



City of Denton

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

Meeting Agenda

City Council

Tuesday, September 9, 2014

3:00 PM

Work Session 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, September 9, 2014 at 3:00 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 September 9, 2014.

3. Work Session Reports

- A. [ID 14-0470](#) Receive a report, hold a discussion, and give staff direction on the FY 2014-15 Proposed Budget, Capital Improvement Program, and Five-Year Financial Forecast.

Attachments:

[Exhibit 1 - Revised FY 2014-15 Budget Resource Expenditure Summary](#)

[Exhibit 2 - Revised Five Year General Government CIP](#)

[Exhibit 3 - FY 2014-2015 Water Rate Ordinance Redlined](#)

[Exhibit 4 - FY 2014-2015 Miscellaneous Charges Ordinance Redlined](#)

[Exhibit 5 - FY 2014-15 Strategic Plan](#)

[Exhibit 6 - Salary & Benefits Memo and Survey](#)

[Exhibit 7 - Community Market Proposed Budget](#)

- B. [ID 14-0500](#) Receive a report, hold a discussion and give staff direction regarding an update to the Convention Center project.

Attachments:

[Exhibit 1 - Original Design - 97,000 sq ft](#)

[Exhibit 2 - Revised Design - 75,193 sq ft](#)

[Exhibit 3 - Revised Design - 69,570 sq ft](#)

Following the completion of the Work Session, the City Council will convene in a Closed Meeting to consider specific items when these items are listed below under the Closed Meeting section of this agenda. The City Council reserves the right to adjourn into a Closed Meeting on any item on its Open Meeting agenda consistent with Chapter 551 of the Texas Government Code, as amended, or as otherwise allowed by law.

1. Closed Meeting:

- A. [ID 14-0451](#) Certain Public Power Utilities: Competitive Matters - Under Texas Government Code Section 551.086.

Receive competitive public power information and competitive financial information from staff in the form of a proposed operating budget for Denton Municipal Electric (“DME”) for FY 2014-2015, including without limitation, revenues, expenses, commodity volumes, and commitments; and discuss, deliberate, consider adoption of the budget and other matters, and provide staff with direction regarding such matters.

B. [ID 14-0499](#) 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 14-0546](#) Consultation with Attorneys - Under Texas Government Code Section 551.071.

Consult with City’s attorneys regarding legal rights, restrictions, and obligations under Texas law, associated with overlapping extraterritorial jurisdictions claimed by municipalities neighboring the City of Denton, Texas, as well as possible negotiated resolutions of such matters, where a public discussion of such legal matters would conflict with the duty of the City’s attorneys to the City of Denton, Texas under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas, and where such matters may become an issue in potential litigation.

ANY FINAL ACTION, DECISION, OR VOTE ON A MATTER DELIBERATED IN A CLOSED MEETING WILL ONLY BE TAKEN IN AN OPEN MEETING THAT IS HELD IN COMPLIANCE WITH TEXAS GOVERNMENT CODE, CHAPTER 551, EXCEPT TO THE EXTENT SUCH FINAL 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.

Special Called 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. PROCLAMATIONS/PRESENTATIONS

- A. [ID 14-0503](#) Constitution Week

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 – O). 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 – O 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 14-0436](#) Consider adoption of an ordinance of the City of Denton, Texas providing for, authorizing, and approving a contract for Veterinary Services for the Linda McNatt Animal Care and Adoption Center, 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 5626 awarded to RSVP Services, Inc. in the three (3) year not-to-exceed amount of \$700,000).

Attachments: [Exhibit 1 - Memo](#)
 [Exhibit 2 - Ordinance](#)
 [Exhibit 3 - Contract](#)

- B. [ID 14-0474](#) Consider approval of a resolution supporting the activities of the Alliance of Atmos Texas Municipalities (“ATM”) and other similarly situated coalitions of municipalities opposing rules proposed by the Railroad Commission of Texas benefiting the utility industry that if adopted would greatly diminish cities’ ability to effectively and meaningfully evaluate and challenge a utility’s proposal to increase its rates.

Attachments: [Exhibit 1 - Spreadsheet of Fees](#)
 [Exhibit 2 - Resolution](#)

- C. [ID 14-0484](#) Consider adoption of an ordinance accepting competitive proposals and awarding a public works contract for the construction of the Pockrus Substation Water and Wastewater Line Improvements; providing for the expenditure of funds therefor;

and providing an effective date (RFP 5453-awarded to Jagoe-Public Company in the not-to-exceed amount of \$162,503). The Public Utilities Board recommends approval (4-0).

