



City of Denton

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

Meeting Agenda

City Council

Tuesday, July 15, 2014

1:00 PM

Work Session Room, Finance Conference Room
& Council Chambers

After determining that a quorum is present, the City Council of the City of Denton, Texas will convene in a Work Session on Tuesday, July 15, 2014 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:

1. Citizen Comments on Consent Agenda Items

This section of the agenda allows citizens to speak on Consent Agenda Items only. Each speaker will be given a total of three (3) minutes to address any items he/she wishes that are listed on the Consent Agenda. A Request to Speak Card should be completed and returned to the City Secretary before Council considers this item.

2. Requests for clarification of agenda items listed on the agenda for July 15, 2014.

3. Work Session Reports

- A. [ID 14-0298](#) Receive a report, hold a discussion, and give staff direction regarding a development agreement per subchapter 212.172 of the Texas Local Government Code providing for development regulations and an annexation schedule for a property currently located in the City of Denton Extra-Territorial Jurisdiction. The subject property is approximately 82.50 acres generally located on the south side of Ryan Road, approximately 380 feet west of Montecito Drive and 900 feet east of Forrestridge Drive.

Attachments: [Exhibit 1 - Site Location Aerial Map](#)
[Exhibit 2 - Existing Zoning Map](#)
[Exhibit 3 - Future Land Use Map](#)
[Exhibit 4 - Draft Development Agreement from the Applicant](#)
[Exhibit 5 - Concept Plans](#)
[Exhibit 6 - Site Photos](#)

- B. [ID 14-0303](#) Receive a report, hold a discussion, and give staff direction regarding project recommendations from the Citizens Bond Advisory Committee for the November 2014 bond election.

Attachments: [Exhibit 1 - Subcommittee Compiled Project Ranking](#)
[Exhibit 2 - June 3 Council Presentation](#)
[Exhibit 3 - Proposed Bond Proposition and Ballot Language](#)
[Exhibit 4 - R2013-021 - Public Art Policy](#)
[Exhibit 5 - Council Presentation](#)

- C. [ID 14-0337](#) Receive a report, hold a discussion and give staff direction regarding aesthetics

related to the 35Express Project.

Attachments: [Exhibit 1 - Final HNTB Design Guidelines I35E](#)
 [Exhibit 2 - TxDOT Bridge Column Standard](#)
 [Exhibit 3 - North Texas Blvd Enhancement Proposal](#)

Following the completion of the Work Session, the City Council will convene in a Closed Meeting in the Finance Conference Room 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 14-0335](#) Deliberations regarding Real Property - Under Texas Government Code, Section 551.072; and 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. Toby Survey, Abstract Number 1288, in the City of Denton, Denton County, Texas, being 2.493 acre tract of land located generally north of Hercules Street along the east side of North Locust Street, for the public use of expansion, construction, maintenance, operation, and improvement of electric transmission and distribution lines, substation facilities, and related improvements. Consultation with the City's attorneys regarding legal issues associated with the potential proceedings against 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. (Denton Municipal Electric 69kV Spencer to Denton North Interchange Transmission Line Upgrade Project Parcels: C13 - North Locust Properties, L.L.C.) [ID 14-0342]

- B. [ID 14-0336](#) Deliberations regarding Real Property - Under Texas Government Code, Section 551.072; and 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 Number 346, in the City of Denton, Denton County, Texas, being 1.127 acre tract of land located generally in the 2500 block of east McKinney Street, for the public use of expansion, construction, maintenance, operation, and improvement of electric transmission and distribution lines, substation facilities, and related improvements. Consultation with the City's attorneys regarding legal issues associated with the potential proceedings against 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. (Denton Municipal Electric 69kV Spencer to Denton North Interchange Transmission Line Upgrade Project Parcels: P4 - William Lee Tyson, II, Rosemarie Virginia Tyson, Robert John Tyson, Barbara Ann Wittwer, and Dwane Douglas Tyson) [ID 14-0344]

C. [ID 14-0340](#)

Deliberations regarding Real Property - Under Texas Government Code, Section 551.072; and 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 J. Coltart Survey, Abstract Number 288, and the D. Culp Survey, Abstract No. 287, in the City of Denton, Denton County, Texas, being a 10.45 acre fee tract of land, a 0.802 acre and 3.338 acre tracts of land for electric easement, and a 0.521 acre and a 1.227 acre tracts of land for temporary construction easement, located generally on the north and south sides of Loop 288 north of Kings Row Road, for the public use of expansion, construction, maintenance, operation, and improvement of electric transmission and distribution lines, substation facilities, and related improvements. Consultation with the City's attorneys regarding legal issues associated with the potential proceedings against 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. (Denton Municipal Electric 69kV Spencer to Denton North Interchange Transmission Line Upgrade Project Parcels: C1, C2, and C3 -Brown Development I, Ltd., a Texas Limited Partnership) [ID 14-0347 and 14-0348]

