



City of Denton

Meeting Agenda

City Council

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

Tuesday, October 15, 2019

2:00 PM

Work Session Room & Council Chambers

WORK SESSION BEGINS AT 2:00 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, October 15, 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 19-2355](#) Receive a report, hold a discussion, and give staff direction on Council Members serving on internal, external, and local/community boards and committees.

Attachments: [Exhibit 1 - Agenda Information Sheet BC 10-15-2019](#)
[Exhibit 2 - Presentation](#)

- B. [ID 19-2087](#) Receive a report, hold a discussion, and provide staff direction on requests from council members.

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 19-2218](#) Deliberations regarding Personnel Matters - Under Texas Government Code Section 551.074.

Deliberate and discuss the evaluation, duties, discipline, procedures, and contracts of the City Manager and City Attorney.

- B. [ID 19-2372](#) Deliberations Regarding Certain Public Power Utilities: Competitive Matters - Under Texas Government Code Section 551.086; Consultation with Attorneys - Under Texas Government Code, Section 551.071.

Receive a presentation from staff regarding public power competitive and financial matters related to a Power Purchase Agreement between the City of Denton, as the seller of power and electric energy services, and the University of North Texas, as a buyer of power and electric energy services; discuss, deliberate, and provide direction to staff regarding the same. Consultation with the City's attorneys regarding legal issues associated with the above matters 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.

- C. [ID 19-2373](#) Deliberations Regarding Certain Public Power Utilities: Competitive Matters - Under Texas Government Code Section 551.086; Consultation with Attorneys - Under Texas Government Code, Section 551.071.

Receive a presentation from staff regarding public power competitive and financial matters related to a Power Purchase Agreement between the City of Denton, as the seller of power and electric energy services, and Texas Woman's University, as a buyer of power and electric energy services; discuss, deliberate, and provide direction to staff regarding the same. Consultation with the City's attorneys regarding legal issues associated with the above matters 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 19-2180](#) Colonial Heritage Month
- B. [ID 19-2234](#) Serve Denton Center Grand Opening
- C. [ID 19-2383](#) World Homeless Day
- D. [ID 19-2387](#) Peterbilt Pride & Class Proclamation
- E. [ID 19-2388](#) Public Power Week
- F. [ID 19-2389](#) Community Planning Month

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 –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 19-2188](#) Consider adoption of an ordinance of the City of Denton, Texas, authorizing the City Manager, or his designee, to execute a memorandum of understanding with the United States Marshals Service, (USMS) for the participation of the Denton Police Department in the Regional Fugitive Task Force for Fiscal Year 2020; for the purpose of locating and apprehending fugitives; and providing an effective date.

Attachments:

[Exhibit 1 - AIS - USMS Task Force - FY19-20](#)

[Exhibit 2 - Ordinance & MOU Agreement - USMS Task Force - FY19-20](#)

- B. [ID 19-2196](#) 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 IDEXX Distribution, Inc. c/o IDEXX Laboratories, for drinking water compliance testing, and for laboratory services and animal testing materials for the Denton Animal Shelter, which is the sole provider of these services; in accordance with Texas Local Government Code 252.022, 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 7133 - awarded to IDEXX Distribution, Inc. c/o IDEXX Laboratories in the five (5) year not-to-exceed amount of \$600,750).

Attachments:

[Exhibit 1 - Agenda Information Sheet](#)

[Exhibit 2 - Pricing Index](#)

[Exhibit 3 - Ordinance and Contract](#)

- C. [ID 19-2339](#) Consider approval of a resolution approving the issuance of revenue bonds by the Colorado Health Facilities Authority on behalf of the Evangelical Lutheran Good Samaritan Society in an aggregate principal amount not to exceed \$14,500,000; recognizing that the City of Denton is not responsible for issuing the revenue bonds and has no financial obligation to pay any principal of or interest on the revenue bonds; making certain findings in connection therewith; and providing an effective date.

Attachments:

[Exhibit 1 - AIS - Good Samaritan Society Revenue Bonds](#)

[Exhibit 2 - Letter from Chapman and Cutler LLP](#)

[Exhibit 3 - Public Hearing Notice](#)

[Exhibit 4 - Letter from City's Bond Counsel](#)

[Exhibit 5 - Resolution](#)

- D. [ID 19-2360](#) 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 vending machine

services for the City; and providing an effective date (RFP 7026 - awarded to Supreme Food Services, dba Vend Pro Refreshment Services, for a three (3) year term, with the option for two (2) additional one (1) year extensions, in the total five (5) year term).

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

- E. [ID 19-2365](#) 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 AT&T Mobility LLC, through the Department of Information Resources (DIR) Cooperative Purchasing Network Contract Number DIR-TSO-3420 for priority cellular access through the First Responder Network Authority (FirstNet), FirstNet Ready cell phones, and on-going maintenance; providing for the expenditure of funds therefor; and providing an effective date (File 7148 - awarded to AT&T Mobility LLC, in the five (5) year not-to-exceed amount of \$2,531,419.76).

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

- F. [ID 19-2366](#) 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 Halff Associates, Inc., for design services for the University of North Texas (UNT) underground electrical relocation on the Bonnie Brae Phase III (Roselawn to I-35E) Improvement Project as set forth in the contract; providing for the expenditure of funds therefor; and providing an effective date (RFQ 6590-075 - Professional Services Agreement for design services awarded to Halff Associates, Inc., in the not-to-exceed amount of \$184,840).

