

CITY OF DENTON CITY COUNCIL MINUTES

November 4, 2014

After determining that a quorum was present, the City Council convened in a Work Session on Tuesday, November 4, 2014 at 2:00 p.m. in the Council Work Session Room at City Hall.

PRESENT: Mayor Pro Tem Engelbrecht, Council Member Gregory, Council Member Hawkins, Council Member Johnson, Council Member Roden, Council Member Ryan, and Mayor Watts.

ABSENT: None.

1. Citizen Comments on Consent Agenda Items

There were no citizen comments presented on Consent Agenda items.

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

Council Member Ryan requested an explanation on item V be put in the record. The agenda information sheet stated 1400 lane miles and the ordinance called for 600 lane miles.

Jim Coulter, General Manager of Water, stated that the old number they used was lane miles in the calculations on the first pavement assessment and they now used center lane miles. The figure of 1400 should have been 600.

City Manager Campbell stated that item T was an Interlocal Agreement with DCTA and they had received an amendment to the contract from DCTA.

Bryan Langley, Assistant City Manager, stated that DCTA had requested some changes to be consistent with other interlocal agreements. One change was to the indemnity language and the City was fine with that change.

3. Work Session Reports

A.ID 14-0707 Receive a report, hold a discussion and give staff direction regarding a proposed convention center.

Jon Fortune, Assistant City Manager, updated the Council on the convention center project. He stated that in the backup there was an updated budget and expenditures estimate for the project.

The 28.9 million certificates of obligations was the anticipated debt. The combined tax and HOT revenue would support the COs. There would be a taxable bond sale with a 30-year bond term. This included capitalized interest for the first 24 months and a graduated debt for the first ten years. A Notice of Intent for \$29 million was scheduled to be on the November 11 agenda. The bond ordinance was scheduled to be on the December 16 agenda with the bond sale closing scheduled for 30-45 days after that.

Fortune stated that he wanted to acknowledge the milestones achieved so far. He stated that they had – negotiated a development agreement; developed an acceptable set of design drawings; negotiated an acceptable price for construction; obtained a preliminary construction budget;

created a TIRZ; approved a TIRZ project and financing plan; submitted a formal TIRZ request to DISD and Denton County; notified OHPD of the DISD and Denton County TIRZ status; obtained OHPD loan commitment letter; obtained Embassy Suite franchise commitment.

Fortune stated that the most recent significant accomplishments included – O'Reilly Hospitality Partners Denton acceptance of \$28.9 million bond sale; OHPD support of City design selections; OHPD confirmation to move forward with the project despite the fact that the DISD and Denton County may not approve their portion of the TIRZ; OHPD had initiated legal review of development documents; and OHPD had offered to double their letter of credit to \$2 million.

Fortune reviewed the next steps – approve GMP construction contract on November 11; issue notice of intent to sell bonds on November 11; approve amendments to the development agreement documents on November 11; receive executed loan from OHPD by December 16; approve bond sale ordinance on December 16; amend the City's Capital budget on December 16; close on the City and private financing on a date to be determined; and construction would begin in December or January.

Fortune stated that there were development review related issues – zoning and an SUP. Also they needed to look at the UNT lease terms – 30 year vs. 25 year initial rent period at \$1 per year.

Council discussed different aspects of the project.

Fortune also stated that the professional services agreement needed to be amended to include an additional \$75,000 to continue the work on design for civil drawings with the goal of being able to start limited construction by the end of the year. That amendment was on the regular meeting agenda.

Council Member Roden stated that some folks in town were saying no to the convention center project. He asked what their options were moving forward in trying to resurrect another approach.

City Manager George Campbell stated that in November 2006, the Council made a commitment for a convention center project, one that minimized any obligation of the City to pay for the convention center. They wanted one done primarily with private sector dollars or done in a way that minimized the need for the City to raise taxes to pay the debt service. This model that Jon Fortune had negotiated had safeguards built into the contract that achieved that better than any public private partnership that he had been involved with in the past four years.

Council Member Johnson stated that what he was hearing from people was that it was not uniquely Denton.

Most of the Council felt that they did not have support from the community for this project.

Council Member Roden stated that staff had taken the guidance of Council on this project. He stated that they had failed to make the case with the citizens, but stated that staff had done what Council had asked.

Fortune stated that if the Council's direction was not to move forward with the project, then they did not need to consider the item on the regular meeting.

City Manager Campbell stated that staff would let O'Reilly know tomorrow that the Council's direction was to discontinue any further negotiation on this project.

B.SI14-0009 Receive a report, hold a discussion and give staff direction on the Final Draft Report for the Better Block project held at 619 E. Sherman Avenue.

