



# 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, February 26, 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, February 26, 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 February 26, 2019.**

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

- A. [DCA18-0009](#) Receive a report, hold a discussion, and provide staff direction on the Denton Development Code Update and Draft Zoning Map.

[c](#)

**Attachments:**

[Exhibit 1 - Agenda Information Sheet](#)

[Exhibit 2 - Denton Plan Summary](#)

[Exhibit 3 - Denton Plan Table of Contents](#)

[Exhibit 4 - Denton Plan Plan Framework](#)

[Exhibit 5 - Denton Plan Community Vision Statement](#)

[Exhibit 6 - Denton Plan Acknowledgements](#)

[Exhibit 7 - Denton Plan List of Participants](#)

[Exhibit 8 - Clarion Associates Transmittal Memo](#)

[Exhibit 9 - Draft Denton Development Code Update](#)

[Exhibit 10 - Presentation.pdf](#)

- B. [ID 19-324](#) Receive a report, hold a discussion, and provide staff a recommendation on the design and construction of the new North Lakes Park Tennis Center.

**Attachments:**      [Exhibit 1 Agenda Information Sheet](#)  
                                 [Exhibit 2 Presentation](#)  
                                 [Exhibit 3 Public Meeting Notes](#)  
                                 [Exhibit 4 Tennis Center Master Plan](#)  
                                 [Exhibit 5 Phased Opportunities](#)  
                                 [Exhibit 6 Tour of local Tennis Centers](#)

- C.    [ID 19-404](#)      Receive a report, hold a discussion, and provide staff a recommendation the development of land located at the corner of Carnegie Ridge Road and Ridglea Court currently known as “Patrick Park.”

**Attachments:**      [Exhibit 1 Agenda Information Sheet](#)  
                                 [Exhibit 2 Presentation](#)  
                                 [Exhibit 3 Park Location Map](#)  
                                 [Exhibit 4 Correspondence April 25, 2017](#)  
                                 [Exhibit 5 Correspondence May 12, 2017](#)  
                                 [Exhibit 6 Proposed Concept Plan](#)  
                                 [Exhibit 7 Park Grading Plan](#)  
                                 [Exhibit 8 Neighborhood Meeting Advertisement](#)

- D.    [ID 19-082](#)      Receive a report, hold a discussion, and give staff direction on McKenna Park improvements in relation to the Bonnie Brae street project.

**Attachments:**      [Exhibit 1 Agenda Information Sheet](#)  
                                 [Exhibit 2 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 19-326](#)      Consultation with Attorneys - Under Texas Government Code Section 551.071.

Consult with the City’s attorneys on the status, strategy, and potential resolutions of litigation styled, Adolfo Fabela Rios v. City of Denton, Cause No. 17-6532-16, currently pending in the 16th District Court of Denton County, Texas, where 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 otherwise compromise the City’s legal position in pending 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.

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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**

- A. [ID 19-384](#) Beulah Harriss Day
- B. [ID 19-461](#) Dr. Bettie Myers Day of Service

**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 19-358](#) Rena Hardeman regarding the proposed Cole/Hunter Ranch MMD.
  - 2. [ID 19-416](#) Mark Brady regarding unfair billing practices by City of Denton Utilities.

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 – N). 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 – N 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 19-223](#) Consider adoption of an ordinance of the City of Denton, approving a City sponsorship in an amount not to exceed \$3,703 of in-kind services for the Texas Storytelling Festival to be held on Thursday, March 7, through Sunday, March 10, 2019, at the Denton Senior Center, Emily Fowler Central Library, and the Denton Women's Club Building; and providing an effective date.

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

- B. [ID 19-311](#) Consider approval of a resolution of the City of Denton supporting both House Bill 749 and Senate Bill 338 which were recently introduced in the 86th Texas Legislature, that would raise the minimum age to 21 for the distribution, possession, purchase, consumption, and receipt of cigarettes, e-cigarettes, and tobacco products; and providing an effective date.

Attachments:      [Exhibit 1 - Agenda Information Sheet](#)  
                             [Exhibit 2 - Resolution of Support for Texas 21](#)  
                             [Exhibit 3 - January.15.2019 AIS- Youth Tobacco and E-Cigarettes](#)

- C. [ID 19-346](#) Consider adoption of an ordinance of the City of Denton authorizing the City Manager, or his designee, to approve Supplemental Agreement No. 3 to Easement No.

