



City of Denton

Meeting Agenda

City Council

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

Tuesday, September 10, 2019

1:00 PM

Work Session Room & Council Chambers

WORK SESSION BEGINS AT 1:00 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 September 10, 2019, 1:00 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 19-2099](#) Receive a report, hold a discussion, and give staff direction regarding the Atmos rate-making process and the proposed Atmos 2019 natural gas rate increase.

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

- B. [ID 19-1779](#) Receive a report, hold a discussion and give staff direction regarding credit and collections performance and processes.

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

- C. [ID 19-1961](#) 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 Presentation.pdf](#)
[Exhibit 3 Budget Follow Up Memo.pdf](#)

- D. [ID 19-2068](#) Receive a report, hold a discussion, and give staff direction regarding the nomination of members to the Board of Directors of the Denton Central Appraisal District.

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
 [Exhibit 2 - DCAD Memo and Member Applications](#)
 [Exhibit 3 - Presentation](#)

- E. [ID 19-2112](#) Receive a report, hold a discussion, and give staff direction on confidentiality agreements and non-disclosure agreements.

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

- F. [ID 19-2083](#) Receive a report, hold a discussion, and give staff direction on pending City Council requests for information.

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
 [Exhibit 2 - Presentation](#)
 [Exhibit 3 - Ordinance 19-2026](#)
 [Exhibit 4 - 2018-130 Denton County Courthouse Confederate Monument](#)
 [Exhibit 5 - 2018-180 Horse Drawn Carriage and Horse Back Riding Permit Infor](#)
 [Exhibit 6 - 2019-025 Public Safety Use of Doorbell Monitoring Technology](#)
 [Exhibit 7 - 2019-140 Executive Residency Information](#)
 [Exhibit 8 - 2019-070 Green Buildings and Impact Fees](#)

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 19-2104](#) Deliberations regarding Real Property - Under Texas Government Code Section 551.072; Consultation with Attorneys - Under Texas Government Code Section 551.071.

Receive information from staff, consult with the City's attorneys, and provide direction pertaining to potential acquisition and use of the facility located at 401 North Elm Street, where discussion of these legal matters in an open meeting 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 any administrative proceeding or potential litigation.

- B. [ID 19-2133](#) Consultation with Attorneys - Under Texas Government Code Section 551.071

Consult with the City's attorneys regarding legal matters associated with non-disclosure agreements and/or confidentiality agreements and related policies; where a discussion of these legal matters in an open meeting would conflict with the duty of the City's attorneys to the City of Denton City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.

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.

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. PROCLAMATIONS/PRESENTATIONS

- A. [ID 19-1845](#) The 50th Anniversary Year of Denton Community Theatre
- B. [ID 19-1986](#) Live United Month
- C. [ID 19-2066](#) Celebrate Our Daily Bread's 1 Millionth Meal

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 – K). 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 19-2035](#) Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager to execute a service agreement related to a Public, Education, and Government (PEG) grant with the University of North Texas for its Denton Community Television PEG channel; authorizing the expenditure of funds therefor; and declaring an effective date.

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
 [Exhibit 2 - Ordinance](#)
 [Exhibit 3 - Agreement UNT DCTV PEG](#)

- B. [ID 19-2173](#) Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager to execute a service agreement related to a Public, Education, and Government (PEG) grant with the Denton Independent School District for its PEG channel; authorizing the expenditure of funds therefor; and declaring an effective date.

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

- C. [ID 19-2174](#) Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal

corporation, authorizing the City Manager to execute a service agreement related to a Public, Education, and Government (PEG) grant with the University of North Texas for its NTTV PEG channel; authorizing the expenditure of funds therefor; and declaring an effective date.

