



City of Denton

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

Meeting Agenda City Council

Tuesday, June 7, 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 Work Session on Tuesday, June 7, 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:

Members of the Public Utilities Board of the City of Denton may attend and participate in Work Session item 3A and Closed Meeting item 1A. This notice is posted to comply with Open Meetings Act requirements in the event that the number of Public Utilities Board Members present makes the Act applicable.

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 June 7, 2016.

3. Work Session Reports

- A. [ID 16-641](#) Receive a report, hold a discussion, and give staff direction regarding the study and analysis by Brattle Group, Inc. of the Renewable Denton Plan and activities related to the future power supply for Denton.

Attachments: [Exhibit 1 - Executive Summary](#)

- B. [ID 16-677](#) Receive a report, hold a discussion and give staff direction regarding the amendment of Chapter 18, Section 18-38, of the Code of Ordinances, Use of Wireless Communication Devices While Driving.

Attachments: [Exhibit 1 - TSC Minutes 5-2-16](#)
[Exhibit 2 - Presentation Wireless Device Crash Factors](#)
[Exhibit 3 - Ordinance No. 2014-112](#)

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 16-645](#) Deliberations Regarding Certain Public Power Utilities: Competitive Matters - Under Texas Government Code Section 551.086.

Receive a presentation from Brattle Group, Inc regarding the Renewable Denton Plan, including 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.

B. [ID 16-639](#)

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 related to the location and siting of electric transmission lines in an area bounded by Fort Worth Drive and Elm St. (western boundary), Robertson Street (northern boundary), the DART/D.C.T.A rail corridor (eastern boundary), Inman St. with an easterly projection to Spencer Rd. (southern boundary) and being located within the W. Loving Survey, Abstract No. 759; the H. Sisco Survey, Abstract No. 1184; the S. Hiram Survey, Abstract No. 616; the W. Teague Survey, Abstract No. 1266; the M. Austin Survey, Abstract No. 4; the J. Taft Survey, Abstract No. 1256; the R. Hopkins, Abstract No. 1694; and the A. Hill Survey, Abstract 623, lying within the City of Denton, Denton County, Texas. Consultation with the City's attorneys regarding legal issues associated with the acquisition of the real property interests described above where a 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, or where discussions 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. [Spencer to Locust Transmission Route]

C. [ID 16-657](#)

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 between Western Blvd. and Lot 1, Block 1, of the R D Wells Interchange Addition, an Addition to the City of Denton, Denton County, Texas according to plat recorded at Page 169, Cabinet Y, Plat Records of Denton County, Texas; discussions 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. [Easement related to the R.D. Wells Substation]

- D. [ID 16-668](#) 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 pertaining to the potential acquisition of real property interests in the Hiram Sisco Survey, Abstract No. 1184, Denton County, Texas, and generally located in area bounded to the north by East Hickory Street; to the south by East Prairie Street; to the west by South Bell Avenue; and to the east by the Pecan Creek tributary, City of Denton, Texas. Consultation with the City's attorneys regarding legal issues associated with the potential acquisition or condemnation 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. (Downtown Denton property tracts) [no action item]

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 16-608](#) Presentation to retiring Police Department officer, Virginia Nichols, from the Children's Advocacy Center.
- B. [ID 16-638](#) Colonel Wesley C. Reed Day

- C. [ID 16-689](#) Youth Peace Day International

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 16-662](#) Ed Soph regarding residential electric rates.
 - 2. [ID 16-663](#) Larry Beck presenting citizen letters opposing the proposed gas plants.
 - 3. [ID 16-669](#) Max Folmar regarding traffic conditions in the City and Customer Service billing procedures.
- 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 – J). 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 – J 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 16-623](#) Consider approval of the minutes of March 1, March 3, March 22, March 28 Forum, April 4, April 4 Forum, April 5, April 6 Forum, April 12, April 21 Forum, April 23 Forum, April 25 Forum, and April 26, 2016.

