



# 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, December 3, 2019

12:00 PM

Work Session Room & Council Chambers

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#### **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, December 3, 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 19-2259](#) Receive a report, hold a discussion, and give staff direction regarding the development of the Hunter-Cole Ranch master planned community in southwest Denton.

**Attachments:**      [Exhibit 1 - Agenda Information Sheet](#)  
                                 [Exhibit 2 - Overview Presentation](#)  
                                 [Exhibit 3 - Developer Presentation](#)  
                                 [Exhibit 4 - Staff Response Presentation](#)

- B. [ID 19-2445](#) Receive a report and hold a discussion regarding the Vision Zero roadway traffic safety initiative.

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

- C. [ID 19-2822](#) Receive a report, hold a discussion, and seek direction regarding the creation of a Bond Oversight Committee to monitor, evaluate, and report on the progress of bond election capital improvement programs.

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

- D. [ID 19-2470](#) Receive a report, hold a discussion, and give staff direction regarding the Denton

Municipal Electric (DME) Budget.

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

- E.    [ID 19-2806](#)    Receive a report, hold a discussion, and give staff direction on a request for a future Council Work Session to discuss whether to adopt additional regulations to the City's Gas Well Ordinance.

**Attachments:**      [Exhibit 1 - Agenda Information Sheet](#)  
                                 [Exhibit 2 - Presentation](#)  
                                 [Exhibit 3 - House Bill 40](#)  
                                 [Exhibit 4 – City of Fort Worth Ordinance No. 18449-02-2009](#)  
                                 [Exhibit 5 – City of Fort Worth Ordinance No. 20927-09-2013](#)  
                                 [Exhibit 6 – City of Fort Worth Ordinance No. 22058-01-2016](#)  
                                 [Exhibit 7 – City of Fort Worth Ordinance No. 22420-09-2016](#)

- F.    [ID 19-2256](#)    Receive a report, hold a discussion, and give staff direction on pending City Council requests for:

(1) Labor contracts minimum wage criteria

**Attachments:**      [Exhibit 1 - Agenda Information Sheet](#)  
                                 [Exhibit 2 - Presentation](#)  
                                 [Exhibit 3 - Agenda backup documents from June 3.2019 work session](#)

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 19-2854](#)    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 about the purchases and risks of wholesale energy supply and existing power purchase agreements as each relates to the electric budget; 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.**

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**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 19-2880](#) Police Appreciation Day

**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 – L). 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 19-2738](#) Consider approval of the minutes of November 12 and November 15, 2019.

Attachments:      [Exhibit 2 - Minutes Draft for November 15, 2019](#)  
                             [Exhibit 1 - Minutes Draft for November 12, 2019](#)

- B. [ID 19-2774](#) Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the approval of a third amendment to a Professional Services Agreement between the City of Denton and Freese and Nichols, Inc., amending the contract approved by City Council on December 5, 2017, in the not-to-exceed amount of \$1,529,180, amended by Amendments 1-2 approved by Purchasing staff, said third amendment to provide additional engineering services related to the Phase II upgrade of the Lake Lewisville water treatment plant (LLWTP), zebra mussels control measures for both Lake Ray Roberts and Lake Lewisville raw water pump stations, and LLWTP sludge dewatering facility in the amount of \$419,980; providing for the expenditure of funds therefor; and providing an effective date (RFQ 6305 - providing for an additional third amendment expenditure amount not-to-exceed \$419,980, with the total contract amount not-to-exceed \$1,989,530). The Public Utilities Board recommends approval (7 - 0).

**Attachments:**      [Exhibit 1 - Agenda Information Sheet](#)  
                                 [Exhibit 2 - Original Ordinance and Contract](#)  
                                 [Exhibit 3 - Amendment 1](#)  
                                 [Exhibit 4 - Amendment 2](#)  
                                 [Exhibit 5 - Ordinance and Amendment 3](#)  
                                 [Exhibit 6 - Presentation](#)

- C.    [ID 19-2775](#)    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 with Altec Industries, Inc. through the Sourcwell Cooperative Purchasing Network Contract Number 012418, for the acquisition of one (1) Altec model AT41M Articulating Telescopic Aerial truck for the Traffic Department; authorizing the expenditure of funds therefor; and declaring an effective date (File 7207 - awarded to Altec Industries, Inc., in the not-to-exceed amount of \$151,867).

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

- D.    [ID 19-2810](#)    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 Dell Marketing LP, through the Department of Information Resources (DIR) Cooperative Purchasing Network Contract# DIR-TSO-3763 for the purchase of desktop Personal Computers (PCs), notebook PCs, peripherals, audiovisual equipment, maintenance and services; providing for the expenditure of funds therefor; and providing an effective date (File 7076 - awarded to Dell Marketing, L.P., in the amount of \$2,227,498).

