



# City of Denton

City Hall  
215 E. McKinney St.  
Denton, Texas 76201  
[www.cityofdenton.com](http://www.cityofdenton.com)

## Meeting Agenda

### City Council

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Tuesday, May 19, 2020

1:00 PM

Work Session Room & Council Chambers

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**CLOSED MEETING BEGINS AT 1:00 P.M.**

**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 work session, closed meeting, 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 19 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 15, the agenda was posted online at [www.cityofdenton.com/publicmeetings](http://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 Closed Meeting on Tuesday, May 19, 2020, at 1:00 p.m. in the Council Work Session Room at City Hall, 215 E. McKinney Street, Denton, Texas to consider specific item(s) when these item(s) are listed below under the Closed Meeting section of this agenda:

### **1. Closed Meeting:**

**A. [ID 20-834](#)** Consultation with Attorneys - Under Texas Government Code Section 551.071.

Consult with the City's attorneys on the legal status, expenses, strategy and options for resolution of litigation in Cause No. DC-17-08139, styled "Michael Grim and Jim Maynard v. City of Denton, Texas" pending in the 68th Judicial District Court, Dallas County, Texas; where 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 otherwise compromise the City's legal position in pending litigation.

**B. [ID 20-970](#)** Deliberations regarding Personnel Matters-Under Government Code Section 551.074.

Discuss and deliberate evaluation of candidates and the appointment/employment of a City Auditor.

### **C. Adjournment of the Closed Meeting.**

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.

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 19, 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 20-942](#) 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 05 19 20](#)

- B. [ID 20-948](#) Receive a report, hold a discussion, and give staff direction regarding a substantial amendment to the 2019 Action Plan for Housing and Community Development submitted in June 2019 to the U.S. Department of Housing and Urban Development in regard to the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), Public Law 116-136 which provided \$618,736 in funding from the Community Development Block Grant (CDBG) to the City of Denton and the upcoming 2020 Action Plan and the 2020-2022 Consolidated Plan for Housing and Community Development.

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

- C. [ID 20-851](#) Receive a report, hold a discussion, and give staff direction regarding amendments to the Ethics Ordinance and the Board of Ethics's Rules of Procedure.

**Attachments:**      [Exhibit 1 - Agenda Information Sheet](#)  
                                 [Exhibit 2 - Letter of Recommended Amendments to the Ethics Ordinance](#)  
                                 [Exhibit 3 - Letter of Recommended Amendments to the Rules of Procedure](#)  
                                 [Exhibit 4 - Presentation](#)  
                                 [Exhibit 5 - Draft Ethics Code Amendment](#)  
                                 [Exhibit 6 - Draft Rules of Procedure Amendment](#)

- D. [ID 20-865](#) Receive a report, hold a discussion, and give staff direction regarding a request for a resolution of support from a developer applying for 4% housing tax credit with the Texas Department of Housing and Community Affairs.

**Attachments:**      [Exhibit 1 - Agenda Information Sheet](#)  
                                 [Exhibit 2 - Michaels Organization City of Denton HTC Application](#)  
                                 [Exhibit 3 - Presentation](#)  
                                 [Exhibit 4 - Proposed Unit Breakdown](#)

- E. [ID 20-460](#) Receive a report, hold a discussion, and give staff direction on pending City Council requests for:
1. Drafting and passing an ordinance requiring all towing companies to provide vehicle owners of all required notifications orally and in writing following a non-consensual tow.

**Attachments:**      [Exhibit 1 - Agenda Information Sheet](#)  
                                 [Exhibit 2 - Ordinance 19-2026 - City Council Request Process](#)  
                                 [Exhibit 3 - Informal Staff Report No. 2020-050](#)  
                                 [Exhibit 4 - Presentation](#)

NOTE: 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.

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.

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**REGULAR MEETING OF THE CITY OF DENTON CITY COUNCIL AT 6:30 P.M. IN THE WORK SESSION ROOM 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. 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.
    - a. [ID 20-969](#) Jennifer Hughes regarding lowering the Denton Municipal Utilities usage fees during the COVID-19 pandemic crisis.
  - 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.

### **3. 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 20-932](#) Consider adoption of an ordinance of the City of Denton authorizing the City Manager, or his designee, to convey a Supplemental Transmission Line Easement and a Temporary Construction Easement to Oncor Electric Delivery Company LLC. containing approximately a total of 0.9064 acres on a tract of City owned property in the Moreau Forrest Survey, Abstract No. 417, City and County of Denton, Texas, providing for severability and an effective date.

