



City of Denton

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

Meeting Agenda

City Council

Tuesday, February 2, 2016

4:30 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, February 2, 2016 at 4:30 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 February 2, 2016.

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 16-094](#) 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 generally south of the 2400 Block of Shady Oaks Drive, in the Mary Austin Survey, Abstract number four, 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]

- B. [ID 16-137](#) Deliberations regarding Real Property - Under Texas Government Code, Section 551.072; and 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 potential purchase of certain real property interests located in the J. White Survey, Abstract 1433 and generally in the 3100 block of Colorado Boulevard, City of Denton, Denton County, Texas. Consultation with the City's attorneys regarding legal issues associated with the potential 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. (Fire Department)

C. [ID 16-163](#) Consultation with Attorneys - Under Texas Government Code Section 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.

D. [ID 16-182](#) 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.

E. [ID 16-183](#) 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 the annexation or extension/renewal of non-annexation agreements for eligible properties, and to provide the City's attorneys with direction, where a 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 16-134](#) Go Red for Women

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. [ID 16-088](#) Gricelda Samano regarding a sign ordinance issue at 602 E. McKinney Street.
 - 2. [ID 16-116](#) Chole Terrell regarding the safety of Bell Avenue.
 - 3. [ID 16-170](#) Pat Smith regarding letter of commendation for Denton Police Dept. from Denton Bible Church.
- 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 – T). 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 – T 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 16-083](#) Consider adoption of an ordinance ordering an election to be held in the City of Denton, Texas on May 7, 2016 and, if a runoff election is required on June 18, 2016 for the purpose of electing Council Members to Places 5 and 6 and electing a Mayor to Place 7 of the City Council of the City of Denton, Texas; prescribing the time and manner of the conduct of the election to be in accordance with an agreement with the Election Administrator of Denton County; providing a severability clause; providing an Open Meetings clause; and providing an effective date.

Attachments: [Exhibit 1 - Ordinance](#)

- B. [ID 16-084](#) Consider adoption of an ordinance ordering a Recall Election to be held in the City of Denton, Texas, on May 7, 2016 for the purpose of determining whether City Council Member Joey Hawkins shall be removed from District 4 of the City Council of the City of Denton, Texas by recall; prescribing the time and manner of the conduct of the election to be in accordance with an agreement with the Election Administrator of Denton County; providing a severability clause; providing an Open Meetings clause; and providing an effective date.

Attachments: [Exhibit 1 - Ordinance](#)

- C. [ID 16-099](#) Consider adoption of an ordinance accepting competitive proposals and awarding a public works contract for the renovation of an existing pre-engineered metal building located at 651 South Mayhill Road for the City of Denton Solid Waste Department; providing for the expenditure of funds therefor; and providing an effective date (RFP 5866-awarded to Links Construction, LLP in the amount of \$522,743). The Public Utilities Board recommends approval (6-0).

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

[Exhibit 2-PUB Minutes](#)

[Exhibit 3-Ordinance](#)

- D. [ID 16-100](#) 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 architectural, structural, mechanical, and electrical design services in support of the design of the new City of Denton Household Chemical Collections Facility to be located at 1527 South Mayhill Road; providing for the expenditure of funds therefor; and providing an effective date (File 5906 awarded to Nelson+ Morgan Architects, Inc. in the not-to-exceed amount of \$239,935). The Public Utilities Board recommends approval (6-0).

Attachments: [Exhibit 1-Public Utilities Board Minutes](#)

[Exhibit 2-Ordinance](#)

[Exhibit 3-Professional Services Agreement](#)

- E. [ID 16-101](#) Consider adoption of an ordinance of the City of Denton, Texas authorizing the City Manager to execute a First Amendment to a Professional Services Agreement by and between the City of Denton, Texas and Resolved Energy Consulting, LLC, for

services relating to Denton Municipal Electric projects that include without limitation, Electric Reliability Council of Texas (ERCOT), Public Utilities Commission of Texas (PUCT), and other regulatory activities respecting the City of Denton's Electric Utility; authorizing the expenditure of funds therefor; providing an effective date (File No. 5332 in the additional amount not-to-exceed \$520,000; aggregating a total not-to-exceed \$1,040,000). The Public Utilities Board recommends approval (6-0).

Attachments: [Exhibit 1-Public Utilities Board Minutes](#)
 [Exhibit 2-Ordinance With Amendment](#)

- F. [ID 16-103](#) Consider adoption of an ordinance of the City of Denton, Texas approving the sale of (i) an approximate 2.902 acre tract of land, and (ii) an approximate 24.293 acre tract of land, both being situated in the G. Walker Survey, Abstract No. 1330, City of Denton, Denton County, Texas, to the successful bidder, Atmos Energy Corporation, a Texas and Virginia corporation for the total consideration of \$1,244,668.00; authorizing the City Manager to execute a Contract of Sale between City of Denton, ("Owner") and Atmos Energy Corporation ("Buyer"), further; in accordance with Texas Local Government Code 253.001, to execute a deed to Atmos Energy Corporation, together with any other documents necessary to sell and convey said real property; and providing an effective date (Bid 5994-Sale of Real Property Located in Pecan Creek Area).