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
 [Exhibit 2 - Ordinance](#)
 [Exhibit 3 - Agreement UNT NTTV PEG](#)

- D. [ID 19-2045](#) 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 Doxim Utilitec, LLC, for Utility and Miscellaneous Bill Print and Mail Services; providing for the expenditure of funds therefor; and providing an effective date (RFP 6975 - awarded to Doxim Utilitec, LLC, in the five (5) year not-to-exceed amount of \$1,951,725). The Public Utilities Board recommends approval (7 - 0).

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

- E. [ID 19-2046](#) Consider adoption of an ordinance of the City Council of the City of Denton, a Texas municipal home-rule corporation, approving a negotiated settlement between the Atmos Cities Steering Committee ("ACSC") and Atmos Energy Corp., Mid-Tex Division regarding the company's 2019 rate review mechanism filing; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement; finding the rates to be set by the attached settlement tariffs to be just and reasonable and in the public interest; approving an attached exhibit establishing a benchmark for pensions and retiree medical benefits; approving an attached exhibit regarding amortization of regulatory liability; requiring the company to reimburse ACSC's reasonable ratemaking expenses; determining that this ordinance was passed in accordance with the requirements of the Texas Open Meetings Act; adopting a savings clause; declaring an effective date; and requiring delivery of this ordinance to the company and the ACSC's legal counsel.

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
 [Exhibit 2 - Ordinance](#)
 [Exhibit 3 - Ordinance Attachments](#)
 [Exhibit 4 - Presentation](#)
 [Exhibit 5 - 2019 Atmos RRM FAQ](#)

- F. [ID 19-2080](#) Consider approval of the minutes of August 17 and August 20, 2019.

Attachments: [Exhibit 1 - August 17, 2019 Minutes - Planning Session \(Retreat\)](#)
 [Exhibit 2 - August 20, 2019 Minutes](#)

- G. [ID 19-2082](#) 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](#)

- H. [ID 19-2090](#) Consider adoption of an ordinance of the City of Denton approving a Consent to Assignment of an Airport Lease between Greenpoint Aerospace Corporation and US Trinity Holding, LLC; and providing an effective date. Council Airport Committee recommends approval (2-0).

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
[Exhibit 2 - Site Map](#)
[Exhibit 3 - Request to Assign](#)
[Exhibit 4 - Greenpoint Lease Agreement and Amendments](#)
[Exhibit 5 - Ordinance – Consent to Lease Assignment](#)
[Exhibit 6 - Assignee - LLC Information](#)

- I. [ID 19-2093](#) 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 Garver, LLC, amending the contract approved by City Council on August 21, 2018, in the not-to-exceed amount of \$520,920; said first amendment to provide the construction administration service for the Lake Lewisville Water Treatment Plant Dewatering Facility in the amount of \$255,092; providing for the expenditure of funds therefor; and providing an effective date (RFQ 6590-025 - providing for an additional first amendment expenditure amount not-to-exceed \$255,092, for a total contract amount not-to-exceed \$776,012).

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

- J. [ID 19-2111](#) Consider and confirm the re-appointment by the City Manager of Darhyl Ramsey to the Civil Service Commission for the term beginning September 1, 2019 and ending August 30, 2022.

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
[Exhibit 2 - Daryhl Ramsey's Biography](#)

- K. [ID 19-2121](#) Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the approval of Change Order No. 1 to the contract between the City of Denton and DDM Construction Corporation, for the Bonnie Brae Roundabout; providing for the expenditure of funds therefor; and providing an effective date (IFB 7027 - Change Order No. 1 in the not-to-exceed amount of \$585,310.35 for a total contract award aggregated to \$3,490,847.05).

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
 [Exhibit 2 - Original Ordinance and Contract](#)
 [Exhibit 3 - Ordinance and Change Order 1](#)

5. ITEMS FOR INDIVIDUAL CONSIDERATION

- A. [ID 19-1978](#) Receive a presentation for an ordinance of the City of Denton, Texas, which would amend the City of Denton Code of Ordinances Section 2-29 to add that members of the public addressing the body through a translator will be given at least twice the amount of time as members of the public not requiring a translator.

