

### **City of Denton**

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

# Meeting Agenda City Council

Tuesday, August 15, 2017

2:00 PM

**Work Session Room & Council Chambers** 

After determining that a quorum is present, the City Council of the City of Denton, Texas will convene in a Work Session on Tuesday, August 15, 2017 at 2:00 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 15, 2017.

#### 3. Work Session Reports

**A.** <u>ID 17-557</u> Receive a report, hold a discussion, and give staff direction regarding the Denton Chamber of Commerce economic development contract.

Attachments: Exhibit 1- AIS 17-557

Exhibit 2- Chamber contract 2016-281
Exhibit 3- Draft 2017-18 Chamber contract
Exhibit 4- Chamber contract presentation

**B.** ID 17-978 Receive a report; hold a discussion, and give staff direction regarding the FY

2017-18 City Manager's Proposed Budget, Capital Improvement Program, and

Five-Year Financial Forecast.

Attachments: Exhibit 1 - Agenda Information Sheet

Exhibit 2 - Presentation

Exhibit 3 - Budget Workshop Follow Up Memo

C. <u>ID 17-1013</u> Receive a report, hold a discussion and give staff direction regarding the proposed

renovation and adaptive use of City Hall West located at 221 North Elm.

<u>Attachments:</u> Exhibit 1 - AIS CHW.pdf

Exhibit 2 - Old Denton City Hall Report.pdf

Exhibit 3 City Hall West Renovation Options .pdf

**D.** ID 17-1034 Receive a report, hold a discussion and give staff direction on the Mobility and Bike

Plan.

Attachments: Exhibit 1 Agenda Information Sheet.pdf

Exhibit 2 Mobility Plan Map

Exhibit 3 Bike Plan Map

Exhibit 4 Mobility Bike Plan.pdf

**E.** <u>ID 17-1052</u> Receive a report, hold a discussion and provide staff direction regarding the Denton Municipal Electric community sponsorship program.

Attachments: Exhibit 1 - Agenda Information Sheet

Exhibit 2 - DME Sponsorships List

Exhibit 3 - 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.** <u>ID 17-989</u> 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 2017-2018 operating budget for Denton Municipal Electric ("DME") including without limitation, proposed rates for DME for FY 2017-2018, 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 WITHOUT LIMITATION **MEETINGS** ACT, INCLUDING, §551.071-551.086 OF 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.** <u>ID 17-853</u> Honor AmeriCorps' VISTA Program Associates, in partnership with Denton Parks and Recreation.
- **B.** <u>ID 17-1000</u> Honor the Texas Health and Human Services Foster Grandparent Volunteers, in partnership with Denton Parks and Recreation.
- C. ID 17-1069 Mayor's Summer Youth Jobs Program

#### 3. PRESENTATION FROM MEMBERS OF THE PUBLIC

- A. Review of procedures for addressing the City Council.
- B. Receive Scheduled Citizen Reports from Members of the Public.
- 1. <u>ID 17-1086</u> Debra Mendoza regarding a fight against Senate Bill 4 ("sanctuary cities" ban).
- 2. <u>ID 17-1101</u> Robert Donnelly regarding city incompetence.
- 3. ID 17-1104 Mariela Nunez-Janes regarding Senate Bill 4.
- **4.** ID 17-1105 Cristal Benitez Lopez regarding Senate Bill 4.
- 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-Q). 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-Q 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 17-591 Consider adoption of an ordinance of the City of Denton, Texas authorizing the City Manager or his designee to execute an agreement for interconnection and parallel operation of distributed generation with Target Corporation for the installation of a solar photovoltaic system; and providing an effective date. The Public Utilities Board recommends approval (5-0).

Attachments: Exhibit 1 - Agenda Information Sheet.pdf

Exhibit 2 - Target Interconnection Agreement Ordinance.pdf

Exhibit 3 - Agreement for Interconnection.pdf

Exhibit 4 - Agenda Information Sheet (Revised)

**B.** <u>ID 17-956</u> Consider approval of a resolution nominating one member to the Board of Managers of the Denco Area 9-1-1 District; and declaring an effective date.

Attachments: Exhibit 1- Agenda Information Sheet

Exhibit 2 -Resolution

Exhibit 3 -Denco memo

C. <u>ID 17-1030</u> Consider adoption of an ordinance approving a Commercial Operator Airport Lease Agreement between the City of Denton, Texas and James W. and Nancy C. Huff; and providing an effective date. The Council Airport Committee recommends adoption of the ordinance (3-0).

