



City of Denton

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

Meeting Agenda

City Council

Tuesday, August 4, 2020

1:00 PM

Council Work Session Room

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 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 August 4, 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 July 31, 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 Closed Meeting on Tuesday, August 4, 2020, at 1:00 p.m. in the Council Work Session Room at City Hall, 215 E. McKinney Street, Denton, Texas to consider specific items when these items are listed below under the Closed Meeting section of this agenda.

1. Closed Meeting:

- A. [ID 20-1486](#) Consultation with Attorneys- Under Texas Government Code Section 551.071.

Consultation, discussion, deliberation, and receipt of information from the City's attorneys involving legal matters relating to the annexation or extension/renewal of non-annexation agreements for eligible properties, 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 20-1487](#) Consultation with Attorneys - Under Texas Government Code Section 551.071.

Consult with the City's attorneys with respect to case status related to an upcoming court hearing concerning certain uninvited communication with the Court 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, as well as any potential impacts or consequences that might bear upon entry of judgment, appeal, or other resolution of the litigation; 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.

- C. [ID 20-1482](#) Deliberations regarding Personnel Matters-Under Government Code Section 551.074.

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

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.

Following the completion of the Closed Meeting, the City Council will convene in a Work Session to consider the following items:

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 20-1204](#) 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 - COVID Update WS Agenda Information Sheet 08 04 20](#)
 [Exhibit 2 - COVID Update Presentation 08 04 20](#)
 [Exhibit 3 - Letter from Rep. Krause](#)
 [Exhibit 4 - COVID-19 Relief Fund Update - 7-31-2020](#)

- B. [ID 20-1509](#) Receive a report, hold a discussion, and give staff direction regarding pending 2020 Non-Annexation Agreements (NAAs).

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
 [Exhibit 2 - 2016 Redacted NAA](#)
 [Exhibit 3 - NAA Eligibility Letter](#)
 [Exhibit 4 - NAA Introduction Letter](#)
 [Exhibit 5 - 2020 NAA Template](#)
 [Exhibit 6 - Map of NAA Locations](#)
 [Exhibit 7 - Presentation](#)

- C. [ID 20-1499](#) Receive a report, hold a discussion, and give staff direction regarding a proposed natural gas franchise agreement between the City of Denton and Atmos Energy Corporation.

Attachments: [Exhibit 1 - AIS Atmos Franchise Agreement.pdf](#)
 [Exhibit 2 - Proposed Ordinance.pdf](#)
 [Exhibit 3 - Presentation - Atmos Franchise Agreement.pdf](#)
 [Exhibit 4 - Ord. 2001-484.pdf](#)
 [Exhibit 5 - Ord. 2002-202.pdf](#)
 [Exhibit 6 - Ord. 2002-288.pdf](#)
 [Exhibit 7 - Ord. 2008-179.pdf](#)
 [Exhibit 8- Atmos Extension Letter.pdf](#)

- D. [ID 20-1153](#) Receive a report, hold a discussion, and give staff direction regarding departmental presentations in preparation for the FY 2020-21 Proposed Budget, Capital Improvement Program, and Five Year Financial Forecast.

Attachments:[Exhibit 1 - Agenda Information Sheet.pdf](#)[Exhibit 2 - Technology Services, Public Safety Communications.pdf](#)[Exhibit 3 - Customer Service.pdf](#)[Exhibit 4 - Animal Services.pdf](#)[Exhibit 5 - Parks and Recreation.pdf](#)[Exhibit 6 - Engineering.pdf](#)[Exhibit 7 - Legal.pdf](#)[Exhibit 8 - Water.pdf](#)[Exhibit 9 - Wastewater \(Drainage\).pdf](#)[Exhibit 10 - Solid Waste.pdf](#)

- E. [ID 20-1048](#) Receive a report, hold a discussion, and give staff direction on pending City Council requests for:
1. A work session to discuss lowering street speed limits in Denton; and
 2. A policy discussion regarding passing a resolution “expressing Council’s commitment to work with Denton ISD within our respective limited and overlapping jurisdictions, resources, and abilities, and with local nonprofits as needed, to meet our shared goal of keeping every Denton public school child, staff member, family, and community healthy, protected, physically distanced, housed, and safe from harm under COVID-19.”

