



City of Denton

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

Meeting Agenda

City Council

Tuesday, November 19, 2019

1:00 PM

Work Session Room & Council Chambers

WORK SESSION BEGINS AT 1:00 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, November 19, 2019 at 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 19-2782](#) Receive a report, hold a discussion, and give staff direction regarding the employee residency survey results and other Cities residency incentives information.

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

- B. [ID 19-2805](#) Receive a report, hold a discussion and give staff direction regarding the implementation of an exclusive pedestrian phase in the traffic signal operations of the downtown intersections at Oak and Elm, Oak and Locust, Hickory and Elm, and Hickory and Locust as a pilot program for evaluation as a safety improvement for all modes of transportation in the downtown area.

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

- C. [ID 19-2274](#) Receive a report, hold a discussion, and give staff direction regarding proposed City Initiated Zoning Changes.

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
[Exhibit 2 - Zoning District Transition Chart](#)
[Exhibit 3 - Presentation](#)

- D. [ID 19-2766](#) Receive a report, hold a discussion, and provide staff direction regarding incentivizing graywater systems using impact fees and the relationship between graywater systems, impact fees, and infrastructure planning.

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
 [Exhibit 2 - 2019-070 Green Buildings and Impact Fees](#)
 [Exhibit 3 - Presentation](#)

- E. [ID 19-2770](#) Receive a report, hold a discussion, and give staff direction regarding Roadway Impact Fees.

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
 [Exhibit 2 - Presentation](#)
 [Exhibit 3 - Roadway Impact Fee Schedule](#)

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.

Closed Meeting:

- A. [ID 19-2807](#) 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.

NOTE: Any item scheduled for formal action at the Regular Meeting may be subject to a motion for reconsideration at any time during the meeting or after the meeting, up until the next succeeding official meeting of the council.

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 19-2811](#) Resolution of Appreciation for Julie Glover in honor of her upcoming retirement and dedicated service to the City of Denton.

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 19-2589](#) Consider adoption of an ordinance of the City Council of the City of Denton, Texas, approving a grant application from Sally Cotter, representing Half Pint Children's Boutique, LLC, from the Downtown Reinvestment Grant Program not to exceed \$3,309; and providing for an effective date. The Economic Development Partnership Board recommends approval (10-0).

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

- B. [ID 19-2675](#) Consider adoption of an Ordinance of the City of Denton releasing, abandoning, and vacating (i) a Public Access Easement granted to the City of Denton by Aaron Baltazar, Ltd., recorded as Instrument No. 2005-142281 in the Real Property Records, Denton County, Texas, and (ii) a Drainage Easement granted to the City of Denton by Aaron Baltazar, Ltd., recorded as Instrument No. 2005-142277 in the Real Property Records, Denton County, Texas; providing for severability and an effective date. (Beall Way Addition - Access and Drainage Easement Abandonment Request)

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
[Exhibit 2 - Location Map](#)
[Exhibit 3 - Easement Abandonment Exhibit](#)
[Exhibit 4 - Applicant Narrative Letter](#)
[Exhibit 5 - Vesting Deed](#)
[Exhibit 6 - Easements Requested for Abandonment](#)
[Exhibit 7 - Secretary of State LLC Member List](#)
[Exhibit 8 - Draft Ordinance](#)

- C. [ID 19-2721](#) Consider a resolution by the City of Denton authorizing the city manager to apply for and accept the 2019 UASI - City of Denton - Fire EMS Rescue Task Force Grant (grant no. 3421002) in the amount of \$144,137.31 from the State of Texas, Office of the Governor, through a grant from the US Department of Homeland Security for the period of November 1, 2019 through October 31, 2020; and providing an effective date.

Attachments: [Exhibit 2 Resolution UASI - SRRTS 2019 Grant](#)

- D. [ID 19-2727](#) 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 State of Texas Smart Buy Program for the purchase of library print materials as awarded by State of Texas Contract Number 715-M2 Publications, Audiovisual Materials, Books, and Cataloging Services (Prepared Materials Only); providing for the expenditure of funds therefore; and providing an effective date (File 7219 - awarded to

Baker & Taylor, LLC, in the not-to-exceed amount of \$350,000).

