

City of Denton

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

Meeting Agenda City Council

Tuesday, December 15, 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, December 15, 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 December 15, 2015.

3. Work Session Reports

A. <u>SI15-0022</u> Receive a report, hold a discussion, and give staff direction regarding the regulation and economic impact of mobile food vendors in the City of Denton.

<u>Attachments:</u> Exhibit 1-Ordinance and Chapter 13 "Food and Food Establishments

B. ID 15-1180 Receive a report, hold a discussion, and give staff direction on the Denton Renewable plan and activities related to the future power supply plans to meet the City's growth and needs.

Attachments: Exhibit 1 - Dec 1 WS presentation

Exhibit 2 - Nov 10 WS presentation
Exhibit 3 - Dec 15 WS presentation

C. <u>ID 15-1240</u> Receive a report, hold a discussion, and give staff direction regarding the notification process utilized by Development Services.

Attachments: Exhibit 1-Property Owner Notification Click2Mail Report

Exhibit 2-200-Foot Property Owner Notification Template PZC

Exhibit 3-500-Foot Property Owner Courtesy Notification Template PZC

Exhibit 4-200-Foot Property Owner Notification Template ZBA

Exhibit 5-500-Foot Property Owner Courtesy Notification Template ZBA

Exhibit 6-200-Foot Property Owner Notification Template HLC

Exhibit 7-500-Foot Property Owner Courtesy Notification Template HLC

Exhibit 8-Neighborhood Meeting Checklist and Procedures Guide

D. ID 15-1255 Receive a report, hold a discussion, and give staff direction regarding a proposed Economic Development Chapter 380 Grant Agreement with US Aviation Group, LLC, for a business expansion at the Denton Enterprise Airport.

Attachments: Exhibit 1 - US Aviation Group Agreement

Exhibit 2 - US Aviation Group Ordinance

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 15-1256</u> Deliberations regarding Economic Development Negotiations - Under Texas Government Code Section 551.087.

Receive a report and hold a discussion regarding a proposed economic development program grant agreement between the City of Denton and US Aviation Group, LLC. This discussion shall include commercial and financial information the City Council has received from US Aviation Group, LLC, a business prospect 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; deliberate the economic development program grant agreement between the City of Denton and US Aviation Group, LLC. [ID 15-1257]

B. ID 15-1307 Consultation with Attorney's - Under Texas Government Code, Section 551.071.

Consult with the City's attorneys regarding legal issues associated with the revocation or modification of a Specific Use Permit for Akers Towing 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 of Texas. [ID 15-1284]

C. <u>ID 15-1172</u> Deliberations Regarding Certain Public Power Utilities: Competitive Matters - Under Texas Government Code Section 551.086.

Receive a presentation from Denton Municipal Electric staff ("DME") regarding public power competitive and financial matters pertaining to plans, strategies, opportunities, and developments for generation improvements to the DME system; discuss and deliberate strategies regarding same; discuss and deliberate opportunities and strategies for the City to acquire purchased power and enter into agreements regarding the same, in order to meet its future energy needs. Discuss, deliberate and provide Staff with direction. [15-1260]

D. ID 15-761 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 and discuss, deliberate, and provide staff with direction regarding the potential acquisition of real property interests located in Lot 1, Block 2 of the Municipal Utility Addition as shown by the plat thereof recorded in Cabinet G Page 346 of the P.R.D.C.T., in the City of Denton, Denton County,

Texas; where discussion had, deliberation, and direction given, by the Denton City Council in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third party. Consultation with the City's attorneys regarding legal issues associated with the acquisition of the real property interests described above; discussion of these legal matters in an open meeting 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. [Brinker Substation]

E. ID 15-1321 Consultation with Attorneys - Under Texas Government Code, Section 551.071.

Consult with the City's attorneys about Verizon Southwest, Inc.'s unpaid pole attachment fees including the status of settlement negotiations, potential litigation, and related issues. Discuss, deliberate and provide the City's attorneys with direction and any recommendations regarding such legal matter. A public discussion of this legal matter would conflict with the duty of the City's Attorneys to the City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.

F. ID 15-1325 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 the E. Puchalski Survey, Abstract No. 996, located generally in the 1200 Block of N. I-35E, City of Denton, Denton County, Texas. Consultation with the City's attorneys regarding legal issues associated with the acquisition or condemnation of the real property interests referenced above where a public discussion of these legal matters would conflict with the duty of the City's attorneys to the City of Denton and the Denton City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas, or would jeopardize the City's legal position in any administrative proceeding or potential litigation. (Denton Fire Station No. 3 Rebuild)

G. ID 15-1326 Consultation with Attorneys - Under Texas Government Code, Sec. 551.071.

Consult with the City's attorneys regarding the present status of settlement negotiations regarding pending litigation styled: City of Denton, Texas v. NRG Power Marketing, LLC, Cause No. 15-01404-16, now pending in the 16th Judicial District Court of Denton County, Texas, and discuss, deliberate and provide the City's attorneys with direction and any recommendations regarding such legal matter. A public discussion of this legal matter would conflict with the duty of the City's Attorneys to the City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.

