



City of Denton

Meeting Agenda

City Council

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

Tuesday, August 20, 2019

12:00 PM

Work Session Room & Council Chambers

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, August 20, 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 this agenda.

3. Work Session Reports

- A. [ID 19-1840](#) Receive a report, hold a discussion, and give staff direction regarding the draft 2019 Historic Preservation Plan.

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

- B. [ID 19-1941](#) Receive a report, hold a discussion, and give staff direction regarding the cost recovery and resource allocation study for the Development Services Department.

Attachments: [Exhibit 1 - Agenda Information Sheet DS](#)
[Exhibit 2- Fee Study Analysis](#)
[Exhibit 3- Development Services Fee Study Presentation](#)

- C. [DCA19-0005](#) Receive a report, hold a discussion, and give staff direction regarding 2439 and 3167 House Bill draft ordinances and amendments to the 2019 Denton Development Code.

[b](#)

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
[Exhibit 2 - 2439 House Bill Draft Ordinance](#)
[Exhibit 3 - 3167 House Bill Draft Ordinance](#)
[Exhibit 4 - Presentation.pdf](#)

- D. [ID 19-1948](#) Receive a report, hold a discussion and give staff direction on Solid Waste matters,

including 1) the proposed FY 2019-20 Solid Waste Rates, 2) the valet pilot program, and 3) acceptance of guaranteed landfill tonnage under contract.

Attachments: [Exhibit 1 Agenda Information Sheet.docx](#)
 [Exhibit 2 FY 2019-20 Solid Waste Red Line Rate Ordinance.pdf](#)
 [Exhibit 3 FY 2019-20 Solid Waste Rate Comparison.pdf](#)
 [Exhibit 4 Presentation.pdf](#)

- E. [ID 19-1930](#) Receive a report, hold a discussion, and give staff direction regarding the FY 2019-20 City Manager's Proposed Budget, Capital Improvement Program, and Five-Year Financial Forecast.

Attachments: [Exhibit 1 Agenda Information Sheet.docx](#)
 [Exhibit 2 Supplemental Packages.pdf](#)
 [Exhibit 3 Budget 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 19-1951](#) Consultation with Attorneys - Texas Government Code Section 551.071.

Discuss, deliberate, and receive information from the City's attorneys and provide the City's attorneys with direction regarding legal issues associated with the proposed agreements between the City and potential contractors for delivery of guaranteed tonnage to the landfill 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.

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.

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 19-1849](#) Payroll Week
- B. [ID 19-1889](#) International Overdose Awareness Day
- C. [ID 19-1922](#) Special Citizens Bond Advisory Committee

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.

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 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 – F). 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 19-685](#) Consider approval of a resolution of the City of Denton allowing the Denton Black Chamber of Commerce to sell alcoholic beverages at the Denton Blues Festival, on Saturday September 21, 2019, from 11:00 a.m. to 11:00 p.m., and Sunday, September 22, 2019, from 10:00 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 Resolution](#)

- B. [ID 19-1850](#) Consider adoption of an ordinance of the City of Denton approving a City co-sponsorship in an amount not to exceed \$19,352 of in-kind services and resources for the Denton Blues Festival, which will be held on Friday, September 20, 2019, from 11:00 a.m. to 11:00 p.m., Saturday, September 21, 2019, from 12:00 p.m. to 11:00 p.m., and Sunday, September 22, 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 Co-Sponsorship Approval Letter](#)

- C. [ID 19-1851](#) Consider adoption of an ordinance of the City of Denton granting the Denton Black Chamber of Commerce a noise exception pursuant to Section 17-20 of the City of Denton Code of Ordinances, with respect to sound levels and hours of operation for the Denton Blues Festival, which will be held on Friday, September 20, 2019 from 11:00 a.m. to 11:00 p.m., Saturday, September 21, 2019 from 12:00 p.m. to 11:00 p.m., and Sunday, September 22, 2019, from 10:00 a.m. to 10:00 p.m., at the Quakertown Park; granting an increase in sound levels and a variance in the hours of operation on said dates for Friday from 11:00 a.m. to 11:00 p.m., Saturday from 12:00 p.m. to 11:00 p.m., and Sunday from 10:00 a.m. to 10:00 p.m., with sound not to exceed 70 decibels; and providing an effective date.

