



# 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, April 9, 2019

2:00 PM

Work Session Room

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#### **WORK SESSION BEGINS AT 2:00 P.M. IN THE WORK SESSION ROOM**

#### **COUNCIL CONSIDERATION OF THE CONSENT AGENDA AND ITEMS FOR INDIVIDUAL CONSIDERATION WILL BEGIN IMMEDIATELY FOLLOWING THE CLOSED MEETING IN THE 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, April 9, 2019, 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:

#### **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 this agenda.**

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

- A. [ID 19-649](#) Receive a report, hold a discussion, and give staff direction regarding the construction of restroom facilities at Carl Young Sr. Park and Quakertown Park.

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

- B. [ID 19-720](#) Receive a report, hold a discussion, and give staff direction regarding a request from the Denton Community Market for additional financial support of \$101,191 per year.

Attachments: [Exhibit 1 - Agenda Information Sheet](#)  
[Exhibit 2 - Community Market Survey Data](#)  
[Exhibit 3 - Proposal Community Market](#)  
[Exhibit 4 - Presentation](#)

- C. [ID 19-788](#) Receive a report, hold a discussion, and give staff direction regarding the Solid Waste department's Enhanced Liquids Recirculation Program.

Attachments: [Exhibit 1 - AIS](#)  
[Exhibit 2 - Presentation](#)

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

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

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 19-574](#) 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 potential acquisition of real property interests generally located (i) in the 800 block of Eagle Dr., (ii) Ave. H between W. Hickory St. and W. Prairie St., (iii) W. Prairie St. between S. Bonnie Brae St. and North Texas Blvd., (iv) Stella St. between S. Bonnie Brae St. and North Texas Blvd.; (v) North Texas Blvd. between Stella St. and Eagle Blvd., (vi) Maple St. between S. Locust St. and Ave. C, (vii) Faninn St. between S. Ave. B and Bernard St., (viii) S. Ave B. from Maple St. to Underwood St., (ix) Bernard St. between Eagle Blvd. and Collins St., (x) Carroll Blvd. between Eagle Dr. and W. Collins St., (xi) W. Collins St. between S. Ave. A and Carroll Blvd., (xii) Myrtle St. between Fort Worth Dr. and Maple St. (xiii) Pierce St. between Maple St. and Stroud St., (xiv) Eagle Dr. between S. Locust St. and Ave. C, (xv) Fort Worth Dr. between W. Collins St. and Maple Ave. all in the City of Denton, Denton County, Texas. Consultation with the City's attorneys regarding legal issues associated with the potential acquisition or condemnation of the real property interests 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. (Electric distribution and transmission lines and Eagle substation)

- B. [ID 19-808](#) Deliberations regarding Economic Development Negotiations - Under Texas Government Code Section 551.087.

Receive a report and hold a discussion regarding the offer of a financial or other incentive to Sally Beauty Company. This discussion shall include commercial and financial information, including an economic development application, the City has received from Sally Beauty Company, a business prospect which the City Council seeks to have locate, stay, or expand in or near the territory of the city, and with which the City Council is conducting economic development negotiations.

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.

Following 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 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 – H). 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, the Consent Agenda Items 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 19-086](#) Consider adoption of an Ordinance of the City of Denton authorizing the City Manager, or his designee, to execute a Pole Attachment License Agreement between the City of Denton, a Texas-Home Rule Municipal Corporation, and MCImetro Access Transmission Services Corp., a Delaware Corporation; and, providing for an effective date.

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

- B. [ID 19-684](#) Consider approval of a resolution allowing Profest, Inc. to sell alcoholic beverages at the Denton Arts & Jazz Festival, which will be held on Friday, April 26, from 10:00 p.m. to midnight, through Sunday, April 28, 2019, from 11:00 a.m. to 10:00 p.m., at the Quakertown Park upon satisfying certain conditions; authorizing the City Manager, or his designee, to execute an agreement in conformity with this resolution; and providing for an effective date.

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

- C. [ID 19-688](#) Consider adoption of an ordinance of the City of Denton, approving a City co-sponsorship in an amount not to exceed \$196,000 of in-kind services and resources for the Denton Arts & Jazz Festival to be held on Friday, April 26, through Sunday, April 28, 2019, at the Quakertown Park; and providing an effective date.

Attachments:      [Exhibit 1 Agenda Information Sheet](#)  
                              [Exhibit 2 Ordinance](#)  
                              [Exhibit 3 Sponsorship Approval Letter](#)

- D.    [ID 19-689](#)      Consider adoption of an ordinance of the City of Denton, granting the Denton Festival Foundation, Inc. pursuant to Section 17-20 of the City of Denton Code of Ordinances, a noise exception for the Denton Arts & Jazz Festival, which will be held on Friday, April 26, and Saturday, April 27, from 10:00 p.m. to midnight; and Sunday, April 28, 2019, from 11:00 a.m. to 10:00 p.m. at the Quakertown Park; granting a variance in hours of operation for amplified sound levels for an outdoor music festival; and providing an effective date.

