



# City of Denton

City Hall  
215 E. McKinney St.  
Denton, Texas 76201  
[www.cityofdenton.com](http://www.cityofdenton.com)

## Meeting Agenda

### City Council

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Tuesday, August 16, 2016

11:30 AM

Work Session Room & Council Chambers

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The City Council of the City of Denton, Texas will have lunch on Tuesday, August 16, 2016 at 11:30 a.m. in the Council Work Session Room at City Hall, 215 E. McKinney Street, Denton, Texas.

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 16, 2016 at 12:00 noon 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 16, 2016.**

#### **3. Work Session Reports**

- A. [ID 16-974](#) Receive a report, hold a discussion, and give staff direction regarding Ordinance No. 2015-074, relating to the Economic Development Partnership Board and its members' qualifications and tenure.

**Attachments:** [Ordinance No. 2003-258](#)  
[Ordinance No. 2011-042](#)  
[Ordinance No. 2014-009](#)  
[Ordinance No. 2015-074](#)  
[Presentation](#)

- B. [ID 16-990](#) Receive a report, hold a discussion and provide staff direction regarding the Planning and Zoning Commission Rezoning Subcommittee.

**Attachments:** [Future Land Use Map](#)  
[Future Land Use Designation Descriptions](#)  
[Zoning Map](#)  
[Zoning District Descriptions](#)  
[Rezoning Subcommittee Staff Report #1](#)  
[Rezoning Subcommittee Staff Report #2](#)  
[Rezoning Subcommittee Staff Report #3](#)  
[P&Z Rezoning Subcommittee Powerpoint](#)

- C. [ID 16-1059](#) Receive a report; hold a discussion, and give staff direction regarding the FY 2016-17 City Manager's Proposed Budget, Capital Improvement Program, and

## Five-Year Financial Forecast.

Attachments:      [Exhibit 1 Memorandum of Responses](#)  
                              [Exhibit 2 Presentation](#)

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 16-1008](#)    Deliberations Regarding Certain Public Power Utilities: Competitive Matters - Under Texas Government Code Section 551.086.

Receive a presentation from staff regarding public power competitive and financial matters related to the City's participation in, and the overall operational and financial aspects of, the Texas Municipal Power Agency; discuss and deliberate strategies regarding same; discuss, deliberate and provide staff with direction.

- B.    [ID 16-1070](#)    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 A. Hill Survey, Abstract No. 623, the S. Hiram Survey, Abstract 616, the W. Daniel Survey, Abstract 378, the A. Hickman Survey, Abstract 521 and the B.B.B & C.R.R. Survey, Abstract 196, City and County of Denton, Texas, and generally located along U.S. Highway 377 (Fort Worth Drive) the limits of which being bounded to the north by Interstate Highway 35 East and to the south by FM 1830 (Country Club Road). 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. (Fort Worth Drive Utility Relocations project) [ID 16-1075]

- C.    [ID 16-1061](#)    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 and the Zoning Board of Adjustment. [ID 16-1046]

- D.    [ID 16-710](#)    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]

- E. [ID 16-850](#) 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 the Mary Austin Survey, Abstract No. 4, City and County of Denton, Texas; 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 SS and TL) [ID 16-851]

- F. [ID 16-962](#) 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.

- G. [ID 16-971](#) 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.

- H. [ID 16-989](#) 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 city initiated rezoning recommendations of the Planning and Zoning Commission Rezoning Subcommittee, 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.

- I. [ID 16-1055](#) Certain Public Power Utilities: Competitive Matters --- Under Texas Government Code, Section 551.086.

Receive competitive public power competitive information and financial information from staff regarding the proposed FY 2016-2017 operating budget for Denton Municipal Electric (“DME”) including without limitation, proposed rates for DME for FY 2016-2017, expected revenues, expenses, commodity volumes, and financial commitments of DME; discuss, deliberate and provide staff with direction.

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****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 16-1047](#) Shirley Johnson and Shirley Martin regarding a property tax freeze for seniors and the disabled.
2. [ID 16-1076](#) Lavona Duryea regarding internet service.
3. [ID 16-1077](#) Frank Kluge regarding internet service.
4. [ID 16-1078](#) John McComack/Danny McComack regarding TMPA power lines.