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

- E.    [ID 19-2826](#)    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 with Vogel Traffic Services, Inc. dba EZ-Liner Industries through the Sourcwell Cooperative Purchasing Network Contract Number RFP #052417, for the acquisition of one (1) EZ-Liner Model TV-AL110 Paint Striping truck for the Traffic Department; authorizing the expenditure of funds therefor; and declaring an effective date (File 7220 - awarded to Vogel Traffic Services, Inc. dba EZ-Liner Industries, in the not-to-exceed amount of \$146,933).

**Attachments:**      [Exhibit 1 - Agenda Information Sheet](#)  
                                 [Exhibit 2 - Pricing Evaluation](#)  
                                 [Exhibit 3 - Quote](#)  
                                 [Exhibit 4 - Ordinance](#)

- F.    [ID 19-2824](#)    Consider approval of a resolution revising Administrative Policy No. 403.07 “Debt Service Management”; and providing an effective date. The Audit/Finance Committee

recommends approval (3-0).

**Attachments:**      [Exhibit 1 - Agenda Information Sheet.pdf](#)  
                                 [Exhibit 2 - Debt Management Policy- Redline .pdf](#)  
                                 [Exhibit 3 - Resolution.pdf](#)

- G. [ID 19-2825](#)      Consider approval of a resolution revising the Administrative Policy No 403.06 “Investment Policy”; and providing for an effective date. The Audit/Finance Committee recommends approval (3-0).

**Attachments:**      [Exhibit 1 - Agenda Information Sheet.pdf](#)  
                                 [Exhibit 2 - FY 2019-20 Investment Policy- Redline.pdf](#)  
                                 [Exhibit 3 - Resolution.pdf](#)

- H. [ID 19-2827](#)      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 CentralSquare Technologies, LLC, for the continued support of the Tritech Public Safety System and associated module used for the Police and Fire Department, which is the sole provider of this software, in accordance with Texas Local Government Code 252.022, which 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 2640 - awarded to CentralSquare Technologies, LLC, in the six (6) month not-to-exceed amount of \$137,871.28).

**Attachments:**      [Exhibit 1 - Agenda Information Sheet](#)  
                                 [Exhibit 2 - Quote](#)  
                                 [Exhibit 3 - LLC Members](#)  
                                 [Exhibit 4 - Ordinance](#)

- I. [ID 19-2832](#)      Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, rejecting any and all competitive bids under IFB 7173 for painting services for various City buildings and projects by the City of Denton; and providing an effective date (IFB 7173).

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

- J. [ID 19-2835](#)      Consider adoption of an ordinance of the City of Denton, approving a City co-sponsorship to the Denton Holiday Festival Association, Inc., in an amount not to exceed \$15,208 of in-kind services and resources for the 31st Annual Denton Holiday Lighting Festival, which will be held on Friday, December 6, 2019, from 5:30 p.m. to 9:30 p.m., at the historic downtown square; and providing an effective date.

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

- K. [ID 19-2861](#)      Consider adoption of an ordinance of the City of Denton repealing Ordinance No. 90-197; adopting an updated Records Management Policy establishing authority for an

active and continuing Records Management Program to be administered by the Records Management Officer in accordance with the requirements of the Local Government Records Act; providing for savings and severability clauses; and providing an effective date.

**Attachments:**      [Exhibit 1 - Agenda Information Sheet](#)  
                                 [Exhibit 2 - Proposed Ordinance & Policy](#)  
                                 [Exhibit 3 - Redlined Records Management Policy](#)  
                                 [Exhibit 4 - Ordinance 90-197 Adopting Records Management Policy](#)

- L.    [ID 19-2873](#)    Consider approval of a resolution of the City of Denton, Texas expressing support for federal tax credits for green energy programs as contained within the proposed Growing Renewable Energy and Efficiency Now (GREEN) Act of 2019; directing a letter to that effect be delivered to the U.S. Senate Finance Committee and other parties as deemed appropriate; and providing an effective date.

**Attachments:**      [Exhibit 1 - Agenda Information Sheet.pdf](#)  
                                 [Exhibit 2 - Draft Letter of Support.pdf](#)  
                                 [Exhibit 3 - GREEN Act of 2019.pdf](#)  
                                 [Exhibit 4 - GREEN Act of 2019 Summary.pdf](#)  
                                 [Exhibit 5 - Green Energy Credits Support Resolution.pdf](#)

## **5. ITEMS FOR INDIVIDUAL CONSIDERATION**

- A.    [ID 19-2823](#)    Consider approval of a resolution casting votes for membership to the Board of Directors of the Denton Central Appraisal District; and providing for an effective date.