Brian Lockley, Director of Planning and Development, stated that he would present the final report for the Better Block project that was held at 619 E. Sherman Drive. He stated that the Better Block project was a planning tool that acted as a living charrette. It engaged the community on redevelopment of a designated project area. It created a greater sense of community because of the bottom up approach to planning that allowed for greater community involvement. It assisted the City in long term planning by implementing and testing before changes were put into place to determine the viability and validity of the process. It was a process that actually engaged more of the community up front than at the back end in terms of their review.

Lockley stated that as far as the process itself, there were five sites that were recommended by the community. The locations were 710 S. Elm and Maple, 100 McKinney and Locust, 715 N. Locust, Scripture and Jagoe, and 619 E. Sherman Drive. The criteria reviewed for each site included access to vacant space, proximity to existing neighborhoods, potential for infrastructure enhancements and support from local stakeholders. The final site selected was 619 E. Sherman Drive. It had a large vacancy, struggled to redevelop into something more sustainable and neighborhood focused. Some of the site specifics were that it had a large vacant structure that was approximately 35,200 square feet, ample parking, appropriate zoning for neighborhood-oriented retail, and it was supported by the Comprehensive Plan which called for that area to be Neighborhood Mixed Use.

Lockley stated that the Concept Plan that was developed for this area in speaking with the consultants was to model it after the Dallas Area Bishop Arts District. That was in keeping with what they wanted to see in this neighborhood because of its proximity to downtown, opportunity for redevelopment, neighborhood destination, and the proximity to adjacent residential. The plan that they presented was to create a main street out of this area. They wanted to reduce the existing scale of the structure to human scale. They wanted to create a series of store fronts and create a pedestrian plaza with pedestrian amenities. Some of the design elements that they incorporated were to provide a stronger connection with the adjacent neighborhood and that was done via sidewalks which created invitations for walking and bicycling. Another design element was an invitation to linger to create lively spaces that were inviting people to hang around.

Lockley stated that Quantitative Metrics included – 5,000 estimated attendees, 17% decrease in automobile speeds, 2:1 increased ratio for time of lingering, 100% of attendees surveyed desired more a walkable environment. Qualitative Metrics included – event attendees revealed that the demonstration project improved perceptions of the neighborhood; event attendees supported smaller scale development that included retail, restaurant, and pedestrian amenities; vendors showed a desire to have this option available due to lower risk and overhead.

Lockley said that some of the recommendations that came out of this related to Transportation and Land Use included – review the potential for a walkable roadway grid; reduce right-of-way width of Sherman Drive and create bicycle and pedestrian infrastructure; create tax incentives for mixed use development; partner with property owners to facilitate temporary structure for small vendors; develop a tree planting campaign to line new street grid to provide shade and new sight lines; adopt mixed use zoning. Some of the Public Private Partnerships – develop a community fabrication lab to assist local business and owners with revitalization; continue partnership with Community Market at this location; begin regularly scheduled programs.

Lockley asked the Council if there was any other information they would like to see in the final report. Otherwise the next steps would be to meet with the community on some of these recommendations, get more feedback and see what else they needed to do.

- C. CA11-0004a Receive a report, hold a discussion, and give staff direction regarding the update to the City of Denton’s Comprehensive Plan.

Ron Menguita, Development Review Committee Administrator, stated that the Denton Plan 2030 set the course to manage growth, promote reinvestment, and improve the quality of life for the next 15 to 20 years. Denton Plan 2030 was inspired and informed by citizen values and aspirations expressed in the Community Vision Statement. Denton Plan 2030 established an optimal pattern of growth identified in the Preferred Growth Concept. The Community Vision Statement was an expression of the community’s collective values and aspirations and a description of what the community wanted to become in the future. The Plan itself and the Community Vision Statement had four major themes that were recurrent throughout the process: sustainability, mobility, community character, and community health.

Menguita stated that the Preferred Growth Concept was a conceptual vision for the form, character, and general location of the development in the city that reflected the input and expressed preferences of the community. Denton Plan 2030 addressed present issues identified by stakeholders and the community – retain its best and brightest youth, attract major employers, embrace the growing diversity, balance new development with reinvesting in its urban core and established neighborhood. Between 2000 and 2010, the City grew approximately 40,000 in population. It was projected that in the next 20 years, the City would grow approximately 94,000 in population. Based on this population growth, approximately 37,282 dwelling units were projected by 2030.

Denton Plan 2030 also addressed new opportunities and challenges – including shifting demographics, changing housing preferences, interface with two major universities, influence of gas wells, and the sustainability by promoting compact and purposeful growth in centers and along corridors. A number of outreach activities were conducted to solicit input from the community. Much of the initial outreach was focused on informing the drafting of the Community Vision Statement and the Preferred Growth Concept. The primary source of input was through the three community forums.