Attachments: [Exhibit 1 - Agenda Information Sheet \(Sept. 10\)](#)
 [Exhibit 2 - Ordinance](#)
 [Exhibit 3 - Section 2-29 Subsection 4 recommended amendment](#)
 [Exhibit 4 - HB 2840 Enrolled](#)
 [Exhibit 5 - Rules of Procedure Update Presentation](#)

- B. [Z19-0006d](#) 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). THIS ITEM WAS POSTPONED AT THE AUGUST 20, 2019 CITY COUNCIL MEETING. (Z19-0006d, 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 - DME Approved Tree List](#)
 [Exhibit 9 - Site Plan](#)
 [Exhibit 10 - Presentation](#)
 [Exhibit 11 - Draft Ordinance](#)

- C. [ID 19-2044](#) 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 Archer Western Construction, LLC, for the construction of Lake Lewisville Water Treatment Plant (LLWTP) filter backwash and sedimentation basin wash-down residuals dewatering facility for the Wastewater Department; providing for the expenditure of funds therefor; and providing an effective date (IFB 7096 - awarded to Archer Western Construction, LLC, in the not-to-exceed amount of \$8,124,640). The Public Utilities Board recommends approval (7 - 0).

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
 [Exhibit 2 - Bid Tabulation](#)
 [Exhibit 3 - LLC Members](#)
 [Exhibit 4 - Ordinance and Contract-](#)
 [Exhibit 5 - Presentation](#)

- D. [ID 19-2030](#) Consider nominations and appointments to the Downtown Denton Tax Increment Financing Reinvestment Zone No. One Board (Downtown TIRZ), including appointment of a chairperson.

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

- E. [ID 19-2060](#) Consider nominations/appointments to the City's Boards, Commissions, and Committees: Airport Advisory Board.

Attachments: [Exhibit 1 Agenda Information Sheet](#)
 [Exhibit 2 Nominations 09-11-2019](#)

- F. [ID 19-2069](#) Consider adoption of an ordinance of the City of Denton, Texas authorizing the expenditure of funds for the payment of wholesale transmission charges in the total amount of \$1,884,599.05 to Cross Texas Transmission for \$107,104.68, Electric Transmission Texas, LLC for \$400,935.39, Lone Star Transmission for \$132,410.26, Lower Colorado River Authority for \$634,435.18, Wind Energy Transmission Texas for \$93,796.66, ONCOR - NTU for \$515,916.88 and, providing an effective date.

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

- G. [ID 19-2073](#) 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 Sun Coast Resources, Inc., for the supply of corrosion inhibitor and monopropylene glycol cooling water additives for Denton Energy Center; providing for the expenditure of funds therefor; and providing an effective date (IFB 7065 - awarded to Sun Coast Resources, Inc., in the three (3) year not-to-exceed amount of \$87,045).

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

- H. [ID 19-2105](#) Consider adoption of an ordinance of the City of Denton, a Texas municipal home-rule corporation, approving an agreement between DB Denton II, LLC., a Delaware limited liability company, Allegiance Hillview, L.P., a New York limited partnership, and the City regarding the funding and construction of sanitary sewer improvements which are adjacent to and will serve portions of the Rayzor Ranch Development; and, providing for an effective date.

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
 [Exhibit 2 - Ordinance and Agreement](#)
 [Exhibit 3 - LLC Verification Informaton](#)
 [Exhibit 4 - Presentation](#)

6. PUBLIC HEARINGS

- A. [ID 19-1882](#) Hold a public hearing on a proposal to adopt a tax rate of \$0.590454 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](#)
 [Exhibit 3 - Presentation.pdf](#)

- B. [ID 19-1884](#) Hold a public hearing and receive citizen input on the FY 2019-20 Proposed Budget.

Attachments: [Exhibit 1 - Agenda Information Sheet.docx](#)
 [Exhibit 2 Notice of Public Hearing.pdf](#)

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.