



# City of Denton

City Hall  
215 E. McKinney St.  
Denton, Texas 76201  
[www.cityofdenton.com](http://www.cityofdenton.com)

## Meeting Agenda

### City Council

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Tuesday, April 7, 2015

1:00 PM

Work Session Room & Council Chambers

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After determining that a quorum is present, the City Council of the City of Denton, Texas will convene in a Work Session on Tuesday, April 7, 2015 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 April 7, 2015.**

#### **3. Work Session Reports**

A. [ID 15-169](#) Receive a report, hold a discussion, and give staff direction regarding potential changes to Chapter 27, Article VI of the Code of Ordinances relating to vehicles for hire.

B. [SI15-0008](#) Receive a report, hold a discussion and give staff direction regarding local efforts to provide assistance to the homeless and those at-risk of becoming homeless.

Attachments: [Exhibit 1 PowerPoint Handout](#)  
[Exhibit 2 DCHC Homeless Flier](#)

C. [ID 15-284](#) Receive a report, hold a discussion, and give staff direction regarding an ordinance to adopt the 2012 International Fire Code (IFC) as amended by the City.

Attachments: [Exhibit 1 2012 IFC Ordinance](#)  
[Exhibit 2 2012 IFC Presentation](#)

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

#### **1. Closed Meeting:**

A. [ID 15-183](#) Consultation with Attorneys - Under Texas Government Code, Section 551.071; Deliberations Regarding Real Property - Under Texas Government Code, Section 551.072.

Discuss, deliberate and receive information from staff and provide staff direction pertaining to the acquisition of property located north of Winston Drive and west of

I-35E all in the Gideon Walker Survey, Abstract No. 1330, Cities of Denton and Corinth, Denton County, Texas for use in connection with DME's transmission expansion projects by the City of Denton, Denton County, Texas. Consultation with the City's attorneys regarding legal issues associated with the potential acquisition of the real property near the location 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 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 15-185]

- B.** [ID 15-186](#) 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 and around the Township II area, and generally south and west of Colorado Blvd., south of Foxhollow, north and east of Angelina Bend Dr. and west of Valley Creek Rd. 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. (Township II Park Property Acquisition Project [Greenbelt Tracts 1,2,4] & [ID 15-187 Denton 68 Joint Venture])

- C.** [ID 15-193](#) 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.

Receive a report and hold a discussion regarding legal and economic development issues regarding a proposed economic development incentive agreement for Business Air (BAM Denton Management Ventures, LLC). This discussion shall include commercial and financial information the City Council has received from Business Air which the City Council seeks to have locate, stay, or expand in or near the territory of the city, and with which the City Council is conducting economic development negotiations; including the offer of financial or other incentive where the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the provisions of the Texas Open Meetings Act, Chapter 551 of the Texas Government Code. [ID 15-198]

- D.** [ID 15-194](#) 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.

Receive a report and hold a discussion regarding legal and economic development

issues regarding a proposed economic development incentive agreement for West Gate Business Park (WGBP Investments, LTD). This discussion shall include commercial and financial information the City Council has received from West Gate Business Park which the City Council seeks to have locate, stay, or expand in or near the territory of the city, and with which the City Council is conducting economic development negotiations; including the offer of financial or other incentive where the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the provisions of the Texas Open Meetings Act, Chapter 551 of the Texas Government Code. [ID 15-199]

- E. [ID 15-260](#) Deliberations regarding Real Property - Under Texas Government Code Section 551.072; Consultation with Attorneys - Under Texas Government Code Section 551.071.

