

City of Denton

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

Meeting Agenda City Council

Tuesday, September 1, 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, September 1, 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 September 1, 2015.

3. Work Session Reports

A. ID 15-745 Receive a report, hold a discussion and give staff direction relating to the Denton County Transportation Authority Passenger Amenities Program.

B. <u>ID 15-763</u> Receive a report, hold a discussion, and give staff direction regarding possible financial incentives related to the Cole Ranch development.

<u>Attachments:</u> Exhibit 1 PID Guidelines

Exhibit 2 Presentation from Stratford Land

Exhibit 3 PowerPoint Presentation

C. <u>ID 15-780</u> Receive a report, hold a discussion and provide staff direction on the use of the City facility located at 300 Woodrow Lane as a homeless shelter.

D. ID 15-702 Receive a report, hold a discussion, and give staff direction regarding participation in What Works Cities, a Bloomberg Philanthropies initiative.

Attachments: Exhibit 1: What Works Cities Presentation

E. ID 15-817 Receive a report, hold a discussion and give staff direction regarding a potential Economic Development Grant Agreement and a Commercial Lease Agreement with Rail Yard Partners, LTD. for a co-working space that may be administered by the Dallas Entrepreneur Center to support entrepreneurship and innovation in Tax Increment Reinvestment Zone (TIRZ) Number One.

Attachments: Exhibit 1 - Rendering and Space Layout

Exhibit 2 - Downtown TIF Project Plan

Exhibit 3 - Downtown TIF Board Meeting Minutes 01-16-15

Exhibit 4 - EDP Board Meeting Minutes 10-14-15

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. <u>ID 15-615</u> Deliberations Regarding Certain Public Power Utilities: Competitive Matters - Under Texas Government Code, Section 551.086.

Receive a briefing and information pertaining to certain competitive public power and financial issues regarding Texas Municipal Power Agency ("TMPA") on matters including, without limitation: present and future plant operations issues, plant and system expenses, maintenance issues, performance issues, financial issues, reliability issues, planning issues, and any related issues concerning the City's interest in, and its business relationship with the Texas Municipal Power Agency; and discuss, deliberate, and provide Staff with direction regarding such matters.

B. ID 15-720 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 with direction pertaining to the potential sale of real property interests owned by the City of Denton located in the G. Walker Survey, Abstract 1330, and Lot 1, Block 1, Lake Dallas Storage Addition, both in Denton County, Texas, and located generally south of F. M. Highway 426 (East McKinney Street) between Mayhill Road on the west and South Trinity Rd. on the east. Consultation with the City's attorneys regarding legal issues associated with the potential acquisition or condemnation of the real property interests described above as well as issues related to Atmos Pipeline -Dallas Natural Gas Storage its designation by Facility and Transportation Security Administration TSA as critical energy infrastructure impacted by Ordinance No. 2015-233 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. (Atmos Lake Dallas Storage Facility).

C. <u>ID 15-785</u> 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 in the E. Puchalski Survey, Abstract No. 996, City of Denton, Denton County, Texas, and being generally located in the 900 block of W. Collins Street (Block 4, Hillside Addition, City and County of Denton, Texas). 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. [Eagle Substation]

D. <u>ID 15-818</u>

Consultation with Attorneys - Under Texas Government Code Section 551.071; Deliberations regarding Economic Development Negotiations - Under Texas Government Code Section 551.087; and Deliberations regarding Real Property - Under Texas Government Code Section 551.072.

Discuss, deliberate, receive information from staff and provide staff with direction pertaining to legal and economic development issues related to Orison Holdings and Rail Yard Partners, LTD. and economic development incentives and the acquisition of real property interests in the H. Sisco Survey, Abstract No. 1184, Denton, Denton County, Texas, generally located in the 600 block of E. Hickory. This discussion shall include commercial and financial information the City Council has received from Orison Holdings 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 15-819]

E. ID 15-826 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, 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; 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 THE CITY COUNCIL RESERVES THE RIGHT TO ADJOURN INTO A POWER EXCEPTION'). 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 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 15-149 Blood Cancer Awareness Month
- **B.** ID 15-719 Presentation by Phil Williams, DME General Manager, recognizing the outstanding accomplishments of Denton Municipal Electric's Lineman Rodeo Team at the 19th Annual Texas Lineman's Rodeo.
- C. ID 15-741 LIVE UNITED Month
- **D.** ID 15-779 Denton Dolphins