Attachments:      [Exhibit 1 AIS](#)  
                              [Exhibit 2 Ordinance Final and Easement Documents](#)  
                              [Exhibit 3 GIS Easement Layout Map](#)  
                              [Exhibit 4 LLC Members](#)

- B. [ID 20-753](#) Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, rejecting any and all competitive proposals under RFP 7102 for the construction of the additions of twelve (12) bays to the Fleet Services Building and four (4) bays to the Flushing Truck Storage Building located at 804 Texas Street; and providing an effective date (RFP 7102). The Public Utilities Board recommends approval (6 - 0).

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

- C. [ID 20-934](#) Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, rejecting any and all competitive proposals under RFP 7169 for the Smart Routing Solutions for the City's Solid Waste and Recycling Departments; and providing an effective date (RFP 7169). The Public Utilities Board recommends approval (6 - 0).

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

[Exhibit 2 - Ordinance](#)

- D.    [ID 20-935](#)      Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, rejecting any and all competitive proposals under RFP 7262 for the renovation of the 651 Mayhill building located at 651 South Mayhill Road; and providing an effective date (RFP 7262).

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

[Exhibit 2 - Ordinance](#)

- E.    [ID 20-937](#)      Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, rejecting any and all competitive proposals under RFP 7281 for a professional service agreement to supply a comprehensive Solid Waste Management Strategy, for the Solid Waste and Recycling Departments; and providing an effective date (RFP 7281). The Public Utilities Board recommends approval (6 - 1).

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

[Exhibit 2 - Ordinance](#)

- F.    [ID 20-938](#)      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 Axon Enterprise, Inc., through the Department of Information Resources (DIR) Cooperative Purchasing Network Contract No. DIR-TSO-3561 for the purchase of police in-car camera system (Axon Fleet System) for 100 vehicles including cameras, software, peripherals, routers, maintenance and services; providing for the expenditure of funds therefor; and providing an effective date (File 7313- awarded to Axon Enterprise, Inc., in the five (5) year not-to-exceed amount of \$1,422,450).

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

[Exhibit 2 - Ordinance and Contract](#)

- G.    [ID 20-941](#)      Consider adoption of an ordinance of the City of Denton approving a Consent to Sublease between Nebrig & Associates, Inc. and US Trinity Aviation, LLC, for lease of a fuel facility and equipment at the Denton Enterprise Airport; and providing an effective date.

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

[Exhibit 2 - Site Map](#)

[Exhibit 3 - Ordinance](#)

[Exhibit 4 - LLC Information](#)

- H.    [ID 20-914](#)      Consider approval of a resolution of the City of Denton, a Texas municipal home-rule corporation, supporting participation in the 2020 Transportation Alternative Call for Projects by submitting an application to participate in the Safe Routes to School Transportation Alternatives Set-aside Program, for the purpose of securing funding related to the Safe Route to Sam Houston Elementary School Project; confirming anticipated funding should the application be accepted; and providing an effective date.

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

[Exhibit 2 - Resolution](#)

- I.    [ID 20-915](#)      Consider approval of a resolution of the City of Denton, a Texas municipal home-rule corporation, supporting participation in the 2020 Transportation Alternative Call for Projects by submitting an application to participate in the Safe Routes to School Transportation Alternatives Set-aside Program, for the purpose of securing funding related to the Safe Route to Newton Razor Elementary School Project; confirming anticipated funding should the application be accepted; and providing an effective date.

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

[Exhibit 2 - Resolution](#)

- J.    [ID 20-958](#)      Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, amending the FY 2019-20 Annual Audit Plan; and providing an effective date.

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

[Exhibit 2 - Ordinance](#)

[Exhibit 3 - Original Audit Plan Ordinance](#)

- K.    [ID 20-959](#)      Consider adoption of the master ordinance of the City of Denton, Texas establishing the extendable commercial paper financing program and authorizing extendable commercial paper notes, series A and providing an effective date.

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

[Exhibit 2 - Master Ordinance.pdf](#)

#### **4. ITEMS FOR INDIVIDUAL CONSIDERATION**

- A.    [ID 20-500](#)      Consider appointments to the Tax Increment Reinvestment Zone (TIRZ) Number Two Board of Directors, including appointment of a chairperson.