Receive information from staff, discuss, deliberate, and provide staff with direction pertaining to (1) the potential acquisition of real property interests in the William Loving Survey, Abstract No. 759, and the William Neil Survey, Abstract No. 971, located generally in the 200 block of W. Mulberry St., City of Denton, Texas; and (2) the disposition of and/or potential sale or lease of real property interests in the William Neill Survey, Abstract 971, Denton County, Texas, located generally in the 200 block of N. Elm Street and in the 200 block of W. McKinney Street; and (3) the disposition of and/or the potential sale or lease of real property interests in the Hiram Sisco Survey, Abstract No. 1184, Denton County, Texas, and located generally in the 200 block of E. McKinney Street, City of Denton, Texas. Consultation with the City's attorneys regarding legal issues associated with the potential acquisition or condemnation of the real property interests 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. (Central Downtown Denton property tracts)

- F. [ID 15-263](#) 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 acquisition of real property interests located in (1) the E. Puchalski Survey, Abstract 996, City of Denton, Denton County, Texas (located generally in the 1300 through 1400 block range of Underwood Street); and (2) the Samuel McCracken Survey, Abstract Number 817 and the J. Carter Survey, Abstract No. 274, City of Denton, Denton County, Texas (located generally within the 1300 through 4400 block range of Sherman Drive). 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 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. (Fire Station 3 & Fire Station 4)

**G. [ID 15-287](#)** 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 the current Gas Well Ordinance, and proposed Gas Well Ordinance amendment, 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; current and proposed extension to moratorium on drilling and production; other concerns about municipal regulatory authority or matters relating to enforcement of the Gas Well Ordinance, both current and proposed; 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 ordinance and pending litigation styled Jerry Patterson, Commissioner, Texas General Land Office v. City of Denton Texas, Cause No. D-1-GN-14-004628 currently pending in the 53rd District Court of Travis County and Texas Oil and Gas Association v. City of Denton, Cause No. 14-09833-431 currently pending in the 431st District Court of Denton County 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.

**H. [ID 15-301](#)** Consultation with Attorneys - Under Texas Government Code, Section 551.071.

Consultation, discussion, deliberation, and receipt of information from the city's attorneys involving legal matters relating to possible annexations of property into the City of Denton where public discussion of these legal matters would clearly conflict with the duty of the City's attorneys to the City of Denton and the Denton City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.

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. PROCLAMATIONS/PRESENTATIONS**

- A. [ID 15-212](#) African Cultural Festival Day
- B. [ID 15-211](#) National Community Development Week
- C. [ID 15-221](#) Arbor Day
- D. [ID 15-265](#) Blind Side Week

**3. CITIZEN REPORTS**

- A. Review of procedures for addressing the City Council.
- B. Receive citizen reports from the following:
  - A. [ID 15-224](#) Willie Hudspeth regarding concerns about the Building Inspections process.
  - B. [ID 15-261](#) Gerald DeMarsh regarding the Senior Center.
  - C. [ID 15-303](#) Willie Sellers regarding red light cameras.

**4. 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 – V). 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 – V 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 15-075](#) Consider adoption of an ordinance of the City of Denton authorizing the City Manager or his designee to execute a contract through the Buy Board Cooperative Purchasing Network for the acquisition of a Modular Office Building for Denton Municipal Electric to be located at 1659 Spencer Road, Denton, Texas; and providing an effective date (File 5646-awarded to Sustainable Modular Management, Inc. in the amount of \$270,000). The Public Utilities Board recommends approval (5-0).

Attachments:      [Exhibit 1-Tab Sheet](#)  
                              [Exhibit 2-Proposal](#)  
                              [Exhibit 3-Minutes](#)  
                              [Exhibit 4-Cost Estimate](#)  
                              [Exhibit 5-Ordinance](#)

- B.    [ID 15-128](#)      Consider adoption of an ordinance authorizing the City Manager to execute an Interlocal Agreement with National Joint Powers Alliance (NJPA), under Section 791.001 of the State of Texas Government Code, to authorize the City of Denton to utilize NJPA Contract# 042911-PRC currently for the purchase of property disposition and auction services; authorizing the expenditure of funds therefor; and declaring an effective date (File 5742-Interlocal Agreement with National Joint Powers Alliance).

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

- C.    [ID 15-129](#)      Consider adoption of an ordinance of the City of Denton authorizing the City Manager or his designee to execute a contract through the National Joint Powers Alliance (NJPA) for property disposition and auction services for the City of Denton; and providing an effective date (File 5741-awarded to PropertyRoom.com in the three (3) year estimated amount of \$300,000).

