



City of Denton

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

Meeting Agenda

City Council

Tuesday, August 4, 2015

1:00 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, August 4, 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 August 4, 2015.

3. Work Session Reports

- A. [ID 15-625](#) Receive a report, hold a discussion, and give staff direction regarding nominations to the City's Boards and Commissions.

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

- B. [DCA14-0009](#) Hold a discussion on complementary amendments to the Denton Development Code; specifically Subchapters 5, 16, and 22, relating to Gas Well Drilling and Production, Definitions, and Procedures; in order to reconcile Denton's gas well regulations with House Bill 40 that was signed into law on May 18, 2015.

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 15-661](#) 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 regarding the potential acquisition of real property interests, to wit: 10.720 acre tract situated in the R.B. Longbottom Survey, Abstract No. 775, and the Caswel Carter Survey, Abstract No. 275, located in the City of Denton, Denton County, Texas, and more particularly described on Exhibit "A", and located generally on and north of, the 2900 to 3000 block of E. University Dr., in the City of Denton, Denton County, Texas, for the construction, expansion and use of electric substations,

switch stations or power transmission lines. Consultation with the City's attorneys regarding legal issues associated with the acquisition 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.[ID 15-547] (Purple route, Prescott)

- B.** [ID 15-639](#) Certain Public Power Utilities: Competitive Matters - Under Texas Government Code, Section 551.086

Receive competitive public power competitive information and financial information from staff regarding the proposed FY 2015-2016 operating budget for Denton Municipal Electric ("DME") including without limitation, proposed rates for DME for FY 2015-2016, expected revenues, expenses, commodity volumes, and financial commitments of DME; discuss, deliberate and provide staff with direction.

- C.** [ID 15-645](#) Deliberations regarding Personnel Matters - Under Texas Government Code Section 551.074.

Deliberate and discuss the appointment and duties of public officers to boards or commissions exercising discretionary or rule making power as opposed to purely advisory powers, which includes without limitation the Health and Building Standards Commission, the Historic Landmark Commission, the Planning and Zoning Commission, and the Zoning Board of Adjustment.

- D.** [ID 15-660](#) Consultation with Attorneys - Under Texas Government Code, Section 551.071.

Consult with and provide direction to City's attorneys regarding potential litigation and legal issues and strategies associated with property located at 1003, 1005 and 1007 E. Sycamore, and A1184a H. Sisco, Tr 15, where a public discussion of such 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.

- E.** [ID 15-677](#) Consultation with Attorneys - 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 economic development incentives for a business prospective in the Cole Ranch Development. This discussion shall include commercial and financial information the City Council may receive from the business owners which the City 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 incentives. Also hold a discussion with the City's attorneys on the referenced topic 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.

F. [ID 15-585](#) 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 *George P. Bush, Commissioner, Texas General Land Office v. City of Denton Texas*, Cause No. 15-02058-362 currently pending in the 362nd District Court of Denton County and *Texas Oil and Gas Association v. City of Denton*, Cause No. 14-08933-431 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.

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**3. CITIZEN REPORTS**

- A. Review of procedures for addressing the City Council.

B. Receive citizen reports from the following:

- A. [ID 15-646](#) Monica Jones regarding a complaint on Animal Control and Code Enforcement.

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 – P). 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 – P 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 15-515](#) Consider and confirm the re-appointment by the City Manager of Paul Abbott to the Civil Service Commission.

Attachments: [Exhibit 1 - Bio for Paul Abbott](#)

- B. [ID 15-547](#) Consider adoption of an ordinance authorizing the City Manager, or his designee, to execute a Contract of Sale between the City of Denton, Texas (“City”), as buyer, and Prescott Interests, LTD., a Texas Limited Partnership (“Owner”), as seller, to acquire fee title to an approximate 10.720 acre tract situated in the R.B. Longbottom Survey, Abstract No. 775, and the Caswel Carter Survey, Abstract No. 275, located in the City of Denton, Denton County, Texas, and more particularly described on Exhibit “A”, and located generally on and north of, the 2900 to 3000 block of E. University Dr., (“Property Interest”) for the purchase price of One Million and Seven Hundred Thousand Dollars and no cents (\$1,700,000.00) and other consideration, as prescribed in the Contract of Sale (“Agreement”); authorizing the expenditure of funds; and providing an effective date.

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

- C. [ID 15-555](#) Consider adoption of an ordinance accepting competitive proposals and awarding a contract for street milling services for the City of Denton; and providing an effective date (RFP 5846-awarded to Dustrol, Inc. in the three (3) year not-to-exceed amount of \$400,000).