H. ID 15-1329 Consultation with Attorneys - Under Texas Government Code §551.071.

Consult with the City's Attorneys on the status, strategy, and potential resolution of litigation styled Bishop v. City of Denton, Texas and Darius M. Porter, Cause No. 4:14-CV-608, currently pending in the US District Court for the Eastern District of Texas, Sherman Division.

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 INCLUDING, WITHOUT **OPEN MEETINGS** ACT, 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 15-1190 Presentation by Denton County Friends of the Family
- **B.** ID 15-1300 Volunteer appreciation for Eureka 2 Playground Project

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 15-1311</u> Marc Moffitt regarding various issues.
- 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-R). 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-R 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 15-1224

Consider approval of a resolution to the City Council of the City of Denton, Texas authorizing the filing and acceptance of a contract with the Solid Waste & Recycling Department (SW&R) and South Forks Trinity River Mitigation Group 1, LP, for the SW&R to purchase mitigation credits to offset impacts to the Waters of the United States in providing wetland mitigation, in the preparation, development and submittal of a permit application for lateral expansion and associated services pertaining to the City of Denton Landfill (MSW Permit #1590a); authorizing the expenditure of funds in the stated amount of \$66,888, and providing an effective date.

Attachments:

Exhibit 1 US Army Corp of Engineers - LF Waterways

Exhibit 2 Mitigation Credit Sales Agreement

Exhibit 3 Resolution

B. ID 15-1229

Consider adoption of an ordinance accepting competitive proposals and awarding a contract for the purchase of electric substation galvanized tubular steel structures for Denton Municipal Electric; providing for the expenditure of funds therefore; and providing an effective date (RFP 5841-awarded to Techline, Inc. in the (3) year not-to-exceed amount of \$1,840,000).

Attachments:

Exhibit 1-Evaluation and Ranking Sheet

Exhibit 2-Ordinance
Exhibit 3-Contract

C. ID 15-1257

Consider adoption of an ordinance establishing an Economic Development Program under Chapter 380 of the Local Government Code for making grants of public money to promote economic development and to stimulate business activity in the city of Denton; approving an economic development program grant agreement with US Aviation Group, LLC, setting forth the various conditions precedent to US Aviation Group, LLC receiving the program grant; providing for a severability clause; and providing an effective date.

Attachments:

Exhibit 1-US Aviation Group Agreement

Exhibit 2-US Aviation Group Ordinance

D. <u>ID 15-1261</u>

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 four (4) dump trucks, two (2) haul trucks, and ten (10) refuse trucks for the City of Denton Wastewater Collections, Drainage, Solid Waste, and Parks Departments; and providing an effective date (File 5980-awarded to Rush Truck Center, Crane in the amount of \$2,560,878).

<u>Attachments:</u> Exhibit 1-Comparison

Exhibit 2-Quotes

Exhibit 3-Peterbilt Letter

Exhibit 4-Fleet Standardization Memo

Exhibit 5-Ordinance

E. ID 15-1262

Consider adoption of an ordinance accepting competitive proposals and awarding a contract for the purchase of electric rubber insulated termination and separable goods and accessories to be stocked in the City of Denton Distribution Center; providing for the expenditure of funds therefor; and providing an effective date (RFP 5928-awarded to Techline, Inc. in the three (3) year not-to-exceed amount of \$650,000).

Attachments:

Exhibit 1-Evaluation and Rankng

Exhibit 2-Ordinance
Exhibit 3-Contract

F. ID 15-1268

Consider adoption of an ordinance of the City Council of the City of Denton, Texas, authorizing the City Manager to execute a professional services agreement for Sales Tax Compliance Review Services for the City of Denton Finance Department; providing for the expenditure of funds therefor; and providing an effective date (File 6000-awarded to TexasCityServices LLC in the recovery fee percentage of 32% of additional sale/use taxes received in the first year of the contract and 36% of additional sales/use taxes received for the second and third years of the contract period). The Audit/Finance Committee recommends approval (2-0).