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

- D. [ID 19-1894](#) Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the approval of a first amendment to a Professional Services Agreement between the City of Denton and Dannenbaum Engineering Company - Dallas, LLC, amending the contract approved by City Council on June 5, 2018, in the not-to-exceed amount of \$183,839.97; said first amendment to provide Professional Engineering Services for the 2018 Denton Sidewalks Project in the amount of \$135,715.59; providing for the expenditure of funds therefor; and providing an effective date (RFQ 6590-007 - providing for an additional first amendment expenditure amount not-to-exceed \$135,715.59, for a total contract amount not-to-exceed \$319,555.56).

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
[Exhibit 2 - Original Ordinance and Contract](#)
[Exhibit 3 - Project Map](#)
[Exhibit 4 - LLC Members](#)
[Exhibit 5 - Ordinance and Amendment](#)

- E. [ID 19-1899](#) Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal cooperation, authorizing the City Manager to execute a contract with Whirlix Design, Inc., for the Construction of Three (2019) Playgrounds for the Parks and Recreation Department; providing expenditure of funds therefor; and providing an effective date (RFP 7020 - awarded to Whirlix Design, Inc., in the not-to-exceed amount of \$352,791).

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

- F. [ID 19-1901](#) Consider approval of the minutes of August 5 and August 6, 2019.

Attachments: [Exhibit 1 - August 5, 2019 Minutes](#)
[Exhibit 2 - August 6, 2019 Minutes](#)

5. ITEMS FOR INDIVIDUAL CONSIDERATION

- A. [ID 19-1956](#) Consider approval of a resolution of the City of Denton to support all citizens and urge them to demonstrate kindness at every level of interaction with one another; and providing an effective date.

Attachments: [Exhibit 1 - Agenda Information Sheet - Resolution of Kindness](#)
[Exhibit 2 - Resolution of Kindness](#)

- B. [ID 19-1954](#) Consider nominations/appointments to the City's Economic Development Partnership Board.

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
[Exhibit 2 - Ordinance No. 2017-203](#)
[Exhibit 3 - Presentation](#)

- C. [ID 19-1766](#) Consider nominations/appointments to the City's Boards, Commissions, and Committees: Board of Ethics, Human Services Advisory Committee, and Traffic Safety Commission.

Attachments: [Exhibit 1 - Agenda Information Sheet B&C 08-20-2019](#)
[Exhibit 2 - Nominations 08-20-2019](#)

6. PUBLIC HEARINGS

- A. [ID 19-1880](#) Hold a public hearing on a proposal to adopt a tax rate of \$0.605450 with a maximum allowable rate of \$0.628802 per \$100 valuation, which will exceed the lower of the effective or rollback tax rate.

Attachments: [Exhibit 1 Agenda Information Sheet.docx](#)
 [Exhibit 2 2019 Notice of Proposed Tax Rate.pdf](#)

- B. [ID 19-1692](#) Hold a public hearing on a proposal to adopt a resolution of no objection to the proposed new construction of Denton Grove Apartments in Denton to provide affordable and market rate rental housing, which will facilitate the developer's application for 4% housing tax credit with the Texas Department of Housing and Community Affairs.

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
 [Exhibit 2 - Denton Grove HTC Application](#)
 [Exhibit 3 - Draft Resolution](#)
 [Exhibit 4 - Presentation](#)

- C. [DCA19-0005](#) Hold a public hearing and consider adoption of an ordinance of the City of Denton, [e](#) Texas, amending Ordinance DCA18-0009q, by establishing a new effective date, amending Sections of the 2019 Denton Development Code to be consistent with House Bill 2439 regarding regulating building products, materials, or methods used in the construction or renovation of residential and commercial buildings; to be consistent with House Bill 3167 regarding municipal approval procedure for land development applications; and amendments related to Planned Development, Historic Landmark Commission composition, Certificate of Zoning Compliance procedure, Replat procedure, Buffer Points and Minimum Width Requirements, Certificate of Appropriateness procedure, Historic Landmark Designation procedure, Highway Corridor maximum building height, Suburban Corridor minimum front yard setback, allowing Elderly Housing, Tattoo and Body Piercing Parlor, General Personal Service, Donation Boxes, and Mobile Food Truck in certain Zoning Districts, minimum square footage for Single Family Detached Dwelling, Short Term Rental use-specific standards, Low-Impact Manufacturing use-specific standards, Accessory Dwelling Unit use-specific standards, Street Tree requirements, Parking and Loading requirements for Private School, Medical Office, and Elderly Housing, Parking Surface Materials, definitions for Dwelling/Dwelling Unit, Automotive Fuel Sales, Floor Area, General Retail, Mobile Food Court, Recreational Vehicle, Outdoor Storage, and Outside Storage, adding a definition for Mobile Food Truck, deleting the definition of Living Space, and other related edits. STAFF IS REQUESTING THAT THIS ITEM BE WITHDRAWN. (DCA19-0005e, 2019 DDC Amendments, Ron Menguita)