Key groups were formed to provide guidance during the Plan development – Citizens Advisory Committee (CAC), Technical Advisory Committee (TAC) and Denton Plan Ambassadors (DPA). CAC consisted of 32 members appointed by the City Council which represented a variety of community interest groups and stakeholders. The group was established to advise the policy direction of the comprehensive plan and to build consensus among diverse stakeholders

through the Plan development. TAC consisted of a group of senior staff members that provided technical advice throughout the planning process. The TAC met at key milestones and reviewed all deliverables to ensure accuracy and feasibility. DPA was established at the beginning of the planning process and was open to all community members. The DPA offered community members the opportunity to serve as leaders, engage neighborhood and interest groups, and to assist in the Plan development. Other key community outreach included website and social media, a kickoff open house, informational/mobile meetings, and stakeholder interviews.

Menguita stated that Community Forum 1 consisted of facilitated small group discussions where citizens were asked to express their aspirations and concerns about the present and future of Denton. Participants were asked to share their ideas about the strengths, weaknesses, opportunities, and challenges in the city.

He stated that at Community Forum 2 citizens compared four growth scenarios, a growth trend scenario, centers, corridor, and compact scenario. Citizens also provided input regarding their preferences for development priorities and community character. He stated that at Community Forum 3, the draft Denton Plan 2030 was unveiled and presented to the community. The purpose of CF3 was to ensure that policies affirmed the direction from the citizens of Denton.

Menguita reviewed Element 2 – Land Use. Throughout Denton we see managed, balanced, and sustainable growth in high-quality, livable urban, suburban, and rural places which offer diverse choices among neighborhood settings while respecting private property rights. A compact development pattern included expanded areas of mixed-use, a broad array of housing and retail choices responding to changing demographics and market preferences and reinvestment and infill in established areas of the city. He stated that in the core were established neighborhoods where revitalization and compatible infill development contributed to stable, livable, and historic character, and fostered neighborhood pride and homeownership. In the rural fringe areas of the city and the ETJ were conservation developments which retained rural character, protected open space and greenways, enhanced development value, and provided greater choices to land owners.

Future Land Use Designations that staff had proposed for Denton Plan 2030 included Rural Areas, Low Density Residential, Moderate Density Residential, Downtown Denton, Downtown Compatibility Area, Regional Mixed Use, Community Mixed Use, Neighborhood Mixed Use, Business Innovation, Neighborhood/University Compatibility Area, Commercial, Government/Institutional, Industrial Commerce, and Parks and Open Space.

Menguita stated that the Land Use Element included goals and policies necessary to ensure that the City would direct growth according to sound principles and to ensure that the balance of land uses matched the City's needs for the future.

Menguita reviewed Element 3 – Fiscal and Economic Vitality Element. Denton's institutions of higher learning, UNT and TWU, were partners with government, civic organizations, and local employers in initiatives to foster creativity in the arts, innovation, a strong economy, life-long learning, and the retention of the best and brightest. Throughout Denton were infrastructure systems that had undergone well-planned, staged expansion to serve and guide the city's growth. Denton leveraged its strategic location, universities, and medical institutions. Denton was a national leader in technological and knowledge-based innovation, which allowed us to attract and retain a highly educated and motivated workforce. Denton supported and encouraged entrepreneurs and small businesses with a business-friendly attitude and efficient regulations and

permitting. Throughout the Plan, there was a fiscal impact analysis that was performed. That would guide policy decisions regarding level of service and revenue enhancement.

Menguita stated that the Fiscal and Economic Vitality Element contained goals and policies related to the economic strength of the city and principles for growing in a fiscally healthy manner.

Menguita reviewed Element 4 – Community Character and Urban Design. Denton was authentic. Denton’s small town charm and North Texas heritage were proudly embraced along with positive change, smart and balanced growth, and high-quality development. Denton was fertile territory for creativity and innovation in the vibrant music and arts scene, technology, business, and education. We marketed our Denton “brand”, our unique, creative atmosphere and small town quality of life, which attracted a highly educated and motivated workforce and gave Denton a competitive advantage in attracting new investment, entities, and well-paying jobs. In the core of Denton was a vibrant Downtown Denton, energized with new housing, shopping, arts, and entertainment, supporting day and nighttime activity and a true urban lifestyle.

Menguita stated that the Community Character and Urban Design Element included goals and policies for maintaining the unique character of Denton and building upon its distinguishing characteristics. This element included policies for place making, arts and culture, and historic preservation.

Menguita stated that at the November 18 work session, the Council would look at Elements 5, 6 and 7.

Following the completion of the Work Session, the City Council convened in a Closed Meeting at 5:13 p.m. to consider specific items when these items are listed below under the Closed Meeting section of this agenda.