Attachments:

Exhibit 1-Staff Memo

Exhibit 2-Ordinance
Exhibit 3-Contract

G. <u>ID 15-1270</u>

Consider adoption of an ordinance of the City of Denton, Texas providing for, authorizing, and approving a three (3) year support service contract for Microsoft Premier Support Services for the City of Denton, which is available from only one source and in accordance with Chapter 252.022 of the Texas Local Government Code such purchases are exempt from the requirements of competitive bidding; and providing an effective date (File 5737-awarded to Microsoft Corporation in the three (3) year not-to-exceed amount of \$208,000).

Attachments:

Exhibit 1-MIcrosoft Service and Fee Schedule

Exhibit 2-Sole Source
Exhibit 3-Ordinance

H. ID 15-1272

Consider approval of a resolution of the City Council of the City of Denton, Texas authorizing the filing of a project application with the North Central Texas Council of Governments for a Regional Household Hazardous Waste Grant, Regional Collaborative Project, source reduction and recycling; delegating and authorizing George C. Campbell, City Manager, or his designate, to act on behalf of the City in all other matters that are related to this project application, pledging that if funding for this project is received, the City of Denton, Texas will comply with all project

requirements of the North Central Texas Council of Governments, the Texas Commission on Environmental Quality, and the State of Texas, and providing for an effective date.

Attachments:

Exhibit 1-Grant Authorization Resolution

I. ID 15-1277

Consider approval of two resolutions of the City Council of the City of Denton, Texas authorizing the filing of a project application with the North Central Texas Council of Governments for a Regional Solid Waste Program - Local Government Project, source reduction and recycling; delegating and authorizing George C. Campbell, City Manager, or his designate, to act on behalf of the City in all other matters that are related to this project application, pledging that if funding for this project is received, the City of Denton, Texas will comply with all project requirements of the North Central Texas Council of Governments, the Texas Commission on Environmental Quality, and the State of Texas, and providing for an effective date.

Attachments:

Exhibit 1- Low Speed Shredder Resolution

Exhibit 2- High Speed Grinder Resolution

J. <u>ID 15-1280</u>

Consider approval of a resolution of the City of Denton, Texas affirming its desire to remove FM 426 (McKinney Street) off the Texas Department of Transportation roadway system, directing staff to submit official correspondence to TxDOT regarding this desire; and providing an effective date. The Mobility Committee recommends approval (3-0).

Attachments:

Exhibit 1 426 Resolution

K. ID 15-1282

Consider adoption of an ordinance of the City of Denton, Texas providing for, authorizing, and approving the purchase of Excess Liability Insurance Coverage for the City of Denton, through the City's sole broker of record, McGriff, Seibels, and Williams of Texas, Inc., and in accordance with Chapter 252.024 of the Texas Local Government Code such coverage is exempt from the requirements of competitive bidding; and providing an effective date (File 6020 awarded to Illinois Union Insurance Company in the one (1) year not-to-exceed amount of \$197,590 and a three (3) year not-to-exceed amount of \$654,000).

Attachments:

Exhibit 1-Excess Liability Insurance Evaluation Document

Exhibit 2-Broker Recommendation Letter

Exhibit 3-Premium Quote

Exhibit 4-Ordinance

L. <u>ID 15-1288</u>

Consider adoption of an ordinance of the City of Denton authorizing the City Manager, or his designee, to execute on behalf of the City of Denton an acceptance of an offer from the Texas Department of Transportation relating to a grant for Routine Airport Maintenance Program; authorizing the City Manager to expend funds provided for in the grant program; and declaring an effective date (TxDOT CSJ No.: M618DNTON). The Airport Advisory Board recommends approval (6-0).

Attachments:

Exhibit 1 Ordinance

M. ID 15-1292

Consider adoption of an ordinance of the City of Denton amending certain

provisions of Chapter 23 "Police" of the Code of Ordinances of the City of Denton to conform with certain provisions of state law; providing a severability clause; providing a savings clause; providing for a penalty not to exceed \$500 for violations of this ordinance; and providing an effective date.

Attachments:

Exhibit 1 - Towing Ordinance (revision 2)

N. ID 15-1293

Consider adoption of an ordinance of the City of Denton, Texas, amending Ordinance no. 2015-336 relating to fees for non-consent towing within the City of Denton pursuant to Chapter 23, Article V of the Code of Ordinances of the City of Denton, Texas; providing that a schedule of fees shall be maintained on file in the office of the City Secretary; providing a savings clause; providing a severability clause; and providing an effective date.

Attachments:

Exhibit 1 Ordinance

O. ID 15-1294

Consider adoption of an ordinance of the City of Denton, Texas amending the provisions of Chapter 18 "Motor Vehicles and Traffic" by amending Section 18-104(a) (1) relating to the impoundment of standing or parked vehicles by increasing the towing fee; providing a severability clause; providing a repealer clause; providing a savings clause; providing for a penalty not to exceed \$500 for violations of this ordinance; and providing for an effective date.