D. [ID 14-0334](#)

Deliberations 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 the potential purchase of certain real property interests located in T. Toby Survey, Abstract Number 1285, City of Denton, Denton County, Texas, and generally located at the north east corner of Airport Road and Masch Branch Road. Consultation with the City's attorneys regarding legal issues associated with the potential acquisition 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. (Denton Enterprise Airport Fee Acquisitions) [ID 14-0345 & 14-0346]

E. [ID 14-0287](#)

Deliberations regarding Real Property - Under Texas Government Code, Section 551.072; Deliberations regarding Consultation with the City Attorney - Under Texas

Government Code, Section 551.071; Deliberations regarding Economic Development Negotiations - Under Texas Government Code, Section 551.087.

Discuss, deliberate, and receive information from staff and provide staff with direction pertaining to the acquisition of real property interests to acquire fee simple to a parcel of land lying and being generally situated south of the 2300 block of West Oak Street in the City of Denton, and County of Denton, State of Texas. Consultation with the City's attorneys regarding legal issues associated with the acquisition or condemnation of the real property interests referenced above where a public discussion of these 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. (Hickory substation) [ID 14-0289]

- F. [ID 14-0288](#) Deliberations regarding Real Property - Under Texas Government Code, Section 551.072; Deliberations regarding Consultation with the City Attorney - Under Texas Government Code, Section 551.071; Deliberations regarding Economic Development Negotiations - Under Texas Government Code, Section 551.087.

Discuss, deliberate, and receive information from staff and provide staff with direction pertaining to the acquisition of real property interests to acquire fee simple to a parcel of land lying and being generally situated south of the 2300 block of West Oak Street in the City of Denton, and County of Denton, State of Texas. Consultation with the City's attorneys regarding legal issues associated with the acquisition or condemnation of the real property interests referenced above where a public discussion of these 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. (Hickory substation companion to ID 14-0287) [ID 14-0290]

- G. [ID 14-0329](#) 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 J. Haney Survey, Abstract Number 515, in the City of Denton, Denton County, Texas, being a fee interest in land, regarding a certain 15.037 acre tract of land located generally south of FM 1173 and east of Masch Branch Road, for the public use of expansion, construction, maintenance, operation, and improvement of electric transmission and distribution lines facilities, and structures, as well as substations. Consultation with the City's attorneys regarding legal issues associated with the potential acquisition 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. (Masch Branch Substation Re-construction-Denton Municipal Electric) [ID 14-0331]

- H. [ID 14-0338](#) Deliberations regarding Real Property - Under Texas Government Code, Section 551.072; and Consultation with Attorneys - Under Texas Government Code, Section 551.071.

Discuss, deliberate, receive information from staff and provide staff with direction pertaining to the potential exchange and/or sale of certain real property interests located in the Robert Beaumont Survey, Abstract Number 31, in the City of Denton, Denton County, Texas, being 1.6598 and 0.613 acre tracts of land, and located in the N.H. Meisenhamer Survey, and Abstract Number 810, in the City of Denton, Denton County, Texas, being a 0.3278 acre tract of land. Consultation with the City's attorneys regarding legal issues associated with the potential proceedings against 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. (North Lakes Park Boundary Adjustment - Parks)

- I. [ID 14-0357](#) Certain Public Power Utilities: Competitive Matters - Under Texas Government Code Section 551.086; Consultation with Attorneys - Under Texas Government Code Section 551.071.

Receive competitive public power information and competitive financial information from staff in the form of the draft operating budget for Denton Municipal Electric ("DME") for FY 2014-2015, including without limitation, revenues, expenses, commodity volumes, and commitments; and discuss, deliberate, provide staff with direction regarding such matters, consider and make a recommendation regarding approval of the FY 2014-2015 DME operating budget. [ID 14-280]

- J. [ID 14-0364](#) Deliberations regarding Real Property - Under Texas Government Code, Section 551.072; and Consultation with Attorneys - Under Texas Government Code, Section 551.071.

Discuss, deliberate, and receive information from staff and provide staff direction pertaining to a license agreement with DART regarding a three inch sanitary sewer force main line near Lakeview Drive for the benefit of the Classic of Denton development. Consultation with the City's attorneys regarding legal issues associated with the license agreement where a public discussion of these legal matters would conflict with 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. [ID 14-0366]

- K. [ID 14-0294](#) Deliberations regarding Consultation with Attorneys - Under Texas Government Code, Section 551.071.

Discuss, deliberate, and receive information from the City's attorneys pertaining to the negotiation and legal consequences of meet and confer agreements with the Police and Fire Associations, and provide the City's attorneys with direction, 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 proceedings or potential litigation.