Attachments: [Exhibit 1-Location Map](#)
 [Exhibit 2-Site Map](#)
 [Exhibit 3-Ordinance with Contract](#)

- G. [ID 16-104](#) Consider adoption of an ordinance accepting competitive proposals and awarding a contract for the purchase of electric utility pad-mounted switchgears to be stocked in the City of Denton Distribution Center; providing for the expenditure of funds therefor; and providing an effective date (RFP 5985-awarded to Anixter Power Solutions in the three (3) year not-to-exceed amount of \$6,000,000).

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

- H. [ID 16-106](#) Consider adoption of an ordinance accepting competitive proposals and awarding a contract for tree trimming services for Denton Municipal Electric (DME); providing the expenditure of funds therefor; and providing an effective date (RFP 5991-Electric Utility Line Tree Trimming Services awarded to ABC Professional Tree Services, Inc., in a three (3) year not-to-exceed amount of \$3,849,256.50). The Public Utilities Board recommends approval (6-0).

Attachments: [Exhibit 1-Pricing and Evaluation Sheet](#)
 [Exhibit 2-Public Utilities Board Minutes](#)
 [Exhibit 3-Ordinance](#)
 [Exhibit 4-Contract](#)

- I. [ID 16-113](#) Consider approval of the minutes of October 30, November 2, November 10, and

November 17, 2015.

Attachments: [Exhibit 1 - October 30, 2015 minutes](#)
 [Exhibit 2 - November 2, 2015 minutes](#)
 [Exhibit 3 - November 10, 2015 minutes](#)
 [Exhibit 4 - November 17, 2015 minutes](#)

- J. [ID 16-115](#) Consider adoption of an ordinance adopting the Denton County, Texas Hazard Mitigation Action Plan (HazMAP), of which the City of Denton is a party, and providing for an effective date.

Attachments: [Exhibit 1 Ordinance 2011-078](#)
 [Exhibit 3 TDEM APA Notice Letter](#)
 [Exhibit 4 Ordinance](#)

- K. [ID 16-118](#) Consider adoption of an ordinance approving a City sponsorship in an amount not to exceed \$5,700 of in-kind services and resources for the 31st Annual Texas Storytelling Festival to be held in the Civic Center located at 321 E. McKinney Street from March 10-13, 2016; and providing an effective date.

Attachments: [Exhibit 1 - Letter of Request](#)
 [Exhibit 2 - 2015 Proposed Costs versus Actual Costs](#)
 [Exhibit 3 - 2015-16 Running Total of Requested Support](#)
 [Exhibit 4 - Proposed Ordinance](#)

- L. [ID 16-122](#) Consider adoption of an ordinance approving a contract for a three (3) year comprehensive service plan for maintenance and tuning of the City of Denton Municipal Laboratory Perkin Elmer Inductively Coupled Plasma Mass Spectrometer 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 6047-awarded to PerkinElmer Health Sciences, Inc. in the three (3) year not-to-exceed amount of \$87,937.30). The Public Utilities Board recommends approval (6-0).

Attachments: [Exhibit 1-Quote](#)
 [Exhibit 2-Vendor Sole Source Letter](#)
 [Exhibit 3-Sole Source Memo](#)
 [Exhibit 4-Public Utilities Board Minutes](#)
 [Exhibit 5-Ordinance](#)
 [Exhibit 6-Contract](#)

- M. [ID 16-136](#) Consider adoption of an ordinance of the City Council of Denton, Texas, authorizing the City Manager to execute the "Utility Adjustment Agreement Amendment No. 003 to Agreement No. 35E-U-0503" to the original "Project Utility Adjustment Agreement" in the amount of \$436,470.09; facilitating and authorizing water and wastewater line relocations for the Interstate Highway 35E project, in substantial conformity with the previously executed Texas Department of Transportation agreements with the Developer, AGL Constructors, which is a consortium composed of Archer Western Contractors, LLC, Granite Construction

Co. and Lane Construction company; and the Texas Department of Transportation; authorizing the expenditure of funds therefor; and providing an effective date. The Public Utilities Board recommends approval (6-0).

