



City of Denton

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

Meeting Agenda

City Council

Tuesday, March 7, 2017

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, March 7, 2017 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 March 7, 2017.

3. Work Session Reports

- A. [ID 17-231](#) Receive a report, hold a discussion, and give staff direction regarding the FY 2015-16 Comprehensive Annual Financial Report and annual audit.

Attachments: [Exhibit 1 - FY 2015-16 CAFR](#)
[Exhibit 2 - Single Audit Report](#)
[Exhibit 3 - Auditor's Communication](#)

- B. [ID 17-289](#) Receive a report, hold a discussion and give staff direction regarding the use of the Prescott Tract at US 380 and Virginia St., which is currently owned by Denton Municipal Electric.

Attachments: [Exhibit 1 - Denton County Transportation Authority Letter of Interest](#)
[Exhibit 2 - Teague Nall & Perkins Floodplain Study](#)
[Exhibit 2a Map](#)
[Exhibit 3 - Community Mixed Use Centers Allowable Uses](#)
[Exhibit 4 - Employment Centers Allowable Uses](#)
[Exhibit 5 - Neighborhood Residential Allowable Uses](#)

- C. [ID 17-298](#) Receive a report from staff regarding key financial information, an update on the Denton Energy Center project, and the status of the current Capital Improvement Program.

Attachments: [Exhibit 1 - CIP Overview Final](#)
[Exhibit 2 - DME 5 YEARS OF CAPITAL IMPROVEMENT PLANS](#)
[Exhibit 3 - CIP Overview Presentation rev. 3/7/17](#)

- D. [ID 17-324](#) Receive a report; hold a discussion, and give staff direction regarding the FY 2017-18 Budget Process.

- Attachments:
- [Exhibit 1 Presentation](#)
 - [Exhibit 2 PUB Water and Wastewater](#)
 - [Exhibit 3 PUB Solid Waste](#)
 - [Exhibit 4 PUB Electric](#)

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:

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 17-285](#) National Pancake Day and Shriners Hospitals for Children Day in Denton
- B. [ID 17-286](#) Poison Prevention Week

3. PRESENTATION FROM MEMBERS OF THE PUBLIC

- 1. [ID 17-275](#) Bud Porter regarding ideas for helping to protect at-risk citizens.
 - 2. [ID 17-329](#) Brad French regarding small cell attachments.
- A. Review of procedures for addressing the City Council.
 - B. Receive Scheduled Citizen Reports from Members of the Public.

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 – _). 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 – _ 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 17-072](#) Consider adoption of an ordinance of the City of Denton, Texas amending the schedule of fees contained in Ordinance 2009-188 by adopting a new Development Services Department review and Engineering review fee schedule as authorized by the Denton Development Code for the City of Denton, and by repealing any provisions in conflict therewith and authorizing a refund of certain fees.

Attachments: [Exhibit 1 - Ordinance](#)
 [Exhibit 2 - Refund Fee Schedule](#)

- B. [ID 17-172](#) Consider approval of the minutes of December 6, and December 13, 2016; and January 3, January 9, January 10, and January 24, 2017.

Attachments: [Exhibit 1 - December 6, 2016 Minutes 1](#)
 [Exhibit 2 - December 6, 2016 Minutes 2](#)
 [Exhibit 3 - December 13, 2016 Minutes](#)
 [Exhibit 4 - January 3, 2017 Minutes](#)
 [Exhibit 5 - January 9, 2017 Minutes](#)
 [Exhibit 6 - January 10, 2017 Minutes 1](#)
 [Exhibit 7 - January 10, 2017 Minutes 2](#)
 [Exhibit 8 - January 24, 2017 Minutes](#)

- C. [ID 17-194](#) Consider adoption of an ordinance of the City of Denton authorizing the City Manager or his designee to execute a contract for the acquisition of one (1) Peterbilt model 348 fuel truck for the City of Denton Fleet Department to be utilized by the Solid Waste and Recycling Department 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 requirements of competitive bidding; and providing an effective date (File 6371-awarded to Rush Truck Center, Crane in the amount of \$251,025.21). The Public Utilities Board recommends approval (6-0).