- L. [ID 14-0341](#) Deliberations regarding Real Property - Under Texas Government Code Section 551.072; and 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 located at 301 E. McKinney St., Denton, Denton County, Texas. Consultation with the City's attorneys regarding legal issues associated with the acquisition of the real property interests referenced 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.

- M. [ID 14-0351](#) 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; 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; 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.

- N. [ID 14-0362](#) 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 concerning Item No. 3.A. of the July 15, 2014 Work Session Agenda, where a public discussion of this legal matter would conflict with the duty of the City's attorneys under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.

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 ACTION, DECISION, OR VOTE IS TAKEN IN THE CLOSED MEETING IN ACCORDANCE WITH THE PROVISIONS OF §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 TEX. GOV'T. CODE, §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 §551.071-551.086 OF THE TEXAS OPEN MEETINGS ACT.

Regular Meeting of the City of Denton City Council at 6:30 p.m. in the Council Chambers at City Hall, 215 E. McKinney Street, Denton, Texas at which the following items will be considered:

1. 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. CITIZEN REPORTS

- A. Review of procedures for addressing the City Council.
- B. Receive citizen reports from the following:

1. [ID 14-0282](#) Receive a citizen report from Brian McCarter regarding the creation of a Zero Waste Team in Denton.

3. CONSENT AGENDA

Each of these items is recommended by the 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 – BB). 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, Consent Agenda Items A – BB below 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 14-0221](#) Consider adoption of an ordinance of the City of Denton, Texas authorizing the City Manager, or his designee, to enter into an Interlocal Agreement with Denton County for the County to provide Property Tax Billing and Collections Services for the City of Denton; providing a savings clause; and providing an effective date.

Attachments: [Exhibit 1 - Ordinance](#)

- B. [ID 14-0301](#) Consider adoption of an ordinance of the City of Denton, Nunc pro Tunc, correcting

an inadvertent mistake in Ordinance No. 2010-042, relating to the acceptance of eligible non-annexation agreements for agricultural, wildlife management or timberland use properties within an area of land adjacent to and abutting the existing city limits of the City of Denton, Texas, generally identified as PAA3, located on the south side of Ganzer Road, north and south of Barthold Road, north of FM 1173, west of I-35, and more specifically identified in Exhibits “A” and “B” attached hereto; specifically by including two parcels of land that were inadvertently excluded from Ordinance No. 2010-042 even though the parcels were subject to a signed non-annexation agreement; providing for savings clause; and providing an effective date.

Attachments:

[Exhibit 1 - Location Map](#)

[Exhibit 2 - 2010-042 Annexation Ordinance](#)

[Exhibit 3 - 2010-119 Non Annexation Agreement Ordinance](#)

[Exhibit 4 - Agreement from Legal Records](#)

[Exhibit 5 - Ordinance](#)

C. [ID 14-0302](#)

Consider adoption of an ordinance of the City of Denton, Texas, Nunc pro Tunc, correcting an inadvertent mistake in Ordinance No. 2010-119 relating to the annexation of an area of land to the City of Denton, Texas, generally identified as PAA3, located on the south side of Ganzer Road, north and south of Barthold Road; north of FM 1173, west of I-35, and more specifically described and depicted in Exhibits “A” and “B”; specifically by excluding two parcels of land that were inadvertently annexed notwithstanding that the parcels were subject to signed non-annexation agreements for agricultural, wildlife management or timberland use; providing for a correction of the city map to exclude the inadvertently annexed lands; providing for a savings clause; and providing for an effective date.

Attachments:

[Exhibit 1 - Location Map](#)

[Exhibit 2 - 2010-042 Annexation Ordinance](#)

[Exhibit 3 - 2010-119 Non Annexation Agreement Ordinance](#)

[Exhibit 4 - Agreement from Legal Records](#)

[Exhibit 5 - Ordinance](#)

D. [ID 14-0304](#)

Consider adoption of an ordinance of the City of Denton, Nunc Pro Tunc, correcting an inadvertent mistake in Ordinance No. 2012-362, relating to the acceptance of eligible non-annexation agreements for agricultural, wildlife management or timberland use properties within an area of land adjacent to and abutting the existing city limits of the City of Denton, Texas, generally identified as DH-9, located north of Pockrus Page Road, north, south and northeast of Edwards Road, and more specifically identified in Exhibit “A” and “B” attached hereto; specifically by including two parcels of land that were inadvertently excluded from Ordinance No. 2012-362 even though the parcels were subject to a signed non-annexation agreement; providing for savings clause; and providing an effective date.