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

[Exhibit 2 - Presentation](#)

- B.    [ID 20-895](#)      Consider approval of a resolution to appoint a member to the Board of Directors of Texas Municipal Power Agency, a Joint Powers Agency, to represent the City of Denton, Texas; and declaring an effective date.

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

[Exhibit 2. Informal Staff Report No. 2020-044](#)

[Exhibit 3. TMPA Notificaton](#)

[Exhibit 4 - Resolution](#)

[Exhibit 4. Presentation](#)

- C.    [ID 20-964](#)      Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation authorizing and approving the execution by the City Manager, or his designee, of an agreement between the City of Denton, Texas and STH Project, a non-profit corporation ("STH"), providing for authorization of STH to provide lunches to children

under the age of eighteen and qualifying disabled participants through age 21 at no charge to said recipients during the summer months at designated City of Denton park and recreation facility sites; and providing an effective date.

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

- D.    [ID 20-973](#)      Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Attorney, or his designee, to execute an engagement letter with Lloyd Gosselink Rochelle & Townsend, P.C., for professional legal services relating to the City's compliance with Public Utility Commission of Texas electric transmission service rules, rulemaking, and proceedings, and , as needed, electric utility matters generally; providing for the expenditure of funds in a not to exceed amount of \$100,000.00; providing an effective date.

Attachments:      [Agenda Information Sheet](#)  
                              [Ordinance and engagement letter](#)

## **5. PUBLIC HEARINGS**

- A.    [S19-0015e](#)      Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, approving a Specific Use Permit to allow a new monopole tower no more than 88 feet in height on approximately 4.37 acres of land, located at 3401 Barcelona Street 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 a severability clause and an effective date.. The Planning and Zoning Commission recommended Approval (7-0). (S19-0015, Speed of Light Broadband, Cindy Jackson)



**Attachments:**

[Exhibit 1 - Agenda Information Sheet](#)  
[Exhibit 2 - Staff Analysis](#)  
[Exhibit 3 - Site Location Map](#)  
[Exhibit 4 - Current Zoning Map](#)  
[Exhibit 5 - Future Land Use Map](#)  
[Exhibit 6 - Municipal Airport Overlay Map](#)  
[Exhibit 7 - Site Plan - Full Site](#)  
[Exhibit 8 - Site Plan - Impact Area](#)  
[Exhibit 9 - Landscape Plan](#)  
[Exhibit 10 - Building Elevations](#)  
[Exhibit 11 - Notification Map](#)  
[Exhibit 12 - LLC Membership](#)  
[Exhibit 13 - Draft Planning and Zoning Commission Meeting Minutes](#)  
[Exhibit 14 - Staff Presentation](#)  
[Exhibit 15 - Draft Ordinance](#)  
[Exhibit 16 - Exhibit A](#)  
[Exhibit 17 - Exhibit B](#)

- B. [PDA20-0001a](#) Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, amending the Detailed Plan for Planned Development 142, (Stonehill Center), generally located at the northeast corner of the I-35 Northbound Service Road and Westgate 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. The Planning and Zoning Commission voted (7-0) to approve the request. (PDA20-0001a, Stonehill Center Office, Julie Wyatt)

**Attachments:**

[Exhibit 1 - Agenda Information Sheet](#)  
[Exhibit 2 - Staff Analysis](#)  
[Exhibit 3 - Site Location Map](#)  
[Exhibit 4 - Existing Zoning Map](#)  
[Exhibit 5 - Future Land Use Map](#)  
[Exhibit 6 - Ordinance 1991-101](#)  
[Exhibit 7 - April 22, 1992 Detailed Plan](#)  
[Exhibit 8 - PD-142 Activity Log](#)  
[Exhibit 9 - December 8, 1993 Detailed Plan](#)  
[Exhibit 10 - November 4, 2014 Detailed Plan](#)  
[Exhibit 11 - Proposed Plan, Architectural Renderings, and Narrative](#)  
[Exhibit 12 - Notification Map and Responses](#)  
[Exhibit 13 - Presentation](#)  
[Exhibit 14 - Draft May 6, 2020 Planning and Zoning Commission meeting minutes](#)  
[Exhibit 15 - Draft Ordinance](#)

**6. 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 15th day of May, 2020 at 4:34 p.m.

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**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.