Attachments: [Exhibit 1-Quote](#)
 [Exhibit 2- Standardization Memo](#)
 [Exhibit 3-Peterbilt Letter](#)
 [Exhibit 4-Draft PUB Minutes](#)
 [Exhibit 5-Ordinance](#)

- D. [ID 17-223](#) Consider adoption of an ordinance of the City of Denton, Texas authorizing the City Manager to make application to the Texas Department of Housing and Community Affairs Emergency Solutions Grant Program and take all other actions necessary to obtain funding and implement the program; and providing for an effective date.

Attachments: [Exh 1 - Informal Staff Reports 2016-062 & 2016-093 ESG Funding Loss](#)
 [Exhibit 2 - Proposed Ordinance](#)

- E. [ID 17-239](#) Consider adoption of an ordinance directing the publication of Notice of Intention to issue \$36,610,000 in principal amount of Certificates of Obligation of the City of Denton for General Government and Solid Waste projects; and providing for an effective date.

Attachments: [Exhibit 1 - Ordinance](#)
 [Exhibit 2 - 2014 Bond Issuance Timeline](#)

- F. [ID 17-240](#) Consider adoption of an ordinance directing the publication of Notice of Intention to issue \$71,640,000 in principal amount of Certificates of Obligation of the City of Denton for Waterworks and Sewer System and Electric System projects; and providing for an effective date.

Attachments: [Exhibit 1 - Ordinance](#)

- G. [ID 17-256](#) Consider adoption of an ordinance authorizing the City Manager to execute a professional services agreement for engineering services associated with the City of Denton Water Distribution System Master Plan; providing for the expenditure of funds therefor; and providing an effective date (File 6388-awarded to Freese and Nichols, Inc. in an amount not-to-exceed \$213,300). The Public Utilities Board recommends approval (6-0).

Attachments: [Exhibit 1-Statement of Qualifications](#)
 [Exhibit 2-PUB Minutes](#)
 [Exhibit 3-Ordinance](#)
 [Exhibit 4-Contract](#)

- H. [ID 17-280](#) Consider adoption of an ordinance of the City of Denton, Texas authorizing the approval of a first amendment to a contract between the City of Denton and Environmental Systems Research Institute, Inc. (ESRI) for the ESRI Small Enterprise License Agreement for the ArcGIS software suite licenses for an additional three (3) year period, extending the contract approved City Council on March 4, 2014, in the amount of \$75,000; providing for the expenditure of funds therefor; and providing an effective date (File 5466-providing for an additional expenditure amount not-to-exceed \$78,000, with the total contract amount not-to-exceed \$153,000).

Attachments: [Exhibit 1-Original Contract](#)
 [Exhibit 2-Ordinance](#)
 [Exhibit 3-First Amendment](#)

- I. [ID 17-281](#) Consider adoption of an ordinance accepting competitive proposals and awarding a three (3) year agreement for Collection Services for Utilities (Part A), and Fire/EMS and Miscellaneous Receivables (Part B) by and between the City of Denton, Texas and Credit Systems International, Inc.; providing for the expenditure of funds therefor; and providing an effective date (RFP 6133 Parts A and B-awarded to Credit Systems International, Inc. in the not-to-exceed amount of \$243,817). The Public Utilities Board recommends approval (7-0).

Attachments: [Exhibit 1-Evaluation and Ranking](#)
 [Exhibit 2-PUB Minutes](#)
 [Exhibit 3-Ordinance](#)
 [Exhibit 4-Contract Section A](#)
 [Exhibit 5-Contract Section B](#)

- J. [ID 17-282](#) Consider adoption of an ordinance accepting competitive proposals and awarding a three (3) year agreement for Collection Services for Municipal Court Fines (Part C), by and between the City of Denton, Texas and Linebarger, Goggan, Blair, and Sampson, LLP; providing for the expenditure of funds therefor; and providing an effective date (RFP 6133 Part C-awarded to Linebarger, Goggan, Blair, and Sampson, LLP in an amount which is contingent upon its monetary recoveries from persons, in accordance with the percentages expressed in attached contract).

