



City of Denton

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

Meeting Agenda

City Council

Tuesday, May 5, 2020

2:00 PM

Work Session Room

WORK SESSION BEGINS AT 2:00 P.M. IN THE WORK SESSION ROOM

REGULAR MEETING BEGINS AT 6:30 P.M. IN THE WORK SESSION ROOM

Note: Mayor Chris Watts, Mayor Pro Tem Gerard Hudspeth, and Council Members Keely Briggs, Jesse Davis, John Ryan, Deb Armintor and Paul Meltzer will be participating in the closed meeting, work session, and regular meeting via video/teleconference.

REGISTRATION GUIDELINES FOR ADDRESSING THE CITY COUNCIL

Due to COVID-19 precautions, members of the public will not be able to attend the May 5 City Council meeting in-person. To accommodate and receive input on agenda items, citizens will be able to participate in one of the following ways (NOTE: Other than public hearings, citizens are only able to comment one time per agenda item; citizens cannot use both methods to comment on a single agenda item. Public comments are not held for work session reports.):

- Virtual White Card – On May 1, the agenda was posted online at www.cityofdenton.com/publicmeetings. Once the agenda is posted, a link to the Virtual White Card, an online form, will be made available under the main heading on the webpage. Within this form, citizens may indicate support or opposition and submit a brief comment about a specific agenda item. Comments may be submitted up until the start of the meeting, at which time, the Virtual White Card form will be closed. Similar to when a citizen submits a white card to indicate their position on the item, these comment forms will be sent directly to City Council members and recorded by the City Secretary.

City Council Members review comments received in advance of the meeting and take that public input into consideration prior to voting on an agenda item. The Mayor will announce the number of Comment Cards submitted in support or opposition to an item during the public comment period. Comments will not be read during the meeting. The City Secretary will reflect the number of comments submitted in favor/opposition to an item, the registrant's name, address, and (summary of) comments within the Minutes of the Meeting, as applicable.

OR

- By phone – Citizens wishing to speak over the phone during this Council meeting, may call (940) 349-7800 beginning 30 minutes prior to the meeting start time. Comments by phone will be accepted until the item is opened for discussion by the Council. When the call is initially received, a staff member will receive the caller's information and either: 1) offer to call the citizen back when it is time for them to speak, or 2) record the caller's information, support or opposition, and comment. If the caller chooses to record their support or opposition, rather than speaking during the meeting, the Mayor will announce the number of comments submitted in support or opposition to the item. If the caller wishes to receive a call back, the voice of each caller will be broadcast into the meeting during the public commenting time of their desired agenda item. Individuals will be able to comment once per agenda item, no matter the method.

- At regular meetings only, citizens can speak on any topic that is not on the agenda (Open Microphone). Alert the call taker if you wish to speak under the Open Microphone category. If you would like to give a public report, see the information below.

After determining that a quorum is present, the City Council of the City of Denton, Texas will convene in a Work Session on Tuesday, May 5, 2020, 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 any item listed on the Consent Agenda prior to its consideration. Each speaker will be given a total of three (3) minutes to address any item(s). Any person who wishes to address the City Council regarding these items may do so by utilizing the "By Phone" registration process as referenced under the REGISTRATION GUIDELINES FOR ADDRESSING THE CITY COUNCIL detailed at the beginning of this agenda. Registration is required prior to the time the City Council considers this item. Registrants may call in and remain on hold or receive a call back at the time the Work Session is called to Order and are encouraged to ensure they remain accessible to accept the call.

2. Requests for clarification of agenda items listed on this agenda.

3. Work Session Reports

- A. [ID 20-832](#) Receive reports, hold discussions, and give staff direction on the following with respect to Green Tree Estates:
1. Actions taken, and expenditures made, by the City in accordance with the Mayor's Declaration of Disaster and Ordinance No. 19-2784 as modified;
 2. Existing site conditions;
 3. Code compliance observations, issues, and resolutions;
 4. Extension of the declaration of disaster and temporary water provision beyond May 22, 2020;
 5. Water, infrastructure improvement options; and
 6. Alternative housing solutions for the residents.

