



City of Denton

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

Meeting Agenda

City Council

Tuesday, July 18, 2017

12:00 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, July 18, 2017 at 12:00 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 July 18, 2017.

3. Work Session Reports

- A. [ID 17-884](#) Receive a report, hold a discussion, and give direction to staff and Springsted / Waters on the City Attorney recruitment process.

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
[Exhibit 2 - City Attorney advertising brochure](#)
[Exhibit 3 - Revised City Attorney job description](#)
[Exhibit 4 - Proposed Timeline](#)

- B. [ID 17-831](#) Receive a report; hold a discussion, and give staff direction regarding the preliminary FY 2017-18 Proposed Budget, Capital Improvement Program, and Five Year Financial Forecast.

Attachments: [Exhibit 1 Agenda Information Sheet](#)
[Exhibit 2 Presentation Water](#)
[Exhibit 3 Water Proposed Budget](#)
[Exhibit 4 Presentation Wastewater](#)
[Exhibit 5 WW Proposed Budget](#)

- C. [ID 17-761](#) Receive a report; hold a discussion, and receive departmental presentations in preparation for the FY 2017-18 Proposed Budget, Capital Improvement Program, and Five Year Financial Forecast.

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
[Exhibit 2 - Budget Responses July 18](#)
[Exhibit 3 - Presentation Parks](#)
[Exhibit 4 - Presentation Internal Audit](#)
[Exhibit 5 - Presentation Materials Management](#)

- D. [ID 17-846](#) Receive a report, hold a discussion, and give staff direction regarding two programs recommended by the City's 2017 Leadership Excellence and Enhancement Program (LEEP) participants: Document Denton and a Volunteer Impact Program (VIP).
- Attachments: [Exhibit 1 - Agenda Information Sheet](#)
[Exhibit 2 - Document Denton description](#)
[Exhibit 3 - Document Denton PowerPoint presentation](#)
[Exhibit 4 - Volunteer Impact Program description](#)
[Exhibit 5 - Volunteer Impact Program PowerPoint presentation](#)
- E. [ID 17-883](#) Receive a report, hold a discussion, and give staff direction regarding the schedule of Water Rates for Water Taps and Meter Fees.
- Attachments: [Exhibit 1 - Agenda Information Sheet.pdf](#)
[Exhibit 2 - Section 26-126.1 Installation of taps by Utility Department, redline.pdf](#)
[Exhibit 3 - 2016-274 Water Tap and Meter Fees redline.pdf](#)
[Exhibit 4 - Proposed Fire Tap Ordinance 071817 \(003\).pdf](#)
- F. [ID 17-910](#) Receive a report, hold a discussion, and give staff direction regarding the Charter Review Committee recommendations.
- Attachments: [Exhibit 1 - Agenda Information Sheet](#)
[Exhibit 2 - CRC Final Report](#)
[Exhibit 3 - Comparison to Other Cities](#)
[Exhibit 4 - Model City Charter Comparison](#)
[Exhibit 5 - Presentation](#)
- G. [ID 17-920](#) Receive a report, hold a discussion, and provide staff direction regarding a lighting maintenance agreement for the Texas Department of Transportation's 35Express project.
- Attachments: [Agenda Information Sheet.pdf](#)
[Presentation.pdf](#)

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 17-922](#) Deliberations regarding Real Property - Under Texas Government Code, Section 551.072; and Consultation with Attorneys - Under Texas Government Code, Section 551.071.
- Discuss, deliberate and receive information from staff and provide staff with direction pertaining to the potential purchase of certain real property interests out of the Eugene Puchalski Survey, Abstract No. 996, Denton County, Texas, being a 0.344 acre tract generally located in the 2200 block of Scripture Street, 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. (Bonnie Brae Street - North (Phase 5) - Parcel 30 (Cooke))

- B. [ID 17-942](#)** Deliberations Regarding Certain Public Power Utilities: Competitive Matters - Under Texas Government Code Section 551.086.

Receive information from staff, and discuss, deliberate and provide direction to staff regarding the future plans for, and current and future operations of, the Gibbons Creek Steam Electric Station owned by the Texas Municipal Power Agency (The City of Denton is a member of TMPA).

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 17-810](#) Deb Armintor regarding updating Council procedures.
 2. [ID 17-829](#) Ahmad Rashad regarding introduction of non-profit organization to the City.
 3. [ID 17-833](#) Bob Clifton regarding a Texas Open Records request.

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 – N). 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 – N 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 17-816](#) Consider adoption of an ordinance approving an Interlocal Cooperation Agreement between the City of Denton, Texas and the City of Irving, Texas to provide for the Cities to transfer ground mulch between Cities when available and needed, and to provide emergency landfill and equipment support to one another as appropriate, when needed.

