



# City of Denton

City Hall  
215 E. McKinney St.  
Denton, Texas 76201  
[www.cityofdenton.com](http://www.cityofdenton.com)

## Meeting Agenda

### City Council

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Tuesday, January 8, 2019

12:00 PM

Work Session Room & Council Chambers

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

**REGULAR MEETING BEGINS AT 6:30 P.M. IN THE 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, January 8, 2019 at 12:00 p.m. in the Council Work Session Room at City Hall, 215 E. McKinney Street, Denton, Texas at which the following items will be considered:

#### **WORK SESSION**

##### **1. Citizen Comments on Consent Agenda Items**

This section of the agenda allows citizens to speak on 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 January 8, 2019.**

##### **3. Work Session Reports**

- A. [ID 19-039](#) Receive a report, hold a discussion, and give staff feedback regarding the final report from the Police Executive Research Forum Organizational Review of the Denton Police Department.

**Attachments:** [Exhibit 1 - Agenda Information Sheet](#)  
[Exhibit 2 - Presentation](#)  
[Exhibit 3 - PERF Final Report](#)

- B. [ID 19-033](#) Receive a report, hold a discussion, and give staff direction regarding an update on the City of Denton's landfill permit amendment, MSW Permit No. 1590B, and the use of a specific use permit to regulate landfill operations.

**Attachments:** [Exhibit 1 - Agenda Information Sheet.pdf](#)  
[Exhibit 2 - Presentation.pdf](#)

- C. [ID 19-023](#) Receive a report, hold a discussion, and provide staff direction regarding the Phase 2 update to the existing "Denton Municipal Electric - Energy Risk Management Policy".

**Attachments:**      [Exhibit 1 - Agenda Information Sheet](#)  
[Exhibit 2 - PowerPoint Presentation](#)  
[Exhibit 3 - Updated Energy Risk Management Policy](#)  
[Exhibit 4 - Redline Version of Policy](#)  
[Exhibit 5 - Risk Policy Implementation Tasks Report Status](#)  
[Exhibit 6 - Enterprise Risk Consulting Memorandum](#)

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 19-079](#)      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 to review and discuss a Compromise Settlement Agreement in litigation styled Cleopatra Birekbichler v. City of Denton, Cause No. 4:18-CV-00893-ALM, pending in the Eastern District of Texas, Sherman Division, and posted for approval by ordinance below as an item for individual consideration, and to receive legal advice regarding same, 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 19-093](#)      Deliberations regarding Real Property - Under Texas Government Code Section 551.072; Consultation with Attorneys - Under Texas Government Code Section 551.071.

Discuss, deliberate, and receive information from staff and provide staff with direction pertaining to the acquisition of real property interests located in the Alexander Hill Survey, Abstract No. 623, Denton County, Texas, generally located in the 800 block of Eagle Drive, a 1.656 acre tract situated at the southeast corner of the Bernard Street / Eagle Drive intersection, City of Denton, Texas. Consultation with the City's attorneys regarding legal issues associated with the acquisition or condemnation of the real property described above 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. (Eagle Electric Substation)

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.

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**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**

**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.

- 1. [ID 19-085](#) Beth Honeycutt regarding a community concern in neighborhoods.

C. Additional Citizen Reports - This section of the agenda, which is also known as the "open microphone" section, permits any person who is not registered for a citizen report to make comments about public business items not listed on the agenda. This section is limited to two open microphone speakers per meeting with each speaker allowed a maximum of four (4) minutes. Such person(s) must file a "Blue Card" requesting to speak during this period, prior to the calling of this agenda item.

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 policy; 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 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 – I). 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 – I 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 19-003](#) Consider adoption of an ordinance approving an at-grade road crossing Supplemental Agreement by and between the City of Denton and the Union Pacific Railroad Company relating to the widening of Vintage Boulevard within the railroad right-of-way located at Mile Post 723.02, Choctaw Subdivision, within the County and City of Denton, Texas; providing for the expenditure of funds (the initial estimate is \$649,220.00 for the rework of signals and surface materials, plus \$8,300.00 License Fee. The City will receive a final invoice upon completion of the work.); and providing an effective date.

