



# 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 1, 2017

1:00 PM

Work Session Room & Council Chambers

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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 1, 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 August 1, 2017.**

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

- A. [ID 17-967](#) Receive a report from Denton County Transportation Authority (DCTA) staff to include agency overview, State of the Agency, bus operations and DCTA capital projects, and provide input regarding strategic initiatives in the Denton County Transportation Authority's service plan.

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

- B. [ID 17-841](#) Receive a report, hold a discussion, and give staff direction regarding nominations to the City's Boards and Commissions and Council Committees.

Attachments: [Exhibit 1 - Agenda Information Sheet](#)  
[Exhibit 2 - Nominations Sheet](#)

- D. [ID 17-970](#) 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 Presentation Electric](#)  
[Exhibit 3 Presentation Streets](#)  
[Exhibit 4 Presentation Traffic](#)

- E. [ID 17-1039](#) Receive a report, hold a discussion, and give staff direction regarding the Charter Review Committee recommendations; discussion of ballot proposition items; and discussion of additional proposed Charter amendments regarding terms for Public Utility Board members and the month when regular municipal elections are held.

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

[Exhibit 2 - CRC Final Report](#)

[Exhibit 3 - Draft Ballot Language](#)

[Exhibit 4 - CRC Meeting Minutes](#)

[Exhibit 5 - Presentation](#)

- F. [ID 17-1044](#)      Receive a report, hold a discussion, and give staff direction regarding solicitation and contracting incentives used to expedite public works projects.

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

[Exhibit 2-Incentives Procedures](#)

[Exhibit 3-Incentives 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 17-845](#)      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 to a 2.168 acre tract of land situated in the Gideon Walker Survey, Abstract No. 1330, in the City of Denton, Denton County, 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. [Spencer to Pockrus TM Line - Timber Links]

- B. [ID 17-914](#)      Consultation with Attorneys - Under Texas Government Code, Section 551.071

Consult, discuss and deliberate with, and provide direction to, the City's attorneys regarding legal issues associated with solicitation under Denton Code §16-73, where a public discussion associated with 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.

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 17-971](#) Denton Citizen Academy Graduation Proclamation

### **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 17-1017](#) Ron Seifert regarding a review of the Renewable Denton Plan approval process.
  - 2. [ID 17-1018](#) Ginger Cain regarding the use and/or sale of property located on the north side of W. Windsor Drive.
  - 3. [ID 17-1045](#) Deb Armintor regarding gas plant contracts.
- 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 – K). 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 – K 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 17-694](#) Consider adoption of an ordinance of the City of Denton, Texas, authorizing the City Manager to execute a Professional Services Agreement with Steven J. Kunkel & Associates, Inc. for Land Appraisal and Land Rights Acquisition Services related to the Bonnie Brae Road Widening project-North Phases 4 & 5. The limits being between North Interstate 35 East and U.S. Highway 380; and establishing an effective date (File 6522 in the not-to-exceed amount of \$418,000).

Attachments: [Exhibit 1-Agenda Information Sheet - Kunkel PSA](#)  
[Exhibit 2-Location Map](#)  
[Exhibit 3-Statement of Fees](#)  
[Exhibit 4-Memo of Recommendation](#)  
[Exhibit 5-Ordinance](#)  
[Exhibit 6-Contract](#)

- B. [ID 17-844](#) Consider adoption of an ordinance authorizing the settlement of litigation styled City of Denton, Texas V. Timber Links Apartments, LLC, a Delaware Limited Liability Company, Cause No. PR-2017-00009, currently pending in the probate court of Denton County, Texas, regarding the acquisition of a 2.168 acre electric easement tract for the Spencer to Pockrus Transmission Line Project in the settlement amount of One Hundred Thirty Thousand Dollars and Zero Cents (\$130,000.00), authorizing the City Manager and City Attorney to effectuate the settlement; authorizing the expenditure of funds therefor; providing a savings clause; and providing an effective date. [Spencer to Pockrus TM Line - Timber Links LLC]

Attachments: [Exhibit 1 - Agenda Information Sheet.pdf](#)  
[Exhibit 2 - Ordinance.pdf](#)  
[Exhibit 3 - Electric Utility Easement.pdf](#)  
[Exhibit 4 - Agreement.pdf](#)

- C. [ID 17-861](#) Consider approval of a resolution approving the 2016 Tax Increment Reinvestment Zone Number Two (Westpark TIRZ) Annual Report; and declaring an effective date. The Westpark TIRZ Board recommends approval (8-0).