Attachments: [Exhibit 1 - Ordinance UAAA 003 020216](#)

[Exhibit 2 - UAAA 003 020216](#)

- N. [ID 16-172](#) Consider adoption of an ordinance accepting competitive proposals and awarding a contract for a Compensation and Classification Study for non-civil service City of Denton employees; providing for the expenditure of funds therefore; and providing an effective date (RFP 5972-awarded to Ulibarri-Mason Global HR, LP in a not-to-exceed amount of \$124,087.80).

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

[Exhibit 2-Ordinance](#)

[Exhibit 3-Contract](#)

- O. [ID 16-179](#) Consider adoption of an ordinance of the City of Denton, Texas approving a Building Lease Agreement 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.

Attachments: [Exhibit 1 - Building Lease](#)

[Exhibit 2 - Building Lease Ordinance](#)

- P. [ID 16-180](#) 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.

Attachments: [Exhibit 1 - SNDA Final](#)

[Exhibit 2 - SNDA Ordinance](#)

- Q. [ID 16-181](#) 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.

Attachments: [Exhibit 1 - Right of First Refusal - FINAL](#)

[Exhibit 2 - Ordinance Right of First Refusal](#)

- R. [ID 16-186](#) Consider adoption of an ordinance of the City of Denton, Texas setting dates, times, and place for public hearings on the proposed annexation of certain property by the City of Denton, Texas, authorizing and directing the City Secretary to publish notice

of such public hearings.

Attachments: [Exhibit 1-Ordinance on Public Hearings](#)

- S. [ID 16-187](#) Consider adoption of an ordinance of the City of Denton finding and declaring a restriction contained in the 1933 deed between the IOOF and the City of Denton conveying the said cemetery to the City of Denton prohibiting the use of the said cemetery for the burial of non-white persons to be illegal, unenforceable, unconscionable, contrary and repugnant to the philosophy, principals and beliefs of the City of Denton and that the said restrictive language shall not be enforced or recognized on any city-owned or managed property and providing an effective date.

Attachments: [Exhibit 1 Ordinance](#)

- T. [ID 16-188](#) Consider adoption of an ordinance of the City of Denton, Texas providing authorization of an Interlocal Cooperation Agreement between the City of Denton, Texas (“City”) and Denton County, Texas (“County”) regarding the County’s use of the City’s dark fiber facilities; and providing for an effective date.

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

5. PUBLIC HEARINGS

- A. [Z15-0027a](#) Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, regarding a change in the zoning classification from a Neighborhood Residential Mixed Use (NRMU) zoning district and use classification to a Community Mixed Use General (CM-G) zoning district and use classification on approximately 2.1 acres of land generally located at the southwest corner of West University Drive and Ector Street in the City of Denton, Denton County, Texas; adopting an amendment to the City’s official zoning map; providing for a penalty in the maximum amount of \$2,000.00 for violations thereof; providing a severability clause and an effective date. (Z15-0027) The Planning and Zoning Commission recommended denial of this request (5-0); therefore, in order to approve the request, a supermajority vote by City Council is required. This rezoning request was withdrawn by the applicant on January 25, 2016.

Attachments: [Staff Analysis](#)
 [Location Map](#)
 [Zoning Map](#)
 [Future Land Use Map](#)
 [Permitted Uses in Neighborhood Residential Mixed Use](#)
 [Permitted Uses in Community Mixed Use General](#)
 [Denton Development Code General Regulations](#)
 [Site Plan](#)
 [Landscape Plan](#)
 [Elevations](#)
 [Architectural Renderings](#)
 [Site Photos](#)
 [Public Notification and Responses](#)
 [Planning and Zoning Commission Meeting Minutes](#)
 [Draft Ordinance](#)

- B. [Z15-0032a](#) Hold a public hearing and consider a request for rezoning to a Neighborhood Residential 4 (NR-4) District for three tracts of land generally located 1,500 feet south of the intersection of Kings Row and North Loop 288, in the City of Denton, Denton County, Texas. Tract 1 is approximately 1.3 acres in size and is currently zoned a Community Mixed Use General (CM-G) District. Tract 2 is approximately 1.08 acres in size and is currently zoned a Neighborhood Residential Mixed Use 12 (NRMU-12) District. Tract 3 is approximately 0.51 acres in size and is currently zoned a Neighborhood Residential 3 (NR-3) District. The Planning and Zoning Commission recommends approval of this request (5-0).

Attachments: [Staff Analysis](#)
 [Site Location](#)
 [Zoning Map](#)
 [Future Land Use Map](#)
 [Zoning Exhibit](#)
 [Applicant Narrative](#)
 [NR-4 Permitted Uses](#)
 [Notification Map](#)
 [Planning & Zoning Commission Meeting Minutes](#)
 [Draft Ordinance](#)

6. 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 16-108](#) Willie Hudspeth regarding City Hall.

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 _____, 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.