<u>Attachments:</u> Exhibit 1 - AIS - James and Nancy Huff Lease Agreement JM

Exhibit 2 - Site Maps

Exhibit 3 - Concept Plan

Exhibit 4 - Huff Ord and Contract Final

**D.** ID 17-1031 Consider adoption of an ordinance approving a Commercial Operator Airport Lease Agreement between the City of Denton, Texas and GAhangars, LLC; and providing an effective date. The Council Airport Committee recommends adoption of the ordinance (3-0).

Attachments: Exhibit 1 - AIS - GAhangars, LLC

Exhibit 2 - Site Maps

Exhibit 3 - Concept Plan

Exhibit 4 - ORD & Lease Agmt - GAhangars, LLC

E. <u>ID 17-1057</u> Consider adoption of an ordinance approving a City sponsorship in an amount not to exceed \$14,000 of in-kind services for the 19th Annual Denton Blues Festival to be held in Quakertown Park from September 15- 17, 2017; and providing an effective date.

Attachments: Exhibit 1 Agenda Information Sheet

**Exhibit 2 Letter of Request** 

Exhibit 3 Actual Cost for Fiscal Years 2014-16

Exhibit 4 Running Total of In-Kind Support

Exhibit 5 Blues Fest Sponsorship Agreement

**Exhibit 6 Ordinance** 

F. ID 17-1059 Consider adoption of an ordinance of the City of Denton, Texas granting the Denton Black Chamber of Commerce a noise exception for September 17, 2017, pursuant to section 17-20 of the Code of Ordinances; granting amplified sound on Sunday, September 17, 2017 from 1 p.m. until 9 p.m. and setting an effective date.

Attachments: Exhibit 1 Agenda Information Sheet

Exhibit 2 Letter of Request

**Exhibit 3 Ordinance** 

**G.** ID 17-1061 Consider approval of the minutes of July 18, July 19 and July 25, 2017.

Attachments: Exhibit 1 - July 18, 2017 Minutes

Exhibit 2 - July 19, 2017 Minutes
Exhibit 3 - July 25, 2017 Minutes

**H.** <u>ID 17-1062</u>

Consider approval of a resolution allowing the Black Chamber of Commerce to sell alcoholic beverages for the Blues Festival on Saturday, September 16 and Sunday, September 17, 2017, held in Quakertown Park 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 Agenda Information Sheet

**Exhibit 2 Letter of Request** 

Exhibit 3 Excerpt from the Parks, Recreation and Beautification Board Minutes of

Exhibit 4 Resoulution and Quaktertown Park Contract

**I.** ID 17-1063

Consider adoption of an ordinance accepting competitive proposals and awarding a contract for the supply of irrigation parts for the City of Denton Parks Department; providing for the expenditure of funds therefor; and providing an effective date (RFP 6365-awarded to Longhorn Inc. in the three (3) year amount not-to-exceed \$300,000).

Attachments:

**Exhibit 1-Agenda Information Sheet** 

**Exhibit 2-Evaluation and Pricing Sheet** 

Exhibit 3-Ordinance
Exhibit 4-Contract

**J.** ID 17-1064

Consider adoption of an ordinance accepting competitive proposals and awarding a contract for overhead door and automatic gate repairs, maintenance, or replacement at City of Denton owned facilities; providing for the expenditure of funds therefor; and providing an effective date (RFP 6369-awarded to Ray McCain Services in the five (5) year not-to-exceed amount of \$350,000).

Attachments:

**Exhibit 1-Agenda Information Sheet** 

Exhibit 2-Evaluation and Pricing Sheet

Exhibit 3-Ordinance
Exhibit 4-Contract

**K.** ID 17-1065

Consider adoption of an ordinance authorizing the City Manager to execute a Cooperative Purchasing Program Agreement with the Aubrey Independent School District (ISD) under Section 271.102 of the Local Government Code, to authorize the use of City of Denton contracts for the purchase of various goods and services; authorizing the expenditure of funds therefor; and declaring an effective date (File 6514-Cooperative Purchasing Program Agreement with the Aubrey Independent

School District).