Attachments: [Exhibit 1-Agenda Information Sheet Interlocal Agreement with Irving.pdf](#)
 [Exhibit 2-Interlocal Cooperation Agreement](#)

- B. [ID 17-830](#) Consider approval of a resolution approving the issuance of Revenue Bonds by the Colorado Health Facilities Authority on behalf of the Evangelical Lutheran Good Samaritan Society in an aggregate principal amount not to exceed \$5,100,000; recognizing that the City of Denton is not responsible for issuing the Revenue Bonds and has no financial obligation to pay any principal of or interest on the Revenue Bonds; making certain findings in connection therewith; and providing an effective date.

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
 [Exhibit 2 - Letter from Kutak Rock LLP](#)
 [Exhibit 3 - Public Hearing Notices](#)
 [Exhibit 4 - Letter from City's Bond Counsel](#)
 [Exhibit 5 - Resolution](#)

- C. [ID 17-842](#) Consider approval of the minutes of June 13, June 20, June 27, and June 30, 2017.

Attachments: [Exhibit 1 June 13, 2017 Minutes](#)
 [Exhibit 2 June 20, 2017 Minutes](#)
 [Exhibit 3 June 27, 2017 Minutes](#)
 [Exhibit 4 June 30, 2017 Minutes](#)

- D. [ID 17-864](#) Consider adoption of an ordinance of the City of Denton, Texas authorizing the City Manager to execute a Professional Services Agreement for Architectural and Design services relating to the Hickory Substation Gas Insulated Substation (GIS) Equipment Building and Screening Wall, and the Eagle Substation Gas Insulated Substation Equipment Building; providing for the expenditure of funds therefor; and providing an effective date (File 6483-awarded to Kirkpatrick Architecture Studio in the not-to-exceed amount of \$616,700). The Public Utilities Board recommends approval (4-0).

Attachments: [Exhibit 1 - Agenda Information Sheet](#)

[Exhibit 2 - Substation Site Plan](#)

[Exhibit 3 - Screening Wall Concept](#)

[Exhibit 4 - PUB Minutes](#)

[Exhibit 5 - Ordinance](#)

[Exhibit 6 - Contract](#)

- E. [ID 17-865](#) Consider adoption of an ordinance of the City of Denton, Texas authorizing the approval of a first amendment to a Professional Services Agreement between the City of Denton and Teague Nall and Perkins, Inc. (TNP), amending the contract approved by the City Manager on April 10, 2017, in the not-to-exceed amount of \$93,500, to provide additional engineering and surveying services related to the Hickory Creek Road West-FM 2181 to Riverpass Drive project; providing for the expenditure of funds therefor; and providing an effective date (File 6427-providing for an additional expenditure amount not-to-exceed \$39,800 with the total contract amount not-to-exceed \$133,300).

Attachments: [Exhibit 1-Agenda Information Sheet](#)

[Exhibit 2-Original PSA](#)

[Exhibit 3-Ordinance](#)

[Exhibit 4-First Amendment](#)

- G. [ID 17-867](#) Consider adoption of an ordinance of the City of Denton, Texas providing for, authorizing, and approving the expenditure of funds for the purchase of a Universal Laboratory Fingerprint Imaging System with ImaQuest copyrighted software, for the City of Denton Police Department; Horiba Instruments Incorporated/SPEX Forensics Division is the proprietary vendor for ImaQuest software and the Identquest Image Documentation Program therefore this system is available from only one source; and in accordance with Texas Local Government Code 252.022, provides that procurement of commodities and services that are available from one source are exempt from competitive bidding; and if over \$50,000 shall be awarded by the governing body; and providing an effective date (File 6476-awarded to HORIBA Instruments Incorporated/SPEX Forensics Division in the not-to-exceed amount of \$56,405).

Attachments: [Exhibit 1-Agenda Information Sheet](#)

[Exhibit 2-SPEX Quote](#)

[Exhibit 3-Comparison and Quotes](#)

[Exhibit 4-Staff Memo](#)

[Exhibit 5-Ordinance](#)

- H. [ID 17-873](#) Consider adoption of an ordinance releasing, abandoning and vacating a 2.056 acre public drainage easement granted to the City of Denton, Texas by Wynne/Jackson Lakes Development LP., a Texas limited partnership on May 25, 2005 and recorded as Instrument No. 2005-85937 in the Real Property Records of Denton County, Texas,; providing for severability and an effective date. [Abandonment of drainage easement for the development of Country Lakes North Phase 3A1 & 3B lots]