Attachments:[Exhibit 1 - Agenda Information Sheet](#)[Exhibit 2 - Ordinance 19-2026 - City Council Request Process](#)[Exhibit 3 - Presentation](#)

NOTE: 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 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.

- a. [ID 20-1394](#) Pat Smith regarding the Shiloh Field Community Garden Update and Partnership Request.

Attachments: [Exhibit 1 - Shiloh Field Community Garden FINAL](#)

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 information; 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 – I). 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 20-1139](#) Consider adoption of an ordinance of the City of Denton approving an interlocal

cooperation agreement between the City of Denton and the Denton County Transportation Authority (“DCTA”), for the purpose of establishing cyclical and preventative maintenance of the Denton easements portion of the DCTA corridor; authorizing the expenditure of funds; and declaring an effective date.

Attachments: [Exhibit 1 Agenda Information Sheet](#)
 [Exhibit 2 Ordinance and DCTA Interlocal Cooperation Agreement 2020](#)

- B. [ID 20-1315](#) 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 Biggs & Mathews Environmental, Inc., for design services of the drop off area located within the Public Disposal Facility at the City of Denton Landfill; providing for the expenditure of funds therefor; and providing an effective date (RFQ 7109-010 - Professional Services Agreement for design services awarded to Biggs & Mathews Environmental, Inc., in the not-to-exceed amount of \$124,500). The Public Utilities Board recommends approval (6 - 1).

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

- C. [ID 20-1407](#) 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 Parkhill, Smith & Cooper, Inc., for the design of Landfill Cell Four (4) at the City of Denton Landfill; providing for the expenditure of funds therefor; and providing an effective date (RFQ 7109-012 - Professional Services Agreement for design services awarded to Parkhill, Smith & Cooper, Inc., in the not-to-exceed amount of \$221,100). The Public Utilities Board recommends approval (7 - 0).

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
 [Exhibit 2 - Site Layout Map](#)
 [Exhibit 3 - Ordinance and Contract](#)

- D. [ID 20-1408](#) Consider adoption of an ordinance ratifying the expenditure of funds by the City Manager and the Purchasing agent for the Hickory Creek Lift Station pump failure and sanitary sewer overflow in accordance with Texas Local Government Code 252.022, which provides that procurement of commodities and services made to preserve or protect the public health or safety of the municipality’s residents is exempt from competitive bidding, and if over \$50,000 shall be awarded by the governing body; and providing an effective date (File 7253 - Hickory Creek Lift Station pump failure and sanitary sewer overflow expenditure of \$179,606.34). The Public Utilities Board recommends approval (7 - 0).

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

- E. [ID 20-1409](#) 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 Texan Waste Equipment Inc. dba Heil of Texas, through the Buy Board Cooperative Purchasing Network Contract # 599-19, for the purchase of repair services for Heil

refuse bodies for the Solid Waste refuse fleet; providing for the expenditure of funds therefor; and providing an effective date (File 7421 - awarded to Texan Waste Equipment Inc. dba Heil of Texas, in the five (5) year not-to-exceed amount of \$450,000). The Public Utilities Board recommends approval (7 - 0).

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

- F. [ID 20-1410](#) 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 Rene' Bates Auctioneers, Inc., for the management of auction services to the City of Denton; providing for the expenditure of funds therefor; and providing an effective date (IFB 7334 - awarded to Rene' Bates Auctioneers, Inc., for a five (5) year term).

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

- G. [ID 20-1413](#) Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the approval of a first amendment to a Sole Source Agreement between the City of Denton and Genscape, Inc., amending the contract approved by City Council on August 2, 2016, in the not-to-exceed amount of \$106,354.27; said first amendment to provide the continuation of access to and use of the Genscape platform; which is the sole provider of this software, in accordance with Texas Local Government Code 252.022, which provides that procurement of commodities and services that are available from one source are exempt from competitive bidding; providing for the expenditure of funds therefor; and providing an effective date (File 6190 - providing for an additional two (2) year with the option for two (2) additional one (1) year terms and first amendment expenditure amount not-to-exceed \$286,000, with the total contract amount not-to-exceed \$392,354.27). The Public Utilities Board recommends approval (6-0).