3. PRESENTATION FROM MEMBERS OF THE PUBLIC

- A. Review of procedures for addressing the City Council.
- B. Receive Scheduled Citizen Reports from Members of the Public.
- 1. <u>ID 15-796</u> Sam O'Donnell regarding a petition for a skate park.
- 2. <u>ID 15-795</u> Roy Metzler representing the Monsignor King Outreach Center regarding an update and request for funds.
- 3. <u>ID 15-815</u> Claudette Fette regarding the Coordinator position for the homeless and associated homeless needs.
- C. Additional Citizen Reports This section of the agenda permits any person not registered for a citizen report to make comments regarding public business on items not listed on the agenda. This is limited to four speakers per meeting with each speaker allowed a maximum of four (4) minutes.

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. <u>ID 15-618</u>

Consider a request for an exception to the Noise Ordinance for the purpose of the fifth annual Susan G. Komen North Texas Denton Race for the Cure at C.H. Collins Athletic Complex and Long Road, on Saturday, September 26, 2015, from 6:00 a.m. to 11:00 a.m. Amplified sound is needed for public announcements regarding race times and to play music during the event. The exception is specifically requested to increase sound levels from 70 to 75 decibels. Staff recommends approval.

Attachments:

Exhibit 1 Letter of Request

B. ID 15-708

Consider a request for an exception to the Noise Ordinance for the purpose of the fundraiser, 2015 SunRay's Rodeo, Music and Arts Festival hosted by the Raylyn's Heart Foundation, to be held at the North Texas Fairgrounds October 3, 2015, from 3:00 p.m. to 12 midnight. The exception is specifically requested to increase sound levels from 70 to 75 decibels and for an extension of hours from 10 p.m. to midnight. Staff recommends approval.

Attachments:

Exhibit 1 Letter of Request

C. ID 15-709

Consider approval of a resolution allowing the Black Chamber of Commerce to be the sole participant allowed to sell alcoholic beverages at the Blues Festival on September 19-20, 2015, upon certain conditions; authorizing the City Manager or his designee to execute an agreement in conformity with this resolution; and providing for an effective date. The Parks, Recreation and Beautification Board recommend approval with a vote of 5-0.

Attachments:

Exhibit 1 2015 Blues Letter of Request

Exhibit 2 Parks. Recreation and Beautification Excerpts of Minutes

Exhibit 3 Ordinance

D. <u>ID 15-743</u>

Consider approval of a resolution adopting a revised City of Denton Handbook for Boards, Commissions, and Council Committees; and declaring an effective date.

Attachments:

Exhibit 1: Resolution

Exhibit 2: Revised Handbook for Boards, Commissions, & Council 2015

Exhibit 3: Informal Staff Report 2015-073

E. ID 15-749

Consider approval of tax refunds for waiver of penalty and interest for Property Tax Accounts 651794DEN, 655073DEN, 650104DEN, 650792DEN, 655027DEN, 654998DEN, 651744DEN and 637181DEN.

<u>Attachments:</u> <u>Exhibit 1 Waiver Request</u>

F. ID 15-765

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 Skytrak Model 10042 Telehandler for the City of Denton Electric Substations division; and providing an effective date (File 5917-awarded to Kirby-Smith Machinery, Inc. in the amount of \$125,600). The Public Utilities Board recommends approval (7-0).

Attachments:

Exhibit 1-Pricing Comparison and Quotes

Exhibit 2-PUB Minutes
Exhibit 3-Ordinance

G. ID 15-767

Consider adoption of an ordinance accepting competitive bids and awarding a public works contract for the reconstruction of Lillian Miller Parkway from the IH 35E frontage road to north of Teasley Lane; providing for the expenditure of funds therefor; and providing an effective date (Bid 5869-awarded to the lowest responsible bidder meeting specification, Jagoe-Public Company in the amount of \$1,577,075.25).