1. Closed Meeting:

- A. ID 14-0680 Deliberations regarding Real Property - Under Texas Government Code Section 551.072; Consultation with Attorneys - Under Texas Government Code Section 551.071. Discuss, deliberate, and receive information from staff and provide staff with direction pertaining to the potential purchase of certain real property interests located in the T.M. Downing Survey, Abstract No. 346, City of Denton, Denton County, Texas, and generally located in the 2500 block of East McKinney Street. Consultation with the City’s attorneys regarding legal issues associated with the potential acquisition and condemnation of the real property described above 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 any administrative proceeding or potential litigation. (ID 14-0681)
- B. ID 14-0566 Consultation with Attorneys - Under Texas Government Code, Section 551.071. Consult with and provide direction to City’s attorneys regarding legal issues and strategies associated with Gas Well Ordinance regulation of gas well drilling and production within the City Limits and the extraterritorial jurisdiction, including: Constitutional

limitations, statutory limitations upon municipal regulatory authority; statutory preemption and vested rights; impacts of federal and state law and regulations; impacts of gas well drilling upon protected uses and vice-versa; moratorium on drilling and production; other concerns about municipal regulatory authority or matters relating to enforcement of the Gas Well Ordinance; settlement matters concerning gas well drilling in the City; surface development issues involving surface and mineral estates; and legal matters associated with a citizen's initiative regarding hydraulic fracturing where a public discussion of these legal matters would conflict with the duty of the City's attorneys under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.

- C. ID 14-0610 Certain Public Power Utilities: Competitive Matters - Under Texas Government Code, Section 551.086; and Consultation with Attorneys - Under Texas Government Code, Section 551.071. Receive a briefing and presentation from Denton Municipal Electric ("DME") staff regarding certain public power competitive, financial and commercial information relating to issues regarding a high voltage direct current (HVDC) interconnection that would allow renewable energy and other electric power products to be transferred between ERCOT and other energy grids. Consultation with the City's attorneys regarding legal issues associated with the implementation of the interconnection 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 any administrative proceeding or potential litigation. Discuss, deliberate and provide staff with direction.
- D. ID 14-0663 Certain Public Power Utilities: Competitive Matters --- Under Texas Government Code, Section 551.086. Receive a presentation from Denton Municipal Electric ("DME") staff regarding certain public power competitive, financial and commercial information relating to issues regarding purchased power pricing and other public power information that is contained in the proposed Purchase Power Agreement by and between the City of Denton, Texas, who is selling power and electric energy services to the Texas Woman's University, Denton, Texas. Discuss, deliberate, and provide staff with direction regarding same.
- E. ID 14-0696 Deliberations regarding Real Property - Under Texas Government Code Section 551.072; Consultation with Attorneys - Under Texas Government Code Section 551.071 Discuss, deliberate, and receive further information regarding the purchase of certain real property interest located in the R. H. Hopkins Survey, Abstract No. 1694, City of Denton, Denton County, Texas, and generally located along the 1800 block of Colorado Boulevard and the 1500 block of Angelina Bend Drive. Consultation with the City's attorneys regarding legal issues associated with the potential acquisition and condemnation of the real property described above 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 any administrative proceeding or potential litigation.
- F. ID 14-0713 Consultation with Attorneys - Under Texas Government Code Section 551.071. Consultation with the City's attorneys regarding legal issues associated with Texas Civil

Practice & Remedies Code Chapter 110 (Religious Freedom) where a public discussion of these legal matters would conflict with the duty of the City's attorneys to the City of Denton and 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 any administrative proceedings or potential litigation.

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.

1. PLEDGE OF ALLEGIANCE

The Council and members of the audience recited the Pledge of Allegiance to the U.S. and Texas flags.

2. PROCLAMATIONS/PRESENTATIONS

A. ID 14-0607 Cigarette Litter Prevention Month

Mayor Watts presented the proclamation for Cigarette Litter Prevention Month to Lauren Barker with Keep Denton Beautiful.

3. CITIZEN REPORTS

A. ID 14-0682 Isabel Cano regarding bus shelters.

Isabel Cano, 1323 Broadway, asked if Council could expedite placing benches at the bus stops. She felt it would be less expensive to do benches than shelters.

4. CONSENT AGENDA

Council Member Gregory motioned, Council Member Hawkins seconded to approve the Consent Agenda and accompanying ordinances and resolutions. On roll call vote, Mayor Pro Tem Engelbrecht "aye", Council Member Gregory "aye", Council Member Hawkins "aye", Council Member Johnson "aye", Council Member Roden "aye", Council Member Ryan "aye", and Mayor Watts "aye". Motion carried unanimously.