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

- D.    [ID 15-174](#)      Consider adoption of an ordinance approving a contract for the supply of Organic Catalyst for the City of Denton Composting Operation which is available from only one source and in accordance with Texas Local Government Code 252.022, such purchases are exempt from the requirements of competitive bidding; and providing an effective date (File 5765-Purchase of Organic Catalyst for the City of Denton Composting Operation awarded to Harvest Quest International, Inc. in the annual estimated amount of \$50,000 for a three (3) year not-to-exceed amount of \$150,000). The Public Utilities Board recommends approval (6-0).

Attachments:      [Exhibit 1-PUB Agenda Sheet](#)  
                              [Exhibit 2-Pricing Proposal](#)  
                              [Exhibit 3-Sole Source Letter](#)  
                              [Exhibit 4-PUB Minutes](#)  
                              [Exhibit 5-Ordinance](#)  
                              [Exhibit 6-Contract](#)

- E.    [ID 15-178](#)      Consider adoption of an ordinance authorizing the City Manager to execute a second amendment to the contract between the City of Denton and ABC Professional Tree Services, Inc.; providing for the expenditure of funds therefor; and providing an effective date (RFP 4825-Second Amendment in the amount of \$500,000 for a total contract award of \$2,500,000). The Public Utilities Board recommends approval (6-0).

**Attachments:**      [Exhibit 1-Original Contract](#)  
                              [Exhibit 2-PUB AIS](#)  
                              [Exhibit 3-PUB Minutes](#)  
                              [Exhibit 4-Ordinance](#)  
                              [Exhibit 5-2nd Amendment](#)

- F.    [ID 15-184](#)      Consider adoption of an ordinance authorizing the City Manager to execute a Mutual Aid Agreement by and between the City of Denton, Texas and the City of Garland Texas, that provides for terms and conditions under which each party would provide aid to the other in response to emergencies or natural disasters, in substantial conformity with the attached “Exhibit A”; authorizing the expenditure of funds therefor; and providing an effective date.

**Attachments:**      [Exhibit 1 Mutual Aid Agreement](#)  
                              [Exhibit 2 Ordinance](#)

- G.    [ID 15-185](#)      Consider adoption of an ordinance authorizing the City Manager or his designee to exercise an option Contract of Sale by and between Winston 4 Development, 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 being 17.027 acres, more or less, this parcel lying and being situated in the City and County of Denton, State of Texas, and being located in the Gideon Walker Survey, Abstract No. 1330, Cities of Denton and Corinth, Denton County Texas, for the purchase price of Two Hundred Seventy Thousand and No/100 US Dollars (\$270,000.00) and other good and valuable consideration, as described in the Contract of Sale attached as Exhibit One; authorizing the expenditure of funds therefore; and providing an effective date.

**Attachments:**      [Exhibit 1 Ordinance](#)  
                              [Exhibit 2 Easement Purchase Agreement](#)  
                              [Exhibit 3 Aerial Photo 1](#)  
                              [Exhibit 4 Aerial Photo 2](#)

- H.    [ID 15-228](#)      Consider adoption of an ordinance of the City of Denton, Texas, prohibiting left turns for any vehicle travelling westbound on Russell Newman Boulevard onto Loop 288; providing a repealer clause, providing a savings clause, providing for a penalty not to exceed \$500 for violations of this ordinance shall be governed by Chapter 18 of the Code of Ordinances of the City of Denton, and providing for an effective date.

**Attachments:**      [Exhibit 1 Site Map](#)  
                              [Exhibit 2 Excerpt from Traffic and Safety Commission Meeting Minutes](#)  
                              [Exhibit 3 Ordinance](#)

- I.    [ID 15-253](#)      Consider adoption of an ordinance of the City of Denton, Texas amending the Fiscal Year 2014-2015 Budget and Annual Program of Services of the City of Denton to allow for adjustments to the Tree Mitigation Fund of four hundred ninety-four thousand and seventy-eight dollars (\$494,078), the Police Confiscation Fund of fifty thousand dollars (\$50,000), the Risk Retention Fund of six hundred thousand



dollars (\$600,000), and the General Debt Service Fund to include revenues and expenditures of one million four hundred thirty-four thousand seven hundred and forty-eight dollars (\$1,434,748); declaring a municipal purpose; providing a severability clause; providing an open meetings clause; and providing for an effective date. The Audit/Finance Committee recommends approval (3-0).