Attachments:      [Exhibit 1 - Agenda Information Sheet](#)  
                             [Exhibit 2 - Location map](#)  
                             [Exhibit 3 - Site map](#)  
                             [Exhibit 4 - Ordinance](#)

- B. [ID 19-004](#) Consider adoption of an ordinance by the City of Denton authorizing the City Manager, or his designee, to execute an addendum to the Interlocal Agreement between the City of Denton and the Texas Department of Public Safety for the enforcement of state laws on uniform commercial vehicle weight within the Texas Transportation Code Chapter 621, Subchapter F; and providing an effective date.

Attachments:      [Exhibit 1 - AIS](#)  
                             [Exhibit 2 - Ordinance.pdf](#)

- C. [ID 19-005](#) Consider adoption of an ordinance of the City of Denton authorizing a service agreement between the City of Denton and Denton County Friends of the Family; authorizing the City Manager, or his designee, to execute said agreement; providing for the expenditure of Council Contingency funds; and providing for an effective date. (\$950)

Attachments:      [Exhibit 1-Agenda Information Sheet - Friends Black History Month.pdf](#)  
                             [Exhibit 2 - Ordinance and Agreement-Friends.pdf](#)

- D. [ID 19-006](#) Consider adoption of an ordinance of the City of Denton authorizing a service agreement between the City of Denton and Denton County MHMR; authorizing the City Manager, or his designee, to execute said agreement; providing for the expenditure of Council

Contingency funds; and providing for an effective date. (\$1,100)

**Attachments:**      [Exhibit 1 - Agenda Information Sheet - MHMR.pdf](#)  
                                 [Exhibit 2 - Ordinance and Agreement](#)

- E.    [ID 19-009](#)      Consider adoption of an ordinance of the City of Denton authorizing the City Manager, or his designee, to execute a cooperative agreement with the Texas Parks and Wildlife Department establishing the Range Creek public hunting area; and providing an effective date.

**Attachments:**      [AIS Range Creek 01082019](#)  
                                 [Range Creek Ordinance and Agreement](#)

- F.    [ID 19-020](#)      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 bulk hydrated lime, slurry lime, and quick lime for various City of Denton departments; providing for the expenditure of funds therefor; and providing an effective date (IFB - 6929 awarded to Lhoist North America of Texas, Ltd., in the five (5) year not-to-exceed amount of \$800,000).

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

- G.    [ID 19-054](#)      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 HDR Engineering, Inc., for Engineering Services necessary for the design of intersection improvements for the Small Transportation Project as set forth in the agreement; providing for the expenditure of funds therefor; and providing an effective date (RFQ 6590-047 - Professional Services Agreement for Engineering Services awarded to HDR Engineering, Inc., in the not-to-exceed amount of \$346,680).

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

- H.    [ID 19-055](#)      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 North Texas Umpire Association (NTUA), for the supply of certified softball officiating services for the Parks and Recreation Department; providing for the expenditure of funds therefor; and providing an effective date (IFB 6907 - Section B - Part 1 awarded to North Texas Umpire Association, in the three (3) year not-to-exceed amount of \$135,150).

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

- I.    [ID 19-056](#)      Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, extending the authority to purchase through the National Inter-local Governmental Purchasing Alliance (National IPA) Gasoline and Diesel Fuels as awarded by the City of Fort Worth Contract #14-012; and providing an effective date (File 5750 -

extending a contract with Martin Eagle Oil Company, Inc., to December 31, 2019).

**Attachments:**      [Exhibit 1 - Agenda Information Sheet](#)  
                              [Exhibit 2 - National IPA Fuel Agreement](#)  
                              [Exhibit 3 - Extension Letter](#)  
                              [Exhibit 4 - Ordinance 2015-017](#)  
                              [Exhibit 5 - Ordinance](#)

## **5. ITEMS FOR INDIVIDUAL CONSIDERATION**

- A.    [ID 19-030](#)      Consider nominations/appointments to the City's Boards, Commissions, and Committees: Health & Building Standards Commission, Library Board, and Committee on Persons with Disabilities.