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

- G. [ID 19-2367](#) Consider adoption of an ordinance of the City of Denton, approving an agreement with the Denton Parks Foundation and the City of Denton, to allow the Denton Parks Foundation to raise funds and support programming for the Parks and Recreation Department; authorizing the City Manager or his designee to execute the Denton Parks Foundation agreement; and providing an effective date.

Attachments: [Exhibit 1 Agenda Information Sheet](#)
 [Exhibit 2 Ordinance](#)
 [Exhibit 3 Parks Foundation Agreement \(redline\)](#)
 [Exhibit 4 Annual Fundraising Plan 2019-2020](#)

- H. [ID 19-2375](#) Consider adoption of an ordinance authorizing the City Manager, or his designee, to execute a Contract of Sale between the City of Denton, a Texas home-rule municipal corporation ("Denton"), as Buyer, and the City of Garland, a Texas home-rule municipality ("Garland"), as Seller, to acquire fee title to a 2.194 acre tract and an access

easement covering 0.076 acres, both situated in the Mary L. Austin Survey, Abstract No. 4, City of Denton, Denton County, Texas, and more particularly described in Exhibit "A," for the purchase price of Two Hundred Ninety-Eight Thousand One Hundred Thirty-Two Dollars and No Cents (\$298,132.00), and other consideration, as prescribed in the Contract of Sale; authorizing the expenditure of funds therefor; providing a savings clause; and providing an effective date.

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
 [Exhibit 2 - Ordinance and Contract](#)
 [Exhibit 3 - Location Map](#)
 [Exhibit 4 - ROE with Garland for SPI Site](#)

- I. [ID 19-2431](#) Consider approval of the minutes of September 24, 2019.

Attachments: [Exhibit 1 - September 24, 2019 Minutes Draft](#)

- J. [ID 19-2511](#) Consider approval of an ordinance of the City of Denton authorizing the City Manager, or his designee, to execute and deliver an Advance Funding Agreement related to the furnishing and installing of traffic signal equipment by a municipality between the City of Denton and the Texas Department of Transportation, regarding the City's request for reimbursement of the cost of installing traffic signal equipment directly related to the operation of intersections along the I-35E frontage road within the City that are specified in the Agreement; authorizing the expenditure of funds thereof; and providing an effective date.

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
 [Exhibit 2 - Brinker Signal Agreement](#)

5. ITEMS FOR INDIVIDUAL CONSIDERATION

- A. [ID 19-2332](#) Consider adoption of an ordinance of the City of Denton, Texas to declare the intent to reimburse capital program expenditures of the Electric Utility (\$37,649,374), Solid Waste (\$3,120,000), Water (\$2,421,800), Wastewater (\$11,360,000), and General Government (\$36,631,000) with Tax - Preferred Obligations (Certificates of Obligation and General Obligation Bonds) with an aggregate maximum principal amount not to exceed \$91,182,174; and providing an effective date.

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

- B. [ID 19-2359](#) 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 Modern Geosciences, LLC, for gas well inspection services for the Environmental Services Department; providing for the expenditure of funds therefor; and providing an effective date (RFP 7095 - awarded to Modern Geosciences, LLC, for one (1) year, with the option for two (2) additional one (1) year extensions, in the total three (3) years not-to-exceed amount of \$750,000).

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

[Exhibit 2 - Pricing Evaluation](#)

[Exhibit 3 - LLC Members](#)

[Exhibit 4 - Ordinance and Contract](#)

- C. [ID 19-2505](#) 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 Waste Connections Lone Star, Inc., providing for a guaranteed volume agreement for the landfill; and providing an effective date.

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

[Exhibit 2 - Waste Connections Lone Star Inc Ordinance and Contract](#)

- D. [ID 19-2487](#) 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 Allied Waste Services of Fort Worth, LLC., providing for a guaranteed volume contract for the landfill; and providing an effective date.

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

[Exhibit 2 - Allied Waste Services of Fort Worth, LLC., Ordinance and Contract](#)

[Exhibit 3 - LLC Ownership Information](#)

- E. [ID 19-2512](#) Consider nominations/appointments to the City's Boards, Commissions, and Committees: Animal Shelter Advisory Committee and Health & Building Standards Commission.

Attachments: [Exhibit 1 - Agenda Information Sheet 10-15-2019](#)

[Exhibit 2 - Nominations 10-15-2019](#)

6. PUBLIC HEARINGS

- A. [AESA19-000](#) Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas
[1a](#) approving a request for an Alternative Environmentally Sensitive Area Plan for approximately 49.9-acres of land generally located on the north side of West University Drive and west of North Masch Branch Road in the City of Denton, Denton county, Texas; adopting an amendment to the city's official ESA map; providing for a penalty in the maximum amount of \$2,000.00 for violations thereof; providing for severability; and establishing an effective date. (AESA19-0001, fisher 59, Hayley Zagurski)

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
[Exhibit 2 - Staff Analysis](#)
[Exhibit 3 - Aerial Map](#)
[Exhibit 4 - Zoning Map](#)
[Exhibit 5 - Alternative ESA Plan](#)
[Exhibit 6 - Applicant Narrative](#)
[Exhibit 7 - Preliminary Plat](#)
[Exhibit 8 - LLC Members List](#)
[Exhibit 9 - Notification Map and Response](#)
[Exhibit 10 - Presentation](#)
[Exhibit 11 - Draft Ordinance](#)

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.