-Kind Support](#)

- I. [ID 18-2030](#) Consider adoption of an ordinance authorizing the settlement of litigation styled City of Denton, Texas v. Robert W. Jones, Trustee of the Jones Family Trust, Cause No. PR-2015-00509, currently pending in the Probate Court of Denton County, Texas, regarding the acquisition of fee and easement interests required for the widening of Bonnie Brae Street in the Total Settlement Amount of Three Hundred Forty-Five Thousand Five Hundred Forty-Six Dollars and No Cents (\$345,546.00); authorizing the City Manager and City Attorney to effectuate the settlement; authorizing the expenditure of funds therefor; providing a savings clause; and providing an effective date. (Bonnie Brae Street project - Phase 3 - Parcel 17)

Attachments: [Exhibit 1 - Agenda Informaton Sheet](#)
 [Exhibit 2 - Jones Family Trust Location Map](#)
 [Exhibit 3 - Jones Family Trust Site Map](#)
 [Exhibit 4 - Ordinance - Jones Family Trust settlement](#)

- J. [ID 18-2038](#) Consider adoption of an ordinance approving a salary increase of three percent (3%) for City Attorney Aaron Leal under the performance review provision of his employment agreement with the City; extending the term of the City Attorney's employment agreement to October 11, 2020; authorizing the expenditure of funds; and providing an effective date.

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

2. ITEMS FOR INDIVIDUAL CONSIDERATION

- A. [A18-0002d](#) Conduct the second of two readings and consider adoption of an ordinance of the City of

Denton, Texas, Voluntarily Annexing Approximately 86.47 acres of land, generally located between Creekdale Drive and Hickory Creek Road, East of the railroad crossing at Hickory Creek Road, more specifically described in Exhibit “A” and illustrated in Exhibit “B”; providing for a correction to the city map to include the annexed lands; providing for saving and severability; and establishing an effective date. (A18-0002)

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

[Exhibit 2 - Site Location Map](#)

[Exhibit 3 - Zoning Map](#)

[Exhibit 4 - Staff Presentation](#)

[Exhibit 5 - Draft Ordinance](#)

- B. [COA17-0010](#) Consider an appeal of the Historic Landmark Commission denial of an amendment to an existing Certificate of Appropriateness for the expansion of a mural to the front façade of a local designated landmark building located at 122 North Locust (COA17-0010, 122 N. Locust) The Historic Landmark Commission recommends denial (7-0).

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

[Exhibit 2- Staff Analysis](#)

[Exhibit 3- Historic Landmark Commission November 13, 2017 Agenda Information](#)

[Exhibit 4- Historic Landmark Commission October 8, 2018 Agenda Information](#)

[Exhibit 5- Applicants request of Appeal](#)

[Exhibit 6- Images of Building](#)

- C. [ID 18-1950](#) Consider approval of a resolution of the City of Denton, adopting the City of Denton’s 2019 State Legislative Program for the 86th Texas Legislature; and providing an effective date.

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

[Exhibit 2 - Draft 2019 State Legislative Program](#)

[Exhibit 3 - Resolution](#)

[Exhibit 4 - Presentation](#)

- D. [ID 18-2054](#) Consider approval of a resolution of the City Council of the City of Denton, Texas, to remove the City of Denton’s primary representative to the Denton County Transportation Authority Board of Directors; and providing an effective date.

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

[Exhibit 2 - Resolution.pdf](#)

[Exhibit 3 - Draft 2019 State Legislative Program](#)

[Exhibit 4 - DCTA Bylaws](#)

3. 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.

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

CITY SECRETARY

NOTE: THE CITY OF DENTON CITY COUNCIL WORK SESSION ROOM IS 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.