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 – CC). 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 – CC 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 16-858](#) Consider adoption of an Ordinance of the City of Denton, Texas authorizing the City Manager to execute a professional services agreement between the City of Denton and Focused Advocacy, LLC to assist the City of Denton in advancing its State Legislative Program, assist Council and staff in addressing proposed legislation, and make the City aware of any legislative or administrative initiatives believed to be detrimental to the interests of the City; authorizing the expenditure of funds; and providing an effective date (File 6182-in the annual not-to-exceed amount of \$166,000 for a four (4) year total not-to-exceed \$664,000).

**Attachments:**      [Exhibit 1-Staff Memo](#)  
                              [Exhibit 2-Client List](#)  
                              [Exhibit 3-Ordinance](#)  
                              [Exhibit 4-Contract](#)

- B. [ID 16-894](#) Consider a request for an exception to the Noise Ordinance for the purpose of the

Oaktopia Music Festival. Live music will be played at LSA Burger's Open-Air Patio at 113 E. Hickory; the Denton County Historic Courthouse Lawn at 110 W. Hickory St.; Travelstead at 209-211 E. Hickory St.; and the parking lot (Second Stage) at 126 E. Oak St. Performances will begin on Thursday, September 22, 2016, from 5:00 p.m. to midnight at LSA Burger's Open-Air Patio and Travelstead Stage. They will continue on Friday, September 23, 2016, 5:00 p.m. to midnight at Denton County Historic Courthouse Lawn, Travelstead stage, and Second Stage locations. The last day of events is Saturday, September 24, 2016, from 5:00 p.m. to midnight at Denton County Historic Courthouse Lawn, Travelstead stage, and Second Stage locations. An exception is specifically requested to increase sound levels from 70 to 75 decibels and for an extension of hours from 5 p.m. to midnight.

Attachments:      [Exhibit 1 - Oaktopia Noise Exception Request](#)

- C. [ID 16-905](#) Consider approval of a resolution allowing DI2-Denton1, LLC, DBA Lone Star Attitude Burger, to be allowed to sell alcoholic beverages at Oaktopia, September 22-24, 2016, upon certain conditions; authorizing the City Manager or his designee to execute an agreement in conformity with this resolution; and providing for an effective date.

Attachments:      [Exhibit 1 - Letter of Request](#)

[Exhibit 2- Resolution](#)

- D. [ID 16-943](#) Consider approval of a resolution allowing the Black Chamber of Commerce to be the sole participant allowed to sell alcoholic beverages at the Blues Festival September 16-18, 2016, upon certain conditions; authorizing the City Manager or his designee to execute an agreement in conformity with this resolution; and providing for an effective date. The Parks, Recreation, and Beautification Board recommends approval (4-0).

Attachments:      [Exhibit 1 Letter of Request](#)

[Exhibit 2 Excerpt of Park Board Draft Minutes](#)

[Exhibit 3 Resolution and Contract](#)

- E. [ID 16-965](#) Consider adoption of an ordinance of the City of Denton authorizing an agreement between the City of Denton, Texas and the Denton Black Chamber of Commerce; authorizing the expenditure of funds therefor; and providing for an effective date. (\$1900)

Attachments:      [Blues Fest - Signed Ord-Agreement](#)

- F. [ID 16-966](#) Consider adoption of an ordinance of the City of Denton authorizing an agreement between the City of Denton, Texas and Fred Moore Day Nursery for the purpose of expenses for the Activity Room; providing for the expenditure of funds therefor; and providing for an effective date. (\$1500)

Attachments:      [Fred Moore - Signed Ord-Agreement](#)

- G. [ID 16-968](#) Consider adoption of an ordinance of the City of Denton authorizing an agreement between the City of Denton, Texas and Denton Parks Foundation for the purpose of Scholarships for the Friends of the Parks Foundation; providing for the expenditure of funds therefor; and providing for an effective date. (\$450)

Attachments:      [Parks Foundation - Signed Ord-Agreement](#)

- H. [ID 16-982](#)      Consider adoption of an ordinance of the City of Denton authorizing an agreement between the City of Denton, Texas and Giving Hope, Inc. for funds that will be used for Homeless Prevention assistance; providing for the expenditure of funds therefor; and providing for an effective date. (\$1,975)

