City of Denton

Meeting Agenda

City Council

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

Tuesday, May 1, 2018 **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, May 1, 2018 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 May 1, 2018.

3. Work Session Reports

A. ID 18-712 Receive a funding recommendation report from the Community Development Advisory Committee (CDAC) and the Human Services Advisory Committee (HSAC), and hold a discussion and give staff direction regarding these recommendations, activities, and the proposed 2018 Action Plan for Housing and Community Development.

Attachments:
ID 18-712-Exhibit 1 - Agenda Information Sheet
ID 18-712-Exhibit 2 - CDAC Funding Recommendations Chart
ID 18-712-Exhibit 3 - HSAC Funding Recommendations Chart
ID 18-712-Exhibit 4 - Draft 2018 Action Plan
ID 18-712-Exhibit 5 - Presentation

B. ID 18-721 Receive a report, hold a discussion, and give staff direction regarding policies, procedures, and contractual agreements with non-profit agencies.

Attachments:
Exhibit 1 - Agenda Information Sheet
Exhibit 2 - Ordinance 2015-239
Exhibit 3 - KDB Financial Summary
Exhibit 4 - Presentation

C. ID 18-773 Receive a report, hold a discussion and give staff direction regarding the construction of the G. Roland Vela Athletic Complex capital project.

Attachments: Exhibit 1 Agenda Information Sheet.pdf
Exhibit 2 Presentation.pdf
Exhibit 3 Cost Projection.pdf
Exhibit 4 Agenda Information Sheet (4-3-18).pdf
Exhibit 5 Presentation (4-3-18).pdf
Exhibit 6 Agenda Information Sheet (4-24-18).pdf
Exhibit 7 Presentation (4-24-18).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 18-682 Deliberate regarding Real Property - Under Texas Government Code 551.072; Consultation with Attorneys - Under Texas Government Code Section 551.071

Discuss, deliberate, and receive information from staff and provide staff with direction pertaining to an Airport lease reimbursement request where the deliberation of same in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person or potential litigation. Consultation with the City's attorneys regarding legal issues associated with an Airport lease reimbursement request where a public discussion of these legal matters would conflict with the duty of the City's attorneys to the City of Denton, the Denton City Council, and the Council Airport Committee under the Texas Rules of Disciplinary Conduct of the State Bar of Texas, or would jeopardize the City's legal position in negotiations or potential litigation.

B. ID 18-729 Deliberations Regarding Certain Public Power Utilities: Competitive Matters - Under Texas Government Code Section 551.086; Consultation with Attorneys - Under Texas Government Code Section 551.071.

Discuss and deliberate strategies and opportunities for the City to acquire natural gas for the DEC and enter into agreements regarding the same; receive a presentation from staff regarding public power competitive and financial matters for the purchase of natural gas under an existing Base Contract for the Purchase and Sale of Natural Gas with Enterprise Products, LLC, for the operation of the Denton Energy Center ("DEC"). Consultation with the City's attorneys regarding legal issues associated with the agreements described above where 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.

C. ID 18-772 Deliberation regarding Personnel Matters - Under Government Code Section 551.074; Consultation with Attorney - Under Texas Government Code Section 551.071.

Deliberate and discuss the evaluation, duties, discipline, procedures, and contract of the

City Attorney.

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 18-678 National Day of Prayer

B. ID 18-680 Elite Material and Logistics Solutions 20-Year Celebration

C. ID 18-681 Children's Mental Health Awareness Day

D. ID 18-689 Motorcycle Safety and Awareness Month

E. ID 18-725 The Mayor's Day of Concern for the Hungry

F. ID 18-788 Drinking Water Week

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. This section of the agenda permits any person who has registered in advance to make a citizen report regarding a public business item he or she wishes to be considered by the City Council. This is limited to no more than four (4) speakers per meeting with each speaker allowed a maximum of four (4) minutes to present their report. At the conclusion of each report, the City Council may pose questions to the speaker or may engage in discussion. If the City Council believes that a speaker's report requires a more detailed review, the City Council will give the City Manager or City Staff direction to place the item on a future work session or regular meeting agenda and advise staff as to the background materials to be desired at such meeting.

1. ID 18-602 Stephanie Reinke regarding updated services that Children's Advocacy Center for

Denton County provides for the Denton community.

2. ID 18-676 Pat Smith regarding the Neighbor Helping Neighbor Program.

3. ID 18-699 Carlie Kuban regarding a new Serve Denton Center.

4. ID 18-714 Nathaniel Johnson regarding Parks and Recreation fees.

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.