Attachments: [Exhibit 1 - Agenda Information sheet](#)

[Exhibit 2 - Location Map](#)

[Exhibit 3 - Easement abandonment illustration](#)

[Exhibit 4 - Applicant Narrative](#)

[Exhibit 5 - Ordinance](#)

- I. [ID 17-875](#) Consider adoption of an ordinance releasing, abandoning and vacating a 0.083 acre electric easement granted to the City of Denton, Texas, by Alex Williams on October 11, 1956 and recorded in Volume 426 Page 97, Deed Records, Denton County, Texas, and located in Block 20 of the Original Town of Denton, Denton County, Texas; providing for severability and an effective date. [111 South Austin Street (Wells Fargo parking area), removal of easement encumbrance]

Attachments: [Exhibit 1 - Agenda Information Sheet](#)

[Exhibit 2 - Location Map](#)

[Exhibit 3 - Easement Abandonment survey exhibit](#)

[Exhibit 4 - Applicant Narrative](#)

[Exhibit 5 - Ordinance](#)

- J. [ID 17-878](#) Consider adoption of an ordinance of the City of Denton authorizing an agreement between the City of Denton, Texas and Fred Moore Day Nursery School for the purpose of general expenses to operate the school; providing for the expenditure of funds therefor; and providing for an effective date. (\$275)

Attachments: [Exhibit 1 - AIS Fred Moore Day Nursery School](#)

[Exhibit 2 - Ordinance Fred Moore Day Nursery School](#)

[Exhibit 3 - Agreement Fred Moore Day Nursery School](#)

- K. [ID 17-882](#) Consider adoption of an ordinance of the City of Denton authorizing an agreement between the City of Denton, Texas and the Denton Parks Foundation for the purpose of Scholarships; providing for the expenditure of funds therefor; and providing for an effective date. (\$275)

Attachments: [Exhibit 1 - AIS Parks Foundation](#)
 [Exhibit 2 - Ordinance Parks Foundation](#)
 [Exhibit 3 - Agreement Parks Foundation](#)

- L. [ID 17-904](#) Consider adoption of an ordinance of the City of Denton, Texas authorizing the City Manager, or his designee, to enter into an Interlocal Agreement with Denton County for the County to provide Property Tax Billing and Collections Services for the City of Denton; providing a savings clause; and providing an effective date.

Attachments: [Exhibit 1 Agenda Information Sheet](#)
 [Exhibit 2 Ordinance and Contract](#)

- M. [ID 17-915](#) Consider adoption of an ordinance of the City of Denton, Texas amending certain provisions of Chapter 26 of the Denton code of ordinances, specifically Section 26-2 to provide for clarification of the means of gaining access to a premises needed by utility employees; providing for a severability clause, savings clause, and an effective date.

Attachments: [Exhibit 1 Agenda Information Sheet.pdf](#)
 [Exhibit 2 Ordinance - Right of Entry.pdf](#)

- N. [ID 17-923](#) Consider adoption of an ordinance of the City of Denton, Texas authorizing the City Manager, or his designee, to execute a Contract of Sale by and between Lisa Cooke (“Owner”), and the City of Denton, Texas (“City” or “Buyer”), regarding the sale and purchase of fee simple to an approximately 0.344 acre tract, more or less, situated in the Eugene Puchalski Survey, Abstract No. 996, Denton County, Texas, for the purchase price of Two Hundred Twenty Eight Thousand Dollars and No Cents (\$228,000.00), and other consideration, as prescribed in the Contract of Sale; authorizing the expenditure of funds therefor; and providing an effective date. (Bonnie Brae Street Widening and Improvements project - North (Phase 5) - Parcel 30 (Cooke - 2291 Scripture Street))

Attachments: [Exhibit 1-Agenda Information Sheet-2291 Scripture 0.344 acre purchase.pdf](#)
 [Exhibit 2-Location Map.pdf](#)
 [Exhibit 3-Site Map.pdf](#)
 [Exhibit 4-Schematic Road Plan 2291 Scripture Street.pdf](#)
 [Exhibit 5-Ordinance.pdf](#)

5. ITEMS FOR INDIVIDUAL CONSIDERATION

- A. [ID 17-556](#) Consider appointing a Nominating Committee to recommend appointees to serve on the Economic Development Partnership Board.