Ordinance No. 2014-344

A. ID 14-0622 Consider adoption of an ordinance approving a right-of-way use and license agreement between the City of Denton and Green Springs Water Supply Corporation that will allow and accommodate the installation of a water line across and along Burger road situated in the Sylvester Williams Survey, Abstract No. 1322, Denton County, Texas; and declaring an effective date.

Ordinance No. 2014-345

B. ID 14-0627 Consider adoption of an ordinance of the City of Denton authorizing an agreement between the City of Denton, Texas, and Denton Community Market; authorizing the expenditure of funds; and providing for an effective date. (\$9,150)

Ordinance No. 2014-346

C.ID 14-0642 Consider adoption of an ordinance authorizing the City Manager to execute an agreement between the City of Denton and the Denton Air Fair, Inc. for the payment and use of hotel tax revenue; and providing an effective date. (\$10,752 - Hotel Occupancy Tax Committee recommends approval 3-0)

Ordinance No. 2014-347

D.ID 14-0643 Consider adoption of an ordinance authorizing the City Manager to execute an agreement between the City of Denton and the Denton Black Chamber of Commerce for the payment and use of hotel tax revenue; and providing an effective date. (\$17,409 - Hotel Occupancy Tax Committee recommends approval 3-0)

Ordinance No. 2014-348

E.ID 14-0644 Consider adoption of an ordinance authorizing the City Manager to execute an agreement between the City of Denton and the Denton Chamber of Commerce (Convention and Visitors Bureau) for the payment and use of hotel tax revenue; and providing an effective date. (\$822,255 - Hotel Occupancy Tax Committee recommends approval 3-0)

Ordinance No. 2014-349

F.ID 14-0645 Consider adoption of an ordinance authorizing the City Manager to execute an agreement between the City of Denton and the Denton Community Market for the payment and use of hotel tax revenue; and providing an effective date. (\$10,000)

Ordinance No. 2014-350

G.ID 14-0647 Consider adoption of an ordinance authorizing the City Manager to execute an agreement between the City of Denton and the Denton Community Theatre, Inc. for the payment and use of hotel tax revenue; and providing an effective date. (\$24,161 - Hotel Occupancy Tax Committee recommends approval 3-0)

Ordinance No. 2014-351

H.ID 14-0648 Consider adoption of an ordinance authorizing the City Manager to execute an agreement between the City of Denton and Denton County, Texas for the payment and use of hotel tax revenue in support of the Denton County Office of History and Culture; and providing an effective date. (\$113,999 - Hotel Occupancy Tax Committee recommends approval 3-0)

Ordinance No. 2014-352

I.ID 14-0649 Consider adoption of an ordinance authorizing the City Manager to execute an agreement between the City of Denton and Denton Dog Days, Inc. for the payment and use of hotel tax revenue; and providing an effective date. (\$15,320 - Hotel Occupancy Tax Committee recommends approval 3-0)

Ordinance No. 2014-353

J.ID 14-0650 Consider adoption of an ordinance authorizing the City Manager to execute an agreement between the City of Denton and the Denton Festival Foundation for the payment and use of hotel tax revenue; and providing an effective date. (\$86,961 - Hotel

Occupancy Tax Committee recommends approval 3-0)

Ordinance No. 2014-354

K.ID 14-0651 Consider adoption of an ordinance authorizing the City Manager to execute an agreement between the City of Denton and the Denton Holiday Festival Association, Inc. for the payment and use of hotel tax revenue; and providing an effective date. (\$7,700 - Hotel Occupancy Tax Committee recommends approval 3-0)

Ordinance No. 2014-355

L.ID 14-0654 Consider adoption of an ordinance authorizing the City Manager to execute an agreement between the City of Denton and the Greater Denton Arts Council for the payment and use of hotel tax revenue; and providing an effective date. (\$123,669 - Hotel Occupancy Tax Committee recommends approval 3-0)

Ordinance No. 2014-356

M.ID 14-0655 Consider adoption of an ordinance authorizing the City Manager to execute an agreement between the City of Denton and the Central Business District Association, Inc., d/b/a Denton Main Street Association for the payment and use of hotel tax revenue; and providing an effective date. (\$24,161 - Hotel Occupancy Tax Committee recommends approval 3-0)

Ordinance No. 2014-357

N.ID 14-0656 Consider adoption of an ordinance authorizing the City Manager to execute an agreement between the City of Denton and Music Theatre of Denton for the payment and use of hotel tax revenue; and providing an effective date. (\$5,250 - Hotel Occupancy Tax Committee recommends approval 3-0)

Ordinance No. 2014-358

O.ID 14-0657 Consider adoption of an ordinance authorizing the City Manager to execute an agreement between the City of Denton and the North Texas State Fair Association for the payment and use of hotel tax revenue; and providing an effective date. (\$77,301 - Hotel Occupancy Tax Committee recommends approval 3-0)

