



# City of Denton

## Meeting Agenda City Council

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

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Tuesday, April 23, 2019

2:00 PM

Work Session Room & Council Chambers

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

### SPECIAL CALLED 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, April 23, 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 19-854](#) Receive a report, hold a discussion, and provide staff direction regarding City Council priorities and the process to establish those priorities for upcoming work session report topics.

**Attachments:** [Exhibit 1 - Agenda Information Sheet](#)  
[Exhibit 2 - Work Session Schedule](#)  
[Exhibit 3 - Summary of Other Requests](#)  
[Exhibit 4 -Combined Survey Results](#)  
[Exhibit 5 - Individual Survey Results](#)  
[Exhibit 6 - Presentation](#)

- B. [ID 19-910](#) Receive a report, hold a discussion, and give staff direction regarding Denton Television (DTV) staffing and the streaming, recording, and making public meetings available for on-demand viewing.

**Attachments:** [Exhibit 1 - Agenda Information Sheet](#)  
[Exhibit 2 - Presentation](#)  
[Exhibit 3 - Boards Commissions and Committees List \(March 2019\)](#)

- C. [ID 19-922](#) Receive a report, hold a discussion, and provide staff direction regarding a Special

Citizens Bond Advisory Committee and public arts funding for the proposed 2019 Bond Program.

**Attachments:**     [Exhibit 1 - Agenda Information Sheet - Bond Update Presentation](#)  
                              [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 19-870](#)     Consultation with Attorneys - Under Texas Government Code Section 551.071**

Consult with the City's attorneys on the handling and disclosure of confidential and attorney/client privileged documents and information where a public discussion of these legal matters would conflict with the duty of the City's attorneys to the City of Denton and Denton City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.

**B.    [ID 19-877](#)     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)

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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**SPECIAL CALLED 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. 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 – 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, 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 19-799](#) 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 Saturn Power Corporation; providing for a severability clause; and providing for an effective date.

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

- B. [ID 19-830](#) Consider adoption of an ordinance directing the publication of Notice of Intention to issue \$9,110,000 in principal amount of Certificates of Obligation of the City of Denton for General Government projects; and providing for an effective date. Audit/Finance Committee approves 3-0.

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

- C. [ID 19-831](#) Consider adoption of an ordinance directing the publication of Notice of Intention to issue

\$17,610,000 in principal amount of Certificates of Obligation of the City of Denton for Wastewater System and Electric System projects; and providing for an effective date. Audit/Finance Committee approves 3-0.

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

- D.    [ID 19-826](#)      Consider adoption of an ordinance of the City of Denton, granting the Denton Cinco de Mayo Festival Committee, pursuant to Section 17-20 of the City of Denton Code of Ordinances, a noise exception for the Denton Cinco de Mayo Festival, which will be held on Saturday, May 4, 2019, from 10:00 a.m. to 10:00 p.m. at the Quakertown Park; granting an increase in amplified sound levels for an outdoor music festival from 70 to 75 dba; and providing an effective date.

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

- E.    [ID 19-827](#)      Consider adoption of an ordinance of the City of Denton, approving a City co-sponsorship in an amount not to exceed \$13,900 of in-kind services and resources for the Denton Cinco de Mayo Festival, which will be held on Saturday, May 4, 2019, from 10:00 a.m. to 10:00 p.m., at the Quakertown Park; and providing an effective date.

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

- F.    [ID 19-833](#)      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 Perry Weather Consulting, Inc., for the purchase of Lightning Warning Equipment; providing for the expenditure of funds therefor; and providing an effective date (RFP 6942 - awarded to Perry Weather Consulting Inc., in the five (5) year not-to-exceed amount of \$183,000).

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

- G.    [ID 19-834](#)      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 CMS Mechanical Services, Inc., for the supply of heating, ventilation and air conditioning maintenance, repairs and replacement services for various City buildings and any other areas maintained by the City of Denton Facilities Department; providing for the expenditure of funds therefor; and providing an effective date (IFB 6976 - awarded to CMS Mechanical Services, Inc., for three (3) years, with the option for two (2) additional one (1) year extensions, in the total five (5) year not-to-exceed amount of \$2,500,000).

Attachments:      [Exhibit 1 - Agenda Information Sheet](#)  
                             [Exhibit 2 - Bid Tabulation](#)  
                             [Exhibit 3 - Ordinance and Contract](#)  
                             [Exhibit 4 - CIP Replacement Plan](#)

- H. [ID 19-836](#) 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 an Interlocal Cooperative Purchasing Agreement with the City of Grand Prairie, Texas, under the Texas Government Code, Chapter 791, and Texas Local Government Code, Chapter 271, to authorize City of Denton contracts for the purchase of various goods and services; authorizing the expenditure of funds therefor; and declaring an effective date (File 7066 - Interlocal Cooperative Purchasing Agreement with the City of Grand Prairie).

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

- I. [ID 19-838](#) 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 524-17 for the acquisition of ballistic vests, helmets, and combat treatment kits; providing for the expenditure of funds therefor; and providing an effective date (File 7063 - awarded to GT Distributors, Inc., in the not-to-exceed amount of \$104,000).