Attachments:      [Exhibit 1 - Giving Hope Signed Ord-Agreement](#)

- I. [ID 16-986](#)      Consider adoption of an ordinance of the City of Denton authorizing an agreement between the City of Denton, Texas and the Denton Holiday Festival Association; authorizing the expenditure of funds therefor; and providing for an effective date. (\$500)

Attachments:      [Holiday Lighting-Signed Ord-Agreement](#)

- J. [ID 16-1021](#)      Consider adoption of an ordinance of the City of Denton authorizing an agreement between the City of Denton, Texas and Denton Assistance Center, Inc.; authorizing the expenditure of funds; and providing for an effective date. (\$400)

Attachments:      [Serve Denton-Signed Ord-Agreement](#)

- K. [ID 16-988](#)      Consider adoption of an ordinance of the City Council of the City of Denton, Texas, establishing an Economic Development Investment Fund; defining and committing certain revenues of the City; providing a severability clause; and providing an effective date.

Attachments:      [Exhibit 1 - Ordinance](#)

- L. [ID 16-991](#)      Consider adoption of an ordinance of the City of Denton, Texas, Nunc Pro Tunc, correcting an inadvertent mistake in Ordinance No. 2015-189 relating to the related to the annexation of an area of land of approximately 4.29 acres to the City of Denton, Texas, generally identified as PAA4, generally located south of Milam Road; north of Loop 288; east of I-35, west of Locust Street, and more specifically identified in Exhibits "A" and "B" attached hereto; specifically by excluding one parcel of land that was inadvertently annexed notwithstanding that the parcel was eligible to sign a non-annexation agreement for agricultural, wildlife management or timberland use; providing for a correction of the city map to exclude the inadvertently annexed land; providing for a savings clause; and providing for an effective date.

Attachments:      [Draft Ordinance](#)

- M. [ID 16-992](#)      Consider adoption of an ordinance of the City of Denton, Texas, Nunc Pro Tunc, correcting an inadvertent mistake in Ordinance No. 2015-070, relating to the acceptance of eligible non-annexation agreements for agricultural, wildlife management or timberland use properties within an area of land adjacent to and abutting the existing city limits of the City of Denton, Texas, generally identified as PAA4, generally located south of Milam Road; north of Loop 288; east of I-35, west of Locust Street, and more specifically identified in Exhibits "A" and "B" attached hereto; specifically by including one parcel of land that was inadvertently excluded from Ordinance No. 2015-070 even though the parcel was eligible to receive and sign a Non-Annexation Agreement; providing for a savings clause; and providing an



effective date.

Attachments:      [Draft Ordinance](#)

- N. [ID 16-998](#) Consider adoption of an ordinance of the City of Denton, Texas, Nunc Pro Tunc, correcting an inadvertent mistake in Ordinance No. 2010-117 relating to the annexation of an area of land of approximately 1,171 acres to the City of Denton, Texas, generally identified as PAA1, generally located south of Jim Christal Road; north of Tom Cole Road; west of Masch Branch Road, and more specifically identified in Exhibits “A” and “B” attached hereto; specifically by excluding two parcels of land that was inadvertently annexed notwithstanding that the parcels were eligible to sign non-annexation agreements for agricultural, wildlife management or timberland use; providing for a correction of the city map to exclude the inadvertently annexed land; providing for a savings clause; and providing for an effective date.

Attachments:      [Draft Ordinance](#)

- O. [ID 16-999](#) Consider adoption of an ordinance of the City of Denton, Texas, Nunc Pro Tunc, correcting an inadvertent mistake in Ordinance No. 2010-040, relating to the acceptance of eligible non-annexation agreements for agricultural, wildlife management or timberland use properties within an area of land adjacent to and abutting the existing city limits of the City of Denton, Texas, generally identified as PAA1, generally located south of Jim Christal Road; north of Tom Cole Road; west of Masch Branch Road, and more specifically identified in Exhibits “A” and “B” attached hereto; specifically by including two parcels of land that was inadvertently excluded from Ordinance No. 2010-040 even though the parcel were eligible to receive and sign Non-Annexation Agreements; providing for a savings clause; and providing an effective date.

