



# 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, June 2, 2020

1:00 PM

Council Work Session Room

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

#### **REGULAR MEETING BEGINS AT 6:30 P.M. IN THE COUNCIL 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 June 2, 2020 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 29, 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 Work Session on Tuesday, June 2, 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 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 20-943](#) 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](#)
- B. [ID 20-989](#) Receive a report, hold a discussion, and give staff direction regarding City of Denton appointees to District Boards for the Hunter Ranch and Cole Ranch municipal management districts.  
*Attachments:* [Exhibit 1 - Agenda Information Sheet](#)  
[Exhibit 2 - Presentation](#)
- C. [ID 20-963](#) Receive a report, hold a discussion, and give staff direction regarding an internal audit of Facilities Maintenance.  
*Attachments:* [Exhibit 1 - Agenda Information Sheet](#)  
[Exhibit 2 - Audit Response Cover Letter](#)  
[Exhibit 3 - Internal Audit of Facilities Maintenance](#)  
[Exhibit 4 - Presentation](#)
- D. [ID 20-990](#) Receive a report, hold a discussion, and give staff direction regarding funding recommendations from the Community Development Advisory Committee (CDAC) and the Human Services Advisory Committee (HSAC) for the proposed activities to be included in the 2020-2022 Consolidated Plan for Housing and Community Development and 2020 Action Plan.

- Attachments:**      [Exhibit 1 - Agenda Information Sheet](#)  
[Exhibit 2 - 2020-22 Draft Consolidated Plan and 2020 Action Plan](#)  
[Exhibit 3 - CDAC Funding Recommendations Chart and Project Descriptions](#)  
[Exhibit 4 - HSAC Funding Recommendations Chart and Project Descriptions](#)  
[Exhibit 5 - Presentation](#)

- E.    [ID 20-992](#)      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 – REVISED S](#)  
[Exhibit 3 - AIS and Exhibits – May 19, 2020](#)  
[Exhibit 4 - Presentation](#)

- F.    [ID 20-671](#)      Receive a report, hold a discussion, and give staff direction on pending City Council requests for:  
(1) Work session to discuss allowing businesses to utilize public parking spaces and right-of-way areas to extend their outdoor seating areas.

- Attachments:**      [Exhibit 1 - Agenda Information Sheet](#)  
[Exhibit 2 - Ordinance 19-2026 - City Council Request Process](#)  
[Exhibit 3 - Code of Ordinances Chapter 25](#)  
[Exhibit 4 - 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 20-1053](#)      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 20-1057](#)      Deliberate regarding Real Property - Under Texas Government Code Section 551.072;  
Consultation with Attorneys - Under Texas Government Code Section 551.071.

Discuss, deliberate, receive information from staff, and provide staff with direction pertaining to leases of Airport property in and around Warbird Drive, Sabre Lane, Airport Rd., Spartan Dr., John Carrell Rd., Skylane Rd., Lockheed Lane, and existing

airport ramp space where the deliberation of same in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person or potential litigation. Consultation with the City's attorneys regarding legal issues associated with Airport leases of in and around Warbird Drive, Sabre Lane, Airport Rd., Spartan Dr., John Carrell Rd., Skylane Rd., Lockheed Lane, and existing airport ramp and of potential claims made against the City in late 2019, 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 negotiations 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 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 COUNCIL 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. PROCLAMATIONS/PRESENTATIONS**

**3. 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.

#### **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 – 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 20-885](#) Consider approval of the minutes of May 12 and May 19, 2020.

Attachments: [Exhibit 1 - May 12, 2020 Minutes Draft](#)  
[Exhibit 2 - May 19, 2020 Minutes Draft](#)

- B. [ID 20-975](#) 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 Questcare Medical Services, PLLC, for the performance of medical direction services for the Denton Fire Department; providing for the expenditure of funds therefor; and providing an effective date (RFQ 7183 - awarded to Questcare Medical Services, PLLC, for three (3) years, with the option for two (2) additional one (1) year extensions, in the total five (5) year not-to-exceed amount of \$400,000).