Ordinance No. 2014-359

P.ID 14-0658 Consider adoption of an ordinance authorizing the City Manager to execute an agreement between the City of Denton and the North Texas Affiliation of the Susan G. Komen Breast Cancer Foundation, Inc. for the payment and use of hotel tax revenue; and providing an effective date. (\$10,000 - Hotel Occupancy Tax Committee recommends approval 3-0)

Ordinance No. 2014-360

Q.ID 14-0659 Consider adoption of an ordinance authorizing the City Manager to execute an agreement between the City of Denton and the Tejas Storytelling Association, Inc. for the payment and use of hotel tax revenue; and providing an effective date. (\$52,747 - Hotel Occupancy Tax Committee recommends approval 3-0)

Ordinance No. 2014-361

R.ID 14-0660 Consider adoption of an ordinance authorizing the City Manager to execute an agreement between the City of Denton and Texas Filmmakers' Corporation for the payment and use of hotel tax revenue; and providing an effective date. (\$7,875 - Hotel Occupancy Tax Committee recommends approval 3-0)

Ordinance No. 2014-362

S.ID 14-0683 Consider adoption of an ordinance of the City of Denton authorizing the City Manager or his designee to execute a contract with the Houston-Galveston Area Council of Governments (H-GAC) Cooperative Purchasing Program for the acquisition of two (2) Model DT80K Superior Road Brooms for the City of Denton Street Department; and providing an effective date (File 5676-awarded to Underwood Equipment Company in the amount of \$113,658.38).

Ordinance No. 2014-363

T.ID 14-0684 Consider adoption of an ordinance authorizing the City Manager to execute an Interlocal Agreement with the Denton County Transportation Authority (DCTA) under Section 791.001 of the State of Texas Government Code, to authorize the City of Denton to install a "Downtown Wireless System" including Wi-Fi Devices and Roof Mounts at the DCTA Transit Center; authorizing the expenditure of funds therefor; and declaring an effective date (File 5672).

Ordinance No. 2014-364

U.ID 14-0685 Consider adoption of an ordinance accepting competitive proposals and awarding a public works contract for the Mack Park Playground Equipment and Construction project; providing for the expenditure of funds therefor; and providing an effective date (RFP 5654-awarded to Lea Park and Play, Inc. in the not-to-exceed amount of \$105,115.66).

Ordinance No. 2014-365

V.ID 14-0686 Consider adoption of an ordinance of the City of Denton, Texas authorizing the City Manager to execute a Professional Services Agreement for surveying and consulting services relating to the assessment of the condition of City of Denton streets and the update of the City's roadway database; providing for the expenditure of funds therefor; and providing an effective date (File 5649-awarded to IMS Infrastructure Management Services, Inc. in the not-to-exceed amount of \$213,378).

Ordinance No. 2014-366

W.ID 14-0687 Consider adoption of an ordinance of the City of Denton, Texas providing for, authorizing, and approving software maintenance for continued vendor support of Brazos e-ticketing hardware and software and additional pre-configured handheld devices with peripherals, which is available from only one source and in accordance with Chapter 252.022 of the Texas Local Government Code such purchases are exempt from the requirements of competitive bidding; and providing an effective date (File 4084 awarded to Brazos Technology Corporation in the three (3) year not-to-exceed amount of \$140,000).

Ordinance No. 2014-367

X.ID 14-0688 Consider adoption of an ordinance of the City of Denton, Texas providing for, authorizing, and approving software maintenance for continued vendor support for ProjectDox electronic building plan review software, which is available from only one source and in accordance with Chapter 252.022 of the Texas Local Government Code such purchases are exempt from the requirements of competitive bidding; and providing an effective date (File 4446 awarded to Avolve Software Corporation in the three (3) year not-to-exceed amount of \$70,000).

Ordinance No. 2014-368

Y.ID 14-0689 Consider adoption of an ordinance of the City of Denton, Texas providing for, authorizing, and approving software maintenance for maintenance and server patch management services for continued vendor support for Denton Municipal Electric Supervisory Control and Data Acquisition (SCADA) software modules, which is available from only one source and in accordance with Chapter 252.022 of the Texas Local Government Code such purchases are exempt from the requirements of competitive bidding; and providing an effective date (File 4074 awarded to Open Systems International, Inc. in the three (3) year not-to-exceed amount of \$180,000).

Ordinance No. 2014-369

Z.ID 14-0690 Consider adoption of an ordinance of the City of Denton, Texas providing for, authorizing, and approving software maintenance for continued vendor support for AutoCAD software modules, which is available from only one source and in accordance with Chapter 252.022 of the Texas Local Government Code such purchases are exempt from the requirements of competitive bidding; and providing an effective date (File 5678 awarded to DLT Solutions, LLC in the three (3) year not-to-exceed amount of \$90,000).