Attachments:

Exhibit 1 Ordinance

P. <u>ID 15-1308</u>

Consider adoption of an ordinance of the City of Denton, Texas which would amend Code Section 2-30 "Improper Disclosure of Confidential Information" to redefine "confidential government information" and to remove all provisions providing for and relating to a criminal penalty; providing for severability, repealer and an effective date.

Attachments:

Exhibit 1 Ordinance

O. ID 15-1316

Consider adoption of an ordinance approving an Advance Funding Agreement for a Project Using Funds Held in the State Highway 121 Subaccount in the amount of \$2,000,000.00 between the City of Denton and the State of Texas for the design and construction of a roundabout on North Texas Boulevard at IH35E in the City of Denton, authorizing the expenditure of funds therefor; and providing an effective date.

Attachments:

Exhibit 1-Ordinance

Exhibit 2-Project Layout

Exhibit 3-Funding Agreement

Exhibit 4-Roundabout Schematic

R. <u>ID 15-1317</u>

Consider adoption of an ordinance approving an Advance Funding Agreement for a Project Using Funds Held in the State Highway 121 Subaccount in the amount of \$3,000,000.00 between the City of Denton and the State of Texas for the reconstruction and widening of Hickory Creek Road from FM 2181 to Proposed FM 2499 in the City of Denton, authorizing the expenditure of funds therefor; and providing an effective date.

Attachments: Exhibit 1- Ordinance Hickory Creek Road

Exhibit 2- Project Layout

Exhibit 3- Funding Agreement

5. ITEMS FOR INDIVIDUAL CONSIDERATION

A. ID 15-985 Consider approval of a resolution by the City Council regarding three proposed sites

for construction, expansion, and use of an electric power transmission /distribution substation located along both the east side of Bernard St. between Eagle Drive to the north and Collins Street to the south, in the City of Denton, Texas, as part of Denton

Municipal Electric's service territory.

Attachments: Exhibit 1 - Project Information

Exhibit 2 - System Map

Exhibit 3 - Location Map

Exhibit 4 - Eagle Site Options

Exhibit 5 - Resolution

B. ID 15-1284 Consider adoption of an ordinance revoking or modifying a Specific Use Permit

dated August 5, 2014, allowing a wrecker service and impound lot on property located in an Employment Center Industrial (EC-I) zoning and land use district on approximately 1.3 acres, generally located south of Smith Street, east of Dallas

Drive, and north of Teasley Lane; and providing an effective date.

<u>Attachments:</u> Exhibit 1 Draft Revocation SUP Ordinance

Exhibit 2 Draft Modified SUP Ordinance

6. PUBLIC HEARINGS

A. <u>DCA15-0008</u> Hold a public hearing and consider adoption of an ordinance of the City of Denton, a Texas, to consider amending "Permitted Uses" in Subchapter 35.5 of the Denton

Texas, to consider amending "Permitted Uses" in Subchapter 35.5 of the Denton Development Code to replace "Semi-Public Halls, Clubs, and Lodges" with "Assembly Halls, Clubs, and Lodges" in the list of zoning uses in Subchapter 5 and to revise definition for "Semi-Public Halls, Clubs, and Lodges" in Subchapter 23.2; providing for a penalty in the maximum amount of \$2,000.00 for violations thereof;

providing a severability clause and an effective date.

Attachments: Exhibit 1-Staff Analysis

Exhibit 2-Proposed Amendments to DDC Chapter 35.5

Exhibit 3-November 18, 2015 P&Z Meeting Minutes

Exhibit 4-Draft Ordinance

B. <u>ID 15-1260</u> Hold a public hearing and consider public input regarding the proposed Renewable

Denton Plan for future power supply as part of Denton Municipal Electric's service territory; discuss, deliberate, provide staff with direction; and consider approval of a

resolution approving the Denton Municipal Electric Renewable Denton Plan.

Attachments: Exhibit 1 Resolution

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. <u>ID 15-1310</u> 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 th	e above notice	e of meeting	was	posted	on	the bulletin	board	at the	City	Hall	of the	City	of
Denton, Texas, o	on the	_day of				_, 2015 at		o'clock	(a.m.) (p.m	.)		
										CITY	ITY 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 ΑT LEAST 48 HOURS IN **ADVANCE** PLEASE CALL THE CITY SECRETARY'S OFFICE AT 349-8309 SCHEDULED MEETING. OR (TDD) TELECOMMUNICATIONS DEVICES FOR DEAF **CALLING** THE BY -RELAY-TX SO THAT A SIGN LANGUAGE INTERPRETER CAN BE SCHEDULED THROUGH THE CITY SECRETARY'S OFFICE.