Attachments:

[Exhibit 1 - Agenda Information Sheet](#)

[Exhibit 2 - Presentation](#)

[Exhibit 3 – March Communication to Green Tree Estates Residents and Properl](#)

- B. [ID 20-863](#) Receive a report, hold a discussion, and give staff direction regarding an update to the City of Denton's COVID-19 response.

Attachments:

[Exhibit 1 - Agenda Information Sheet](#)

[Exhibit 2 - Presentation](#)

- C. [ID 20-731](#) Receive a report, hold a discussion, and give staff direction regarding the 2019-20 Audit Plan.

- Attachments:**
- [Exhibit 1 - Agenda Information Sheet.](#)
 - [Exhibit 2 - Presentation](#)
 - [Exhibit 3 - Agenda Information Sheet 12-17-19](#)
 - [Exhibit 4 - Agenda Information Sheet 1-07-20](#)
 - [Exhibit 5 - Ordinance 20-022](#)
 - [Exhibit 6 - December Audit Plan 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 20-921](#) Consultation with Attorneys- Under Texas Government Code Section 551.071.

Consultation, discussion, deliberation, and receipt of a report, hold a discussion, and give staff direction regarding an update to the City of Denton's COVID-19 response, and to provide the City's attorneys with direction, where a public discussion of these legal matters would clearly 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.

- B. [ID 20-922](#) Consultation with Attorneys - Under Texas Government Code Section 551.071.

Consultation with the City's attorneys regarding legal issues associated with the City's activities and actions related to Green Tree Estates, its residents, and property owners and the Declaration of Disaster and associated Council action affecting the same 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 Rules of Disciplinary Conduct of the State Bar of Texas, or would jeopardize the City's legal position in negotiations, potential litigation, or administrative proceedings.

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 for which a formal action at the Regular Meeting has been taken by Council may be subject to a request for a motion for reconsideration at any time during the meeting, at the Concluding Items Section, or after the meeting. In order to comply with the Texas Open Meetings Act, a request for a motion for reconsideration made during, at the end of, or after a Council meeting will be placed on the agenda and considered at the next official meeting of the City 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. PRESENTATION FROM MEMBERS OF THE PUBLIC

A. Review of procedures for addressing the City Council.

B. Reports from members of the public shall be received through the following two (2) methods. A total of up to seven (7) speakers are permitted to provide public comment and may include any combination of prior registration and open microphone speakers.

1) Pre-registration. 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. Each speaker is 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.

2) Open Microphone. This section of the agenda permits any person who has not registered in advance for a citizen report to make comments about public business items not listed on the agenda. Such person(s) shall have registered using the "Virtual White Card" or "By Phone" process outlined by the City on its website or meeting notice.

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.

2. 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 – N). 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 20-680](#) Consider adoption of an ordinance of the City of Denton approving a consent to assignment of an Airport Lease between Tony A. Riley and James W. Huff and Nancy Huff, covering property at 4710 Lockheed, Denton, Texas at the Denton Enterprise Airport; and providing an effective date.

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

[Exhibit 2 - Site Map](#)

[Exhibit 3 - Request to Assign](#)

[Exhibit 4 - Ordinance](#)

- B. [ID 20-841](#) Consider adoption of an ordinance of the City of Denton authorizing the City Manager to execute a funding agreement between the City and CASA of Denton County to provide Community Development Block Grant funds for improvements to the facility at 604 and 610 North Bell Avenue, Denton, Texas; authorizing the expenditure of funds not to exceed \$40,000.00; and providing an effective date.

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

[Exhibit 2 – CASA Ordinance-Agreement](#)

- C. [ID 20-842](#) Consider adoption of an ordinance of the City of Denton authorizing the City Manager to execute a funding agreement between the City and Grace Like Rain Inc. to provide Community Development Block Grant funds for pre-development costs for the construction of a community village in Denton, Texas; authorizing the expenditure of funds not to exceed \$80,932; and providing an effective date.