Attachments:      [Draft Ordinance](#)

- P. [ID 16-1002](#) Consider adoption of an ordinance of the City of Denton, Texas, Nunc Pro Tunc, correcting an inadvertent mistake in Ordinance No. 2015-186 relating to the annexation of an area of land of approximately 1,171 acres to the City of Denton, Texas, generally identified as PAA1, generally located south of Jim Christal Road; north of Tom Cole Road; west of Masch Branch Road, and more specifically identified in Exhibits “A” and “B” attached hereto; specifically by excluding four parcels of land that was inadvertently annexed notwithstanding that the parcels were eligible to sign non-annexation agreements for agricultural, wildlife management or timberland use; providing for a correction of the city map to exclude the inadvertently annexed land; providing for a savings clause; and providing for an effective date.

Attachments:      [Draft Ordinance](#)

- Q. [ID 16-1004](#) Consider adoption of an ordinance of the City of Denton, Texas, Nunc Pro Tunc, correcting an inadvertent mistake in Ordinance No. 2015-067, relating to the acceptance of eligible non-annexation agreements for agricultural, wildlife management or timberland use properties within an area of land adjacent to and abutting the existing city limits of the City of Denton, Texas, generally identified as



PAA1, generally located south of Jim Christal Road; north of Tom Cole Road; west of Masch Branch Road, and more specifically identified in Exhibits “A” and “B” attached hereto; specifically by including four parcels of land that was inadvertently excluded from Ordinance No. 2015-067 even though the parcels were eligible to receive and sign Non-Annexation Agreements; providing for a savings clause; and providing an effective date.

Attachments:      [Draft Ordinance](#)

- R.    [ID 16-1007](#)    Consider approval of a resolution adopting the City of Denton Public Art Master Plan for the City of Denton, TX; and providing an effective date. The Public Art Committee recommends approval (7-0).

Attachments:      [Exhibit 1 - Public Art Master Plan](#)  
                             [Exhibit 2 - Excerpt: Public Art Committee Minutes dates 4-17-16](#)  
                             [Exhibit 3 - Public Art Inventory](#)  
                             [Exhibit 4 - Resolution](#)

- S.    [ID 16-1035](#)    Consider approval of a resolution of the City Council of the City of Denton nominating PACCAR, INC. to the Office of the Governor, Economic Development and Tourism (“OOGEDT”) through the Economic Development Bank (“the Bank”) as an Enterprise Project (“Project”); and providing an effective date.

Attachments:      [PACCAR Enterprise Project resolution](#)

- T.    [ID 16-1037](#)    Consider adoption of an ordinance of the City of Denton authorizing the City Manager or his designee to execute a purchase order through The Interlocal Purchasing System (TIPS) Cooperative Purchasing Program Contract# 02042315 for the replacement of Sections C, D, E, and F of the roof at the City of Denton Civic Center by way of an Interlocal Agreement with the City of Denton; and providing an effective date (File 6179-awarded to CBS Mechanical, Inc. dba CBS Roofing services in the amount of \$183,518).

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

- U.    [ID 16-1038](#)    Consider adoption of an ordinance authorizing the City Manager to execute an Interlocal Agreement with the Texas Department of Public Safety (TxDPS) under Section 791.001 of the State of Texas Government Code, to authorize the City of Denton Fleet Department to perform maintenance and general repair services on TxDPS vehicles in return for payment as stipulated in the Interlocal Agreement; and declaring an effective date (File 6194).

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

- V.    [ID 16-1039](#)    Consider adoption of an ordinance authorizing the City Manager to execute a Cooperative Agreement with Denton County Probation Department under Section 791.001 of the State of Texas Government Code, to authorize the City of Denton to utilize community services workers on various projects and services with no funds expected to be authorized for this program; and declaring an effective date (File 6199).

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

- W. [ID 16-1040](#) Consider adoption of an ordinance of the City of Denton, Texas providing for, authorizing, and approving a professional services agreement between the City of Denton and SSP Innovations to assist Denton Municipal Electric with their Operation Technology including General Information Systems (GIS) and related software 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 6122-in the three (3) year not-to-exceed amount of \$2,000,000). The Public Utilities Board recommends approval (6-0).