Attachments: Exhibit 1-Agenda Information Sheet

Exhibit 2-Contract 5647
Exhibit 3-Ordinance
Exhibit 4-Cooperative Agr

**L.** ID 17-1067

Consider adoption of an ordinance of the City of Denton authorizing the City Manager or his designee to execute a contract through the Houston-Galveston Area Council of Governments (H-GAC) for the purchase of traffic signal hardware including pedestrian push button systems, illuminated street name signs, and emergency vehicle preemption devices, for the City of Denton Traffic Department; and providing an effective date (File 6360-awarded to Consolidated Traffic Controls, Inc. in the annual estimated amount of \$200,000 for a four (4) year not-to-exceed amount of \$800,000).

Attachments: Exhibit 1-Agenda Information sheet

Exhibit 2-List of Intersections

Exhibit 3-HGAC Pricing

Exhibit 4-Ordinance

**M.** ID 17-1070

Consider adoption of an ordinance authorizing an Agreement between the City of Denton, Texas and the Denton Black Chamber of Commerce for the purpose of the 2017 Denton Blues Festival; authorizing the expenditure of funds; and providing for an effective date. (\$200)

Attachments:

Exhibit 1- Agenda Information Sheet - Blues Fest 2017

Exhibit 2- Blues Festival Ordinance-Contingency

N. ID 17-1075

Consider adoption of an ordinance approving a temporary license agreement between the City of Denton and Zachry Construction Corporation for temporary access and use of (1) an approximate 3.44 acre tract of land situated at the northeast corner of the intersection of East McKinney Street and North Mayhill Road; and (2) an approximate 3.457 acre tract of land situated along the west side of the 2000 block of South Mayhill Road, authorizing the City Manager or his designee to execute the agreement; and providing an effective date. (Temporary contractor office and staging areas for the current Mayhill Widening and Improvements project)

Attachments:

Exhibit 1 - Agenda Information Sheet

Exhibit 2 - Location Map

Exhibit 3 - 3.44 ACRE TRACT
Exhibit 4 - 3.457 ACRE TRACT

Exhibit 5 - Ordinance

**O.** <u>ID 17-1084</u>

Consider and confirm the appointment by the City Manager of a new member to the Civil Service Commission.

<u>Attachments:</u>

Exhibit 1 - AIS

Exhibit 2 - John Baines Bio

**P.** ID 17-1088

Consider adoption of an ordinance of the City of Denton, Texas amending certain provisions of Chapter 16 of the Denton Code of Ordinances, specifically Article VI Section 16-180, 16-181, 16-182, 16-183, 16-187 to provide for clarification of the definitions and permitting requirements applicable for filming within the City of Denton; providing for a severability clause, savings clause, and an effective date.

Attachments:

Exhibit 1- Agenda Information Sheet

Exhibit 2- Ordinance.pdf

**Q.** ID 17-1095

Consider approval of a resolution by the City of Denton denying Oncor Electric Delivery's application to increase electricity rates for residential and commercial customers.

Attachments:

Exhibit 1 AIS - Oncor Rate Increase Denial - 2017.pdf

Exhibit 2 Oncor Resolution.pdf
Exhibit 2 R2017-010.pdf

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

**A.** ID 17-943

Consider adoption of an ordinance of the City of Denton ("City") finding that a public use and necessity exists to acquire various permanent easements and temporary construction easements generally located along Smith Street, the limits of which being bounded to the northwest by Locust Street and to the southeast extending beyond Smith Street to the East to the DCTA Rail Corridor and being situated in the S.C. Hiram Survey, Abstract 616 and the Alexander Hill Survey, Abstract No. 623, 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; makings findings; providing a savings clause; and providing an effective date. [Spencer to Locust TM Line Project]

Attachments:

Exhibit 1 - Agenda Information Sheet.pdf

Exhibit 2 - Ordinance.pdf

Exhibit 3 - Easement Maps.pdf

Exhibit 4 - Motion.pdf

**B.** ID 17-944

Consider adoption of an ordinance of the City of Denton ("City") finding that a public use and necessity exists to acquire a permanent easement covering a 0.901 acre tract of land situated in the Eugene Puchalski Survey, Abstract No. 996, City of Denton, Denton County, Texas ("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; makings findings; providing a savings clause; and providing an effective date. [Hickory to Locust TM Line - Tract 90]

Attachments:

Exhibit 1 - Agenda Information Sheet.pdf

Exhibit 2 - Ordinance.pdf

Exhibit 3 - Easement Map.pdf

Exhibit 4 - Motion.pdf

#### 6. ITEMS FOR INDIVIDUAL CONSIDERATION

**A.** ID 17-1071

Consider adoption of an ordinance ordering an election to be held on November 7, 2017 for the purpose of submitting to the registered voters of Denton, Texas amendments to the Denton City Charter regarding residency requirements for city council members; percentage of petitioners required to trigger a recall election; clarifying the city internal auditor position and responsibilities; repealing and replacing Sections 14.04 and 14.05 of the Charter with a provision requiring the adoption of an ethics ordinance; and, providing for city council members to receive a monthly stipend; prescribing the time and manner of the conduct of the election to be in accordance with an agreement with Denton County; prescribing the form of the ballot; providing for notice; providing for publication of notice of this election; providing a severability clause; providing an open meetings clause; and providing an effective date.

