



City of Denton

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

Meeting Agenda

City Council

Tuesday, January 26, 2016

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 Special Called Work Session on Tuesday, January 26, 2016 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 January 26, 2016.

3. Work Session Reports

- A. [ID 16-036](#) Receive a report, hold a discussion, and give staff direction regarding efforts to ensure reliable and affordable access to high-speed Internet services for our citizens and businesses.

Attachments: [Exhibit 1 Verizon Pricing](#)
[Exhibit 2 Charter Internet Pricing](#)
[Exhibit 3 High Speed Internet Update](#)

- B. [ID 16-079](#) Receive a report and hold a discussion on the status of the Enhanced Right-of-Way Maintenance Program.

Attachments: [Exhibit 1 - Scope of Work and Project Districts](#)
[Exhibit 2 - PowerPoint Presentation](#)

- C. [ID 16-082](#) Receive a report, hold a discussion, and give staff direction regarding the creation and implementation of Small Area Plans and the creation of a Small Area Plan for the Fry Street area.

Attachments: [Exhibit 1-Comprehensive Plan Goals](#)
[Exhibit 2-Fry Street Small Area Plan Boundary](#)
[Exhibit 3-Area Zoning](#)
[Exhibit 4-Area Future Land Use Map](#)
[Exhibit 5-Fry Street Small Area Work Plan Draft](#)
[Exhibit 6-Steering Committee Nomination Application](#)

- D. [ID 16-102](#) Receive a report and hold a discussion regarding an amendment to the Rayzor Ranch Overlay District Amendment, Public Hearing item ID 16-045.

Attachments: [Exhibit 1- SI15-0016 Presentation](#)

- E. [ID 16-119](#) Receive a report, hold a discussion and provide staff direction on a proposal to renovate the Old Central Fire Station and examine surface parking options for downtown.

Attachments: [Exhibit 1 Area Map Old Central](#)

- F. [ID 16-092](#) 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.

Following the completion of the Special Called Work Session, the City Council will convene in a Special Called 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 16-107](#) Consultation with Attorneys - Under Texas Government Code Section 551.071.

Consult with City's attorneys regarding ID 16-098 of the January 26, 2016 Consent Agenda, as it concerns legal issues associated with that item where a public discussion of this legal matter would conflict with the duty of the City's attorneys under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.

- B. [ID 16-091](#) 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.

- C. [ID 16-097](#) 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, exchange, lease or value of real property located generally in the 200 block of West Hickory and the 200 block of West Mulberry in the City of Denton, Denton County, Texas. Consultation with the City's attorneys regarding legal issues associated with the potential real property matter 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.

D. [ID 16-132](#) Consultation with Attorneys - Under Texas Government Code Section 551.071.

Consult with City's attorneys regarding legal issues associated with the Rayzor Ranch Overlay District zone 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.

Special Called 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. 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 – F). 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 – F 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 16-096](#)** Consider adoption of an ordinance of the City of Denton, Texas approving an Office Lease between the City of Denton and 4SR Mulberry, LLC, related to the properties located at 215 West Hickory Street and 216 West Mulberry Street, Denton, Texas, 76201; providing authority for the City Manager to execute the agreement subject to final language approval by the City Attorney; and providing an effective date.

- B. [ID 16-109](#) Consider approval of a resolution of the City of Denton, Texas authorizing the prohibition of open carrying handguns into meeting rooms during certain open meetings and providing for an effective date.
- Attachments: [Exhibit 1 Resolution](#)
- C. [ID 16-085](#) Consider adoption of an ordinance of the City of Denton, Texas, prohibiting left turns for any vehicle, except school buses, travelling southbound on Swisher Road at its intersection with Pockrus Paige Road on school days from 7:00 AM until 8:00 AM and from 2:30 PM until 3:30 PM; providing an exception for Denton Independent School District buses; providing a repealer clause; providing a savings clause; providing 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 - Ordinance](#)
- D. [ID 16-098](#) Consider adoption of an ordinance of the City of Denton, Texas, repealing Ordinance No. 2013-248 and enacting a new ordinance relating to planning and development fees as it concerns; gas well drilling and production in the City of Denton and its extraterritorial jurisdiction; road damage remediation fee calculations due to damage to City of Denton roadways from gas well drilling and production activities in the city; assessment of penalties and interest; and setting an effective date.
- Attachments: [Exhibit 1-Fee Schedule Ordinance No. 2013-248](#)
[Exhibit 3-Findings from Gas Well Fee Analysis](#)
[Exhibit 4-Proposal to Assist with Production Monitoring](#)
[Exhibit 5-Gas Well Fees - Presentation](#)
[Exhibit 6-New Fee Schedule Ordinance](#)
- E. [ID 16-158](#) Consider adoption of an ordinance of the City of Denton, Texas approving a Right of First Refusal between the City of Denton and 4SR Mulberry, LLC, related to the properties located at 215 West Hickory Street and 216 West Mulberry Street, Denton, Texas, 76201; providing authority for the City Manager to execute the agreement subject to final language approval by the City Attorney; and providing an effective date.
- F. [ID 16-159](#) Consider adoption of an ordinance of the City of Denton, Texas approving a Subordination, Non-Disturbance and Attornment Agreement between the City of Denton, 4SR Mulberry, LLC, and the National Bank of Texas at Fort Worth, related to the properties located at 215 West Hickory Street and 216 West Mulberry Street, Denton, Texas, 76201; providing authority for the City Manager to execute the agreement subject to final language approval by the City Attorney; and providing an effective date.

3. PUBLIC HEARINGS

- A. [ID 16-045](#) Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, amending the procedural and development standards for the Rayzor Ranch Overlay District by superseding the previously approved Rayzor Ranch Overlay District classification and amending Chapter 35, Subchapter 7.15 of the City of Denton Development Code. The approximately 410 acre site is generally located on the north and south sides of US HWY 380 (University Drive), between I-35 and Bonnie Brae St.

Attachments:

[Exhibit 1-Staff Analysis](#)

[Exhibit 2-Site Location](#)

[Exhibit 3-Redline Ordinance](#)

[Exhibit 4-Ordinance 2010-0158](#)

[Exhibit 5-Public Notification Map and Responses](#)

[Exhibit 6-Draft Minutes of the January 13, 2016 Planning & Zoning Commission](#)

[Exhibit 7-Draft Ordinance](#)

4. 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 _____, 2016 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.