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
 [Exhibit 2 - TXMAS Contract 715-M2 Pricing Sheet](#)
 [Exhibit 3 - LLC Members](#)
 [Exhibit 4 - Ordinance](#)

- E. [ID 19-2737](#) Consider approval of the minutes of November 4 and November 5, 2019.

Attachments: [Exhibit 1 - November 4, 2019](#)
 [Exhibit 2 - November 5, 2019](#)

- F. [ID 19-2742](#) 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 HR Green, Inc., amending the contract approved by City Council on October 23, 2018, in the not-to-exceed amount of \$815,147; said first amendment to provide additional review of development construction projects for the City of Denton; providing for the expenditure of funds therefor; and providing an effective date (RFQ 6818 - providing for an additional first amendment expenditure amount not-to-exceed \$578,915, with the total contract amount not-to-exceed \$1,394,062).

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

- G. [ID 19-2741](#) Consider adoption of an ordinance of the City of Denton, approving a City co-sponsorship to Bridging Hope Ministries in an amount not to exceed \$993 of in-kind services and resources for the 5th Annual Christmas Banquet, which will be held on Sunday, December 1, 2019, from 3:00 p.m. to 5:00 p.m., at the Denton Civic Center; and providing an effective date.

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

- H. [ID 19-2758](#) Consider adoption of an ordinance of the City of Denton authorizing the City Manager, or his designee, to execute a Contract of Sale by and between JoDo Co, LLC and the City, for the sale and purchase of fee simple title of an approximate total of 1.12 acres of land located in the Hiram Cisco Survey, Abstract Number 1184, City and County of Denton, Texas, and also known as 712, 716, and 800 East McKinney Street and 723-725 East Oak Street, for the purchase price of Six Hundred Ten Thousand Dollars and No/100 (\$610,000.00); authorizing the expenditure of funds therefor; providing for severability and an effective date.

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
[Exhibit 2 - Ordinance with Contract of Sale](#)
[Exhibit 3 - JoDo Co. LLC SOS Information](#)
[Exhibit 4 - Map](#)

- I. [ID 19-2816](#) Consider approval of a resolution of the City of Denton authorizing the Mayor to execute a Transit Oriented Development Planning Grant Partnership Agreement with the Denton County Transportation Authority (DCTA), City of Highland Village, City of Lewisville, and Denton County for a grant application to conduct a Transit Oriented Development Study for the Kansas City Southern (KCS) rail corridor; and providing an effective date.

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
[Exhibit 2 - Resolution](#)
[Exhibit 3 - Partnership Agreement](#)

- J. [ID 19-2818](#) Consider adoption of an ordinance of the City of Denton authorizing the expenditure of funds for payments by the City of Denton to the Texas Commission on Environmental Quality for waste disposal fees; and providing an effective date (waste disposal fee in the total amount of \$350,000).

Attachments: [Agenda Information Sheet](#)
[Exhibit 1 30 TAC 330](#)
[Exhibit 2 30 TAC 330](#)
[Exhibit 3 Ordinance](#)

- K. [ID 19-2828](#) Consider adoption of an ordinance of the City of Denton, Texas, Nunc pro Tunc, correcting an inadvertent mistake in section 6 of the Second Amendment to the City Attorney's Employment Agreement approved by City Council on November 5, 2019 by ordinance 2019-2625; authorizing the Mayor to execute a corrected second amendment to the City Attorney's Employment Agreement; providing for a severability clause; providing for a savings clause and providing an effective date.