Attachments:      [Exhibit 1 - Ordinance](#)

- J.    [ID 15-256](#)    Consider adoption of an ordinance of the City of Denton, Texas, authorizing the City Manager to execute a contract with the Denton Independent School District for the 2015 Summer Food Service Program; authorizing the expenditure of funds to administer the program; and providing an effective date.

Attachments:      [Exhibit 1 Ordinance and Summer Food Agreement](#)

- K.    [ID 15-264](#)    Consider adoption of an ordinance authorizing the City Manager or his designee to execute a Purchase Agreement, by and between the City of Denton, Texas (the "City"), as Buyer, and CCBV, LLC, a Texas limited liability company (the "Owner"), as Seller, to acquire fee simple title to a 0.535 acre tract, located in the Morreau Forrest Survey, Abstract No. 417, City of Denton, Denton County, Texas, generally located in the 200 block of North Mayhill Road, for the purchase price of Four Hundred Forty Thousand Dollars and No/Cents (\$440,000.00), and other consideration, as prescribed in the Purchase Agreement (the "Agreement"), as attached to the ordinance and made a part thereof as Exhibit "A;" authorizing the expenditure of funds therefore; providing a savings clause; and providing an effective date. (Mayhill Road Widening and Improvements project: Parcel M085 - CCBV, LLC)

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

[Exhibit 2 - Ordinance](#)

- L.    [ID 15-266](#)    Consider adoption of an ordinance of the City of Denton, Texas, amending certain provisions of chapter 33 of the Denton Code of Ordinances (the Denton Sign Code) by limiting the application of general sign regulations and imposing specific regulations with respect to political signs, consistent with state law; prescribing a maximum penalty for violation; providing for severablity and savings; and establishing an effective date.

Attachments:      [Exhibit 1 - Texas Local Government Code 216.903](#)

[Exhibit 2 - Texas Election Code Section 61.003](#)

[Exhibit 3 - Texas Election Code Section 85.036](#)

[Exhibit 4 - Ordinance](#)

- M.    [ID 15-268](#)    Consider adoption of an ordinance authorizing the City Manager to execute an Interlocal Cooperative Agreement with the North Central Texas Council of Governments (NCTCOG) under Section 791.001 of the State of Texas Government Code, and to authorize the City of Denton to participate in the NCTCOG Regional Traffic Signal Timing Program; authorizing the expenditure of funds therefor; and declaring an effective date (File 5792-in the estimated amount of \$36,960).



Attachments:      [Exhibit 1-Ordinance](#)

[Exhibit 2-Agreement](#)

- N.    [ID 15-269](#)      Consider adoption of an ordinance accepting competitive bids by way of a Cooperative Purchasing Program Participation Agreement with the City of Frisco under section 271.102 of the Local Government Code, for the purchase of respiratory protective equipment and parts for the City of Denton Fire Department; providing the expenditure of funds therefor; and providing an effective date (File 5763-awarded to Hoyt Breathing Air Products for a three (3) year total amount not-to-exceed \$555,500).

Attachments:      [Exhibit 1-Frisco Maintenance Bid Award](#)

[Exhibit 2-Equipment Replacement Award](#)

[Exhibit 3-Cost Comparison Analysis](#)

[Exhibit 4-Ordinance](#)

[Exhibit 5-Hoyt Cooperative Purchase Agreement](#)

- O.    [ID 15-270](#)      Consider adoption of an ordinance approving a contract for the purchase of one (1) Haul-All M-class single stream 14 cubic yard side loading refuse collection body for the City of Denton Parks department which is available from only one source and in accordance with Texas Local Government Code 252.022, such purchases are exempt from the requirements of competitive bidding; and providing an effective date (File 5794-awarded to Haul All Equipment, Ltd. in the amount of \$73,682.50).