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

- D. [DCA19-0005f](#) Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, amending Ordinance DCA18-0009q, by establishing a new effective date, amending certain Sections of the 2019 Denton Development Code to be consistent with House Bills 2439 and 3167, and amending certain Sections of the 2019 Denton Development Code to provide clarification, make necessary corrections and other related edits. STAFF IS REQUESTING THAT THIS ITEM BE WITHDRAWN. (DCA19-0005f, 2019 DDC Amendments, Ron Menguita).

Attachments: [Exhibit 1 - Agenda Information Sheet_DCA19-0005f.pdf](#)

- E. [Z19-0006b](#) Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, amending Ordinance 2015-217 to revise the overlay conditions on approximately 30.7 acres of land zoned Neighborhood Residential (NR-3) District, generally located on the southwest corner of Hinkle Drive and West Windsor Drive, 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 an effective date. The Planning and Zoning Commission recommended approval of the request (6-1). (Z19-0006b, Fireside Addition, Julie Wyatt)

Attachments:

[Exhibit 1 - Agenda Information Sheet](#)

[Exhibit 2 - Staff Analysis](#)

[Exhibit 3 - Site Location Map](#)

[Exhibit 4 - Existing Zoning Map](#)

[Exhibit 5 - Future Land Use Map](#)

[Exhibit 6 - Ordinance 2015-217](#)

[Exhibit 7 - Notification Map and Responses](#)

[Exhibit 8 - Presentation](#)

[Exhibit 9 - Draft Ordinance](#)

- F. [DCA19-0006](#)
[a](#) Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, suspending enforcement of regulations prescribing the types of materials, products or aesthetic methods used for construction or renovation of residential and commercial buildings, in so far as they conflict with HB 2439 and HB 2497, passed by the 86th Legislature of the State of Texas and signed by Governor Greg Abbott on June 14, 2019; enacting selected interim amendments to preempted provisions of the Denton Development Code (Ord. 2002-040, as previously or hereafter amended), the 2019 Denton Development Code (Ord. DCA18-0009q, as it now exists or as it may be amended), and building code regulations; providing for compliance with new state laws affecting materials used in the construction or renovation of residential and commercial buildings, rules and procedures before the Zoning Board of Adjustment; providing for appeals; providing related directives to the City Manager; providing a conflict/savings clause; providing an effective date. The Planning and Zoning Commission recommends approval 6-0. (DCA19-0006a, House Bill 2439, Ron Menguita)

Attachments:

[Exhibit 1 - Agenda Information Sheet](#)

[Exhibit 2 - 2439 House Bill Draft Ordinance](#)

[Exhibit 3 - Presentation](#)

- G. [DCA19-0007](#)
[a](#) Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, suspending any conflicting application of those permitting and approval procedures related to subdivision and development plans or plats, contained in either the Denton Development Code (Ord. 2002-040, as previously or hereafter amended) or the 2019 Denton Development Code (Ord. DCA18-0009q, as it now exists or as it may be amended), to the limited extent that either conflicts with the provisions of HB 3167,

passed by the 86th Legislature of the state of Texas and signed by Governor Greg Abbott on June 14, 2019, directing city staff to process all plans and plats as defined in HB 3167 in accordance with the provisions of HB 3167; providing for conflict/savings clause; and providing an effective date. The Planning and Zoning Commission recommends approval 6-0. (DCA19-0007a, House Bill 3167, Ron Menguita)

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
 [Exhibit 2 - 3167 House Bill Draft Ordinance](#)
 [Exhibit 3 - Presentation](#)

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.