Attachments: [Agenda Information Sheet](#)

- B. [ID 17-807](#) Consider adoption of an ordinance repealing Ordinance No. 2003-258, and subsequent amendments of Ordinance No. 2011-042, Ordinance No. 2014-009, Ordinance No. 2015-074, and Ordinance No. 2016-249, relating to the creation, appointments, and duties of the Economic Development Partnership Board (the “Board”) and replacing these ordinances with this ordinance clarifying the

qualifications and limitations of Board members and amending the Denton Code of Ordinances, Chapter 2, Article IX; and providing for repealer and conflicts clauses and an effective date.

Attachments: [Exhibit 1- Agenda Information Sheet](#)

[Exhibit 2- Ordinance](#)

[Exhibit 3- Presentation](#)

- C. [ID 17-741](#) Consider adoption of an ordinance accepting competitive proposals and awarding a public works contract for the excavation and construction of Landfill Cells 3B, C, and D at the City of Denton Landfill; providing for the expenditure of funds therefor; and providing an effective date (RFP 6395C-awarded to Hammett Excavation, Inc. in the not-to-exceed amount of \$3,476,092.84). The Public Utilities Board recommends approval (5-0).

Attachments: [Exhibit 1-Agenda Information Sheet](#)

[Exhibit 2-Site Map](#)

[Exhibit 3-Evaluation and Ranking Sheet](#)

[Exhibit 4-PUB Minutes](#)

[Exhibit 5-Ordinance](#)

[Exhibit 6-Contract](#)

[Exhibit 7-Presentation](#)

- D. [A17-0001c](#) Conduct the first of two readings of an ordinance of the City of Denton voluntarily annexing approximately 118.041 acres of land, generally located north of McKinney Street and west of Trinity Road; providing for a correction to the city map to include the annexed lands; providing for a savings clause and an effective date.

Attachments: [Exhibit 1 - Agenda Information Sheet](#)

[Exhibit 2 - Location Map](#)

[Exhibit 3 - Zoning Map](#)

[Exhibit 4 - Draft Ordinance](#)

[Exhibit 5 - Presentation](#)

- E. [A17-0004c](#) Conduct the first of two readings of an ordinance of the City of Denton for an involuntary annexation of approximately 6.71 acres of land, generally located north of Brush Creek Road and east of Fort Worth Drive by the City of Denton, Texas; providing for a savings clause and an effective date.

Attachments: [Exhibit 1 - Agenda Information Sheet](#)

[Exhibit 2 - Location Map](#)

[Exhibit 3 - Zoning Map](#)

[Exhibit 4 - Draft Ordinance](#)

[Exhibit 5 - Presentation](#)

- F. [ID 17-916](#) Consider adoption of an Ordinance of the City of Denton, Texas, authorizing the City Manager, or his designee, to execute an Advanced Funding Agreement, in a form substantially similar as attached hereto as Exhibit 2 and in the approximate

amount of \$2,824,714.59 (amount to be finalized after bids are opened), by and between the State of Texas, acting through the Texas Department of Transportation (the “State”) and the City of Denton (the “City”), regarding water and wastewater utility improvements associated with the FM 2181 roadway widening project, located between FM 2499 and Lillian Miller Parkway and within the City of Denton.

Attachments: [Exhibit 1 Agenda Information Sheet](#)
 [Exhibit 2 Advanced Funding Agreement between the State of Texas and City of](#)
 [Exhibit 3 TxDOT Ordinance-Lillian Miller to 2499](#)
 [Exhibit 4 Presentation for City Council](#)

6. PUBLIC HEARINGS

- A. [Z17-0002d](#) Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, regarding a change in the zoning classification from a Regional Center Residential 1 (RCR-1) zoning district and use classification and a Regional Center Commercial Downtown (RCC-D) zoning district and use classification to a Community Mixed Use General (CM-G) zoning district and use classification on approximately 29 acres of land generally located on the northwest and southwest corners of Lakeview Boulevard and Shady Shores Road in the City of Denton, Denton County, Texas; adopting an amendment to the City’s official zoning map; providing for a penalty in the maximum amount of \$2,000.00 for violations thereof; providing a severability clause and an effective date. The Planning and Zoning Commission recommended approval of the request (6-0). (Z17-0002)

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
 [Exhibit 2 - Staff Analysis](#)
 [Exhibit 3 - Aerial Map](#)
 [Exhibit 4 - Existing Zoning Map](#)
 [Exhibit 5 - Future Land Use Map](#)
 [Exhibit 6 - Permitted Use Comparison Chart](#)
 [Exhibit 7 - Proposed Zoning Map](#)
 [Exhibit 8 - Notification Map and Responses](#)
 [Exhibit 9 - Planning and Zoning Commission Meeting Minutes](#)
 [Exhibit 10 - Presentation](#)
 [Exhibit 11 - Draft Ordinance](#)

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 _____, 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.