City of Denton

Meeting Agenda

City Council

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

Tuesday, August 2, 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, August 2, 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 August 2, 2016.

3. Work Session Reports

A. ID 16-912 Receive a report, hold a discussion, and give staff direction regarding nominations to the City's Boards and Commissions.

Attachments: Exhibit 1 Nominations Sheet for 2016

B. ID 16-948 Receive a report, hold a discussion, and give staff direction regarding the Community Event Center project.

Attachments: Community Event Center Update - Presentation
Background and Summary of Community Event Center Development
Recommended Concept Design
Denton Community Market Strategic Plan

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 16-699 Consultation with Attorneys - Under Texas Government Code Section 551.071.

Consult with City's attorneys, hold a discussion, and give staff direction regarding policy considerations with regard to the IH35 thoroughfare, where a public discussion of this 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 16-913 Deliberations regarding Personnel Matters - Under Texas Government Code Section

551.074.

Deliberate and discuss the appointment and duties of public officers to boards or commissions exercising discretionary or rule making power as opposed to purely advisory powers, which includes without limitation the Health and Building Standards Commission, the Historic Landmark Commission, the Planning and Zoning Commission, and the Zoning Board of Adjustment.

C. ID 16-927 Deliberations Regarding Certain Public Power Utilities: Competitive Matters - Under Texas Government Code Section 551.086 - Consultation with Attorneys - Under Texas Government Code Sec. 551.071.

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. Consult with City's attorneys with regard to agreements related to generation improvements to the DME system as it concerns legal issues associated with these potential agreements 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.

D. ID 16-930 Deliberations Regarding Certain Public Power Utilities: Competitive Matters --- Under Texas Government Code Sec. 551.086; Consultation with Attorneys --- Under Texas Government Code Sec. 551.071.

Receive competitive public power information and financial information from staff regarding approval of the Genscape, Inc., a Delaware Corporation, "Master License and Services Agreement (North America)," being a three-year agreement, and being a sole-source acquisition which is exempt from the requirements of competitive bidding under the provisions of Section 252.022, Texas Local Government Code, for software relating to bidding and pricing information for purchased power, generation and fuel, and Electric Reliability Council of Texas bids, prices, offers, and related services for purposes of supporting the Energy Management Organization of DME; discuss, deliberate, provide staff with direction, consider and take final action, making a recommendation regarding said Agreement. Consultation with the City's attorneys regarding legal issues associated with the above acquisition 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 16-952 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 800 block of East Hickory 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.

F. ID 16-963 Consultation with Attorneys Under Texas Government Code Section 551.071

Consult with the City's Attorneys and provide direction regarding review of state and local Ethics law and regulations, to include provisions of the Denton City Charter as they relate to Ethics matters, where a public discussion of these 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.

G. ID 16-1017 Deliberations regarding Real Property - Under Texas Government Code Section 511.072; 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 generally located in (1) the Gibson Myers Survey, Abstract No. 843, the Johnson, Green, Myers, and Brummell Survey, Abstract No. 1699, the Moses H. Davis Survey, Abstract No. 377, and the William Wilburn Survey, Abstract No. 1419, and (2) the William A. Thompson Survey, Abstract No. 1238, both located in the City of Denton, Denton County, Texas, for the possible construction of an electric generation facility where deliberation in an open meeting would have a detrimental effect on the position of a governmental body in negotiations with a third party. Consultation with the City's attorney's 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.

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 16-898 Sidney Allison Award from Water Environment Association of Texas presented to P. S. Arora for Significant Contributions to the Engineering, Operation and Maintenance of Wastewater Collection and Transportation

B. ID 16-978 Mayor's Summer Youth Jobs Program

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 16-1003 Willie Hudspeth regarding the City Manager position and Police Department preparedness for racial unrest.

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 two speakers per meeting with each speaker allowed a maximum of four (4) minutes. Such person(s) shall have filed a "Blue Card" requesting to speak during this period prior to the calling of this agenda item.

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 – H). 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 – H 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 16-876 Consider adoption of an ordinance considering all matters incident and related to the issuance, sale and delivery of up to $46,000,000 in principal amount of "City of Denton General Obligation Refunding Bonds, Series 2016" (including up to $15,700,000 for Electric Fund activities, up to $27,900,000 for Water Fund Activities, and up to $2,400,000 for Wastewater Fund activities); authorizing the issuance of the Bonds; delegating the authority to certain City officials to execute certain documents relating to the sale of the Bonds; approving and authorizing instruments and procedures relating to said Bonds; and enacting other provisions relating to the subject. Audit/Finance Committee recommends approval (2-0).

Attachments: Exhibit 1 - Preliminary GO Refunding Analysis
Exhibit 2 - Draft Preliminary Official Statement
Exhibit 3 - Ordinance

B. ID 16-902 Consider adoption of an ordinance of the City of Denton, Texas amending the provisions of Chapter 6 "Animals" of the Code of Ordinances by adding a definition for enclosure to section 6-2, by changing by the time period for filing a dangerous animal case in section 6-34 to 30 days, by removing section 6-34(d), and by adding section 6-49 to add provisions to allow the keeping of bees within the city limits of Denton with certain restrictions; providing for a severability clause; providing for a savings clause; providing for a penalty not to exceed $500 for violations of this ordinance; and providing an effective date.

Attachments: Exhibit 1 Chapter 6 amendment

C. ID 16-903 Consider approval of a resolution of the City Council of the City of Denton, Texas designating Denton, Texas a Bee City USA®; providing an effective date.