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

5. ITEM(S) FOR INDIVIDUAL CONSIDERATION - CONSIDERATION OF THE USE OF EMINENT DOMAIN TO CONDEMN REAL PROPERTY INTERESTS

- L. [ID 19-2809](#) Consider adoption of an ordinance of the City of Denton determining the public use, need, and necessity for the acquisition of various (I) fee simple tracts, (II) permanent easements, and (III) temporary construction easements, generally located along Mayhill Road, south of Spencer Road and north of Interstate Highway 35E, situated in the David Hough Survey - Abstract 646, the D. Lombard Addition, and the D. Lombard Survey - Abstract 784, all in the City and County of Denton, Texas, and more particularly described in the attached Exhibit "A" (collectively, the "Property Interests"); authorizing the City Manager and City Attorney, or their respective designees, to acquire the Property Interests by agreement if possible including making initial and final offers required by law; authorizing the use of the power of eminent domain to condemn the Property Interests if an

agreement cannot be reached; authorizing the City Attorney, or his designee, to file eminent domain proceedings if necessary; authorizing the expenditure of funding; makings findings; providing a savings clause; and providing an effective date

Attachments:

[Exhibit 1 - Agenda Information Sheet](#)

[Exhibit 2 - Project Location Map](#)

[Exhibit 3 - SOS Mgmt Tabs for Entity Landowners](#)

[Exhibit 4 - Recommended Motion - Mayhill Road and Flood Control Project](#)

[Exhibit 5 - Ordinance - Mayhill](#)

6. ITEMS FOR INDIVIDUAL CONSIDERATION

- A. [ID 19-2674](#) 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 ImageNet Consulting, LLC, through the Department of Information Resources (DIR) Cooperative Purchasing Network Contract# DIR-TSO-4159 for the lease of 90 digital copiers for various City of Denton departments; providing for the expenditure of funds therefor; and providing an effective date (File 7134 - awarded to ImageNet Consulting, LLC, in the five (5) year not-to-exceed amount of \$1,182,585).

Attachments:

[Exhibit 1 - Agenda Information Sheet](#)

[Exhibit 2 - Proposal](#)

[Exhibit 3 - LLC Members](#)

[Exhibit 4 - Ordinance](#)

[Exhibit 5 - Printer Presentation](#)

- B. [ID 19-2439](#) Consider adoption of an ordinance of the City of Denton, a Texas municipal home-rule corporation, repealing the entirety of Division 3. - Right-of-Way Construction, Article II - Construction and Repair, Chapter 25 - streets, sidewalks and public places, of the City's Code of Ordinances; repealing the entirety of Division 4. - Barricading of Construction and Public Rights-of-Way, Article II Construction and Repair, Chapter 25 Streets, Sidewalks and Public Places, of the City's Code of Ordinances; creating a new Division 3. - Right-of-Way Construction Management, Article II - Construction and Repair, Chapter 25- Streets, Sidewalks and Public Places, of the City's Code of Ordinances; providing for a penalty in the maximum amount of \$2,000.00 for violations thereof; providing for severability; and establishing an effective date.

Attachments:

[Exhibit 1 - Agenda Information Sheet](#)

[Exhibit 2 - Ordinance](#)

[Exhibit 3 - Presentation](#)

- C. [ID 19-2440](#) Consider approval of a resolution of the City of Denton, a Texas home-rule municipal corporation, authorizing the use of the Construction Manager-at-Risk delivery method for the construction of a Public Safety Facility; authorizing the City Manager to take all necessary action, and providing an effective date (File 7151).

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

[Exhibit 2 - Resolution](#)

[Exhibit 3 - Presentation](#)

- D. [ID 19-2468](#) Consider adoption of an ordinance of the City of Denton, Texas authorizing the expenditures of funds for the payment of wholesale transmission charges in the total amount of \$7,219,975.36 and, providing an effective date.

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

[Exhibit 2 - LLC Information](#)

[Exhibit 3 - Ordinance](#)

- E. [ID 19-2728](#) 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 Pavecon Public Works LP, for the construction of the South Bonnie Brae Street Widening and Improvements Phase II/Vintage Blvd project for the City of Denton; providing for the expenditure of funds therefor; and providing an effective date (IFB 7118 - awarded to Pavecon Public Works LP, in the not-to-exceed amount of \$11,638,323.40).