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

[Exhibit 2 – Grace Like Rain Ordinance-Agreement](#)

- D. [ID 20-843](#) Consider adoption of an ordinance of the City of Denton authorizing the City Manager to execute a funding agreement between the City and Habitat for Humanity of Denton County to provide Community Development Block Grant funds for acquisition of a minimum of four single-family lots; authorizing the expenditure of funds not to exceed \$220,000.00; and providing an effective date.

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

[Exhibit 2 - HfHDC Ordinance-Agreement](#)

- E. [ID 20-867](#) 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 Siddons-Martin Emergency Group, LLC, through the Buy Board Cooperative Purchasing Network Contract # 571-18, for the purchase of associated equipment for Pierce Velocity TM Pumper Engine for the Fire Department; providing for the expenditure of funds therefor; and providing an effective date. (File 7339 - awarded to Siddons-Martin Emergency Group, LLC, in the amount of \$109,399.87).

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

[Exhibit 2 - Quote](#)

[Exhibit 3 - LLC Members](#)

[Exhibit 4 - Ordinance](#)

- F. [ID 20-868](#) Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, rejecting any and all competitive proposals under RFQ 7196 for professional services for the preparation of a Comprehensive Plan Evaluation Report and to update the

Comprehensive Plan; and providing an effective date (RFQ 7196).

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

- G. [ID 20-869](#) Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager, or his designee, to utilize a contract through the City of Arlington, for the Airfield Vegetation Management Program at Denton Enterprise Airport, as awarded by the City of Arlington IFB #20-0032; providing for the expenditure of funds therefor; and providing an effective date (File 7333 - awarded to Nexus Solutions USA, Inc. in the not-to-exceed amount of \$130,000).

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

- H. [ID 20-870](#) Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager to execute an Interlocal Cooperative Purchasing Agreement with the University of North Texas, under the Government Code, Chapter 791.001, to authorize City of Denton contracts for the purchase of gymnasium rental space for the Parks and Recreation Department; authorizing the expenditure of funds therefor; and declaring an effective date (File 7337 - award an Interlocal Cooperative Purchasing Agreement with the University Of North Texas, 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 \$225,000).

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

- I. [ID 20-881](#) Consider adoption of an Ordinance of the City of Denton repealing and replacing Chapter 30, titled "Flood Prevention and Protection," of the Denton Code of Ordinances; providing a repealer clause; providing for penalties; providing for codification; providing a severability clause; and providing an effective date.

Attachments: [Exhibit 1 - Agenda Information Sheet Chapter 30 Flood Prevention and Protection](#)
 [Exhibit 2 - Floodplain Ordinance](#)
 [Exhibit 3 - Chapter 30 redline](#)
 [Exhibit 4 FEMA letter to City of Denton dated December 19, 2019](#)
 [Exhibit 5 FEMA letter to City of Denton dated March 16, 2020](#)
 [Exhibit 6 Flood Damage Prevention Ordinance \(FEMA Model Ordinance\)](#)

- J. [ID 20-882](#) Consider adoption of an ordinance approving a grade-separated road crossing Preliminary Engineering Contract by and between the City of Denton and the Kansas City Southern Railroad Company (KCSRR) relating to the widening and realignment of Hickory Creek Road within the railroad right-of-way located at KCSRR Mile Post 99.54, within the County and City of Denton, Texas; providing for the expenditure of funds (the initial estimate is \$20,000.00 for Preliminary Engineering; the City will receive a final invoice upon completion of the work); and providing an effective date.

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

- K. [ID 20-884](#) Consider approval of the minutes of April 21, 2020.

Attachments: [Exhibit 1 - April 21, 2020 - Minutes](#)

- L. [ID 20-923](#) Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, confirming the effective period of the declared state of local disaster; superseding and replacing the Third Order of Council of the City of Denton issued April 30, 2020 approved by Ordinance 20-873; confirming and authorizing the expenditure of funds; providing a repealer clause; and providing an effective date.