Attachments: [Exhibit 1 - Location Map](#)
 [Exhibit 2 - 2013-096 Annexation Ordinance](#)
 [Exhibit 3 - 2012-362 Non Annexation Ordinance](#)
 [Exhibit 4 - E-mail Chain](#)
 [Exhibit 5 - Ordinance](#)

- E. [ID 14-0305](#) Consider adoption of an ordinance of the City of Denton, Texas, Nunc Pro Tunc, correcting an inadvertent mistake in Ordinance No. 2013-096 relating to the annexation of an area of land of approximately 298 acres to the City of Denton, Texas, generally identified as DH-9, located north of Pockrus Page Road, north, south and northeast of Edwards Road, and more specifically described and depicted in Exhibits "A" and "B" attached hereto; specifically by excluding two parcels of land that were inadvertently annexed notwithstanding that the parcels were subject to signed non-annexation agreements for agricultural, wildlife management or timberland use; providing for a correction of the city map to exclude the inadvertently annexed lands; providing for a savings clause; and providing for an effective date.

Attachments: [Exhibit 1 - Location Map](#)
 [Exhibit 2 - 2013-096 Annexation Ordinance](#)
 [Exhibit 3 - 2012-362 Non Annexation Ordinance](#)
 [Exhibit 4 - E-mail Chain](#)
 [Exhibit 5 - Ordinance](#)

- F. [ID 14-0310](#) Consider approval of the minutes of:
 June 2, 2014
 June 3, 2014
 June 10, 2014
 June 17, 2014

Attachments: [Exhibit 1 - June 2, 2014 Minutes](#)
 [Exhibit 2 - June 3, 2014 Minutes](#)
 [Exhibit 3 - June 10, 2014 Minutes](#)
 [Exhibit 4 - June 17, 2014 Minutes](#)

- G. [ID 14-0313](#) Consider adoption of an ordinance authorizing the City Manager to execute an Interagency Agreement with the North Central Texas Council of Governments (NCTCOG) under Section 791.001 of the State of Texas Government Code, to authorize the City of Denton to participate in the NCTCOG Geographic Information Systems Planimetric Mapping Update; authorizing the expenditure of funds therefor; and providing an effective date (File 5590-Interagency Agreement with the North Central Texas Council of Governments in the not-to-exceed amount of \$43,000).

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

- H. [ID 14-0318](#) Consider adoption of an ordinance of the City Council of the City of Denton, Texas

authorizing the City Manager to approve and execute a “Second Amendment to the Tower/Ground Lease Agreement” by and between the City as Lessor, and New Cingular Wireless PCS, LLC., as Lessee, for the lease of tower space on the McKenna Park Tower and on the grounds; authorizing the expenditure and receipt of funds therefor; and providing an effective date.

Attachments: [Exhibit 1 - Original Lease Agreement](#)
 [Exhibit 2 - First Amendment](#)
 [Exhibit 3 - PUB Minutes](#)
 [Exhibit 4 - Ordinance](#)
 [Exhibit 5 - Signed 2nd Amendment](#)

- I. [ID 14-0319](#) Consider adoption of an ordinance authorizing the City Manager to execute a Professional Services Agreement (PSA) with C.T. Brannon Corporation for aquatic engineering and design services relating to the renovation of the City of Denton Civic Center Pool; and providing an effective date (File 5489-awarded to C.T. Brannon Corporation in the not-to-exceed amount of \$145,000).

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

- J. [ID 14-0320](#) Consider adoption of an ordinance accepting competitive bids and awarding a public works contract for the construction of Wastewater Collection System Improvements for the Sherman Drive/Holiday Park/Longfellow Drive project; providing for the expenditure of funds therefor; and providing an effective date (Bid 5515-awarded to the lowest responsible bidder meeting specification, Quality Excavation, Ltd. in the amount of \$917,524.50). The Public Utilities Board recommends approval (5-0).

Attachments: [Exhibit 1 - Map](#)
 [Exhibit 2 - Bid Tabulation](#)
 [Exhibit 3 - PUB Minutes](#)
 [Exhibit 4 - Ordinance](#)

- K. [ID 14-0322](#) Consider adoption of an ordinance accepting competitive bids and awarding a public works contract for the construction of aircraft ramps as part of the Taxilane Quebec Hangar Project at Denton Enterprise Airport; providing for the expenditure of funds therefor; and providing an effective date (RFP 5241-awarded to Floyd Smith Concrete, Inc., in the not-to-exceed amount of \$579,067.88).

Attachments: [Exhibit 1 - Map](#)
 [Exhibit 2 - Proposal](#)
 [Exhibit 3 - Ordinance](#)

- L. [ID 14-0323](#) Consider adoption of an ordinance of the City of Denton, Texas providing for, authorizing, and approving the purchase of a twenty-five (25) NTX-220 Substation Controller Remote Terminal Units (RTU) for Denton Municipal Electric, which are 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 5526 awarded to Advanced Control Systems in a not-to-exceed amount of \$480,000). The Public Utilities Board recommends approval (5-0).