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

- K. [ID 17-283](#) Consider adoption of an ordinance accepting competitive bids and awarding a public works contract for the repair of the north bound lanes of Colorado Boulevard from Mayhill Road to Loop 288; providing for the expenditure of funds therefor; and providing an effective date (RFP 5241-awarded to Floyd Smith Concrete, Inc., in the not-to-exceed amount of \$616,013.46).

Attachments: [Exhibit 1-Project Map](#)
 [Exhibit 2-Quote](#)
 [Exhibit 3-Original Contract](#)
 [Exhibit 4-Ordinance](#)

- L. [ID 17-284](#) Consider adoption of an ordinance accepting competitive proposals and awarding a contract for the purchase of electric fault circuit indicators for Denton Municipal Electric to be stocked in the City of Denton Distribution Center; providing for the expenditure of funds therefor; and providing an effective date (RFP 6327-awarded to Anixter Inc. in the amount of \$225,000 and Techline, Inc. in the amount of \$55,000 for a three (3) year total not-to-exceed of \$280,000).

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

[Exhibit 2-Ordinance](#)

[Exhibit 3-Anixter Inc. Contract](#)

[Exhibit 4-Techline, Inc. Contract](#)

- M. [ID 17-287](#) Consider adoption of an ordinance releasing, abandoning and vacating a 2.249 acre public drainage easement granted to the City of Denton, Texas, by Teasley Commons, Ltd. on August 5, 2004 and recorded as Instrument No. 2004-111117, Real Property Records, Denton County, Texas, situated in the C. Poulallier Survey, Abstract No. 1006, Denton County, Texas, and located within the 3200 block of Teasley Lane. [Minor Plat, Teasley Commons, Lots 5 & 6 Block A]

Attachments: [Exhibit 1 - Location Map](#)

[Exhibit 2 - Pending Teasley Commons](#)

[Exhibit 3 - Applicant request letter](#)

[Exhibit 4 - 2004 Drainage Easement](#)

[Exhibit 5 - Ordinance](#)

- N. [ID 17-293](#) Consider adoption of an ordinance accepting competitive proposals and awarding a public works contract for the construction of the Middle Road Entrance to the City of Denton ECO-W.E.R.C.S. facility to be located on South Mayhill Road; providing for the expenditure of funds therefor; and providing an effective date (RFP 6218C-awarded to Jagoe-Public Company in the not-to-exceed amount of \$1,477,571). The Public Utilities Board recommends approval (6-0).

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

[Exhibit 2-PUB Minutes](#)

[Exhibit 3-Ordinance](#)

[Exhibit 4-Contract](#)

- O. [ID 17-294](#) Consider adoption of an ordinance of the City of Denton, a Texas home rule municipal corporation ("City"), approving the exchange of a 4.936 acre tract owned by the City located in the David Hough Survey, Abstract, No. 646, Denton, Denton County, Texas ("City Property"), to Kevin Nelms and Richard Greb and wife, Nancy Greb ("Nelms-Greb), for a 3.457 acre tract owned by Nelms-Greb, also located in the David Hough Survey (Nelms-Greb Property), both tracts having comparable values of \$537,530 (City Property) and \$527,054 (Nelms-Greb Property); authorizing the City Manager in accordance with Texas Local Government Code § 272.001(b)(3) to execute a real estate exchange agreement with Nelms-Greb together with any other documents necessary to exchange the City Property for Nelms-Greb Property; and, providing an effective date. [Mayhill Road Widening - Nelms/Greb Parcel M137_M138 disposition]

Attachments: [Exhibit 1 - Location Map](#)

[Exhibit 2 - Site Map](#)

[Exhibit 3 - Ordinance](#)