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

[Exhibit 2 - Bid Tabulation](#)

[Exhibit 3 - Ordinance and Contract](#)

[Exhibit 4 - Presentation](#)

- F. [ID 19-2729](#) 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 the construction of the McKinney Street Phase II project for the City of Denton with geographical limits as follows: From Loop 288 east to South Fork Road from 2 lanes to 4 lanes with continuous center turn lane; providing for the expenditure of funds therefor; and providing an effective date (IFB 7154 - awarded to Jagoe-Public Company, in the not-to-exceed amount of \$10,471,821.75).

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

[Exhibit 2 - Bid Tabulation](#)

[Exhibit 3 - Ordinance and Contract](#)

[Exhibit 4 - Presentation](#)

7. PUBLIC HEARINGS

- A. [DCA19-0015](#) Hold a public hearing and consider adoption of an Ordinance of the City of Denton amending Section 1.7.8, Rezoning with Overlay Conditions Under Prior Regulations, of the Denton Development Code; providing for a penalty in the maximum amount of \$2,000.00 for violations thereof; and providing for severability and an effective date. The Planning and Zoning Commission recommends approval 6-0. (DCA19-0015a, Rezoning with Overlay Conditions, Ron Mengueta)

[a](#)

Attachments: [Exhibit 1 - Agenda Information Sheet DCA19-0015a.pdf](#)

[Exhibit 2 - Zoning District Transition Chart](#)

[Exhibit 3 - Draft Ordinance](#)

[Exhibit 4 - Presentation](#)

- B. [DCA19-0014](#) Hold a public hearing and consider adoption of an ordinance of the City of Denton amending Section 1.3.4, Conflicts with Other Ordinances and Criteria Manuals, and establishing Section 2.11, Development Criteria Manual Procedure; providing for a penalty in the maximum amount of \$2,000.00 for violations thereof; and providing for severability and an effective date. The Planning and Zoning Commission recommends approval 6-0. (DCA19-0014a, Development Criteria Manual Procedure, Ron Menguita)

[a](#)

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

[Exhibit 2 - Draft Ordinance](#)

[Exhibit 3 - Presentation](#)

- C. [DCA19-0009](#) Hold a public hearing and consider adoption of an ordinance of the City of Denton amending Subchapters 1, 6, and 8 of the Denton Development Code, relating to applicability, gas well drilling and production reverse setbacks, definitions, and procedures; providing a cumulative clause; providing a severability clause; providing for a penalty; and providing an effective date. (DCA19-0009c, Gas Wells, Hayley Zagurski)

[c](#)

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

[Exhibit 2 - Staff Analysis](#)

[Exhibit 3 - Presentation - Updated](#)

[Exhibit 4 - Draft Ordinance](#)

[Exhibit 5 - Ordinance Exhibit A1 - Subchapter 1 Amendments - Option 1](#)

[Exhibit 6 - Ordinance Exhibit A2 - Subchapter 1 Amendments - Option 2](#)

[Exhibit 7 - Ordinance Exhibit A3 - Subchapter 1 Amendments - Option 3](#)

[Exhibit 8 - Ordinance Exhibit B - Subchapter 6 Amendments](#)

[Exhibit 9 - Ordinance Exhibit C - Subchapter 8 Amendments](#)

8. 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 15 day of November, 2019 at _____

CITY SECRETARY

NOTE: THE CITY OF DENTON'S DESIGNATED PUBLIC MEETING FACILITIES ARE ACCESSIBLE IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT. THE CITY WILL PROVIDE ACCOMODATION, SUCH AS 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 940-349-8309 OR USE TELECOMMUNICATIONS DEVICES FOR THE DEAF (TDD) BY CALLING 1-800-RELAY-TX SO THAT REASONABLE ACCOMMODATION CAN BE ARRANGED.