



City of Denton

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

Meeting Agenda

City Council

Tuesday, January 14, 2020

1:00 PM

Work Session Room

WORK SESSION BEGINS AT 1:00 P.M. IN THE WORK SESSION ROOM

CITY COUNCIL CONSIDERATION OF THE CONSENT AGENDA AND ITEMS FOR INDIVIDUAL CONSIDERATION WILL BEGIN IMMEDIATELY FOLLOWING THE WORK SESSION IN THE WORK SESSION ROOM

After determining that a quorum is present, the City Council of the City of Denton, Texas will convene in a Work Session on Tuesday, January 14, 2020 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 19-2883](#) Receive a report, hold a discussion, and give staff direction regarding the 2020 Denton Mobility Plan Update, with a focus on the downtown area of the city.

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

- B. [ID 19-2914](#) Receive a report, hold a discussion, and give staff direction on polling locations for the May 2, 2020 General and Special Elections, and any runoff election if applicable.

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
[Exhibit 2 - Presentation - May 2020 General Special Election Polling Locations](#)

- C. [ID 19-2843](#) Receive a report, hold a discussion, and give staff direction regarding the results of 2019 gas well inspection activities and annual summary report by Modern Geosciences.

Attachments: [Annual Summary Inspection Report Exhibit 1- AIS](#)
[2019 Denton OG Insp Summ-Revised](#)

- D. [ID 19-2723](#) Receive a report, hold a discussion, and give staff direction regarding an internal audit of the City's Economic Development Program.

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
[Exhibit 2 - Audit Response Cover Letter](#)
[Exhibit 3 - Audit Report - Ecomonic Development](#)
[Exhibit 4 - Presentation](#)

- E. [ID 20-173](#) Receive a report, hold a discussion, and give staff direction regarding the potential inclusion of Whitetail/Wolf Ridge wind farm physical energy deliveries in calculating total renewable resource percentages under the Denton Renewable Resource Plan.

Attachments: [Exhibit 1 - AIS for Whitetail Discussion](#)
[Exhibit 2 - Whitetail REC Presentation](#)
[Exhibit 3 - Letter from Energy Risk Consultants on Wolf Ridge](#)

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 20-139](#) Consultation with Attorneys - Under Texas Government Code Section 551.071.

Consult with the City's attorneys and discuss legal status, expenses and strategy in Cause No. 19-10653-442, styled "Stonetown Country View, LLC v. City of Denton, Texas and Board of Adjustment for City of Denton, Texas" pending in the 442nd Judicial District Court, Denton County, Texas; 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 pending litigation.

- B. [ID 20-178](#) Consultation with Attorneys - Under Texas Government Code Section 551.701.

"Consult with the City's attorneys regarding legal issues and strategies regarding the application for an Air Quality Standard Permit, Registration 150931, which would authorize the construction of a Permanent Concrete Crusher Application, filed by Mutual First, LLC with the Texas Commission on Environmental Quality (TCEQ) and associated land use issues for property located at 5120 E. University Drive, where a public discussion of the 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."

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.

Following the completion of the Work Session, the City Council will convene in a Special Called Meeting to consider the following item(s):

1. 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 – H). 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 19-2973](#) 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 Kimley-Horn and Associates, Inc., for hydraulic and alignment study and analysis, design engineering report, final design, bid phase support, and construction administration services for the Northwest Booster Pump Station and Water Transmission Main as set forth in the contract; providing for the expenditure of funds therefor; and providing an effective date (RFQ 6590-081 - Professional Services Agreement for design services awarded to Kimley-Horn and Associates, Inc., in the not-to-exceed amount of \$1,398,600).

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

- B. [ID 20-040](#) 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 Kimley-Horn and Associates, Inc., for utility conflict analysis, surveying, easement acquisition, design, bidding and construction administration services in support of the State reimbursable relocation of water and wastewater utilities within the Interstate Highway 35E Right-of-Way; providing for the expenditure of funds therefor; and providing an effective date (RFQ 6590-084 Professional Services Agreement awarded to

Kimley-Horn and Associates, Inc., in the not-to-exceed amount of \$922,800).