Attachments:

[Exhibit 1 - Quote](#)

[Exhibit 2 - Sole Source Letter](#)

[Exhibit 3 - PUB Minutes](#)

[Exhibit 4 - Ordinance](#)

[Exhibit 5 - Signed Contract](#)

- M. [ID 14-0324](#) Consider adoption of an ordinance awarding a contract for the purchase of security products and related services for Denton Municipal Electric (DME) substations and storage facilities as awarded by the State of Texas Department of Information Resources (DIR) through the Go DIRECT Program, Contract Number DIR-SDD-1722; providing for the expenditure of funds therefor and providing an effective date (File 5233 awarded to STS 360, LLC in a not to exceed amount of \$180,000).

Attachments:

[Exhibit 1 - Quote](#)

[Exhibit 2 - PUB Minutes](#)

[Exhibit 3 - Ordinance](#)

- N. [ID 14-0328](#) Consider adoption of an ordinance releasing, abandoning, and vacating (a) a 0.131 acre Public Drainage Easement granted to the City of Denton, Texas, by Holigan Development, Ltd. on November 3, 2005 and recorded as Instrument No. 2005-140640, Real Property Records, Denton County, Texas, and (b) a 1.1844 acre Public Drainage Easement granted to the City of Denton, Texas, by Holigan Development, Ltd. on November 3, 2005, and recorded as Instrument No. 2005-140641, Real Property Records, Denton County, Texas (the 0.131 acre Public Drainage Easement and the 1.1844 acre Public Drainage Easement are collectively referred to as the "Drainage Easements" and are located in the Gideon Walker Survey, Abstract No. 1330, Denton County, Texas); declaring an effective date.

Attachments:

[Exhibit 1 - Location Map](#)

[Exhibit 2 - Document #140641 0.131 Acre Easement](#)

[Exhibit 3 - Document #140640 1.1844 Acre Easement](#)

[Exhibit 4 - Ordinance](#)

- O. [ID 14-0331](#) Consider adoption of an ordinance of the City of Denton, Texas authorizing the City Manager or his designee to make an offer to purchase and execute a Contract of Sale, by and between McKee-Krum Properties, LLC, (the "Owner"), its successors in interest, or any others with an ownership interest, and the City of Denton regarding the sale by Owner and purchase by the City of a fee interest in land consisting of 15.037 acres, being situated in the J. Haney Survey, Abstract No. 515, in the City of Denton, Denton County, Texas, located generally south of FM 1173 and east of Masch Branch Road, for the public use of expansion, construction, maintenance, operation, and improvement of electric transmission and distribution lines, facilities, and structures, as well as substations for the purchase price as

prescribed in the Contract of Sale; authorizing the City Manager, or his designee, to make an offer to purchase the property interest from Owner for such purchase price, and execute and deliver any and all other documents necessary to accomplish closing of the transaction contemplated by the Contract of Sale; authorizing the expenditure of funds, therefor.

Attachments: [Exhibit 1 - Ordinance & Contract](#)
 [Exhibit 2 - Property Appraisal](#)

- P. [ID 14-0342](#) Consider adoption of an ordinance of the City of Denton, Texas for the purchase of a 2.493 acre tract of land being generally situated in the T. Toby Survey, Abstract Number 1288, City of Denton, Denton County, Texas, ("Property Interests") for the public use of expansion, construction, operation, maintenance, augmentation, and improvement of electric transmission and distribution lines, facilities, structures, and substations for the amount of Four Hundred Thirty Four Thousand Three Hundred Eighty Dollars and No Cents (\$434,380.00), from North Locust Properties, L.L.C., a Texas limited liability company ("Owner"); authorizing the City Manager, or his designee, to execute the necessary agreement and documents for the purchase; authorizing the expenditure of funds; and providing an effective date. (Denton Municipal Electric 69kV Spencer to Denton North Interchange Transmission Line Upgrade Project Parcels: C13 - North Locust Properties, L.L.C.)

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

- Q. [ID 14-0343](#) Consider approval of a resolution of the City Council of the City of Denton, Texas, appointing an alternate member as an official voting representative to the North Central Texas Council of Governments Regional Transportation Council ("RTC"); and providing an effective date. The Mobility Committee recommended approval of Option 1, (2-0).