**Attachments:**      [Exhibit 1 - Agenda Information Sheet](#)  
                                 [Exhibit 2 - PLLC Members](#)  
                                 [Exhibit 3 - Ordinance and Contract](#)

- C.    [ID 20-977](#)      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 Connect Technology Group, LLC for structured data cabling services for construction/renovation projects within existing facilities, and projected new construction for voice and data communications supporting daily operations; providing for the expenditure of funds therefor; and providing an effective date (RFP 7260 - awarded to Connect Technology Group, LLC in the 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 \$983,850).

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

- D.    [ID 20-978](#)      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 Techline, Inc., for the supply of electric utility fault circuit indicators for Denton Municipal Electric, to be stocked in the Distribution Center; providing for the expenditure of funds therefor: and providing an effective date (IFB 7314 - awarded to Techline, Inc., in the five (5) year not-to-exceed amount of \$460,000).

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

- E.    [ID 20-979](#)      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 Federal Resources Supply Company, for the purchase of bomb suits for the Fire Department: providing for the expenditure of funds therefor; and providing an effective date (IFB 7352 - awarded to Federal Resources Supply Company, in the not-to-exceed amount of \$106,308).

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

- F.    [ID 20-1019](#)      Consider adoption of an ordinance of the City of Denton authorizing the City Manager to (I) make application to the Texas Department of Housing and Community Affairs Emergency Solutions Grant Program for grant funding available through the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) with appropriate certifications and (II) to take all other actions necessary to obtain funding and implement the program; and providing for an effective date.

**Attachments:**      [Exhibit 1 - Agenda Information Sheet](#)  
[Exhibit 2 - THN ESG-CV RFA Version-2](#)  
[Exhibit 3 - Ordinance](#)

- G. [ID 20-1035](#)      Consider adoption of an ordinance of the City of Denton amending the Code of Ordinances, related to Chapter 2, titled “Administration,” Article XI, titled “Ethics,” providing for findings of fact; providing severability; providing a repealer clause, providing codification; confirming proper notice and meeting; and providing for an effective date.

**Attachments:**      [Exhibit 1 - Agenda Information Sheet](#)  
[Exhibit 2 - Ethics Ordinance](#)  
[Exhibit 3 - Previous Ethics Ordinance 18-757](#)  
[Exhibit 4 - Letter of Recommended Amendments to the Ethics Ordinance](#)

- H. [ID 20-1036](#)      Consider adoption of an ordinance of the City of Denton confirming the proposed amendments to the Board of Ethics’ Rules of Procedure as required by the Code of Ordinances, Chapter 2, Article XI, Section 2-277(k); providing for severability; and providing an effective date.

**Attachments:**      [Exhibit 1 - Agenda Information Sheet](#)  
[Exhibit 2 - Board of Ethics Rules of Procedure](#)  
[Exhibit 3 - Previous Rules of Procedure 18-1839](#)  
[Exhibit 4 - Letter of Recommended Amendments to the Rules of Procedure](#)

## **5. ITEMS FOR INDIVIDUAL CONSIDERATION – CONSIDERATION OF THE USE OF EMINENT DOMAIN TO CONDEMN REAL PROPERTY INTERESTS**

- A. [ID 20-065](#)      Consider adoption of an ordinance of the City of Denton determining the public use, need, and necessity for the acquisition of various (i) fee tracts, (ii) permanent drainage easements, and (iii) temporary construction easements located along East McKinney Street, East and West of its intersection with Loop 288, and being situated in the M.E.P. and P.R.R. Company Survey, Abstract No. 927, and the Moreau Forrest Survey, Abstract Number 417, all in the County of Denton, Texas, and being more particularly described in the attached Exhibit “A” (the “Property Interests”); authorizing the City Manager and City Attorney, or their respective designees, to acquire the Property Interests by agreement if possible, including making all offers required by law; authorizing the use of the Power of Eminent Domain to condemn the Property Interests if an agreement cannot be reached; authorizing the City Attorney, or his designee, to file eminent domain proceedings if necessary; authorizing the expenditure of funding; making findings; providing a savings clause; and providing an effective date.