DACW63-2-81-0724 by and between the City of Denton (City) and the Department of Army, Corps of Engineers (USACE) as Grantor, renewing the existing sewer easement on USACE property to allow for continued maintenance and operation of the City's Hickory Creek Basin lift station and combining Easement No. DACW63-2-81-0724 with Easement No. DACW63-2-85-0509 for the associated pipeline; authorizing the expenditure of funds therefor; and providing for severability and an effective date. (Lewisville Lake offsite sanitary sewer easement; a lift station, appurtenant facilities, and 15" pipeline - Hickory Creek at Old Alton Road.)

**Attachments:**      [Exhibit 1 - Agenda Information Sheet](#)  
                                 [Exhibit 2 - Lewisville Lake Location Map](#)  
                                 [Exhibit 3 - Lewisville Lake Site Map](#)  
                                 [Exhibit 4 - Ordinance.pdf](#)

- D.    [ID 19-369](#)      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 U.S. Communities Cooperative Purchasing Program Contract Number R-TC-17006 for procurement fulfillment of business products for the City of Denton through an online marketplace, providing for the expenditure of funds therefor; and providing an effective date (File 6985 - awarded to Amazon Services, LLC, in the three (3) year not-to-exceed amount of \$600,000).

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

- E.    [ID 19-370](#)      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 Number 534-17 for highway safety and traffic control products to be used by various City of Denton departments; providing for the expenditure of funds therefor; and providing an effective date (File 6960 - awarded to Buyers Barricades, Inc., for one (1) year, with the option for two (2) additional one (1) year extensions, in a total three (3) year not-to-exceed amount of \$300,000).

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

- F.    [ID 19-371](#)      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 Number 515-16 for the acquisition of one (1) Wheel Loader for the Solid Waste Landfill Department; providing for the expenditure of funds therefor; and providing an effective date (File 6969 - awarded to Kirby-Smith Machinery, Inc., in the not to exceed amount of \$287,845).

**Attachments:**      [Exhibit 1 - Agenda Information Sheet.docx](#)  
                                 [Exhibit 2 - Quote Comparison](#)  
                                 [Exhibit 3 - Ordinance](#)

- G. [ID 19-372](#) 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 Number 515-16 for the acquisition of one (1) Motor Grader for the Solid Waste Landfill Department; providing for the expenditure of funds therefor; and providing an effective date (File 6970 - awarded to RDO Equipment Company, in the not-to-exceed amount of \$313,673.54).
- Attachments: [Exhibit 1 - Agenda Information Sheet.docx](#)  
[Exhibit 2 - Quote Comparison](#)  
[Exhibit 3 - Ordinance](#)
- H. [ID 19-373](#) 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 Number 521-16 for the acquisition of fifteen (15) heavy duty trucks for the Solid Waste, Water Distribution, Wastewater Collection and Streets Departments; providing for the expenditure of funds therefor; and providing an effective date (File 7009 - awarded to Rush Truck Center, in the not-to-exceed amount of \$3,489,640).
- Attachments: [Exhibit 1 - Agenda Information Sheet](#)  
[Exhibit 2 - Comparison and Quotes](#)  
[Exhibit 3 - Ordinance](#)  
[Exhibit 4 - Presentation](#)
- I. [ID 19-375](#) Consider approval of the minutes of January 7 and January 8, 2019.
- Attachments: [Exhibit 1 - January 7, 2019 Minutes](#)  
[Exhibit 2 - January 8, 2019 Minutes](#)
- J. [ID 19-376](#) Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, ratifying, and approving a public works contract through The Inter-local Purchasing System (TIPS) Cooperative Program Contract Number 180702 for the replacement of roof windows at South Branch Library located at 3228 Teasley Lane; providing for the expenditure of funds therefor; and providing an effective date (File 6961 - awarded to CBS Mechanical, Inc. dba CBS Roofing Services in the not-to-exceed amount of \$85,206.68).
- Attachments: [Exhibit 1 - Agenda Information Sheet.docx](#)  
[Exhibit 2 - Declaration of Emergency](#)  
[Exhibit 3 - Ordinance and Contract](#)
- K. [ID 19-379](#) Consider approval of a resolution of the City of Denton, Texas authorizing the Mayor to commit to a campaign goal to improve accessibility for the residents of Denton to local parks within a 10-minute walk; and providing an effective date.
- Attachments: [Exhibit 1 Agenda Information Sheet](#)  
[Exhibit 2 Resolution](#)  
[Exhibit 3 Presentation](#)

- L. [ID 19-386](#) Consider approval of a resolution of the City Council of the City of Denton, Texas, approving the 2017/2018 Tax Increment Reinvestment Zone Number Two (Westpark TIRZ) annual report; and declaring an effective date (TIRZ Number Two Board recommends approval 9-0).