Attachments:

Exhibit 1-Bid Tabulation Sheet

Exhibit 2-Ordinance

H. ID 15-768

Consider adoption of an ordinance approving the expenditure of funds for the purchase of a Phosphax Phosphorous Control System for Real Time Metering of Phosphorous at the Pecan Creek Water Reclamation Plant including one (1) year maintenance and a three (3) year agreement for the purchase of parts, which are available from only one source and in accordance with Texas Local Government Code 252.022, such purchases are exempt from requirements of competitive bids; providing for the expenditure of funds therefor; and providing an effective date (File 5891-awarded to Hach Company in the three (3) year not-to-exceed amount of \$335,947). The Public Utilities Board recommends approval (4-0).

Attachments:

Exhibit 1-Quote

Exhibit 2-HACH Sole Source Letter
Exhibit 3-Staff Sole Source Memo

Exhibit 4-PUB Minutes
Exhibit 5-Ordinance
Exhibit 6-Agreement

I. <u>ID 15-770</u>

Consider adoption of an ordinance accepting competitive proposals and awarding a contract for crane services for Denton Municipal Electric substation and transmission line projects (RFP 5875-awarded to Luckett Crane Service, LTD in the three (3) year not-to-exceed amount of \$540,000). The Public Utilities Board recommends approval (7-0).

Attachments: Exhibit 1-Evaluation and Ranking

Exhibit 2-PUB Minutes
Exhibit 3-Ordinance
Exhibit 4-Contract

J. ID 15-773

Consider adoption of an ordinance of the City of Denton authorizing the City Manager or his designees to expend funds in an amount not to exceed \$142,500.00 for the renovation of residential property located at 1224 North Bonnie Brae St., in the City of Denton, Texas. The purpose of the project is to provide a decent, safe, and sanitary replacement residence for a legally disabled Denton citizen who will be displaced due to an existing City infrastructure expansion as required by law.

Attachments:

Exhibit 1 Renovation Estimate

Exhibit 2 Ordinance

K. <u>ID 15-775</u>

Consider adoption of an ordinance authorizing the City Manager to execute an agreement or agreements by and between the City of Denton, Texas and the Texas Municipal Power Agency (TMPA), that provides for terms and conditions under which Denton Municipal Electric will be responsible for the operation and maintenance of all TMPA transmission assets located within Denton County, Texas, in substantial conformity with the attached exhibits; authorizing the expenditure of funds therefor; and providing an effective date.

Attachments:

Exhibit 1 TMPA Ordinance

L. ID 15-778

Consider adoption of an ordinance authorizing the City Manager, or his designee, to execute on behalf of the City of Denton, a Fixed Base Operator Airport Lease Agreement between the City of Denton, Texas and BAM Denton Management Ventures, LLC; and, providing an effective date. The Council Airport Committee recommends approval (3-0).

Attachments:

Exhibit- 1 BAM Property Lease Summary

Exhibit- 2 Hangar Construction Concept

Exhibit- 3 BAM FBO Renovation Concept

Exhibit- 4 Building Site Survey

Exhibit- 5 BAM ordinance and lease

M. <u>ID 15-782</u>

Consider adoption of an ordinance of the City of Denton, Texas approving the Meet and Confer Agreement between the City of Denton and the Denton Fire Fighters Association, and providing an effective date.

Attachments:

Exhibit 1 Fire Meet and Confer Agreement Summary Matrix

Exhibit 2 Fire Ordinance and Agreement

N. <u>ID 15-783</u>

Consider adoption of an ordinance of the City of Denton, Texas authorizing contribution to the Denton Firemen's Relief and Retirement Fund by the City; and establishing an effective date.

Attachments:

Exhibit 1 Article 12 Pension

Exhibit 2 Ordinance

O. ID 15-792

Consider adoption of an ordinance accepting competitive proposals and awarding a public works contract for the renovation of the City of Denton Civic Center Pool, located at 515 North Bell Street; providing for the expenditure of funds therefor; and providing an effective date (RFP 5867-awarded to JC Commercial, Inc. in the amount of \$1,797,777).

Attachments:

Exhibit 1-Evaluation and Ranking Sheet

Exhibit 2-Ordinance

P. ID 15-820

Consider approval of a resolution of the City of Denton, Texas approving the renaming of the Patterson-Appleton Center for the Visual Arts to the Patterson-Appleton Arts Center; and declaring an effective date.