Attachments: [Exhibit 1 - Resolution 2014-014](#)
 [Exhibit 2 - Draft Resolution](#)

- R. [ID 14-0344](#) Consider adoption of an ordinance of the City of Denton, Texas for the purchase of a 1.127 acre tract of land being generally situated in the T. M. Downing Survey, Abstract Number 346, City of Denton, Denton County, Texas, ("Property Interests") for the public use of expansion, construction, operation, maintenance, augmentation, and improvement of electric transmission and distribution lines, facilities, structures, and substations for the amount of Sixteen Thousand Five Hundred Dollars and No Cents (\$16,500.00), from William Lee Tyson, II, Rosemarie Virginia Tyson, Robert John Tyson, Barbara Ann Wittwer, and Dwane Douglas Tyson; authorizing the City Manager, or his designee, to execute the necessary agreement and documents for the purchase; 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 - William Lee Tyson, II, Rosemarie Virginia Tyson, Robert John Tyson, Barbara Ann Wittwer, and Dwane Douglas Tyson)

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

- S. [ID 14-0345](#) Consider adoption of an ordinance authorizing the City Manager or his designee to execute a Contract of Sale, by and between the City of Denton, Texas (“City”), as buyer, and Everett F. Cook and Joy L. Walters (the “Owner”), as seller, to acquire fee simple to a 5.89 acre tract situated in the T. Toby Survey, Abstract No. 1285, located in the City of Denton, Denton County, Texas; for the purchase price of Six Hundred Two Thousand Nine Hundred Thirty Four Dollars and No Cents (\$602,934.00), and other consideration, as prescribed in the Contract of Sale (the “Agreement”), as attached to the ordinance and made a part thereof as Exhibit “A”; authorizing the expenditure of funds; and providing an effective date. (Denton Enterprise Airport - Cook/Walters Acquisition)

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

- T. [ID 14-0346](#) Consider adoption of an ordinance authorizing the City Manager or his designee to execute a Contract of Sale, by and between the City of Denton, Texas (“City”), as buyer, and Dorothy Nell Cook n/k/a Dorothy Nell McDuff (the “Owner”), as seller, to acquire fee simple to a 10.154 acre tract situated in the Thomas Toby Survey, Abstract No. 1285, located in the City of Denton, Denton County, Texas; for the purchase price of One Million One Hundred Five Thousand Seven Hundred Seventy Dollars and No Cents (\$1,105,770.00), and other consideration, as prescribed in the contract of sale (the “Agreement”), as attached to the ordinance and made a part thereof as Exhibit “A”; authorizing the expenditure of funds; and providing an effective date. (Denton Enterprise Airport - Walters/McDuff Acquisition)

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

- U. [ID 14-0347](#) Consider adoption of an ordinance of the City of Denton, Texas for the purchase from Brown Development I, Ltd., a Texas Limited Partnership (“Owner”), of a (1) a 10.45 acre tract in fee; (2) a 0.802 acre tract for an electric easement; and (3) a 0.521 acre tract for temporary construction easement, each of which is generally situated in the J. Coltart Survey, Abstract Number 288, and/or the D. Culp Survey, Abstract No. 287, City of Denton, Denton County, Texas (“Property Interest”), for the public use of expansion, construction, operation, maintenance, augmentation, and improvement of electric transmission and distribution lines, facilities, structures, and substations, (“Project”), for the amount of Eight Hundred Fifty Nine Thousand Five Hundred Sixty Seven and No Cents (\$859,567.00) to Brown Development I, LTD., a Texas Limited Partnership (the “Owner”); authorizing the City Manager, or his designee, to execute the necessary agreement and documents for the purchase; authorizing the expenditure of funds; and providing an effective date. (Denton Municipal Electric 69kV Spencer to Denton North Interchange Transmission Line Upgrade Project Parcels: C1, C2 -Brown Development I, Ltd., a Texas Limited Partnership)

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

- V. [ID 14-0348](#) Consider adoption of an ordinance of the City of Denton, Texas for the purchase from Brown Development I, Ltd., a Texas Limited Partnership (“Owner”) of (1) a 3.338 acre tract for an electric easement; and, (2) a 1.227 acre tract for a temporary construction easement, both of which are generally situated in the J. Coltart Survey, Abstract Number 288, City of Denton, Denton County, Texas (“Property Interests”), for the public use of expansion, construction, operation, maintenance, augmentation, and improvement of electric transmission and distribution lines, facilities, structures, and substations, (“Project”), for the amount of Two Hundred Forty Seven Thousand Seven Hundred Sixteen Dollars and Fifty Two Cents (\$247,716.52); authorizing the expenditure of funds; and providing an effective date. (Denton Municipal Electric 69kV Spencer to Denton North Interchange Transmission Line Upgrade Project Parcels: C4 -Brown Development I, Ltd., a Texas Limited Partnership)

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

- W [ID 14-0353](#) Consider adoption of an ordinance authorizing the City Manager to execute a Professional Services Agreement for indefinite delivery survey services on a work order basis for various City of Denton departments; providing for the expenditure of funds therefor; and providing an effective date (File 5597-awarded to Teague Nall and Perkins, Inc. in an amount not-to-exceed \$500,000).

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

- X. [ID 14-0355](#) Consider adoption of an ordinance of the City of Denton authorizing the City Manager, or his designee, to execute on behalf of the City of Denton an acceptance of an offer from the Texas Department of Transportation relating to a grant for the Evers Park Bridge and Trail Project; authorizing the City Manager to expend funds provided for in the grant program; and declaring an effective date.