Attachments:

Exhibit 1 - Agenda Information Sheet

Exhibit 2 - Ordinance

Exhibit 3 - Presentation

**B.** <u>ID 17-1091</u>

Consider nominations/appointments to the City's Boards and Commissions: Airport Board; Animal Shelter Advisory Committee; Community Development Advisory Committee; Health & Building Standards Commission; Historic Landmark Commission; Human Services Advisory Committee; Library Board; and Zoning Board of Adjustment.

Attachments:

Exhibit 1 - Agenda Information Sheet

**Exhibit 2 - Nominations Sheet** 

#### 7. PUBLIC HEARINGS

**A. Z**17-0011b

Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, regarding an initial zoning of Employment Center Commercial (EC-C) zoning district and use classification on approximately 16 acres of land generally located on the north side of Barthold Road, approximately 340 feet west of the I-35 Southbound Service 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). (Z17-0011)

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 - Proposed Zoning Map

Exhibit 7 - Permitted Uses Table

Exhibit 8 - Notification Map and Response

Exhibit 9 - Presentation

Exhibit 10 - Planning and Zoning Commission Meeting Minutes

Exhibit 11 - Draft Ordinance

**B.** ID 17-993

Hold a public hearing on a proposal to adopt a tax rate of \$0.637856 with a maximum allowable rate of \$0.683340 per \$100 valuation, which will exceed the lower of the effective or rollback tax rate.

Attachments:

Exhibit 1 - Agenda Information Sheet

Exhibit 2 - Tax Rate Notice
Exhibit 3 - Presentation

**C.** S17-0004a

Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, regarding a Specific Use Permit for a drive-through facility in a Downtown Commercial General (DC-G) zoning district and use classification on approximately 1.11 acres of land generally located east of North Texas Boulevard, between I-35E and Wilshire Street 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 with a condition (6-0). (S17-0004)

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 - Criteria for Approval

Exhibit 7 - Proposed Site Plan

Exhibit 8 - Proposed Landscape Plan

Exhibit 9 - Proposed Elevations

Exhibit 10 - Notification Map and Responses

Exhibit 11 - Planning and Zoning Commission Meeting Minutes

Exhibit 12 - Presentation

Exhibit 13 - Draft Ordinance

**D.** Z17-0014a

Hold a public hearing and consider adoption of an ordinance to rezone approximately 5.21 acres from Industrial Center Employment (IC-E) District to a Regional Center Commercial Downtown (RCC-D) District. The subject property is generally located on the west side of the I-35 Southbound Service Road and approximately 1,000 feet south of West University Drive. The Planning and Zoning Commission voted 5-0 to approve the request. (Z17-0014, Duluth Trading Co. & Northern Tools + Equipment).

Attachments:

Exhibit 1 - Agenda Information Sheet

Exhibit 2 - Staff Analysis

Exhibit 3 - Site Location Map

Exhibit 4 - Existing Zoning Map

Exhibit 5 - Future Land Use Map

Exhibit 6 - Proposed Zoning Map

Exhibit 7 - Permitted Uses

Exhibit 8 - Presentation Slides

Exhibit 9 - Public Notification Map and Responses

Exhibit 10 - Planning and Zoning Commission Meeting Minutes

Exhibit 11 - 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.

CERTIFICATE

I certify that the above	notice of meeting	was posted or	n 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 SECR	ETARY

NOTE: THE CITY OF DENTON CITY COUNCIL WORK SESSION ROOM AND COUNCIL ARE ACCORDANCE **CHAMBERS** ACCESSIBLE ΙN WITH THE **AMERICANS** DISABILITIES ACT. THE CITY WILL PROVIDE SIGN LANGUAGE INTERPRETERS FOR THE HEARING IMPAIRED IF REQUESTED AT LEAST 48 HOURS IN ADVANCE OF THE PLEASE CALL THE CITY SECRETARY'S OFFICE AT 349-8309 OR SCHEDULED MEETING. 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.