- P. [ID 17-331](#) Consider adoption of an ordinance releasing, abandoning and vacating 0.037 acre

and 0.159 acre of drainage easement granted to the City of Denton, Texas by Kevin Nelms, Richard Greb and wife, Nancy Greb recorded as Instrument No. 2014-26437, Real Property Records, Denton County, Texas, situated in the David Hough Survey, Abstract No. 646, Denton County, Texas, and generally located within the 2100 Block of South Mayhill Road; and declaring an effective date. [Mayhill Road Widening - Nelms/Greb Parcel M137_M138 disposition]

Attachments: [Exhibit 1 - Location Map](#)
 [Exhibit 2 - Site Map](#)
 [Exhibit 3 - Drainage Easement](#)
 [Exhibit 4 - Ordinance](#)

- Q. [ID 17-306](#) Consider approval of a resolution creating an ad hoc City Council Committee and appointing Committee members to review policies related to employee sick leave and vacation benefits in the City of Denton, Texas and to advise the City Council with regard to these matters; and providing an effective date.

Attachments: [Exhibit 1 - Resolution](#)

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

- A. [ID 17-330](#) Consider adoption of an ordinance of the City of Denton determining the public use, need, and necessity for the acquisition of a public water line easement encumbering a 0.148 acre tract of real property, as more particularly described in Exhibit “A”, attached hereto and made a part hereof (the “Property Interests”), being generally located along the 3000 block of South Interstate Highway 35 East and situated in the D. Lombard Survey, Abstract No. 784, City and County of Denton, Texas; 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 his designee, to file eminent domain proceedings if necessary; authorizing the expenditure of funding; making findings; providing a savings clause; and providing an effective date. (TxDOT I-35 E Grade Separation Project - water utility relocation component)

Attachments: [Exhibit 1 - Location Map -](#)
 [Exhibit 2 - Site Map](#)
 [Exhibit 3 - Recommended Motion](#)
 [Exhibit 4 - Ordinance](#)

6. ITEMS FOR INDIVIDUAL CONSIDERATION

- A. [ID 17-278](#) Consider adoption of an ordinance of the City of Denton authorizing the City Manager or his designee to execute a contract for the acquisition and installation of a Supervisory Control and Data Acquisition (SCADA) hardware and software system for Denton Municipal Electric (DME) Denton Energy Center (DEC) 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 requirements of

competitive bidding; and providing an effective date (File 4074-awarded to Open Systems International, Inc. (OSI) in the not-to-exceed amount of \$446,331.80). The Public Utilities Board recommends approval (7-0).

Attachments: [Exhibit 1-Quote](#)
 [Exhibit 2-Vendor Sole Source Letter](#)
 [Exhibit 3-Staff Memo](#)
 [Exhibit 4-PUB Draft Minutes](#)
 [Exhibit 5-Ordinance](#)
 [Exhibit 6-Staff Presentation](#)

- B. [ID 17-291](#) Consider a request for an exception to Section 17-20 (d) of the Noise Ordinance for the purpose of hosting the Ashes 420 Festival, a music festival hosted by Ashes Smoke Shop. The event will be held in the parking lot at 420 S. Carroll Blvd., on Thursday, April 20, 2017, from 11 a.m. to midnight. An exception is specifically requested to increase sound levels from 70 to 75 decibels, and for an extension of hours from 10 p.m. to midnight.

Attachments: [Exhibit 1 Ashes Letter of Request 2017](#)
 [Exhibit 2 Excerpt from Noise Ordinance](#)
 [Exhibit 3 Map of 420 S Carroll Blvd](#)

7. PUBLIC HEARINGS

- A. [A16-0004a](#) Hold the first of two public hearings for annexation of an approximately 4.7 acres of land, generally located north of Ryan Road, west of FM 2181 (Teasley Lane) and Lake Forest Good Samaritan Village, and east of Country Club Road by the City of Denton, Texas.

Attachments: [Exhibit 1 - Location Map](#)
 [Exhibit 2 - Zoning Map](#)
 [Exhibit 3 - Draft Ordinance](#)

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 _____, 2017 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.