NOTE: If audio/visual aids during presentations to Council are needed, they must be submitted to the City Secretary 24 hours prior to the meeting.

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 – G). 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 – G 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 18-237 Consider adoption of an ordinance of the City Council of the City of Denton, Texas repealing Ordinance No. 2014-060; approving and adopting the "2018 Denton Municipal Electric - Energy Risk Management Policy" ("2018 ERMP"); authorizing and approving the execution by the Mayor, or his designee, of the 2018 ERMP; expressly delegating authority as provided in the 2018 ERMP; authorizing and approving the subsequent execution of such other ancillary and related documents, including, without limitation, contracts, nominations, certificates, assignments, licenses, directions, instruments, confirmations, orders and statements as are authorized by the 2018 ERMP, which are incident to or related thereto; confirming and ratifying that the City of Denton, Texas, its Mayor, its City Council Members, its City Manager, or his designees, its City Attorney, or his designees, and its City Secretary, or her designees, shall be authorized and empowered to perform such acts and obligations as are reasonably required to consummate those future transactions which are provided for and authorized by the 2018 ERMP; finding that the purchase of electricity, natural gas and related commodities are exempt from the requirements of competitive bidding; adopting significant recitations, findings and conclusions, as are set forth in the preamble of the ordinance; that the purchase of electric energy, natural gas and related commodities are made by the City under the terms of the "Denton Municipal Electric - Energy Risk Management Policy" is in the public welfare of the citizens of Denton, Texas and the Denton Municipal Electric

Ratepayers; authorizing the expenditure of funds therefor; providing an effective date.

Attachments: Exhibit 1 - Agenda Information Sheet
Exhibit 2 - Proposed Ordinance adopting Updated Risk Policy
Exhibit 3 - Updated Risk Management Policy
Exhibit 4 - Schedule for incorporating Deloitte recommendations into Energy Ris

B. ID 18-585 Consider adoption of an ordinance of the City of Denton, Texas, a Texas home-rule municipal corporation, accepting competitive proposals and awarding a public works contract for the replacement of the roof at City Hall Main, South Branch Library and Fire Station No. 1 for the City of Denton; providing for the expenditure of funds therefor; and providing an effective date (RFP 6683- awarded to Globus Management Group, LLC, in the not-to-exceed amount of $1,354,772.13).

Attachments: Exhibit 1 - Agenda Information Sheet
Exhibit 2 -Pricing Tabulation
Exhibit 3 - Contract
Exhibit 4 - Ordinance

C. ID 18-683 Consider adoption of an ordinance of the City of Denton establishing Rates and Fees for City owned property and facilities upon Denton Enterprise Airport; and declaring an effective date. The Council Airport Committee recommends approval (2-0).

Attachments: Exhibit 1 - AIS Airport Rates and Fees Schedule.docx
Exhibit 2 - Airport Rates and Fees Schedule
Exhibit 3 - Ordinance-Airport Rates and Fees.pdf

D. ID 18-686 Consider adoption of an ordinance of the City of Denton, Texas terminating the August 15, 2017 Airport Lease Agreement between the City of Denton and GAhangars, LLC; and providing an effective date. The Council Airport Committee recommends approval (2-0).

Attachments: Exhibit 1 - AIS GAhangar LLC Lease Deadlines.docx
Exhibit 2 - Site Maps.pdf
Exhibit 3 - GA Hangars LLC Lease Excerpt.pdf
Exhibit 4 - March 12 Letter.pdf
Exhibit 5 - Montgomery Response.pdf
Exhibit 6 - Green Bank Response.pdf
Exhibit 7 - Airport Appraisal Report 60.pdf
Exhibit 8 - Ordinance GAhangars termination.pdf

E. ID 18-696 Consider adoption of an ordinance of the City of Denton, Texas, a Texas home-rule municipal corporation, rejecting any and all competitive bids under IFB 6755 for the physical natural gas supply to provide fuel for the Denton Energy Center; and providing an effective date (IFB 6755). The Public Utilities Board recommends approval (5-0).

Attachments: Exhibit 1 - Agenda Information Sheet
Exhibit 2 - Ordinance.pdf

F. ID 18-717 Consider adoption of an ordinance of the City of Denton, Texas authorizing the City Manager, or his designee, to reimburse One Hundred Forty-Nine Thousand Three Hundred Dollars ($149,300) to Denton Med Trans, LLC for site grading and main sewer line installation for Airport development site improvements; authorizing the expenditure of funds and an effective date. The Council Airport Committee recommends approval (2-0).