Attachments: Exhibit 1 Bee City Resolution 2016

D. ID 16-908 Consider adoption of an ordinance of the City of Denton, Texas amending section 28-253 of the Code of Ordinances to provide for the adoption of the 2015 International Energy Conservation Code (IECC) as published by the International Code Council; providing for amendments thereto; providing a penalty for violation of a fine not to exceed $2,000.00; providing for severability; repealing all ordinances in conflict therewith; and providing an effective date.

Attachments: Exhibit 1- Proposed 2015 Energy Code adoption ordinance
Exhibit 2- Council Presentation

E. ID 16-931 Consider adoption of an ordinance accepting competitive proposals and awarding a contract for Audit Services for the City of Denton; providing for the expenditure of funds therefor; and providing an effective date (RFP 6118-awarded to Pattillo, Brown & Hill, L.L.P., for a term of three (3) years with two (2) one year renewal options, in the not-to-exceed amount of $477,350). The Audit/Finance Committee recommends approval (2-0).

Attachments: Exhibit 1-Evaluation and Ranking Sheet
Exhibit 2-Summary and Client List
Exhibit 3-Ordinance
Exhibit 4-Contract

F. ID 16-932 Consider adoption of an ordinance accepting competitive proposals and awarding a contract for the supply of Electric Substation Control Buildings for Denton Municipal Electric; providing for the expenditure of funds therefor; and providing an effective date (RFP 6115-awarded to Crown Technical Systems in the three (3) year not-to-exceed amount of $3,530,000). The Public Utilities Board recommends approval (6-0).

Attachments: Exhibit 1-PUB Agenda Information Sheet
Exhibit 2-Evaluation and Ranking Sheet
Exhibit 3-PUB Minutes
Exhibit 4-Ordinance
Exhibit 5-Contract

G. ID 16-939 Consider adoption of an ordinance of the City of Denton, Texas, granting a three-year exception to Section 17-20 of the Code of Ordinances of the City of Denton, Texas, with respect to sound levels and hours of operations for the North Texas State Fair and Rodeo, held at 2217 N. Carroll Blvd, that begins on the third Friday of August and ends on the fourth Sunday of August; specifically, August 18-27, 2016, August 17-26, 2017, and August 16-25, 2018. The request is to extend the hours of operation from Monday through Thursday from 10 p.m. till midnight; Friday and Saturday from 10 p.m. till 1 a.m.; and grant extended hours of operation and an exception to the noise ordinance on Sunday from 11 a.m. to 11 p.m., not to exceed 70 decibels; and provide an effective date.

Attachments: Exhibit 1 - Letter of Request
Exhibit 2 - Ordinance

H. ID 16-947 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 for architectural, structural, mechanical, and electrical design services in support of the new City of Denton Household Chemical Collections Facility to be located at 1527 South Mayhill, by and between Nelson + Morgan Architects, Inc. and the City of Denton, Texas; providing for the expenditure of funds therefor; and providing an effective date (File 5906 in the additional amount not-to-exceed $163,625.63; aggregating a total not-to-exceed $403,560.63). The Public Utilities Board recommends approval (6-0).

Attachments: Exhibit 1-Professional Services Agreement
Exhibit 2-PUB Minutes
Exhibit 3-Ordinance
Exhibit 4-First Amendment

5. ITEMS FOR INDIVIDUAL CONSIDERATION

A. ID 16-914 Consider nominations/appointments to the City's Boards and Commissions: Airport Advisory Board; Animal Shelter Advisory Committee; Community Development Advisory Committee; Health & Building Standards Commission; Historic Landmark Commission; Human Services Advisory Committee; Library Board; Parks, Recreation and Beautification Board; Planning and Zoning Commission; Public Art Committee; Public Utilities Board; Traffic Safety Commission; and Zoning Board of Adjustment.

Attachments: Exhibit 1 - Nominations Sheet for 2016

B. A16-0002a Conduct the first of two readings of an ordinance to annex an approximately 0.375 acres generally located on the north side of Crawford Road, approximately 675 feet east of I-35W Crawford Road on-ramp (A16-0002; Ranch View Specialty Hospital).

Attachments: Exhibit 1- Site Location/Aerial Map
Exhibit 2- Annexation Petition
Exhibit 3- Presentation
Exhibit 4- Draft Ordinance

C. ADP16-0001e Consider approval of an Alternative Environmentally Sensitive Area (ESA) Plan for the Villages of Carmel Phase 4B. The subject property is generally located on the north side of Pockrus Page, east of Monte Verde Way, and west of Swisher Road. The Planning and Zoning Commission recommends approval (7-0).

Attachments: Staff Analysis
Location Map
Zoning Map
Future Land Use Map
ESA Map
Proposed ESA Plan
Site Photos
Notification Map & Responses
June 8 Planning and Zoning Commission Minutes
Draft Ordinance
Presentation

6. PUBLIC HEARINGS

A. Z16-0003d Continue 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). This item was continued from the June 7, 2016 City Council meeting.

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- Planning and Zoning Commission Meeting Minutes
Exhibit 9- Draft Ordinance

B. ID 16-937 Hold a public hearing and consider adopting a resolution regarding the proposed site for construction, expansion, and use of an electric power transmission/distribution substation located in the southwest area of the City of Denton, north of Farmer to Market Road 2449, east of John Paine Road, south of Springdale Drive (on Hickory Creek), west of Interstate 35W; in the City of Denton, Texas; as part of Denton Municipal Electric's service territory. (Underwood Substation)

Attachments: Exhibit 1 - Underwood Location Map
Exhibit 2 - Proposed Substation Sites
Exhibit 3 - DME Substation Locations
Exhibit 4 - Project Information for Underwood Substation

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.