Attachments: [Exhibit 1 Agenda Information Sheet](#)  
[Exhibit 2 Resolution](#)  
[Exhibit 3 TIRZ Two 2016 Annual Report](#)

- D. [ID 17-862](#) Consider approval of a resolution approving the 2016 Tax Increment Reinvestment Zone Number One (Downtown TIF) Annual Report; and declaring an effective date. The Downtown TIF Board recommends approval (4-0).

**Attachments:**      [AIS Downtown TIF annual report](#)  
                                 [2016 Annual report resolution](#)  
                                 [2016 Annual Report](#)

- E.    [ID 17-872](#)      Consider adoption of an ordinance of the City of Denton, Texas approving a consent to Collateral Assignment of an Airport Lease between Sykes-Vaughan Investments LLC, and Compass Bank; and providing an effective date. The Council Airport Committee recommends approval (3-0).

**Attachments:**      [Exhibit 1 - Agenda Information Sheet](#)  
                                 [Exhibit 2 - Collateral Assignment of Leases](#)  
                                 [Exhibit 3 - Ordinance - Consent to Assignment of Sykes-Vaughan-Compass](#)

- F.    [ID 17-877](#)      Consider adoption of an ordinance of the City of Denton authorizing an agreement between the City of Denton, Texas and Denton Community Clinic for the purpose of Health Care Services; providing for the expenditure of funds therefor; and providing for an effective date. (\$700)

**Attachments:**      [Exhibit 1 - AIS - Denton Community Clinic](#)  
                                 [Exhibit 2 - Ordinance Denton Community Clinic](#)  
                                 [Exhibit 3 - Agreement Denton Community Clinic](#)

- G.    [ID 17-946](#)      Consider adoption of an ordinance accepting competitive proposals and awarding a public works contract for the construction of the Hickory Substation Underground Transmission Line Duct Bank Project for the City of Denton which consists of the installation of a grouping of conduits for underground electrical conductors from inside the Hickory Substation boundary to appropriate points outside of the substation; providing for the expenditure of funds therefor; and providing an effective date (RFP 6416C-awarded to Larrett, Inc. in the amount of \$892,455). The Public Utilities Board recommends approval (6-0).

**Attachments:**      [Exhibit 1-Agenda Information Sheet](#)  
                                 [Exhibit 2-Site Drawing](#)  
                                 [Exhibit 3-Evaluation and Pricing Sheet](#)  
                                 [Exhibit 4-PUB Minutes](#)  
                                 [Exhibit 5-Ordinance](#)  
                                 [Exhibit 6-Contract](#)

- H.    [ID 17-947](#)      Consider adoption of an ordinance accepting competitive proposals and awarding a contract for the supply of secondary pedestals 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 6246-awarded to Techline, Inc. in the three (3) year not-to-exceed amount of \$150,000).

**Attachments:**      [Exhibit 1-Agenda Information Sheet](#)  
                                 [Exhibit 2-Evaluation and Pricing sheet](#)  
                                 [Exhibit 3-Ordinance](#)  
                                 [Exhibit 4-Contract](#)

- I. [ID 17-948](#) Consider adoption of an ordinance accepting competitive proposals and awarding a contract for the supply of Okonite underground distribution cables and substation control cables 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 6404-awarded to The Okonite Company in the three (3) year not-to-exceed amount of \$1,400,000).

Attachments:     [Exhibit 1-Agenda Information Sheet](#)  
                              [Exhibit 2-Evaluation and Pricing Sheet](#)  
                              [Exhibit 3-Ordinance](#)  
                              [Exhibit 4-Contract](#)

- J. [ID 17-973](#) Consider adoption of an ordinance rejecting any and all competitive proposals for RFP 6426-Printing Services for the City of Denton; and providing an effective date.

Attachments:     [Exhibit 1-Agenda Information Sheet](#)  
                              [Exhibit 2-Analysis](#)  
                              [Exhibit 3-Ordinance](#)

- K. [ID 17-1026](#) Consider adoption of an ordinance of the City of Denton, Texas, Amending the Provisions of Chapter 16 relating to licenses, permits, and business regulations by amending section 16-73 to change the hours for home solicitation; providing a savings clause; providing for a penalty not to exceed \$500 for violations of the ordinance; and providing for an effective date.