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

- C. [ID 20-042](#) 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 O'Brien Engineering, Inc. for engineering services relating to the erosion issues along Cooper Creek, in a section behind Burning Tree Lane; providing for the expenditure of funds therefor; and providing an effective date (RFQ 6590-066 - Professional Services Agreement for engineering services awarded to O'Brien Engineering, Inc., in the not-to-exceed amount of \$64,446).

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
 [Exhibit 2 - Existing Easement Document](#)
 [Exhibit 3 - Ordinance and Contract](#)

- D. [ID 20-062](#) Consider adoption of an ordinance of the City of Denton authorizing the City Manager, or his designee, to execute an agreement between Denton Independent School District and the City of Denton for participation in the Advanced Technology Complex Practicum of Law, Public Safety, Corrections, and Security Program for the 2019-2020 Academic Year; and providing an effective date.

Attachments: [Exhibit 1 - AIS ATC Agreement with DISD - FY19-20](#)
 [Exhibit 2 - Ordinance and MOU with DISD](#)

- E. [ID 20-121](#) Consider approval of the minutes of December 17, 2019.

Attachments: [Exhibit 1 - December 17, 2019 Minutes Draft](#)

- F. [ID 20-129](#) Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, approving proposals from Media Rushworks, LLC dba RUSHWORKS, and authorizing the expenditure of funds for audio and video upgrades for the DTV platform including the DTV control room, the Council Chamber, and the Work Session room; providing for the expenditure of funds therefor; and providing an effective date (RFP 7234 - awarded to Media Rushworks, LLC dba RUSHWORKS, for a total five (5) year not-to-exceed amount of \$129,200).

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
 [Exhibit 2 - Pricing Evaluation](#)
 [Exhibit 3 - LLC Members](#)
 [Exhibit 4 - Proposal](#)
 [Exhibit 5 - Ordinance](#)

- G. [DCA19-0023](#) Consider adoption of an ordinance of the City of Denton, Texas, Nunc Pro Tunc, [b](#) correcting an inadvertent mistake in Ordinance No. DCA19-0023a relating to MD and SC Zoning Districts; providing a savings clause and an effective date. (DCA19-0023b, Offices in R7, Julie Wyatt)

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
[Exhibit 2 - Staff Analysis](#)
[Exhibit 3 - Ordinance No. DCA19-0023a](#)
[Exhibit 4 - Draft Nunc Pro Tunc Ordinance](#)

- H. [ID 20-157](#) Consider approval of a resolution of the City of Denton opposing the application for an Air Quality Standard Permit, Registration 159031, which would authorize the construction of a Permanent Concrete Crusher by Mutual First, LLC at 5120 East University Drive, Denton, Denton County, Texas, directing said opposition be delivered to the Texas Commission on Environmental Quality (TCEQ), and requesting denial of the application.

Attachments: [Exhibit 1 - Agenda Information Sheet.pdf](#)
[Exhibit 2 - Concrete Crushing Facility Resolution](#)
[Exhibit 3 - Mutual First, LLC Permit Application.pdf](#)
[Exhibit 4 - Mutual First, LLC Application Site Map.pdf](#)
[Exhibit 5 - 5120 University Public Comment Notice.pdf](#)
[Exhibit 6 - Mutual First, LLC Management.pdf](#)

2. ITEMS FOR INDIVIDUAL CONSIDERATION

- A. [ID 19-2981](#) 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 (d) (Types of Meetings) adding language to officially adopt long standing practices for scheduling regular meetings of the City Council and for addressing holidays; providing for a severability clause; and providing for an effective date.

Attachments: [Exhibit 1 - Agenda Information Sheet Council Calendar](#)
[Exhibit 2 - ISR 19- REF City Council Meeting Schedule](#)
[Exhibit 3 - Council Calendar - Ord - Signed](#)
[Exhibit 4 - Council Calendar Redline - 1-7](#)
[Exhibit 5 - Presentation - City Council Calendar](#)

- B. [ID 20-024](#) Consider adoption of an ordinance of the City of Denton, Texas amending the Fiscal Year 2019-2020 Budget and Annual Program of Services of the City of Denton to allow for adjustments to the Parks Gas Well Fund of seventy one thousand dollars (\$71,000) for the purpose of funding improvements to the American Legion Hall, allowing adjustments to the capital improvement program of thirty five million three hundred fifty thousand dollars (\$35,350,000) for the purpose of funding improvements to the City's Fleet Services Building, City Hall West renovations and projects included in the 2019 bond election; declaring a public purpose; providing a severability clause; an open meetings clause and effective date.