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

[Exhibit 2-Ordinance](#)

[Exhibit 3-Contract](#)

- D. [ID 15-579](#) 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 Electric Fund of ten million dollars (\$10,000,000) for the purpose of paying off outstanding debt, and the Materials Management Fund of two million seven hundred thousand dollars (\$2,700,000) for the purpose of

purchasing additional material inventory related to increased capital construction throughout the city; declaring a municipal purpose; providing a severability clause, an open meetings clause and an effective date. The Audit/Finance Committee recommends approval (3-0).

Attachments: [Exhibit 1 - Ordinance](#)

- E. [ID 15-580](#) Consider adoption of an ordinance considering all matters incident and related to the issuance, sale and delivery of up to \$40,860,000 in principal amount of "City of Denton General Obligation Refunding Bonds, Series 2015" (including up to \$17,645,000 for Electric Fund activities, up to \$17,410,000 for Water Fund Activities, and up to \$5,805,000 for Wastewater 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 No. 2012-7-8](#)
[Exhibit 2 - CABS Detail for Denton](#)
[Exhibit 3 - Preliminary GO Refunding Analysis](#)
[Exhibit 4 - Draft Preliminary Official Statement](#)
[Exhibit 5 - Ordinance](#)

- F. [ID 15-590](#) Consider approval of a resolution approving the 2014 Tax Increment Reinvestment Zone Number Two (Westpark TIRZ) Annual Report; and declaring an effective date.

Attachments: [Exhibit 1- Resolution and Annual Report](#)

- G. [ID 15-599](#) Consider adoption of an ordinance accepting competitive proposals and awarding a public works contract for construction of Poured in Place Retaining Walls for the City of Denton Kings Row Substation Addition; providing for the expenditure of funds therefor; and providing an effective date (RFP 5810-awarded to DynaGrid Construction Group, LLC in the not-to-exceed amount of amount of \$599,683.30). The Public Utilities Board recommends approval (4-0).

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

- H. [ID 15-600](#) Consider adoption of an ordinance of the City of Denton, Texas approving an Interagency Cooperation Contract by and between the University of Texas at Arlington and the City of Denton, Texas for a term of three years to provide landfill sampling and testing of mined materials; monitoring gas emissions during the mining process; monitoring and characterizing storm water and leachate; evaluating and recommending a dust management system for mining operations; investigate the mined samples; investigate the energy potential of the mined materials; develop landfill mining protocol; municipal solid waste (MSW) sampling and evaluation; and determine moisture content analysis during the ongoing Enhanced Leachate

Recirculation (ELR) operations for the City of Denton landfill in an amount not-to-exceed \$399,806; providing for retroactive approval, confirmation and ratification thereof; authorizing the City Manager or his designee to execute said contract on behalf of the City of Denton; providing for the expenditure of funds; providing an effective date (File 5892). The Public Utilities Board recommends approval (6-0).

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

- I. [ID 15-601](#) Consider adoption of an ordinance accepting competitive proposals and awarding a contract for the purchase of electric substation and transmission line easement site preparation services for the City of Denton; and providing an effective date (RFP 5761-awarded to Mann Robinson and Son, Inc. in the three (3) year not-to-exceed amount of \$21,990,000). The Public Utilities Board recommends approval (4-0).

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

- J. [ID 15-622](#) Consider adoption of an ordinance of the City of Denton authorizing an agreement between the City of Denton, Texas and Fred Moore Day Nursery School; authorizing the expenditure of funds; and providing for an effective date. (1,475)

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

- K. [ID 15-631](#) Consider adoption of an ordinance of the City of Denton authorizing an agreement between the City of Denton, Texas, and Giving Hope, INC. for funds that will be used for Homeless Prevention Assistance; providing for the expenditure of funds; and providing for an effective date. (\$600)

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

- L. [ID 15-634](#) Consider adoption of an ordinance authorizing an agreement between the City of Denton, Texas and the Denton Black Chamber of Commerce; authorizing the expenditure of funds; and providing for an effective date. (\$950)

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

- M. [ID 15-670](#) Consider approval of the minutes of June 23 and June 30, 2015.

Attachments: [Exhibit 1 - June 23, 2015 minutes](#)
 [Exhibit 2 - June 30, 2015 minutes](#)

- N. [ID 15-678](#) Consider adoption of an ordinance of the City of Denton, Texas, amending Ordinance No. 2014-423, prescribing the number of positions in each classification of police officer; providing a repealer clause; and declaring an effective date.

Attachments: [Exhibit 1 - 2014-2015 Sworn Officer Ordinance](#)

- O. [ID 15-680](#) Consider adoption of an ordinance repealing Ordinance No. 2011-038 and enacting a new Section 2-29 of the City of Denton Code of Ordinances relating to Rules of Procedure for the City Council of the City of Denton; and declaring an effective date.

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

- P. [ID 15-681](#) Consider adoption of an ordinance of the City of Denton, Texas authorizing the City Manager to make an application with the Texas Auto Burglary and Theft Prevention Authority for a grant to focus on auto theft and auto burglary and take all other actions necessary to obtain and implement the program; and providing for an effective date.