Attachments: [Exhibit 1 - Resolution R2012-041](#)
 [Exhibit 2 - Excerpt of Park Board Minutes 7-7-14](#)
 [Exhibit 3 - Ordinance & Agreement](#)

- Y. [ID 14-0289](#) Consider adoption of an ordinance authorizing the City Manager or his designee to execute a Contract of Sale by and between Hickory Med, LLC, as owner, and any others having an ownership interest, and the City of Denton, Texas, as buyer, to acquire fee simple to a tract or parcel of land lying and being situated in the City and County of Denton, State of Texas, and being all of Lots 3 and 4 of the Whitten Addition, an addition as shown of record in Volume 7, Page 12 of the Plat Records of Denton County, Texas, for the public use of expansion, construction, maintenance, operation, and improvement of electric transmission and distribution lines, facilities, and structures, as well as substations, for the purchase price of Six Hundred Thirty-Two Thousand Two Hundred Fifty and No/100 US Dollars (\$632,250.00) and other good and valuable consideration, as described in the

Contract of Sale and ordinance attached as Exhibit One; authorizing the expenditure of funds therefore; and providing an effective date.

Attachments: [Exhibit 1 - Ordinance](#)

- Z. [ID 14-0290](#)** Consider adoption of an ordinance authorizing the City Manager or his designee to execute a Contract of Sale by and between Oak Med Park, LLC, as owner, and others having an ownership interest, and the City of Denton, Texas, as buyer, to acquire fee simple to a tract or parcel of land lying and being situated in the City and County of Denton, State of Texas, and being all of Lots 5 and 6 of the Whitten Addition, an addition as shown of record in Volume 7, Page 12 of the Plat Records of Denton County, Texas, for the public use of expansion, construction, maintenance, operation, and improvement of electric transmission and distribution lines, facilities, and structures, as well as substations, for the purchase price of Six Hundred Thirty-Two Thousand Two Hundred Fifty and No/100 US Dollars (\$632,250.00) and other good and valuable consideration, as described in the Contract of Sale and ordinance attached as Exhibit One; authorizing the expenditure of funds therefor; and providing and effective date.

Attachments: [Exhibit 1 - Ordinance](#)

- A [ID 14-0280](#)** Consider adoption of an ordinance considering all matters incident and related to the issuance, sale and delivery of up to \$32,500,000 in principal amount of "City of Denton General Obligation Refunding Bonds, Series 2014" (including up to \$13,500,000 for Electric Fund activities and up to \$19,000,000 for Water Fund activities); authorizing the issuance of the Bonds; delegating the authority to certain City officials to execute certain documents relating to the sale of the Bonds; approving and authorizing instruments and procedures relating to said Bonds; and enacting other provisions relating to the subject. The Audit/Finance Committee recommends approval (3-0).

Attachments: [Exhibit 1 - TMPA Resolution](#)
[Exhibit 2 - CABS Detail](#)
[Exhibit 3 - Preliminary GO Refunding Analysis](#)
[Exhibit 4 - Draft Preliminary Official Statement](#)
[Exhibit 5 - Ordinance](#)

- B [ID 14-0366](#)** Consider adoption of an ordinance of the City of Denton, Texas approving and authorizing the City Manager, or his designee, to execute a License Agreement between the City of Denton and Dallas Area Rapid Transit for the purposes of constructing, installing, maintaining and operating one 3-inch sanitary sewer line within one 8-inch steel casing crossing the Northwest Denton Line approximately 1,700 feet northwest of Lakeview Blvd; and declaring an effective date.

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

4. PUBLIC HEARINGS

- A. [S14-0001](#)** Hold a public hearing and consider adoption of an ordinance regarding a Specific Use Permit (SUP) to allow a "Kindergarten, Elementary School" use on an

approximately 7.11 acre property generally located at the southeast corner of Teasley Lane and Pennsylvania Drive within a Neighborhood Residential 2 (NR-2) zoning district; and providing for a penalty in the maximum amount of \$2,000.00 for violations, thereof, severability and an effective date. (S14-0001) The Planning and Zoning Commission recommended denial of this request (4-0). A supermajority vote by Council is required for approval.