Attachments:      [Exhibit 1-Quote](#)

[Exhibit 2-Fleet Memo](#)

[Exhibit 3-Haul-All Memo](#)

[Exhibit 4-Ordinance](#)

- P.    [ID 15-271](#)      Consider adoption of an ordinance approving a professional services agreement for the development of a City of Denton Public Art Master Plan which is available from a local expert source, which staff has recommended as the best value procurement and in accordance with Texas Local Government Code 252.022 (4), such purchases are exempt from the requirements of competitive bidding; and providing an effective date (File 5795-awarded to Margaret Chalfant in an amount not to exceed \$80,000).

Attachments:      [Exhibit 1-Memo from Parks Director](#)

[Exhibit 2-Ordinance](#)

[Exhibit 3-Contract](#)

- Q.    [ID 15-272](#)      Consider adoption of an ordinance accepting competitive proposals and awarding a contract for the purchase of shoot-on connectors for Denton Municipal Electric (DME); and providing an effective date (RFP 5709-awarded to Techline, Inc. in the three (3) year not-to-exceed amount of \$150,000).

Attachments:      [Exhibit 1-Evaluation and BAFO Sheet](#)

[Exhibit 2-Ordinance](#)

[Exhibit 3-Contract](#)

- R. [ID 15-273](#) Consider adoption of an ordinance of the City of Denton authorizing an agreement between the City of Denton, Texas and the University of North Texas for the purpose of hosting the African Cultural Festival; providing for the expenditure of funds; and providing for an effective date. (\$550)
- Attachments: [Exhibit 1 - Ordinance](#)  
[Exhibit 2 - Agreement](#)
- S. [ID 15-277](#) Consider adoption of an ordinance of the City of Denton, Texas prohibiting parking on the north side of East Mulberry Street from its intersection with South Industrial Street to its intersection with South Austin Street; providing a repealer clause; providing a savings clause; providing for a penalty not to exceed \$500 for violations of this ordinance; providing that violations of this ordinance shall be governed by Chapter 18 of the Code of Ordinances of the City of Denton, and providing for an effective date. The Traffic Safety Commission recommends approval (5-0).
- Attachments: [Exhibit 1. Location Map](#)  
[Exhibit 2. Letters from applicant](#)  
[Exhibit 3. Excerpt from January Traffic Safety Committee Minutes](#)  
[Exhibit 4. Ordinance](#)
- T. [ID 15-283](#) Consider adoption of an ordinance of the City Council of Denton, Texas authorizing the City Manager to execute a Local Transportation Project Advance Funding Agreement (LPAFA) for a Congestion Mitigation and Air Quality (CMAQ) Improvement Project (construction of sidewalks for the Wilson and Pecan Creek Elementary School areas) with the Texas Department of Transportation; authorizing the expenditure of funds therefor; and providing an effective date.
- Attachments: [Exhibit 1 - Ordinance](#)
- U. [ID 15-285](#) Consider approval of a resolution of the City of Denton, Texas, in opposition to Senate Bill 343 and any other legislation which would erode the authority of a home rule municipality; and providing for an effective date.
- Attachments: [Exhibit 1 - Senate Bill SB00343I](#)  
[Exhibit 2 - Resolution](#)
- V. [ID 15-295](#) Consider approval of the minutes of February 2, February 3, February 10, and February 17, 2015.
- Attachments: [Exhibit 1 - February 2, 2015](#)  
[Exhibit 2 - February 3, 2015](#)  
[Exhibit 3 - February 10, 2015](#)  
[Exhibit 4 - February 17, 2015](#)

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

- A. [ID 15-187](#) Consider adoption of an ordinance of the City of Denton, Texas determining the public use, need, and necessity for the acquisition of fee title to properties described in the attached Exhibit “A” and located in and around the Township II area

generally south and west of Colorado Blvd., south of Foxhollow, north and east of Angelina Bend Dr. and west of Valley Creek Rd., for park land; authorizing the City Manager and City Attorney, or their respective designees, to acquire the property including making initial and final offers, authorizing the use of the power of eminent domain to condemn the properties; and authorizing the City Attorney, or her designee, to file eminent domain proceedings, if necessary, and providing an effective date. (Township II Park Property Acquisition project: Greenbelt tracts 1, 2, and 4, Greenbelt North, Street, and West - Denton 68 Joint Venture [ID 15-186])