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

- C. [ID 19-2852](#) Consider adoption of an ordinance of the City of Denton, Texas to declare the intent to

reimburse capital program expenditures of the General Government (\$33,455,000) and Fleet Services (\$2,900,000) with Tax- Preferred Obligations (Certificates of Obligation and General Obligation Bonds) with an aggregate maximum principal amount not to exceed \$36,355,000; and providing an effective date

Attachments: [Exhibit 1 - Agenda Information Sheet.pdf](#)
[Exhibit 2 - Project Listing](#)
[Exhibit 3 - 2019 Bond Election Issuance Timeline](#)
[Exhibit 4 - Ordinance](#)
[Exhibit 5 - Presentation](#)

- D. [ID 20-093](#) 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 Buy Board Cooperative Purchasing Network Contract Number 601-19, for the purchase of nine (9) new refuse trucks for the Solid Waste Department; providing for the expenditure of funds therefor; and providing an effective date (File 7232 - awarded to Rush Truck Centers of Texas, LP, in the not-to-exceed amount of \$2,514,946).

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
[Exhibit 2 - Price Comparison](#)
[Exhibit 3 - Presentation](#)
[Exhibit 4 - Ordinance](#)

- E. [ID 20-167](#) Consider adoption of an ordinance of the City Council of the City of Denton, Texas, approving a grant application from Scott Brown Properties, Inc. dba Scott Brown Commercial, for 216 W. Oak St., from the Downtown Reinvestment Grant Program not to exceed \$12,500; and providing for an effective date. The Downtown Denton Tax Increment Financing Reinvestment Zone No. One Board recommends approval (5-0). THIS ITEM HAS BEEN PLACED ON THE AGENDA DUE TO A TIE VOTE AT THE JANUARY 7, 2020 CITY COUNCIL MEETING.

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

- F. [ID 20-168](#) Consider adoption of an ordinance of the City Council of the City of Denton, Texas, approving a grant application from Scott Brown Properties, Inc. dba Scott Brown Commercial, for 211 and 215 N. Cedar St., from the Downtown Reinvestment Grant Program not to exceed \$12,500; and providing for an effective date. The Downtown Denton Tax Increment Financing Reinvestment Zone No. One Board recommends approval (5-0). THIS ITEM HAS BEEN PLACED ON THE AGENDA DUE TO A TIE VOTE AT THE JANUARY 7, 2020 CITY COUNCIL MEETING.

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

- G. [ID 20-077](#) 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 Pastore Houldsworth & Co., LLC, for the development of an Advanced Forecast Model for DME as set forth in the contract; providing for the expenditure of funds therefor; and providing an effective date (RFQ 7167 - awarded to Pastore Houldsworth & Co., LLC, for development of an Advanced Forecast Model awarded for DME, in the three (3) year not-to-exceed amount of \$288,000).

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

- H. [ID 20-102](#) 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 CBS Mechanical Services, Inc. dba CMS Mechanical Services, Inc., for the supply of plumbing maintenance, repairs, and replacement services for various City buildings and any other areas maintained by the Facilities Management Department; providing for the expenditure of funds therefor; and providing an effective date (IFB 7229 - awarded to CBS Mechanical Services, Inc. dba CMS Mechanical Services, Inc., for one (1) year, with the option for four (4) additional one (1) year extensions, in the total five (5) year not-to-exceed amount of \$765,000).

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

- I. [ID 20-103](#) 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 CBS Mechanical Services, Inc. dba CMS Mechanical Services, Inc., for the supply of electrical maintenance, repairs, and replacement services for various City buildings and any other areas maintained by the Facilities Management Department; providing for the expenditure of funds therefor; and providing an effective date (IFB 7230 - awarded to CBS Mechanical Services, Inc. dba CMS Mechanical Services, Inc., for one (1) year, with the option for four (4) additional one (1) year extensions, in the total five (5) year not-to-exceed amount of \$450,000).

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

3. 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 _____, 2020 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.