Attachments:      [Exhibit 1-PUB Agenda Sheet](#)  
                              [Exhibit 2-Business Justification Memo](#)  
                              [Exhibit 3-PUB Minutes](#)  
                              [Exhibit 4-Ordinance](#)  
                              [Exhibit 5-Signed Contract](#)

- X. [ID 16-1041](#) Consider adoption of an ordinance accepting competitive proposals and awarding a contract for mailing services including the daily pick-up, metering, and delivery to the United States Post Office for the City of Denton's residual mail; providing for the expenditure of funds therefor; and providing an effective date (RFP 6155-awarded to EagleWheeler Printing Company in the three (3) year not-to-exceed amount of \$345,000).

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

- Y. [ID 16-1042](#) Consider adoption of an ordinance accepting competitive proposals and awarding a contract for Electric Utility Outdoor Metal Enclosed Switchgear for the City of Denton; providing for the expenditure of funds therefor; and providing an effective date (RFP 6170-awarded to Anixter Power Solutions in a three (3) year not-to-exceed amount of \$550,000).

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

- Z. [ID 16-1043](#) Consider adoption of an ordinance releasing, abandoning and vacating a 0.08 acre portion of a 0.4138 acre public utilities easement recorded in Volume 2637, Page 12, Real Property Records, Denton County, Texas, and located in the B.B.B. & C.R.R. Survey, Abstract No. 141; and declaring an effective date. [Abandonment of a portion of public utility easement to allow for lot development: Worthington Street] The Public Utilities Board recommends approval (6-0).

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

- AA. [ID 16-1044](#)      Consider adoption of an ordinance releasing, abandoning and vacating a 0.103 acre portion of a 0.187 acre public utilities easement recorded in Volume 923, Page 431, Deed Records, Denton County, Texas, and located in the A. Hill Survey, Abstract No. 623; and declaring an effective date. [Abandonment of a portion of public utility easement to allow for lot development: DME Locust Street Substation] The Public Utilities Board recommends approval (6-0).

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

- BB. [ID 16-1053](#)      Consider approval of 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 Farm 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](#)  
                                 [Exhibit 5 - Underwood Resolution](#)

- CC. [ID 16-1073](#)      Consider adoption of an ordinance of the City of Denton, Texas providing for, authorizing, and approving the purchase of Microsoft Enterprise Licensing Renewal agreement to renew licensing for the: Desktop Optimization Package, Remote Desktop Services, Office 365, and Client/Server software licensing as approved by the State of Texas Department of Information Resources (DIR) Contract Number DIR-SDD-2503; providing for the expenditure of funds therefor; and providing an effective date (File 6207-awarded to SHI Government Solutions in the three (3) year not-to-exceed amount of \$1,890,003).

**Attachments:**      [Exhibit 1-Microsoft Enrollment Form](#)  
                                 [Exhibit 2-DIR Pricing Index](#)  
                                 [Exhibit 3-SHI Quote](#)  
                                 [Exhibit 4-Ordinance](#)

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

- A. [ID 16-851](#)      Consider adoption of an ordinance of the City of Denton ("City") determining the public use, need, and necessity for the acquisition of (1) fee simple title to the surface estate, including a waiver of surface use as to the mineral estate, of a 38.889 acre tract described and depicted in Exhibit "A" and (2) six electric utility and

communication easements described in Exhibit “B” (0.800 acres shown as “Electric Easement No. 1” in Exhibit “B” and 0.046 acres shown as “Electric Easement No. 2” in Exhibit “B”), Exhibit “C” (0.919 acres), Exhibit “D” (0.642 acres shown as “Electric Easement No. 1” in Exhibit “D” and 4.636 046 acres shown as “Electric Easement No. 2” in Exhibit “D”), and Exhibit “E” (0.040 acres), with each and every property interest described above being located in the Mary Austin Survey, Abstract No. 4, City and County of Denton, Texas, and each and every property interest described above being collectively referred to hereafter as “Property Interests”; authorizing the City to acquire the property interests by either agreement or through the use of the power of eminent domain; authorizing the use of the power of eminent domain to acquire the property interests if an agreement cannot be reached; authorizing the expenditure of funds; makings findings; providing a savings clause; and providing an effective date. [Brinker SS and TL]

Attachments:      [Exhibit 1 - Brinker Substation Map](#)  
                              [Exhibit 2 - Brinker Substation Easements](#)  
                              [Exhibit 3 - Ordinance](#)