Ordinance No. 2014-370

AA.ID 14-0691 Consider adoption of an ordinance of the City of Denton, Texas providing for, authorizing, and approving software maintenance for continued vendor support of the helpdesk software system (HEAT), which is available from only one source and in accordance with Chapter 252.022 of the Texas Local Government Code such purchases are exempt from the requirements of competitive bidding; and providing an effective date (File 5439 awarded to FrontRange Solutions USA Inc. in the three (3) year not-to-exceed amount of \$90,000).

Ordinance No. 2014-371

BB.ID-14-0692 Consider adoption of an ordinance accepting competitive proposals and awarding a contract for a Utility Payment Kiosk Solution for the City of Denton; providing for the expenditure of funds therefore; and providing an effective date (RFP 5459-awarded to US Payments, LLC in the three (3) year not-to-exceed amount of \$200,000). The Public Utilities Board recommends approval (6-0).

Ordinance No. 2014-372

CC.ID 14-0693 Consider adoption of an ordinance accepting competitive proposals and awarding a contract for an Automated Timekeeping and Attendance Software System for the City of Denton; providing for the expenditure of funds therefore; and providing

an effective date (RFP 5565-awarded to Kronos Incorporated in the three (3) year not-to-exceed amount of \$850,000). The Audit/Finance recommends approval (3-0).

Ordinance No. 2014-373

DD.ID 14-0694 Consider adoption of an ordinance accepting competitive proposals and awarding a contract for the supply of Electric Substation Medium Voltage Switchgear Buildings for Denton Municipal Electric; providing for the expenditure of funds therefore; and providing an effective date (RFP 5629-awarded to Powell Electrical Systems, Inc. in the three (3) year not-to-exceed amount of \$19,000,000). The Public Utilities Board recommends approval (6-0).

Approved the Noise Exception listed below.

EE.ID 14-0706 Consider a request for an exception to the Noise Ordinance for the purpose of the Carols and Candlelight on the Square sponsored by Faith United Methodist Church. The event will be held on the east side of the Courthouse lawn, 110 W. Hickory Street, on Sunday, December 14, 2014, from 4:30 p.m. to 6:30 p.m. An exception is specifically requested to have amplified sound on Sunday. Staff recommends approval of the request.

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

Ordinance No. 2014-374

A.ID 14-0681 Consider adoption of an ordinance finding that a public use and necessity exists to acquire fee simple title in the surface estate only with surface restrictions for mineral owner(s) to a 1.127 acre tract situated in the T.M. Downing Survey, Abstract No. 346, located in the City of Denton, Denton County, Texas, and more particularly described on Exhibit "A" attached to the ordinance, and located generally in the 2500 block of East McKinney Street ("Property Interests"), for the public use of expansion, construction, maintenance, operation, and improvement of electric transmission and distribution lines, facilities, and structures, including substations and switch stations; authorizing the City Manager, or his designee, to make a final offer to the heirs of Annie Bell Jenkins (deceased), the heirs of James William Tyson (deceased), Nettie Jane Nickless, and Shirley Jeannene Wright McCrory, independent executor of the estate of Ruthie Francis Tyson Wright, (deceased), all being the heirs to or beneficiaries of, the estate of Robert Lee Tyson (deceased), (collectively, "Owner") to purchase the Property Interests for the price of One Hundred Forty Six Thousand Four Hundred Ninety Three Dollars and No Cents (\$146,493.00) (proportionate to each owner), and other consideration, as set forth in the representative contract of Sale attached as Exhibit "B" to the ordinance; authorizing the filing of eminent domain proceedings to acquire the Property Interests if the final offer is not accepted; authorizing the expenditure of funds; and providing an effective date. (Denton Municipal Electric 69kV Spencer to Denton North Interchange Transmission Line Upgrade Project Parcels: P4 - Annie Bell Jenkins Heirs)

Pamela England, Real Estate Specialist, stated that with the current 69kV Transmission Line Re-build project, acquisition of this tract of land was necessary for the project. Approval of this

ordinance would authorize staff to make final offers and pursue acquisition of the property interest by eminent domain if necessary.

Council Member Hawkins motioned "I move that the City Manager, or his designee, is authorized to make a written final offer to the Owner, any and all of Owner's successors in Interests to the Property Interests, or any other parties who may own any Interests in the Property Interests to purchase a 1.127 acre tract, surface estate only with surface restrictions for mineral owner(s), located in the J. Haney Survey, Abstract No. 515, City of Denton, Denton County, Texas, and located generally in the 2500 block of E. McKinney St. ("Property Interests"), for the expansion, construction, maintenance, operation, and improvement of the City's electric transmission and distribution lines, facilities, and structures, including substations and switch stations, and (2), if the terms of the written final offer are not agreed to by the same, to then use of the power of eminent domain to acquire fee simple title to the Property Interests." Mayor Pro Tem Engelbrecht seconded the motion. On roll call vote, Mayor Pro Tem Engelbrecht "aye", Council Member Gregory "aye", Council Member Hawkins "aye", Council Member Johnson "aye", Council Member Roden "aye", Council Member Ryan "aye", and Mayor Watts "aye". Motion carried unanimously.