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

- H. [ID 20-1484](#) Consider adoption of an ordinance authorizing expenditure of an additional \$100,000.00 in previously budgeted funds for outside counsel and other trial expenses in the litigation styled "City of Denton v. Robert P. Donnelly," pending in the Probate Court of Denton County, Texas; and providing an effective date.

Attachments: [Exhibit 1 - AIS Donnelly Expenditure - Aug 2020](#)
 [Exhibit 2 - Donnelly Expenditure Ordinance - Aug 2020](#)

- I. [ID 20-1463](#) 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 Texas Series of Lockton Companies, LLC, for property and causality insurance brokerage services;

providing for the expenditure of funds therefor; and providing an effective date (RFP 7365 - awarded to Texas Series of Lockton Companies, LLC, for one (1) year, with the option for two (2) additional one (1) year extensions, in the total three (3) year not-to-exceed amount of \$480,000).

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

5. ITEMS FOR INDIVIDUAL CONSIDERATION

- A. [ID 20-1481](#) Consider adoption of an ordinance of the City of Denton appointing Madison Rorschach as the City Auditor for a two-year term, beginning on the 8th day of August, 2020, and extending through the 7th day of August, 2022; authorizing the Mayor to execute an employment agreement for term of office; and providing an effective date.

Attachments: [Exhibit 1-Agenda Information Sheet.pdf](#)
[Exhibit 2-Ordinance with agreement](#)

- B. [ID 20-1451](#) Consider adoption of an ordinance considering all matters incident and related to the issuance, sale and delivery of up to \$70,435,000 in principal amount of “City of Denton General Obligation Refunding and Improvement Bonds, Series 2020”; authorizing the issuance of the bonds; delegating the authority to certain City officials to execute certain documents relating to the sale of bonds; approving and authorizing instruments and procedures relating to said bonds; enacting other provisions relating to the subject; and providing an effective date.

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
[Attach 2 - Preliminary Official Statement](#)
[Exhibit 3 - 2012 and 2014 Programs Bond Issuance Timelines](#)
[Exhibit 4 - 2019 Program Bond Issuance Timeline](#)
[Attach 5 - Ordinance](#)

- C. [ID 20-1455](#) Consider adoption of an ordinance considering all matters incident and related to the issuance, sale and delivery of up to \$64,370,000 in principal amount of “City of Denton Certificates of Obligation, Series 2020”; authorizing the issuance of the certificates; delegating the authority to certain City officials to execute certain documents relating to the sale of the certificates; approving and authorizing instruments and procedures relating to said certificates; enacting other provisions relating to the subject; and providing an effective date.

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

- D. [ID 20-1467](#) Consider adoption of an ordinance of the City of Denton, Texas, a Texas home-rule

municipal corporation, granting to Atmos Energy Corporation, Mid-Tex Division, a Texas and Virginia Corporation, its successors and assigns, a non-exclusive franchise to furnish, transport, and supply natural gas to the general public in the City of Denton and Denton County, Texas, to construct, maintain, and operate pipelines and equipment in the City of Denton, Texas, for the transportation, delivery, sale, and distribution of natural gas in, out of and through said City for all purposes; providing for the payment of a fee or charge for the use of the public rights-of-ways; providing that such fee shall be in lieu of other fees and charges, excepting Ad valorem taxes; repealing all previous Atmos Energy Gas Franchise Ordinances; prescribing the terms, conditions, obligations and limitations under which such franchise shall be exercised; a most favored nations clause; a severability clause; and providing an effective date.

Attachments:

[Exhibit 1 - AIS Atmos Franchise Agreement.pdf](#)

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

[Exhibit 3 - Presentation - Atmos Franchise Agreement.pdf](#)

[Exhibit 4 - Ord. 2001-484.pdf](#)

[Exhibit 5 - Ord. 2002-202.pdf](#)

[Exhibit 6 - Ord. 2002-288.pdf](#)

[Exhibit 7 - Ord. 2008-179.pdf](#)

[Exhibit 8- Atmos Extension Letter.pdf](#)

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 31st day of July, 2020 at 5:42 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.