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

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

- A.    [ID 15-198](#)      Consider adoption of an ordinance of the City of Denton, Texas approving an Economic Development Program Grant Agreement between the City of Denton and BAM Denton Management Ventures, LLC; and providing an effective date (Business Air).

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

- B.    [ID 15-199](#)      Consider adoption of an ordinance of the City of Denton, Texas approving an Economic Development Program Grant Agreement between the City of Denton and WGBP Investments, LTD; and providing an effective date (West Gate Business Park).

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

- C.    [ID 15-236](#)      Consider adoption of an ordinance of the City of Denton, Texas, authorizing the approval of a professional legal services agreement by and between Terry Morgan & Associates, P.C. and the City of Denton, Texas; providing for the expenditure of funds; and providing for an effective date.

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

- D.    [ID 15-240](#)      Consider nominations/appointments to the City's Boards and Commissions: Health & Building Standards Commission and Human Services Advisory Committee.

- E.    [ID 15-251](#)      Consider adoption of an ordinance considering all matters incident and related to the issuance, sale and delivery of up to \$98,925,000 in principal amount of "City of Denton Certificates of Obligation, Series 2015" (including up to \$8,258,000 for General Government activities, up to \$10,542,000 for Solid Waste Fund activities, and up to \$80,125,000 for Electric, Water and Wastewater Fund activities); authorizing the issuance of the Certificates; delegating the authority to certain City officials to execute certain documents relating to the sale of the Certificates; approving and authorizing instruments and procedures relating to said Certificates; and enacting other provisions relating to the subject.

Attachments:      [Exhibit 1 - Preliminary Official Statement \(DRAFT\)](#)  
                              [Exhibit 2 - Ordinance](#)

- F.    [ID 15-252](#)      Consider adoption of an ordinance considering all matters incident and related to the issuance, sale and delivery of up to \$49,120,000 in principal amount of "City of Denton General Obligation Refunding and Improvement Bonds, Series 2015"; 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.

Attachments:      [Exhibit 1 - Preliminary Official Statement \(DRAFT\)](#)  
                              [Exhibit 2 - Ordinance](#)

## **7. PUBLIC HEARINGS**

- A.    [S14-0008](#)      Hold a public hearing and consider a Specific Use Permit (SUP) for a Group Home on approximately 0.391 acres of land generally located on the west side of N Elm Street near the intersection with Ferguson Street. The subject property is located within a Downtown Commercial General (DC-G) zoning district (S14-0008, Wheeler House). The Planning and Zoning Commission recommends approval (5-1) with a condition.

Attachments:      [Exhibit 1 - Planning and Zoning Commission Staff Report](#)  
                              [Exhibit 2 - Site Location Aerial Map](#)  
                              [Exhibit 3 - Zoning Map](#)  
                              [Exhibit 4 - Project Narrative](#)  
                              [Exhibit 5 - Site Plan](#)  
                              [Exhibit 6 - Floor Plan](#)  
                              [Exhibit 7 - March 11, 2015 Planning and Zoning Commission Minutes](#)  
                              [Exhibit 8 - Public Notification Map](#)  
                              [Exhibit 9 - 200 ft. Property Owner Notice Responses](#)  
                              [Exhibit 10 - Draft Ordinance](#)

- B.    [S13-0007](#)      Hold a public hearing and consider a Specific Use Permit (SUP) to allow for expansion of the Municipal Solid Waste Landfill and associated Solid Waste and Recycling ground services operations and equipment storage on approximately 156.9 acres. The subject property is zoned Industrial Center General (IC-G) and is generally located north of Spencer Road and east of Mayhill Road. The Planning and Zoning Commission recommends approval (5-2) with conditions.