Attachments: [Exhibit 1 Ordinance](#)

5. ITEMS FOR INDIVIDUAL CONSIDERATION

- A. [ID 15-624](#) Consider nominations/appointments to the City's Boards and Commissions: Airport Advisory Board; Animal Shelter Advisory Committee; Community Development Advisory Committee; Health & Building Standards Commission; Historic Landmark Commission; Human Services Advisory Committee; Library Board; Parks, Recreation and Beautification Board; Planning and Zoning Commission; Public Art Committee; Public Utilities Board; Traffic Safety Commission; and Zoning Board of Adjustment.

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

- B. [DCA14-0009j](#) Consider adoption of an ordinance amending Subchapters 5, 16 and 22 of the Denton Development Code, relating to Gas Well Drilling and Production, Definitions and Procedures; providing a cumulative clause; providing a severability clause; providing for a penalty; and providing for an effective date (DCA14-0009j). The Planning and Zoning Commission recommends approval (7-0), with amendments.

Attachments: [Exhibit 1 Gas Well Ordinance - clean version](#)
 [Exhibit 2 Gas Well Ordinance - redline version](#)

6. PUBLIC HEARINGS

- A. [Z15-0013](#) Hold a public hearing and consider a rezoning from a Neighborhood Residential 4 (NR-4) district to a Community Mixed Use General (CM-G) district on approximately 8.04 acres of land generally located on the west side of Teasley Lane (FM 2181), approximately 600 feet north of Hickory Creek Road. The Planning and Zoning Commission recommends approval (5-0).

Attachments: [Exhibit 1 - Planning and Zoning Commission Report](#)
[Exhibit 2 - Site Location-Aerial Map](#)
[Exhibit 3 - Zoning Map](#)
[Exhibit 4 - Future Land Use Map](#)
[Exhibit 5 - ESA Map](#)
[Exhibit 6 - NR-4 Permitted Uses](#)
[Exhibit 7 - CM-G Permitted Uses](#)
[Exhibit 8 - Applicant Narrative](#)
[Exhibit 9 - Public Notification Map](#)
[Exhibit 10 - July 8, 2015 Planning and Zoning Commission Meeting Minutes](#)
[Exhibit 11 - Draft Ordinance](#)

- B. [Z15-0018](#) Hold a public hearing and consider a rezoning from a Neighborhood Residential 2 (NR-2) district to Community Mixed Use General (CM-G) district on approximately 1.7 acres of land generally located on the east side of North Bonnie Brae Street, approximately 475 feet north of West University Drive (U.S. 380). The Planning and Zoning Commission recommends approval of the request (5-0).

Attachments: [Exhibit 1- Planning and Zoning Commission Report](#)
[Exhibit 2 - Site Location-Aerial map](#)
[Exhibit 3- Zoning Map](#)
[Exhibit 4 - Future Land Use Map](#)
[Exhibit 5- NR-2 Permitted Uses](#)
[Exhibit 6 - CM-G Permitted Uses](#)
[Exhibit 7- Applicant Narrative](#)
[Exhibit 8- Public Notification Map](#)
[Exhibit 9- July 8, 2015 Planning and Zoning Commission Meeting Minutes](#)
[Exhibit 10- Draft Ordinance](#)

- C. [Z15-0014 & S15-0005](#) Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, regarding an initial zoning district and use classification of Neighborhood Residential 1 (NR-1) and a Specific Use Permit (SUP) for a Semi-Public Hall, Club, or Lodge. The approximately 10.8 acre site is generally located on the east side of Barthold Road and approximately 2700 feet south of Ganzer Road; adopting an amendment to the City's official Zoning Map and providing for a penalty in the maximum amount of \$2,000.00 for violations thereof; providing a severability clause and an effective date. (Z15-0014 and S15-0005). The Planning and Zoning Commission recommended approval of this request (5-0), subject to conditions.

Attachments:[Exhibit 1- Staff Analysis](#)[Exhibit 2- Aerial Map](#)[Exhibit 3 - Zoning Map](#)[Exhibit 4 - Future Land Use Map](#)[Exhibit 5 - Permitted Uses in Neighborhood Residential 1](#)[Exhibit 6 - Permitted Uses in Rural Residential](#)[Exhibit 7- Site Plan](#)[Exhibit 8 - Public Notification Map](#)[Exhibit 9 - July 8, 2015 Planning and Zoning Commission Meeting Draft Minutes](#)[Exhibit 10 - Draft Ordinance](#)**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 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.)

CITY SECRETARY

NOTE: THE CITY OF DENTON CITY COUNCIL WORK SESSION ROOM AND COUNCIL CHAMBERS ARE 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.