- B. [ID 16-1075](#) Consider adoption of an ordinance of the City of Denton determining the public use, need, and necessity for the acquisition of various permanent easements and temporary construction easements generally located along U.S. Highway 377 (Fort Worth Drive) the limits of which being bounded to the north by Interstate Highway 35 East and to the south by FM 1830 (Country Club Road) and being situated in the A. Hill Survey, Abstract No. 623, the S. Hiram Survey, Abstract 616, the W. Daniel Survey, Abstract 378, the A. Hickman Survey, Abstract 521 and the B.B.B & C.R.R. Survey, Abstract 196, City and County of Denton, Texas, and with the use, purpose and legal descriptions of each easement being more particularly described in the attached Exhibit “A” (the “Property Interests”); authorizing the City Manager and City Attorney, or their respective designees, to acquire the property interests by agreement including making all offers required by law; authorizing the use of the power of eminent domain to condemn the property interests if an agreement cannot be reached; and authorizing the City Attorney, or her designee, to file eminent domain proceedings if necessary; authorizing the expenditure of funding; makings findings; providing a savings clause; and providing an effective date. [Fort Worth Drive Utility Relocations project] The Public Utilities Board recommends approval (6-0).

Attachments:      [Exhibit 1- Location Map](#)  
                              [Exhibit 2- Recommended Motion](#)  
                              [Exhibit 3-Ordinance](#)

## **6. ITEMS FOR INDIVIDUAL CONSIDERATION**

- A. [ID 16-1046](#) Consider nominations/appointments to the City’s Boards and Commissions: Airport Advisory Board; Health & Building Standards Commission; Human Services Advisory Committee; Parks, Recreation and Beautification Board; and Zoning Board of Adjustment.

Attachments:      [Exhibit 1 - Nominations Sheet](#)

**7. PUBLIC HEARINGS**

- A. [Z16-0008b](#) Hold a public hearing and consider adoption of an ordinance providing an initial zoning district designation of Employment Center Industrial (EC-I) District to an approximately 23.24 acre property generally located on the west side of Geesling Road, approximately 700 feet south of East University Drive (US 380). The Planning and Zoning Commission recommends approval (7-0).

**Attachments:**      [Staff Analysis](#)  
                              [Site Location/Aerial Map](#)  
                              [Zoning Map](#)  
                              [Future Land Use Map](#)  
                              [ESA Map](#)  
                              [EC-I Permitted Uses](#)  
                              [Notification Map](#)  
                              [July 13th P&Z Meeting Minutes](#)  
                              [Draft Ordinance](#)  
                              [Presentation](#)

- B. [ID 16-1013](#) Hold a public hearing and consider approval of a resolution regarding the proposed route for construction, expansion, and use of the electric power transmission line located 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; as part of Denton Municipal Electric's service territory. (Spencer to Locust Transmission Line)

**Attachments:**      [Exhibit 1 - Spencer to Locust TM Line Options Map](#)  
                              [Exhibit 2 - DME Transmission Lines Locations](#)  
                              [Exhibit 3 - Project Information Sheet](#)  
                              [Exhibit 4 - Public Hearing Notification Mailing List](#)  
                              [Exhibit 5 - Spencer to Locust Resolution](#)

- C. [Z16-0003c](#) 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 August 2, 2016 City Council meeting.

Attachments:      [Staff Analysis](#)  
                              [Site Location, Aerial Map](#)  
                              [Zoning Map](#)  
                              [Future Land Use Map](#)  
                              [Permitted Uses in Neighborhood Residential 3](#)  
                              [Permitted Uses in Neighborhood Residential 6](#)  
                              [Public Notification Map and Responses](#)  
                              [Planning and Zoning Commission Meeting Minutes](#)  
                              [Draft Ordinance](#)

- D.    [ID 16-1065](#)    Hold a public hearing to receive input from the public on the proposed adoption of the 2015 International Energy Conservation Code with proposed amendments.

Attachments:      [Proposed 2015 Energy Code Adoption Ordinance](#)  
                              [Council Power Point Presentation 2015 IECC](#)  
                              [Citizen Requests for Public Hearing](#)  
                              [Requests from Trade Groups](#)  
                              [2015 IECC Appendix RB](#)

## **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.

### **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.