Real property description is attached as Exhibit 1 to the minutes.

6. ITEMS FOR INDIVIDUAL CONSIDERATION

- A. ID 14-0720 Consider adoption of an ordinance approving an Amendment to the Proposed Hotel/Convention Center Professional Services Agreement for Architect or Engineer, Exhibit "F" of Contract No. 5447 and was attached to Ordinance No. 2013-334; providing a savings clause; and providing an effective date.

Due to the extensive discussion during the work session, there was no staff presentation for this item.

The following individuals spoke regarding this item.

Elma Walker, 9805 Grandview Drive, spoke in opposition
Kathleen Wazny, 9117 Perimeter Street spoke in opposition
David Zoltner, 2501 Timber Trail, spoke in opposition but supports a modification
Pati Haworth, 1506 Highland Park Road, spoke in opposition
Michelle Lynn, 1401 Egan, spoke in opposition

The following people did not speak but submitted comment cards.

Carey Currin, 1918 Mistywood Lane, opposition
Daniel Garza, 300 Northridge Street, opposition
Hatice Salih, 300 Northridge Street, opposition
Gerry Veeder, 1721 Wisteria, opposition
Gerard Hudspeth, 606 Wilson Street, opposition

The Mayor called for a motion. There was no motion so the item failed for lack of a motion.

7. **PUBLIC HEARINGS**

Ordinance No. 2014-375

- A. PDA14-0003 Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, amending a detailed plan for Planned Development District 142 (Stonehill Center), which planned development district was created by Ordinance No. 91-101, located at the northeast corner of the intersection of I-35 Service Road and Westgate Drive and platted as Lot 1-R, Block A, Exposition Mills Addition, 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 recommend approval (5-1).

Ron Menguita, Development Review Committee Administrator, presented the amendment to the detailed plan. The 19.67 acre site was located at the northeast corner of the intersection of I-35 service road and Westgate Drive within a Planned Development PD-142 zoning district. He showed the approximate location of the proposed sign and the existing sign located along the service road. Section 35.15.14.5.B of the Development Code limited the maximum effective area of a sign to 300 square feet. The proposed sign had an effective area of 320 square feet. He showed where the existing signs were located and where the proposed sign would be located. Notification was sent out to 200 feet and 500 feet. No responses were received.

Menguita stated that findings of staff provided for approval of deviations from the sign ordinance in a planned development district. Deviation from the standards in Subchapter 15 could be considered if the continuous street frontage in the planned development district was less than that required for consideration of approval of a Special Sign District. Deviations from the standards in Subchapter 15 could be approved as long as the deviations equally met the objectives of this Subchapter, such deviations were necessitated by the design of the development within the planned development district, and such deviations were found to meet the criteria as that for the creation of a Special Sign District pursuant to Section 35.15.17. Approval of deviations from general sign standards should be supported by written findings approved by the City Council. The Planning and Zoning Commission and the Development Review Committee recommended approval.

The Mayor opened the public hearing.

Pat Smith, 1417 Cambridge Lane, part owner of Rose Costumes, spoke in support
Ryan Davenport, 1920 North Lake Trail, representing Stonehill Center, spoke in support
Diane Singleton, 6968 Lois Road, manager of Antique Experience, spoke in support
Judy Smith, 1426 Churchill Drive, spoke in support

The Mayor closed the public hearing.

Council Member Johnson motioned, Council Member Ryan seconded to adopt the ordinance. On roll call vote, Mayor Pro Tem Engelbrecht "aye", Council Member Gregory "aye", Council Member Hawkins "aye", Council Member Johnson "aye", Council Member Roden "aye", Council Member Ryan "aye", and Mayor Watts "aye". Motion carried unanimously.

8. CITIZEN REPORTS

There were no citizen reports for this section of the meeting.

9. CONCLUDING ITEMS

Council Member Gregory requested a work session item on digital billboards within the next two months.

Mayor Pro Tem Engelbrecht requested a report on the feedback from TxDOT regarding the sign on Loop 288 that Judy Smith mentioned when she spoke during the public hearing.

With no further business, the meeting was adjourned at 8:02 p.m.

CHRIS WATTS
MAYOR
CITY OF DENTON, TEXAS

JANE RICHARDSON
ASSISTANT CITY SECRETARY
CITY OF DENTON, TEXAS