Attachments: [Exhibit 1-Minutes 3-1-16](#)
 [Exhibit 2-Minutes 3-3-16](#)
 [Exhibit 3-Minutes 3-22-16](#)
 [Exhibit 4-Forum Minutes 3-28-16](#)
 [Exhibit 5-Minutes 4-4-16](#)
 [Exhibit 6-Forum Minutes Forum 4-4-16](#)
 [Exhibit 7-Minutes 4-5-16](#)
 [Exhibit 8-Forum Minutes 4-6-16](#)
 [Exhibit 9-Minutes 4-12-16](#)
 [Exhibit 10-Forum Minutes 4-21-16](#)
 [Exhibit 11-Forum Minutes 4-23-16](#)
 [Exhibit 12-Forum Minutes 4-25-16](#)
 [Exhibit 13-Minutes 4-26-16](#)

- B. [ID 16-628](#) Consider approval of a resolution by the City of Denton, Texas, authorizing the City Manager to sign and submit to the Department of Housing and Urban Development a 2016 Action Plan for Housing and Community Development with appropriate certifications, as authorized and required by the Housing and Community Development Act of 1974, as amended, and the National Affordable Housing Act of 1990, as amended; and providing for an effective date.

Attachments: [Exhibit 1 Final 2016 Action Plan for City Council wMinutes](#)

- C. [ID 16-664](#) Consider adoption of an ordinance of the City of Denton authorizing an agreement between the City of Denton, Texas and Denton County Friends of the Family for the purpose of shelter and outreach services; providing for the expenditure of funds therefor; and providing for an effective date. (\$400)

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

- D. [ID 16-670](#) Consider adoption of an ordinance authorizing the City Manager to execute a Cooperative Purchasing Program Agreement with the City of Watauga, Texas under Section 271.102 of the Local Government Code, to authorize City of Denton contracts for the purchase of various goods and services; authorizing the expenditure of funds therefor; and declaring an effective date (File 6141-Cooperative Purchasing Program Agreement with the City of Watauga).

Attachments: [Exhibit 1-Fire Uniform Contract](#)
 [Exhibit 2-Ordinance](#)
 [Exhibit 3-Agreement](#)

- E. [ID 16-671](#) Consider adoption of an ordinance of the City of Denton, Texas authorizing the City Manager to execute a Second Supplement to a Professional Services Agreement by and between the City of Denton, Texas and the law firm of Cole Schotz, P.C., Dallas, Texas for legal services relating to transactional and regulatory work pertaining to the Texas Municipal Power Agency; providing for additional expenditure authority of not-to-exceed \$150,000; providing an effective date. (File 5380 in the additional amount not-to-exceed \$150,000, aggregating a total

not-to-exceed \$399,500). The Public Utilities Board recommends approval (7-0).

Attachments: [Exhibit 1-PUB Agenda Sheet](#)
 [Exhibit 2-Original Agreement and Supplement](#)
 [Exhibit 3-Public Utilities Board Minutes](#)
 [Exhibit 4-Ordinance](#)
 [Exhibit 5-Second Supplement](#)

- F. [ID 16-672](#) Consider adoption of an ordinance accepting competitive proposals and awarding a contract for Landscape and Sod Replacement Services for various City departments; providing for the expenditure of funds therefor; and providing an effective date (RFP 6098-awarded to Classic Landscapes, Inc. in the three (3) year not-to-exceed amount of \$500,000).

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

- G. [ID 16-673](#) Consider adoption of an ordinance accepting competitive proposals and awarding a contract for plumbing services for City of Denton; providing for the expenditure of funds therefor; and providing an effective date (RFP 6004-awarded to CBS Mechanical Services, Inc. in a three (3) year amount not to exceed \$450,000).

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

- H. [ID 16-676](#) 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 design services for the design of the City of Denton Regional Public Safety Training Facility Project outside training facility additions including a burn tower, outdoor training classroom, concrete pads for the Flash Chamber, Class A burn props and a propane tank to be located at 4201 Vintage Parkway; providing for the expenditure of funds therefor; and providing an effective date (File 6140 awarded to Pierce Goodwin Alexander and Linville, Inc. dba PGAL in the not-to-exceed amount of \$192,060).