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

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

- A. [ID 17-689](#) Consider adoption of an ordinance of the City of Denton (“City”) finding that a public use and necessity exists to acquire fee simple title to (I) a 0.697 acre tract of land and (II) a 0.018 acre tract of land, both situated in the Alexander Hill Survey, Abstract No. 623, in the City of Denton, Denton County, Texas (collectively the “Property Interests”), for the public use of, expansion, construction, maintenance, operation of an electric transmission line, ancillary facilities and structures; authorizing the City Manager, or his designee, 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 any agreement cannot be reached; and authorizing the City Attorney, or his designee, to file eminent domain proceedings if necessary; authorizing the expenditure of funding; makings findings; providing a savings clause; and providing an effective date. [Spencer to Locust TM Line - Tracts 34 & 37]

**Attachments:**      [Exhibit 1 - Agenda Information Sheet.pdf](#)  
                                 [Exhibit 2 - Ordinance](#)  
                                 [Exhibit 3 - Easement.pdf](#)  
                                 [Exhibit 4 - Motion.pdf](#)  
                                 [Exhibit 5 - Appraisal.pdf](#)  
                                 [Exhibit 6 - Presentation.pdf](#)

- B.    [ID 17-753](#)      Consider adoption of an ordinance of the City of Denton (“City”) finding that a public use and necessity exists to acquire an easement covering a 0.339 acre tract of land situated in the Mary L. Austin Survey, Abstract No. 4, in the City of Denton, Denton County, Texas (“Property Interests”), for the public use of, expansion, construction, maintenance, and operation of an electrical transmission line, ancillary facilities, and structures supporting a new electric substation; authorizing the City Manager, or his Designee, to acquire the Property Interests by agreement including making all offers required by law; authorizing the use of 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 funds; making findings; providing a savings clause; and providing an effective date. [Brinker Substation - Nu-View Tract]

**Attachments:**      [Exhibit 1 - Agenda Information Sheet.pdf](#)  
                                 [Exhibit 2 - Ordinance](#)  
                                 [Exhibit 3 - Map.pdf](#)  
                                 [Exhibit 4 - Motion.pdf](#)  
                                 [Exhibit 5 - Appraisal.pdf](#)  
                                 [Exhibit 6 - Presentation.pdf](#)

- C.    [ID 17-843](#)      Consider adoption of an ordinance of the City of Denton (“City”) finding that a public use and necessity exists to acquire easements covering (I) a 0.057 acre tract of land and (II) a 0.141 acre tract of land, both situated in the Eugene Puchalski Survey, Abstract No. 996, City of Denton, Denton County, Texas (collectively the “Property Interests”), for the public use of, expansion, construction, maintenance, and operation of an electric transmission line, ancillary facilities and structures; authorizing the City Manager, or his designee, 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. [Hickory to Locust TL Project -Tracts 72 & 73]

**Attachments:**      [Exhibit 1 - Agenda Information Sheet.pdf](#)  
                              [Exhibit 2 - Ordinance](#)  
                              [Exhibit 3 - Map.pdf](#)  
                              [Exhibit 4 - Motion.pdf](#)  
                              [Exhibit 5 - Appraisals.pdf](#)  
                              [Exhibit 6 - Presentation.pdf](#)

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

- A.    [ID 17-840](#)      Consider nominations/appointments to the City's Boards and Commissions and Council Committees: 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; Zoning Board of Adjustment, and Downtown Denton TIF Reinvestment Zone No. 1 Board.

**Attachments:**      [Exhibit 1 - Agenda Information Sheet](#)  
                              [Exhibit 2 - Nominations Sheet](#)

- B.    [ID 17-866](#)      Consider adoption of an ordinance of the City of Denton, Texas authorizing the City Manager to execute a Professional Services Agreement for professional planning services related to the development of the Sector One South Neighborhoods Small Area Plan and implementation; providing for the expenditure of funds therefor; and providing an effective date (RFQ 6424-awarded to Fregonese Associates in the not-to-exceed amount of \$239,252).

**Attachments:**      [Exhibit 1-Agenda Information Sheet](#)  
                              [Exhibit 2-Evaluation and Ranking Sheet](#)  
                              [Exhibit 3-Ordinance](#)  
                              [Exhibit 4-Contract](#)

## **7. PUBLIC HEARINGS**

- A.    [S16-0007c](#)      Hold a public hearing and consider adoption of an ordinance for a Specific Use Permit to allow for a multi-family use on approximately 0.9 acres. The property is generally located on the north side of the Riney Road and Riney Court intersection. The Planning and Zoning Commission voted [6-0] to approve the request with conditions. (S16-0007, Riney Road Apartments).

**Attachments:**      [Exhibit 1 - Agenda Information Sheet](#)  
[Exhibit 2 - Staff Analysis](#)  
[Exhibit 3 - Aerial Map](#)  
[Exhibit 4 - Zoning Map](#)  
[Exhibit 5 - Future Land Use Map](#)  
[Exhibit 6 - Site Plan](#)  
[Exhibit 7 - Landscape Plan](#)  
[Exhibit 8 - Building Elevations](#)  
[Exhibit 9 - Presentation Slides](#)  
[Exhibit 10 - Notification Map and Responses](#)  
[Exhibit 11 - Planning and Zoning Commission Meeting Minutes](#)  
[Exhibit 12 - 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.