Attachments: [Exhibit 1 - Agenda Information Sheet.pdf](#)
 [Exhibit 2 - Draft Ordinance and Order of Council](#)
 [Exhibit 3 - Ordinance 20-873](#)

- M. [ID 20-928](#) Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, approving First Amendment of Lease between the City and 4SR Mulberry, LLC, a Texas limited liability company, related to a Building Lease Agreement for properties located at 215 W. Hickory St. and 216 W. Mulberry St., Denton, Texas; providing authority for the City Manager to execute the amendment; and, providing an effective date.

Attachments: [Exhibit 1 - AIS](#)
 [Exhibit 2 - Ordinance](#)

- N. [ID 20-930](#) Consider adoption of an ordinance of the City of Denton approving and authorizing the City Manager or his designee to sign a Second Amendment to Medical Office Building Lease by and between Columbia Medical Center of Denton Subsidiary, L.P. and the City of Denton for the continued use and occupancy of the premises at 3535A-1 South I-35E Denton, Texas by the City of Denton Fire Department; authorizing the City Manager to sign a letter agreement related to the same property for a two month rent abatement and two month lease extension; authorizing the expenditure of funds therefor; and providing an effective date.

Attachments: [Exhibit 1 - Agenda Information Sheet \(002\)](#)
 [Exhibit 2 - Ordinance with 2nd Amendment to Lease](#)
 [Exhibit 3 - Rent Abatement Lease Amendment Letter](#)

3. ITEMS FOR INDIVIDUAL CONSIDERATION

- A. [ID 20-616](#) Consider approval of a resolution supporting the Texas Department of Transportation's proposal for the removal of certain roadways from the state highway system within the City of Denton; and providing for an effective date.

Attachments: [Exhibit 1 - Agend Information Sheet MOU](#)
 [Exhibit 2- TxDOT Turnback Resolution](#)
 [Exhibit 3 - Presentation TurnBack MOU](#)

- B. [ID 20-744](#) Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager, or his designee, to select a vendor to provide the City with, to purchase, and to execute an agreement for, generation utility plant forced outage insurance; authorizing the expenditure of funds; and, providing an effective date (RFP No. 7306-awarded to selected vendor in a not-to-exceed amount of \$800,000 for DEC Forced Outage Insurance).

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

- C. [ID 20-920](#) Consider approval of a resolution creating an Interim Municipal Utility District (MUD) Policy for the City and the Extraterritorial Jurisdiction (ETJ); and providing for an effective date.

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
 [Exhibit 2 - Interim Draft Resolution](#)
 [Exhibit 3 - Resolution Exhibit A - Interim MUD Policy](#)

4. PUBLIC HEARING(S)

- A. [Z20-0001b](#) Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, approving a change in the zoning district and use classification from the Residential 2 (R2) zoning district and use classification to the Mixed-Use Neighborhood (MN) zoning district and use classification; on approximately 3.46 acres of land located on the northeast side of I-35, approximately 196-feet northwest of Thunderbird Drive, in the City of Denton, Denton County, Texas; adopting an amendment to the city's official zoning map; providing for a penalty in the maximum amount of \$2,000.00 for violations thereof; providing for severability; and establishing an effective date. The Planning and Zoning Commission recommends approval with conditions (5-0) (Z20-0001, I-35 Offices, Cindy Jackson)

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
 [Exhibit 2 - Staff Analysis](#)
 [Exhibit 3 - Site Location Map](#)
 [Exhibit 4 - Existing Zoning Map](#)
 [Exhibit 5 - Proposed Zoning Map](#)
 [Exhibit 6 - Future Land Use Map](#)
 [Exhibit 7 - Concept Plan](#)
 [Exhibit 8 - I-35 Schematic](#)
 [Exhibit 9 - Notification Response Map](#)
 [Exhibit 10 - Draft Planning and Zoning Commission Meeting Minutes](#)
 [Exhibit 11 - Staff Presentation](#)
 [Exhibit 12 - Draft Ordinance](#)
 [Exhibit 13 - Ordinance Exhibit A](#)
 [Exhibit 14 - Ordinance Exhibit B](#)

5. 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 salutory 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 1st day of May, 2020 at 5:49 p.m.

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 ACCOMMODATION, 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.