**Attachments:**      [Exhibit 1 - Planning and Zoning Commission Staff Report](#)  
[Exhibit 2 - Site Location - Aerial Map](#)  
[Exhibit 3 - Zoning Map](#)  
[Exhibit 4 - Project Narrative](#)  
[Exhibit 5 - Site Plan](#)  
[Exhibit 6 - ESA Map](#)  
[Exhibit 7 - October 23, 2014 Planning & Zoning Commission Minutes](#)  
[Exhibit 8 - January 21, 2015 Planning & Zoning Commission Minutes](#)  
[Exhibit 9 - February 18, 2015 Planning & Zoning Commission Minutes](#)  
[Exhibit 10 - Public Meeting Comment Cards](#)  
[Exhibit 11 - Public Notification Map](#)  
[Exhibit 12 - 200 ft. Property Owner Notice Responses](#)  
[Exhibit 13 - Draft Ordinance](#)

- C.    [ID 15-241](#)      Hold a public hearing and consider adoption of an ordinance granting approval, in accordance with Chapter 26 of the Texas Parks and Wildlife Code, of the non-park use of a part of Quakertown Park for the purpose of installing and maintaining a sanitary sewer line for the Senior Center connector of the Pecan Creek Interceptor III Project; providing for a notice by the City of Denton, Texas of non-park use for installation and maintenance of sanitary sewer line and reservation of easement in the event of sale of park; and providing an effective date. The Parks, Recreation and Beautification Board recommends approval (7-0).

**Attachments:**      [Exhibit 1 - 078 Ac Sanitary Sewer Esmt - PEC3](#)  
[Exhibit 2 - PCI2 san sewer SENIOR CENTER](#)  
[Exhibit 3 - Excerpt of March 2 2015 Park Board Minutes - Senior Center](#)  
[Exhibit 4 - Ordinance - Quakertown Park - Senior Center](#)

- D.    [ID 15-242](#)      Hold a public hearing and consider adoption of an ordinance granting approval, in accordance with Chapter 26 of the Texas Parks and Wildlife Code, of the non-park use of a part of North Lakes Park for the purpose of installing and maintaining a water line and a sanitary sewer line for the Vista Del Arroyo Offsite Utilities Project; providing for a notice by the City of Denton, Texas of non-park use for installation and maintenance of a water line and sanitary sewer line and reservation of easement in the event of sale of park; and providing an effective date. The Parks, Recreation and Beautification Board recommends approval (7-0).

**Attachments:**      [Exhibit 1 - Vela Athletic Complex Legal Description for Water and Sewer Easem](#)  
[Exhibit 2 - Excerpt of March 2 2015 Park Board Minutes - Vela](#)  
[Exhibit 3 - Ordinance North Lakes Park - Vista Del Arroyo](#)

- E.    [Z14-0010](#)      Hold a public hearing and consider an initial zoning of Neighborhood Residential 4 (NR-4) on approximately 17.76 acres and Neighborhood Residential 6 (NR-6) on approximately 22.57 acres of land on a tract totaling 40.33 acres in size. The subject property is generally located on the west side of Cooper Creek Road, approximately 750 feet south of Silver Dome Road and 1,250 feet north of Fishtrap

Road (Z14-0010, Windsor Oaks). The Planning and Zoning Commission recommends approval (6-0).

**Attachments:**      [Exhibit 1 - Planning and Zoning Commission Staff Report](#)  
                                 [Exhibit 2 - Site Location - Aerial Map](#)  
                                 [Exhibit 3 - Zoning Map](#)  
                                 [Exhibit 4- Future Land Use Map](#)  
                                 [Exhibit 5 - Project Narrative](#)  
                                 [Exhibit 6 - January 7th 2015 Planning and Zoning Commission Minutes](#)  
                                 [Exhibit 7 - March 11, 2015 Planning & Zoning Commission Minutes](#)  
                                 [Exhibit 8 - Public Notification Map](#)  
                                 [Exhibit 9 - 200 ft. Property Owner Responses](#)  
                                 [Exhibit 10 - Draft Ordinance](#)

- F.    [ID 15-255](#)      Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, adopting Standards of Care for Youth/Teen Programs administered by Denton's Parks and Recreation Department pursuant to Texas Human Resources Code Section 42.041 (b) (14); and providing an effective date. The Parks, Recreation and Beautification Board recommend approval 7-0.