Attachments: [Exhibit 1 - Ranking and Evaluation](#)
 [Exhibit 2 - PUB Minutes](#)
 [Exhibit 3 - Ordinance](#)

- D. [ID 14-0485](#) Consider adoption of an ordinance accepting competitive proposals and awarding a public works contract for Underground Electric Installation Services for Denton Municipal Electric; providing for the expenditure of funds therefor; and providing an effective date (RFP 5567-awarded to Barco Construction Co., in the three (3) year not-to-exceed amount of \$4,837,484). The Public Utilities Board recommends approval (5-0).

Attachments: [Exhibit 1 - Ranking](#)
 [Exhibit 2 - PUB Minutes](#)
 [Exhibit 3 - Ordinance](#)

- E. [ID 14-0486](#) Consider adoption of an ordinance of the City of Denton, Texas providing for, authorizing, and approving a contract for the upgrade and maintenance of the City of Denton Water Production Supervisory Control and Data Acquisition (SCADA) system, 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 5632 awarded to Prime Controls, LP in the three (3) year not-to-exceed amount of \$175,000). The Public Utilities Board recommends approval (5-0).

Attachments: [Exhibit 1 - Memo](#)
 [Exhibit 2 - PUB Minutes](#)
 [Exhibit 3 - Ordinance](#)
 [Exhibit 4 - Contract](#)

- F. [ID 14-0487](#) Consider adoption of an ordinance accepting competitive proposals and awarding a contract for Prepaid Utilities Services for the City of Denton; providing for the expenditure of funds therefor; and providing an effective date (RFP 5346-awarded to Exceleron Software, LLC in the three (3) year not-to-exceed amount of \$1,100,000). The Public Utilities Board recommends approval (5-0).

Attachments: [Exhibit 1 - Pricing-BAFO Sheet for Council](#)
 [Exhibit 2 - Ranking Sheet for Council](#)
 [Exhibit 3 - PUB Minutes](#)
 [Exhibit 4 - Ordinance](#)
 [Exhibit 5 - Contract](#)

- G. [ID 14-0488](#) Consider adoption of an ordinance accepting competitive proposals and awarding a contract for the supply of Electric Utility 15kV Circuit Breakers for Denton Municipal Electric; providing for the expenditure of funds therefor; and providing an effective date (RFP 5608-awarded to ABB, Inc. in the three (3) year

not-to-exceed amount of \$470,000). The Public Utilities Board recommends approval (5-0).

Attachments: [Exhibit 1 - Ranking and Evaluation](#)
 [Exhibit 2 - PUB Minutes](#)
 [Exhibit 3 - Ordinance](#)
 [Exhibit 4 - Contract](#)

- H. [ID 14-0490](#) Consider adoption of an ordinance of the City of Denton authorizing an agreement between the City of Denton, Texas and Denton Parks Foundation to be used for school supplies for the NE Denton Back to School Event at the MLK Recreation Center; authorizing and ratifying the expenditure of funds; and providing for an effective date. (\$1,000)

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

- I. [ID 14-0491](#) Consider adoption of an ordinance of the City of Denton authorizing an agreement between the City of Denton, Texas and Denton Christian Preschool; authorizing and ratifying the expenditure of funds; and providing for an effective date. (\$735.07)

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

- J. [ID 14-0492](#) Consider adoption of an ordinance of the City of Denton authorizing an agreement between the City of Denton, Texas and Community Market; authorizing and ratifying the expenditure of funds; and providing for an effective date. (\$738.30)

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

- K. [ID 14-0493](#) Consider adoption of an ordinance of the City of Denton authorizing an agreement between the City of Denton, Texas and Young Life Denton; authorizing and ratifying the expenditure of funds; and providing for an effective date. (\$800)

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

- L. [ID 14-0494](#) Consider approval of a resolution confirming the appointment of Robin Paulsgrove as Fire Chief of the City of Denton Fire Department; and declaring an effective date.

Attachments: [Exhibit 1 - Resolution](#)

- M. [HL13-0001b](#) Consider approval of a resolution authorizing the submittal of a petition from the Denton County Historical Commission to the Texas Historical Commission requesting Recorded Texas Historic Landmark designation for 221 North Elm Street, also known as City Hall West; and declaring an effective date. The Planning and Zoning Commission recommends approval (7-0)

Attachments: [Exhibit 1 Location Map](#)
 [Exhibit 2 Zoning Map](#)
 [Exhibit 3 Ordinance 82-69](#)
 [Exhibit 4 HLC Recommendation Letter](#)
 [Exhibit 5 HLC Meeting Minutes August 12, 2013](#)
 [Exhibit 6 HLC Meeting Minutes November 11, 2013](#)
 [Exhibit 7 P&Z Work Session Minutes December 11, 2013](#)
 [Exhibit 8 P&Z Meeting Minutes March 5, 2014](#)
 [Exhibit 9 CC Work Session Minutes April 8, 2014](#)
 [Exhibit 10 RTHL Application Form](#)
 [Exhibit 11 Marker Types](#)
 [Exhibit 12 Historic Photos of City Hall West](#)
 [Exhibit 13 Resolution](#)