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

- J. [ID 19-840](#) Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the approval of a fourth 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 1-3 approved by Purchasing Staff, the City Manager and City Council, said fourth amendment to provide engineering services relating to North-South Water Main Phases II and III; providing for the expenditure of funds therefor; and providing an effective date (File 4978 - providing for an additional fourth amendment expenditure amount not-to-exceed \$396,303.00 with the total contract amount not-to-exceed \$1,052,571.60).

Attachments:      [Exhibit 1 - Agenda Information Sheet](#)  
                             [Exhibit 2 - Project Map](#)  
                             [Exhibit 3 - Original Ordinance, Contract and Amendments](#)  
                             [Exhibit 4 - Ordinance and Amendment No. 4](#)

### **3. PUBLIC HEARINGS**

- A. [ID 19-909](#) Hold a public hearing on the designation of a certain area within the city limits of Denton as Sally Beauty Supply, LLC Reinvestment Zone Number XV for commercial/industrial tax abatement in accordance with Chapter 312 of the Texas Tax Code. THIS PUBLIC HEARING HAS BEEN CANCELLED.
- B. [DCA18-0009](#) Hold a public hearing and consider an ordinance changing the Bell Avenue Historic  
[p](#) Conservation District to the Bell Avenue Historic District, as specified in Section 4.9.5 of the proposed Denton Development Code Update. Planning and Zoning Commission

recommends approval of the amendment 7-0. THIS ITEM HAS BEEN POSTPONED INDEFINITELY (DCA18-0009, Roman McAllen)

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

- C. [DCA18-0009](#) Hold a public hearing and consider an ordinance of the City of Denton, Texas, approving and adopting the newly revised Denton Development Code; superseding and expressly repealing Chapters 31, 34 and 35 of the 1991 Code of the City of Denton, Texas, as amended, and leaving all other chapters intact; superseding and expressly repealing the existing 2002 Denton Development Code, as amended; establishing a penalty in the maximum amount of \$2000.00 for violations of the Denton Development Code as further specified therein; providing for severability; and establishing effective dates as further specified herein. (DCA18-0009, DDC Update, Ron Mengueta)

Attachments:      [Exhibit 1 - Agenda Information Sheet\\_DDC Update REVISED RDC KR](#)  
                              [Exhibit 2 - Final Adoption Draft](#)  
                              [Exhibit 3 - Zoning District Transition Chart](#)  
                              [Exhibit 4 - Comparison of Allowed Uses Table](#)  
                              [Exhibit 5 - Comparison of General Regulations Table](#)  
                              [Exhibit 6 - Comment Spreadsheet updated](#)  
                              [Exhibit 7- Responses to Public Hearing Notice in Favor](#)  
                              [Exhibit 8 - Responses to Public Hearing Notice in Opposition](#)  
                              [Exhibit 9 - April 4, 2019 Memorandum form Clarion](#)  
                              [Exhibit 10 - Errata Sheet](#)  
                              [Exhibit 11 - Draft Ordinance](#)  
                              [Exhibit 12 - Draft April 10, 2019 Planning and Zoning Minutes](#)  
                              [Exhibit 13 - Presentation](#)

- D. [DCA18-0009](#) Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, approving a city-wide rezoning, to coincide with zoning regulations adopted under the newly revised Denton Development Code; establishing a penalty in the maximum amount of \$2000.00 for violations thereof; providing for severability; and establishing an effective date. (DCA18-0009)

**Attachments:**      [Exhibit 1 - Agenda Information Sheet](#)  
[Exhibit 2 - Zoning District Transition Chart](#)  
[Exhibit 3 - Comparison of Allowed Uses Table](#)  
[Exhibit 4 - Comparison of General Regulations Table](#)  
[Exhibit 5 - Comment Spreadsheet updated](#)  
[Exhibit 6 - Responses to Public Hearing Notice in Favor](#)  
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[Exhibit 8 - April 4, 2019 Memorandum form Clarion](#)  
[Exhibit 9 - Final Adoption Draft](#)  
[Exhibit 10 - Draft Zoning Map](#)  
[Exhibit 11 - Draft Ordinance](#)  
[Exhibit 12 - Draft April 10 2019 Planning and Zoning Commission Minutes](#)  
[Exhibit 13 - Presentation](#)

#### **4. ITEMS FOR INDIVIDUAL CONSIDERATION**

- A.    [ID 19-842](#)      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 Jagoe-Public Company for Trucking Services for various City of Denton departments; providing for expenditures of funds therefor; and providing an effective date (IFB 7014 - awarded to Jagoe-Public Company in the five (5) year not-to-exceed amount of \$1,300,000).

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

- B.    [ID 19-920](#)      Consider approval of a resolution creating a Special Citizens Bond Advisory Committee for the proposed 2019 Bond Election; establishing a charge for the committee; and declaring an effective date.

**Attachments:**      [Exhibit 1 - Agenda Information Sheet - Creation of the Citizens Bond Advisory C](#)  
[Exhibit 2 - Bond Committee Resolution](#)

- C.    [ID 19-921](#)      Consider appointments to the Special Citizens Bond Advisory Committee for the proposed 2019 Bond Election.

**Attachments:**      [Exhibit 1 - Agenda Information Sheet - Bond Committee Member Appointments](#)  
[Exhibit 2 - Nominations Sheet 04.23.2019](#)

#### **5. 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.