Attachments:

Exhibit 1 - Resolution R2014-019

Exhibit 2 - City Council Letter Naming 2015

Exhibit 3 - Resolution

5. ITEMS FOR INDIVIDUAL CONSIDERATION

A. <u>ID 15-787</u>

Consider nominations/appointments to the City's Boards and Commissions: Health & Building Standards Commission; Human Services Advisory Committee; Parks, Recreation and Beautification Board; and Zoning Board of Adjustment.

Attachments:

Exhibit 1 Nominations Sheet for 2015

B. <u>ID 15-819</u>

Consider adoption of an ordinance of the City of Denton, Texas approving an Economic Development Agreement for an incentive grant between the City of Denton, the Board of Directors of the Tax Increment Reinvestment Zone Number One, City of Denton, Texas, and Rail Yard Partners, LTD; and a Commercial Lease Agreement between the City of Denton and Rail Yard Partners, LTD. involving development at the property located at 608 East Hickory Street, Denton, Texas, 76201 and for which the Tax Increment Reinvestment Zone Number One Board recommends approval; providing authority for the City Manager to execute the agreements subject to final language approval by the City Attorney; and providing an effective date.

Attachments:

Exhibit 1 - Proect Rendering and Space Layout

Exhibit 2 - Downtown TIF Project Plan

Exhibit 3 - Downtown TIF Board Meeting Minutes 01-16-15

Exhibit 4 - EDP Board Meeting Minutes 10-14-15

6. PUBLIC HEARINGS

A. Z15-0021

Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, providing an amendment to a Detailed Plan for a single family development within a Planned Development 12 (PD-12) district zone on approximately 1.37 acres of property, generally located on the north side of Winston Drive, approximately 139 feet northeast of the corner of Waterford Way and Winston Drive in the City of Denton, Denton County, Texas, providing for a penalty in the maximum amount of \$2,000.00 for violations thereof; providing a severability

clause and an effective date. The Planning and Zoning Commission recommends approval (7-0).

<u>Attachments:</u> Exhibit 1 - Planning and Zoning Commission Report

Exhibit 2 - Aerial Map

Exhibit 3 - Zoning Map

Exhibit 4 - Future Land Use Map

Exhibit 5 - Detailed Plan

Exhibit 6 - Ordinance 2015-180 Boundary Agreement

Exhibit 7 - Public Notification Map

Exhibit 8 - July 22, 2015 Planning and Zoning Commission Minutes

Exhibit 9 - Draft Ordinance

B. ID 15-776 Hold a public hearing and consider approval of a resolution for the proposed

transmission route for construction, expansion, and use of electric power transmission lines, beginning at the Bonnie Brae Substation of Denton Municipal Electric and traversing along lines beginning from east of Bonnie Brae St., west of North Locust St., and terminating just south of Loop 288 at the North Lakes

Substation, in the City of Denton, Denton County, Texas.

<u>Attachments:</u> <u>Exhibit 1 Resolution</u>

Exhibit 2 Project Info Sheet

Exhibit 3 System Map

Exhibit 4 Location Map

Exhibit 5 Route Options Map

Exhibit 6 Open House Report

Exhibit 7 Comment Sheets

Exhibit 8 PUB Public Hearing Minutes

C. <u>ID 15-694</u> Hold a public hearing and receive citizen input on the FY 2015-16 Proposed

Budget.

<u>Attachments:</u> Exhibit 1 - Notice of Public Hearing on Budget

D. ID 15-695 Hold a second public hearing on a proposal to adopt a tax rate of \$0.696380 per

\$100 valuation, which will exceed the lower of the effective or rollback tax rate.

<u>Attachments:</u> Exhibit 1 - Notice of Proposed Tax Rate

7. PRESENTATION FROM MEMBERS OF THE PUBLIC

- A. Review of procedures for addressing the City Council.
- B. Receive Scheduled Citizen Reports from Members of the Public.
- 1. ID 15-790 Willie Hudspeth regarding City Hall.

8. 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.

CERTIFICATE

I certify that the above	notice of meeting wa	as posted on the	he 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		

COUNCIL NOTE: THE CITY OF DENTON CITY **CHAMBERS** IS ACCESSIBLE IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT. THE CITY 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 (TDD) BY CALLING 1-800-RELAY-TX SO THAT SIGN LANGUAGE INTERPRETER CAN BE SCHEDULED THROUGH THE CITY SECRETARY'S OFFICE.