**Attachments:**      [Exhibit 1 - Excerpt of Park Board Minutes - March 2 2015](#)  
                                 [Exhibit 2 - Ordinance and 2015 Standards of Care](#)

- G.    [ID 15-262](#)      Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas designating portions of certain retail establishments, public buildings, and food establishments as nonsmoking areas; providing notification requirements; prohibiting smoking in designated nonsmoking areas; providing exceptions; providing penalties; providing a severability clause, repealing ordinance 2012-367, and any other ordinance in conflict herewith; and providing for an effective date.

**Attachments:**      [Exhibit 1 Redlined Ordinance](#)  
                                 [Exhibit 2 Revised Ordinance](#)

- H.    [A15-0012](#)      Hold the first of two public hearings to consider the annexation of approximately 678.49 acres of land contained in eight of the fifteen annexation areas, which received a Non-Annexation Agreement in 2010, and do not comply with the exemption requirements in the Texas Local Government Code Chapter 43.035 or did not execute a Non-Annexation Extension Agreement. Four annexation areas consist of approximately 508.79 acres, generally located in northwestern quadrant of the City of Denton's Extraterritorial Jurisdiction (ETJ), Division 1, and are identified as PAA1, PAA2, PAA3, and PAA4. The remaining four areas include approximately 169.70 acres of land, and are unincorporated ETJ pockets located within the body of the City of Denton's corporate limits, and identified as DH2, DH3, DH4, and DH11; providing for severability and an effective date.

**Attachments:**      [Exhibit 1 - 2015 Annexation Service Plan](#)  
                                 [Exhibit 2 - Location Map and General Descriptions](#)

- I.    [DCA14-0009f](#)      Continue a public hearing and consider adoption of an ordinance amending

Subchapters 5, 7, 16 and 22 of the Denton Development Code, relating to Gas Well Drilling and Production, Definitions and Procedures; amending Ordinance No. 2013-248, relating to planning and development fees and road damage remediation fees relating to gas well drilling and production activities; adding new Subchapter 22A to the Denton Development Code, relating to Oil and Gas Pipelines, Definitions, Procedures; providing a cumulative clause; providing a severability clause; providing for a penalty; and providing for an effective date (DCA14-0009f). The Planning and Zoning Commission recommends denial (4-3). A supermajority vote by City Council is required to adopt a motion to approve this ordinance.

**Attachments:**

[Exhibit 1 - Amendment to DDC SECTION 35.5 - Zoning Districts and Limitations](#)

[Exhibit 2 - New DDC SECTION 35.5.10 - clean and redline](#)

[Exhibit 3 - DDC Section 35.7.16 - Gas Well Combining District - clean and redline](#)

[Exhibit 4 - DDC Section 35.16.7 - Gas Well Notification Disclosure](#)

[Exhibit 5 - Amendments to DDC Subchapter 35.22 - General Regulations - clean and redline](#)

[Exhibit 6 - Gas Well Fee Schedule - redline amendments and existing Ord. 2013-248](#)

[Exhibit 7 - Draft Pipeline Ordinance](#)

[Exhibit 8 - Public Responses to CC and P&Z from Dec 2014 meeting](#)

[Exhibit 9 - Public Responses to Additional Questions from PZ and the Public](#)

[Exhibit 10 - February 4, 2015 P&Z Meeting Draft Minutes](#)

[Exhibit 11 - Gas Well Amendments Ordinance](#)

## **8. CITIZEN REPORTS**

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

## **9. 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 of Closed Meeting topics, above posted.

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

I certify that the above notice of meeting was posted on the bulletin board at the City Hall of the City of Denton, Texas, on the \_\_\_\_\_ day of \_\_\_\_\_, 2015 at \_\_\_\_\_ o'clock (a.m.) (p.m.)



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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.