- N. [ID 14-0538](#) Consider adoption of an ordinance amending Ordinance No. 2014-191, by appointing the Board of Directors for Tax Increment Reinvestment Zone Number Three to be concurrent with the appointment and terms of the Economic Development Partnership Board; repealing all conflicting ordinances and portions thereof; and providing an effective date.

Attachments: [Exhibit 1 - Ordinance 2014-191](#)
 [Exhibit 2 - Ordinance](#)

- O. [ID 14-0549](#) Consider adoption of an ordinance amending Ordinance No. 2012-366 (heretofore amended by Ordinance No. 2014-039), by appointing the Board of Directors for Tax Increment Reinvestment Zone Number Two to be concurrent with the appointment and terms of the Economic Development Partnership Board; repealing all conflicting ordinances and portions thereof; and providing an effective date.

Attachments: [Exhibit 1 - Ordinance 2012-366](#)
 [Exhibit 2 - 2014-039](#)
 [Exhibit 3 - Ordinance](#)

4. ITEMS FOR INDIVIDUAL CONSIDERATION

- A. [A14-0001c](#) Consider adoption of an ordinance on first reading of the City of Denton, Texas regarding the annexation of 40.33 acres of land, more or less, generally located on the west side of Cooper Creek Road, approximately 800 feet south of Silver Dome Road, and approximately 1,800 feet north of Mingo Road, more specifically described in Exhibits "A" and "B"; approving a service plan for the subject property and temporarily placing the property in the Rural Residential - 5 (RD-5) zoning district; providing for an update to the City Map to include the annexed lands; providing for a savings clause and effective date. (A14-0001)

Attachments: [Exhibit 1 - Staff Analysis](#)
[Exhibit 2 - Site Location Aerial Map](#)
[Exhibit 3 - Zoning Map](#)
[Exhibit 4 - Future Land Use Map](#)
[Exhibit 5 - Annexation Schedule](#)
[Exhibit 6 - Service Analysis](#)
[Exhibit 7 - Service Plan](#)
[Exhibit 8 - Ordinance](#)

- B. [ID 14-0498](#)** Consider nominations/appointments to the City's Boards and Commissions: Animal Shelter Advisory Committee; Health & Building Standards Commission; Human Services Advisory Committee; Library Board; Parks, Recreation and Beautification Board; Public Art Committee; Public Utilities Board; and Traffic Safety Commission.

Attachments: [Exhibit 1 - Nominations Sheet](#)

- C. [ID 14-0482](#)** Consider adoption of an ordinance of the City of Denton, Texas approving the Project and Financing Plan for Tax Increment Reinvestment Zone Number Three ("Convention Center TIRZ"); making certain findings and other matters related thereto; and providing an effective date.

Attachments: [Exhibit 1 - Ordinance](#)
[Exhibit 3 - Ordinance 2014-191](#)

- D. [ID 14-0462](#)** Consider approval of a resolution voting for a member to the Board of Managers of the Denco Area 9-1-1 District; and declaring an effective date.

Attachments: [Exhibit 1 - Denco 911 Memo and Resumes](#)
[Exhibit 2 - Resolution](#)

5. PUBLIC HEARINGS

- A. [ID 14-0475](#)** Hold a second public hearing on a proposal to adopt a tax rate of \$0.689750 per \$100 valuation, which will exceed the lower of the rollback rate or the effective rate.

Attachments: [Exhibit 1 - Notice of Proposed Tax Rate](#)

- B. [SI14-0005](#)** Hold a public hearing and consider adoption of an ordinance amending Ordinance No. 2014-137, as amended by Ordinance No. 2014-192, to extend for an additional 45 days, or such other reasonable date, the moratorium on the acceptance, processing and approval of certain applications for gas well permits within the corporate limits of the City of Denton, Texas, and on applications for specific use permits, site plans, development plans of any nature or type, including applications for amendments to approved or pending gas well development plats, and on applications for Fire Code operational permits, as they relate to gas well drilling and production activities, subject to certain exemptions; clarifying the exemptions to the moratorium; providing a variance procedure; providing a cumulative clause; providing a severability clause; and providing an effective date.

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

6. CONCLUDING ITEMS

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

B. Possible Continuation of Closed Meeting 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.