**Attachments:**      [Exhibit 1 - McKinney Widening Project - AIS](#)  
[Exhibit 2- AIS SITE MAP 01282020](#)  
[Exhibit 3 - AIS Recommended Motion - 01282020](#)  
[Exhibit 4 - Mckinney Street ED Proposed Ordinance](#)

## **6. ITEMS FOR INDIVIDUAL CONSIDERATION**

- A. [ID 20-976](#) Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the approval of a first change order to a Design-Build Agreement between the City of Denton and Thos. S. Byrne, Inc., amending the agreement approved by City Council on March 3, 2020 in the not-to-exceed amount of \$206,150; said first change order to provide additional preconstruction services funding for the design, engineering, and renovation of the Development Services Building, located at 401 North Elm Street; providing for the expenditure of funds therefor; and, providing an effective date (RFQ 7228 - providing for an additional first change order expenditure amount not-to-exceed \$66,304, with the total contract amount not-to-exceed \$272,454).

**Attachments:**

[Exhibit 1 - Agenda Information Sheet](#)

[Exhibit 2 - Original Ordinance and Contract](#)

[Exhibit 3 - Presentation](#)

[Exhibit 4 - Ordinance and Design Build Change Order](#)

- B. [ID 20-1044](#) Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager to execute the Guaranteed Maximum Price Amendment to the Design-Build Amendment with Thos. S. Byrne, Inc., a Texas Corporation, for the renovation and construction of the property located at 401 N. Elm St. for the City's new Development Services Center; providing for the expenditure of funds therefor; and, providing an effective date, (RFQ 7228 - awarded to Thos. S. Byrne, Inc. - Guaranteed Maximum Price of Design-Build contract in the not-to-exceed amount of \$5,521,702.00).

**Attachments:**

[Exhibit 1 - Agenda Information Sheet](#)

[Exhibit 2 - Original Ordinance and Contract](#)

[Exhibit 3 - Presentation](#)

[Exhibit 4 - Ordinance and Design Build Amendment](#)

- C. [ID 20-1010](#) Consider adoption of an ordinance of the City of Denton authorizing the City Manager to execute the Third Amendment to the Airport Lease Agreement between the City and Nebrig Properties, L.P. relating to leased premises at the Denton Enterprise Airport; and providing for an effective date.

**Attachments:**

[Exhibit 1 - Agenda Information Sheet](#)

[Exhibit 2 - Site Map](#)

[Exhibit 3 - Ordinance](#)

[Exhibit 4 - Presentation](#)

- D. [ID 20-1011](#) 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](#)

[Exhibit 5 - Presentation](#)

## **7. PUBLIC HEARINGS**

- A. [PD20-0001a](#) Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, regarding an initial zoning of Planned Development (PD) District on approximately 131.94 acres and for a change from Residential 6 (R-6) to a PD District on approximately 14.19 acres, for a total of approximately 146.14 acres of land generally located south of Allred Road and west of South Bonnie Brae Street and Fort Worth 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 a severability clause and an effective date. (PD20-0001a, Sagebrook, Hayley Zagurski). STAFF IS REQUESTING THAT THIS ITEM BE POSTPONED TO A DATE CERTAIN OF JUNE 16, 2020.

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

## **8. CONCLUDING ITEMS**

A. Under Section 551.042 of the Texas Open Meetings Act, respond to inquiries from the City Council or the public with specific factual information or recitation of policy, or accept a proposal to place the matter on the agenda for an upcoming meeting AND Under Section 551.0415 of the Texas Open Meetings Act, provide reports about items of community interest regarding which no action will be taken, to include: expressions of thanks, congratulations, or condolence; information regarding holiday schedules; an honorary or salutary recognition of a public official, public employee, or other citizen; a reminder about an upcoming event organized or sponsored by the governing body; information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official or employee of the municipality; or an announcement involving an imminent threat to the public health and safety of people in the municipality that has arisen after the posting of the agenda.

B. Possible Continuation of Closed Meeting topics, above posted.

### **C E R T I F I C A T E**

I certify that the above notice of meeting was posted on the bulletin board at the City Hall of the City of Denton, Texas, on the 29th day of May, 2020 at 4:42 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.