Attachments:

[Exhibit 1 - Staff Analysis](#)

[Exhibit 2 - Site Location and Aerial Map](#)

[Exhibit 3 - Zoning Map](#)

[Exhibit 4 - Letter From Applicant](#)

[Exhibit 5 - Site Plan](#)

[Exhibit 6 - 2007 TxDOT Letter](#)

[Exhibit 7 - 2007 Traffic Signal Study](#)

[Exhibit 8 - Notification Map and Responses](#)

[Exhibit 9 - Site Photos](#)

[Exhibit 10 - Planning & Zoning Commission, June 11, 2014, Meeting Minutes](#)

[Exhibit 11 - Draft Approval Ordinance](#)

[Exhibit 12 - Draft Denial Ordinance](#)

B. [S12-0001](#)

Hold a public hearing and consider adoption of an ordinance regarding a Specific Use Permit (SUP) to allow wrecker services and impound lots use on a property located in an Employment Center Industrial (EC-I) zoning and use district on approximately 1.3 acres. The subject property is generally located south of Smith Street, east of Dallas Drive, and north of Teasley Lane; and providing for a penalty in the maximum amount of \$2,000.00 for violations, thereof, severability and an effective date. (S12-0001) The Planning and Zoning Commission recommended approval of this request subject to conditions (6-0).

Attachments:

[Exhibit 1 - Request for Continuance Memo](#)

[Exhibit 2 - Staff Report and Analysis](#)

[Exhibit 3 - Site Location and Aerial Map](#)

[Exhibit 4 - Zoning Map](#)

[Exhibit 5 - Future Land Use Map](#)

[Exhibit 6 - Letter from Applicant](#)

[Exhibit 7 - Notification Map](#)

[Exhibit 8 - Site Plan](#)

[Exhibit 9 - Landscape Plan](#)

[Exhibit 10 - Site Photos](#)

[Exhibit 11 - April 15, 2014, Letter From Applicant](#)

[Exhibit 12 - Planning & Zoning Commission, March 19, 2014 Meeting Minutes](#)

[Exhibit 13 - Ordinance](#)

C. [S13-0008](#)

Hold a public hearing and consider adoption of an ordinance regarding a Specific

Use Permit (SUP) to allow the installation of a telecommunication tower on a property located in an Industrial Center General (IC-G) zoning and use district on approximately 6.88 acres. The subject property is generally located south of McKinney Street, approximately 1700 feet west of Trinity Road; and providing for a penalty in the maximum amount of \$2,000.00 for violations, thereof, severability and an effective date. (S13-0008) The Planning and Zoning Commission recommended approval of this request with conditions (6-0).

Attachments:

[EXHIBIT 1 - Staff Analysis](#)

[EXHIBIT 2 - Site Location and Aerial Map](#)

[EXHIBIT 3 - Zoning Map](#)

[EXHIBIT 4 - Future Land Use Map](#)

[EXHIBIT 5 - Letter From Applicant](#)

[EXHIBIT 6 - Notification Map](#)

[EXHIBIT 7 - Site Plan](#)

[EXHIBIT 8 - Elevations](#)

[EXHIBIT 9 - Site Photos](#)

[EXHIBIT 10 - Planning & Zoning Commission, June 11, 2014, Meeting Minutes](#)

[EXHIBIT 11 - Ordinance](#)

D. [ID 14-0349](#)

Hold a public hearing and consider adoption of an ordinance of the City Council of the City of Denton, Texas, amending Chapter 16, “licenses, permits, and business regulation,” of the Code of Ordinances of the City of Denton, Texas, by adding a new Article VII, “prohibition of hydraulic fracturing,” generally providing that hydraulic fracturing operations are prohibited in the City of Denton; making findings; providing a repealer clause; providing a severability clause; providing for a penalty; and providing for publication and an effective date.

Attachments:

[Exhibit 1 - Ordinance](#)

5. ITEMS FOR INDIVIDUAL CONSIDERATION

A. [ID 14-0350](#)

Consider adoption of an ordinance ordering an election to be held in the City of Denton, Texas, on November 4, 2014, for the purpose of determining whether to adopt an ordinance of the City Council of the City of Denton, Texas, amending Chapter 16, “licenses, permits, and business regulation,” of the Code of Ordinances of the City of Denton, Texas, by adding a new Article VII, “prohibition of hydraulic fracturing,” generally providing that hydraulic fracturing operations are prohibited in the City of Denton; making findings; providing a repealer clause; providing a severability clause; providing for a penalty; and providing for publication and an effective date.

Attachments:

[Exhibit 1 - Email from Secretary of State](#)

[Exhibit 2 - Ordinance](#)

6. CITIZEN REPORTS

- A. Review of procedures for addressing the City Council.
- B. Receive citizen reports from the following:

7. 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 under Sections 551.071-551.086 of the Texas Open Meetings Act.

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 _____ day of _____, 2014 at _____ o'clock (a.m.) (p.m.)

CITY SECRETARY

NOTE: THE CITY OF DENTON CITY COUNCIL CHAMBERS IS ACCESSIBLE IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT. THE CITY WILL PROVIDE 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 349-8309 OR USE TELECOMMUNICATIONS DEVICES FOR THE DEAF (TDD) BY CALLING 1-800-RELAY-TX SO THAT A SIGN LANGUAGE INTERPRETER CAN BE SCHEDULED THROUGH THE CITY SECRETARY'S OFFICE.