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

- I. [ID 16-681](#) Consider adoption of an ordinance of the City of Denton, Texas approving a second amendment to a Non-Annexation Agreement between the City of Denton, Jean Ann Baker and Ryan Capital Partners, Ltd.; and providing an effective date.

Attachments: [Exhibit 1- Ordinance 2016-0179](#)
 [Exhibit 2- Proposed 2nd Amendment](#)
 [Exhibit 3- Location Map](#)

- J. [ID 16-697](#) Consider adoption of an ordinance approving an agreement between the City of Denton and Dallas MTA, L.P. d/b/a Verizon Wireless regarding an in building

wireless installation at 608 E. Hickory St., Suite 128 (“Rail Yard Business Incubator Project”); and providing an effective date.

Attachments: [Exhibit 1 Ordinance](#)

5. ITEMS FOR INDIVIDUAL CONSIDERATION – CONSIDERATION OF THE USE OF EMINENT DOMAIN TO CONDEMN REAL PROPERTY INTERESTS

6. ITEMS FOR INDIVIDUAL CONSIDERATION

- A. [ID 16-472](#) Consider adoption of an ordinance of the City of Denton, Texas, on second reading to involuntarily annex approximately 2.1021 acres of land, contained in one (1) of the fifteen (15) annexation areas, specifically land located within DH14; providing for a penalty in the maximum amount of \$2000.00 for violations thereof, severability and an effective date.

Attachments: [Exhibit 1- DH14 Annexation Ordinance](#)

- B. [ID 16-675](#) Consider adoption of an ordinance of the City of Denton, Texas, on second reading to involuntarily annex approximately 712 acres of land, contained in one (1) of the fifteen (15) annexation areas, specifically land located within PAA4; providing for a penalty in the maximum amount of \$2000.00 for violations thereof, severability and an effective date.

Attachments: [Exhibit 1- PAA4 Annexation Ordinance](#)

- C. [ID 16-688](#) Consider nominations/appointments to the City’s Boards and Commissions: Parks, Recreation and Beautification Board; Public Art Committee; and Zoning Board of Adjustment.

7. PUBLIC HEARINGS

- A. [ID 16-429](#) Hold a public hearing and consider adoption of an ordinance granting approval, in accordance with Chapter 26 of the Texas Parks and Wildlife Code, of the non-park use of a part of North Lakes Park for the purpose of installing and maintaining an electric transmission, distribution, and communication line for the City’s Electric Utility Infrastructure Upgrade Project; providing for a notice by the City of Denton, Texas of non-park use for installation and maintenance of electric transmission, distribution, and communication line and reservation of easement in the event of sale of park; and providing an effective date. The Parks, Recreation and Beautification Board recommends approval (5-0).

Attachments: [Exhibit 1 Excerpt of 5-2-16 Draft Minutes - North Lakes](#)

[Exhibit 2 North Lakes Park Ordinance](#)

- B. [ID 16-650](#) Hold a public hearing and consider adoption of an ordinance granting approval, in accordance with Chapter 26 of the Texas Parks and Wildlife Code, of the non-park use of a part of Northpointe Park for the purpose of installing and maintaining an electric transmission, distribution, and communication line for the City’s Electric Utility Infrastructure Upgrade Project; providing for a notice by the City of Denton, Texas of non-park use for installation and maintenance of electrical transmission, distribution, and communication line and reservation of easement in the event of sale of park; and providing an effective date. The Parks, Recreation and

Beautification Board recommends approval (5-0).

Attachments: [Exhibit 1 Excerpt of 5-2-16 Draft Minutes - Northpointe](#)
 [Exhibit 2 Northpointe Park Ordinance](#)

- C. [Z16-0003a](#) Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, regarding a rezoning request from Neighborhood Residential 3 District (NR-3) to Neighborhood Residential 6 District (NR-6) on approximately 0.6 acres, located on the northeast corner of North Bell Avenue and East Windsor Drive; and 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 4-2. (Z16-0003).

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

8. 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 16-661](#) William Jones regarding trespassing by Code Enforcement and Environmental Services personnel.
 - 2. [ID 16-629](#) Willie Hudspeth regarding the lack of hiring black firefighters, the ethics ordinance, and the hiring of a city auditor.

9. 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.