**Attachments:**      [Exhibit 1 - Agenda Information Sheet](#)  
                                 [Exhibit 2 - DCAD Board Ballot](#)  
                                 [Exhibit 3 - Resolution](#)

- B.    [ID 19-2841](#)    Receive a presentation of an ordinance of the City of Denton, amending the City of Denton Code of Ordinances (Code) Section 2-29 (City Council Rules of Procedure) Subsection (g)(5) (Majority Vote Required) treating all matters ending in a tie-vote as a denial; providing for a severability clause; and providing for an effective date.

**Attachments:**      [Exhibit 1 - Agenda Information Sheet](#)  
                                 [Exhibit 2 - Ordinance](#)  
                                 [Exhibit 3 - Section 2-29 Subsection \(g\) Recommended Amendments](#)  
                                 [Exhibit 4 - Section 2-29 Subsection \(g\) Redlined](#)  
                                 [Exhibit 5 - Presentation](#)

- C.    [ID 19-2845](#)    Receive a presentation of an ordinance of the City of Denton to amend the City of Denton Code of Ordinances (Code) Section 2-29(f)(4)(d) (City Council Rules of Procedure) related to public hearings by allowing speakers who have previously provided input the opportunity to provide a rebuttal after hearing the applicant's rebuttal; providing for a severability clause; and providing for an effective date.

**Attachments:**      [Exhibit 1 - Agenda Information Sheet](#)  
[Exhibit 2 - Ordinance](#)  
[Exhibit 3 - Section 2-29 Recommended Amendments](#)  
[Exhibit 4 - Section 2-29 Redlined](#)

- D.    [ID 19-2846](#)    Receive a presentation of an ordinance of the City of Denton amending the City of Denton Code of Ordinances (Code) Section 2-29(f)(4) (City Council Rules of Procedure) subsection (4) (Presentations from Members of the Public) allowing up to seven (7) members of the public to address the body through any combination of prior registration and open microphone presentations; providing for a severability clause; and providing for an effective date.

**Attachments:**      [Exhibit 1 - Agenda Information Sheet](#)  
[Exhibit 2 - Ordinance](#)  
[Exhibit 3 - Section 2-29 Subsection \(4\) Recommended Amendments](#)  
[Exhibit 4 - Section 2-29 Subsection \(4\) Redlined](#)

- E.    [ID 19-2847](#)    Receive a presentation of an ordinance of the City of Denton amending the City of Denton Code of Ordinances (Code) Section 2-29 (City Council Rules of Procedure) Subsection (h) (creation of committees, boards, and commissions) requiring boards, commissions, and committees to establish a regular meeting schedule; providing for a severability clause; and providing for an effective date.

**Attachments:**      [Exhibit 1 - Agenda Information Sheet](#)  
[Exhibit 2 - Ordinance](#)  
[Exhibit 3 - Section 2-29 Recommended Amendments](#)  
[Exhibit 4 - Section 2-29 Redlined](#)

- F.    [ID 19-2848](#)    Receive a presentation of an ordinance of the City of Denton amending the City of Denton Code of Ordinances (Code) Section 2-83 (c) to revise the absences provision for board, commission, and committees by establishing procedures and definitions to determine if an absence is excused or unexcused; providing for a severability clause; and providing for an effective date.

**Attachments:**      [Exhibit 1 - Agenda Information Sheet](#)  
[Exhibit 2 - Ordinance](#)  
[Exhibit 3 - Section 2-83 \(c\) Recommended Amendments](#)  
[Exhibit 4 - Section 2-83 \(c\) Redlined](#)

## **6. PUBLIC HEARINGS**

- A.    [S19-0003a](#)    Hold a public hearing and consider adoption of an ordinance for a Specific Use Permit to allow for a Multifamily Dwelling use on approximately 12.33 acres of land. The property is generally located on the north side of Poinsettia Boulevard, approximately 945 feet east of East Sherman Drive in the City of Denton, Denton County, Texas; providing for a penalty in the maximum amount of \$2,000.00 for violations thereof; providing a severability clause and an effective date. THIS ITEM HAS BEEN POSTPONED TO



THE DECEMBER 17, 2019 CITY COUNCIL MEETING. (S19-0003, Oxford at Sherman Drive, Julie Wyatt)

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

- B. [S19-0012a](#) Hold a public hearing and consider adoption of an ordinance of the city of Denton, Texas, approving a Specific Use Permit to allow for a multi-family development on an Approximately 15.34-acre site, generally located on the northwest corner of Duchess Drive and Loop 288, in the City of Denton, Denton County, Texas; providing for a Penalty in the maximum amount of \$2,000.00 for violations thereof; providing for severability; and establishing an effective date. No action was taken by the Planning and Zoning Commission. THIS ITEM HAS BEEN POSTPONED FOR THE JANUARY 7, 2020 CITY COUNCIL MEETING. (S19-0012, Denton Grove Apartments, Karina Maldonado)

Attachments: [Exhibit 1 - Agenda Information Sheet\\_v02](#)

## **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 27th 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.