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

- E.    [ID 19-691](#)      Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, accepting competitive bids and awarding a contract for the supply of Rights-of-Way and Private Property Maintenance for various City of Denton departments; providing for the expenditure of funds therefor; and providing an effective date (IFB - 6980 awarded to the lowest responsive bidder for each line item: Section I for the supply of enhanced right-of-way maintenance services awarded to Watts Ellison, LLC dba D&D Commercial Landscape Management in a total not-to-exceed amount of \$1,057,980, Section II for the supply of private property maintenance services awarded to Freedom Commercial Services, LLC., in a total not-to-exceed amount of \$105,000, in a total three (3) year, not-to-exceed amount of \$1,162,980).

Attachments:      [Exhibit 1 - Agenda Information Sheet](#)  
                              [Exhibit 2a - LLC Members for Freedom](#)  
                              [Exhibit 2b - LLC Members for Watts](#)  
                              [Exhibit 3 - Bid Tabulation](#)  
                              [Exhibit 4 - Ordinance and Contracts](#)

- F.    [ID 19-693](#)      Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the approval of the first amendment to a Professional Services Agreement between the City of Denton and Ancor Information Management, LLC, dba Utilitec, for utility printing and mailing services, amending the contract approved by City Council on October 20, 2015, in the not-to-exceed amount of \$1,300,000; said first amendment to provide continued billing, printing and mailing services of the City of Denton's utility bills; providing for the expenditure of funds therefor; and providing an effective date (RFP 5815 - extending the contract to April 20, 2020, and providing for an additional expenditure amount not-to-exceed \$325,000, for a total contract amount not-to-exceed \$1,625,000).

Attachments:      [Exhibit 1 - Agenda Information Sheet](#)  
                              [Exhibit 2 - Original Ordinance and Contract](#)  
                              [Exhibit 3 - Ancor LLC](#)  
                              [Exhibit 4 - Ordinance and Amendment](#)

- G. [ID 19-790](#) Consider approval of a resolution of the City of Denton supporting legislation that would allow to-go retail sales at Texas breweries, of ale and beer produced on the brewer's or manufacturer's premises, in the 86th Texas Legislature; and providing an effective date.

Attachments:      [Exhibit 1 - Agenda Information Sheet](#)  
                             [Exhibit 2 - Resolution](#)  
                             [Exhibit 3 - SB 312 and HB 672](#)

- H. [ID 19-813](#) Consider approval of a Resolution of the City Council of the City of Denton, Texas to ratify a letter of support for the University of North Texas Grant application to the Sloan Foundation to develop "an integrated low-cost, multi-scale air pollution monitoring, mapping, and modeling platform" previously sent on behalf of the Council Committee on the Environment; and providing an effective date.

Attachments:      [Exhibit 1 - Agenda Information Sheet](#)  
                             [Exhibit 2 - Sloan Grant COE resolution](#)

## **2. ITEMS FOR INDIVIDUAL CONSIDERATION**

- A. [ID 19-640](#) Consider adoption of an Ordinance of the City of Denton authorizing the City Manager, or designee, to execute a confidentiality and non-disclosure agreement between the City and Helena Wind, LLC., and a confidentiality and non-disclosure agreement between the City and OnPeak Power, LLC; providing for a severability clause; and providing for an effective date.

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

- B. [ID 19-678](#) Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager to execute a contract with The O'Haver Company, Ltd. dba O'Haver Contractors, for the construction of a new Fire Station #3 located at the corner of McCormick Street and Underwood Street; providing for the expenditure of funds therefor; and providing an effective date (RFP 6899 - awarded to The O'Haver Company, Ltd. dba O'Haver Contractors in the not-to-exceed amount of \$6,298,000).

Attachments:      [Exhibit 1 - Agenda Information Sheet](#)  
                             [Exhibit 2 - Pricing Evaluation](#)  
                             [Exhibit 3 - Staff Presentation](#)  
                             [Exhibit 4 - Ordinance and Contract](#)

- C. [ID 19-679](#) Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager to execute a contract with Integrated Computer Systems, Inc. for the implementation, licensing, and vendor support for a Computer Aided Dispatch (CAD) and Law Enforcement Records Management System (RMS); providing for the expenditure of funds therefor; and providing an effective date (RFP 6400 - awarded to Integrated Computer Systems, Inc., for one (1) year, with the option for four (4) additional one (1) year extensions, in the total five (5) year not-to-exceed amount of

\$3,090,863.53).

**Attachments:**     [Exhibit 1 - Agenda Information Sheet](#)  
[Exhibit 2a - Original Evaluation Tab](#)  
[Exhibit 2b - Final Evaluation Tab](#)  
[Exhibit 3 - Staff Presentation](#)  
[Exhibit 4 - Ordinance and Contract](#)

- D. [ID 19-772](#)     Consider nominations/appointments to the City's Boards, Commissions, and Committees: Board of Ethics, Committee on Persons with Disabilities, Health & Building Standards Commission, and Public Art Committee.

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

### **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 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 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.