Attachments: [Exhibit 1 - Agenda Information Sheet](#)  
[Exhibit 2 - Resolution and TIRZ 2 17-18 Annual Report](#)  
[Exhibit 3 - Form 50-806](#)

- M. [ID 19-391](#) Consider adoption of an ordinance of the City of Denton amending Chapter 18 of the Code of Ordinances by including speed zones on Barrel Strap (FM 2499), Fort Worth Drive (US 377), and Cowling Road in Section 18-73; altering the Prima Facie speed limits established for vehicles under the provision of Transportation Code, Section 545.356 upon the following roadways or parts thereof, within the incorporated limits of the City of Denton; providing a penalty not to exceed \$200.00 unless the violation occurs in a work zone and then the penalty shall not exceed \$400.00; providing a severability clause; providing a repealing clause; providing a savings clause; providing codification; providing for publication; and declaring an effective date. Recommendation by Traffic Safety Commission 6-0, approved.

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

- N. [ID 19-413](#) 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 the purchase of one (1) 40' automatic tarping machine with Tarpomatic, Inc., which is the sole provider of this item in accordance with Texas Local Government Code 252.022, which 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 6968 - awarded to Tarpomatic, Inc., in the not-to-exceed amount of \$65,787).

Attachments: [Exhibit 1 - Agenda Information Sheet.docx](#)  
[Exhibit 2 - Justification Letter](#)  
[Exhibit 3 - Quote](#)  
[Exhibit 4 - Ordinance and Contract](#)

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

- A. [ID 19-422](#) Consider approval of a resolution authorizing Election Day polling locations for the City of Denton City Council Election to be held on May 4, 2019; and providing an effective date.

Attachments: [Exhibit 1 - Agenda Information Sheet](#)  
[Exhibit 2 - Resolution](#)  
[Exhibit 3 - Presentation](#)  
[Exhibit 4 - Map of Proposed Election Day Polling Locations](#)

- B. [ID 19-162](#) Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the approval of an eighth amendment to a Professional Services Agreement between the City of Denton and Freese and Nichols, Inc.; amending the contract approved by City Council on June 16, 2009, in the not-to-exceed amount of \$301,545, amended by Amendments 1-7 approved by the City Manager, City Council, and Purchasing staff, said eighth amendment to provide engineering and design services relating to the PEC 4 Drainage Improvements Phase 1 and 2 project in the amount of \$182,315; providing for the expenditure of funds therefor; and providing an effective date (File 4437 - providing for an additional eight amendment expenditure amount not-to-exceed \$182,315, with the total contract amount not-to-exceed \$667,625). The Public Utilities Board recommends approval (6-0).

Attachments:      [Exhibit 1 - Agenda Information Sheet.docx](#)  
                              [Exhibit 2 - Project Map](#)  
                              [Exhibit 3a - Original Ordinance and Contract](#)  
                              [Exhibit 3b - Amendment 1 and 2](#)  
                              [Exhibit 3c - Amendment 3](#)  
                              [Exhibit 3d - Amendment 4](#)  
                              [Exhibit 3e - Amendment 5](#)  
                              [Exhibit 3f - Amendment 6](#)  
                              [Exhibit 3g - Amendment 7](#)  
                              [Exhibit 4 - Staff Presentation](#)  
                              [Exhibit 5 - Ordinance and Amendment 8](#)

- C. [ID 19-349](#) Consider adoption of an ordinance of the City of Denton, Texas to declare the intent to reimburse capital expenditures of the General Government with Tax-Preferred Obligations (Certificates of Obligation) with an aggregate maximum principal amount not to exceed \$4,600,000; and providing an effective date.

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

- D. [ID 19-368](#) Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager to execute a Professional Services Agreement with O'Brien Engineering, Inc., for Engineering Services for Lake Forest Park Pond and Dam as set forth in the contract, providing for the expenditure of funds therefor; and providing an effective date (RFQ 6590-048 - Professional Services Agreement for Engineering Services awarded to O'Brien Engineering, Inc., in the not-to-exceed amount of \$347,000).



Attachments:      [Exhibit 1 - Agenda Information Sheet.docx](#)  
                              [Exhibit 2 - TCEQ Safety Inspection](#)  
                              [Exhibit 3 - CP&Y Hydraulics Study](#)  
                              [Exhibit 4 - Floodplain Study](#)  
                              [Exhibit 5 - TNP Assessment and H&H Report](#)  
                              [Exhibit 6 - Ordinance and Contract](#)

## **6. 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.