**Attachments:**      [Exhibit 1 - Agenda Information Sheet](#)  
                              [Exhibit 2 - Nominations sheet](#)

- B.    [ID 19-107](#)      Consider adoption of an ordinance approving a compromise settlement agreement implementing the mediated terms of a claim settlement in litigation styled Cleopatra Birckbichler v. City of Denton, cause no. 4:18-cv-00893-ALM, pending in the federal district court for the eastern district of Texas, Sherman division, as discussed in closed session; and further approving the expenditure of funds therefor; and directing the city manager, or his designee, and the City's Attorneys to effectuate as necessary and appropriate the terms of the compromise settlement agreement; and declaring an effective date.

**Attachments:**      [Exhibit 1 - 010419 AIS for 010819](#)  
                              [Exhibit 2 - Birckbichler settlement ordinance 010419](#)

## **6. PUBLIC HEARINGS**

- A.    [Z17-0004d](#)      Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, assigning an initial zoning classification and use designation of Neighborhood Residential 6 (NR-6) with an overlay, on approximately 118.04 acres of land, generally located, north of East McKinney Street west of South Trinity 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 for severability and establishing an effective date. The Planning and Zoning Commission recommend approval (7-0). (Z17-0004, The Woodlands of McKinney, Cindy Jackson) This item was continued from the December 4, 2018 Council Meeting.

**Attachments:**      [Exhibit 1 - AIS](#)  
                                 [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 - Comparison of Permitted Uses](#)  
                                 [Exhibit 8 - Proposed Project Amenities and Housing Styles](#)  
                                 [Exhibit 9 - Concept Plan](#)  
                                 [Exhibit 10 - Public Notification Map](#)  
                                 [Exhibit 11 - Planning and Zoning Commission Meeting Minutes](#)  
                                 [Exhibit 12 - Draft ordinance](#)  
                                 [Exhibit 13 - Staff Presentation](#)

- B.    [S17-0008d](#)    Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, approving a Specific Use Permit to allow a manufactured housing park with conditions on approximately 126.1 acres, generally located north of East McKinney Street and west of South Trinity 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 for severability; and establishing an effective date. The Planning and Zoning Commission recommend approval (7-0). (S17-0008, The Woodlands of McKinney, Cindy Jackson) This item was continued from the December 4, 2018 City Council Meeting.

**Attachments:**      [Exhibit 1 - Agenda Information Sheet](#)  
                                 [Exhibit 2 - Staff Analysis](#)  
                                 [Exhibit 3 - Site Location Map](#)  
                                 [Exhibit 4 - Future Land Use Map](#)  
                                 [Exhibit 5 - Concept Plan](#)  
                                 [Exhibit 6 - Proposed Project Amenities and Housing Styles](#)  
                                 [Exhibit 7 - Woodlands SUP Conditions](#)  
                                 [Exhibit 8 - Notification Map](#)  
                                 [Exhibit 9 - Planning and Zoning Commission Meeting Minutes](#)  
                                 [Exhibit 10 - Draft ordinance](#)  
                                 [Exhibit 11 - Staff Presentation](#)

- C.    [ID 19-024](#)    Hold a public hearing and consider adoption of an ordinance granting approval, in accordance with Chapter 26 of the Texas Parks and Wildlife Code, of the non-park use of a part of Lake Forest Park for the purpose of installing and maintaining a sanitary sewer line to serve the needs of the Lake Forest Park addition, providing for a notice by the City of Denton of non-park use for installing and maintaining a sanitary sewer line and reservation of easement in the event of sale of park; and providing an effective date.

Attachments:      [Exhibit 1 Agenda Information Sheet](#)  
[Exhibit 2 Presentation](#)  
[Exhibit 3 Aerial Sanitary Sewer](#)  
[Exhibit 4 Sanitary Sewer Legal Description and Survey](#)  
[Exhibit 5 Denton County Appraisal District Value](#)  
[Exhibit 6 Tommy Marshall & Associates Appraisal](#)  
[Exhibit 7 Ordinance 2019](#)

## **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.

### **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 \_\_\_\_\_, 2019 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.