Attachments: Exhibit 1 - AIS Denton Med Trans LLC Reimbursement Request.docx
Exhibit 2 - Site Map.pdf
Exhibit 3 - Reimbursement Request.pdf
Exhibit 4 - Denton Med Trans Lease Excerpt.pdf
Exhibit 5 - Denton Med Trans Ordinance.pdf

G. ID 18-726 Consider adoption of an ordinance of the City of Denton, Texas, granting the Denton Mud Bug Boil, pursuant to Section 17-20 of the Code of Ordinances, a noise exception on Sunday, May 6, 2018, from noon to 6 p.m. in a private parking lot located at 1121 W. Hickory St.; granting a variance in hours of operation for amplified sound levels for an outdoor event; and providing an effective date.

Attachments: Exhibit 1 Agenda Information Sheet.pdf
Exhibit 2 Ordinance.pdf
Exhibit 3 Letter of Request.pdf

5. ITEMS FOR INDIVIDUAL CONSIDERATION

A. Z17-0032b Consider adoption of an ordinance of the City of Denton, Texas, regarding a change in zoning classification from Neighborhood Residential 6 (NR-6) district and use classification to a Neighborhood Residential 12 (NRMU-12) district and use classification with an overlay on approximately 8.887 acres of land generally located on the southwest side of Colorado Boulevard, approx. 315 feet northwest of San Jacinto Boulevard, 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. This item was continued from the April 3, 2018 City Council meeting.

Attachments:
Exhibit 1 - Agenda Information Sheet
Exhibit 2 - Site Location Map
Exhibit 3 - Existing Zoning Map
Exhibit 4 - Future Land Use Map
Exhibit 5 - Proposed Zoning Map
Exhibit 6 - Comparison of Permitted Uses
Exhibit 7 - Notification Response Map
Exhibit 8 - Staff Presentation
Exhibit 9 - Planning and Zoning Commission Meeting Minutes
Exhibit 10 - Draft Ordinance
Exhibit 11 - Access Location Map - Option 1
Exhibit 12 - Access Location Map - Option 2

B. ID 18-687 Consider approval of a resolution of the City Council of the City of Denton, Texas requesting the State of Texas and Department of Public Safety ("TXDPS") to take action to resolve significant concerns at the TXDPS Field Office located at 820 N Loop 288, Denton, TX; and providing an effective date.

Attachments:
Exhibit 1 - Agenda Information Sheet
Exhibit 2 - Resolution.pdf
Exhibit 3 - Rep. Stucky and DPS correspondence.pdf
Exhibit 4 - Presentation.pdf

C. ID 18-709 Consider adoption of an ordinance of the City of Denton, Texas, a Texas home-rule municipal corporation, authorizing the City Manager to execute a contract for the supply of emission system reducing agent (ammonia) for the Denton Energy Center with Southern Ionics, Inc.; providing for the expenditure of funds therefor; and providing an effective date (IFB 6701- awarded to Southern Ionics, Inc., in the three (3) year not-to-exceed amount of $1,287,772.50). The Public Utilities Board recommends approval (5-0).

Attachments:
Exhibit 1- Agenda Information Sheet
Exhibit 2 - Bid Tabulation
Exhibit 3 - Contract
Exhibit 4- Presentation
Exhibit 5 - Ordinance

D. ID 18-727 Consider adoption of an ordinance of the City of Denton authorizing the City Manager, or designee, to execute a transaction confirmation for the purchase of natural gas under an existing base contract for sale and purchase of natural gas between the City of Denton and Enterprise Products Operating, LLC, a Texas limited liability company; and providing for an effective date. The Public Utilities Board recommends approval (4-1).

Attachments:
Exhibit 1 - Agenda Information Sheet.pdf
Exhibit 2 - Ordinance.pdf
Exhibit 3 - Natural Gas Confirmation Agreement (redacted)

6. PUBLIC HEARINGS

A. ID 18-757 Hold a fourth public hearing and consider adoption of an ordinance of the City of Denton, Texas amending the Code of Ordinances, related to Chapter 2, titled "Administration" Article XI, titled "Ethics"; providing for findings of facts; providing a repealer; providing severability; providing codification; confirming proper notice and meeting; and providing for an effective date.

Attachments:
- Exhibit 1- Ethics AIS.pdf
- Exhibit 2- Ethics Ordinance.pdf
- Exhibit 3- Alan Bojorquez Memo.pdf
- Exhibit 4- Charter Review Committee Final Report.pdf
- Exhibit 5- Presentation Ethics Ordinance.pdf

B. Z17-0034b 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 Commercial Neighborhood (RCC-N) zoning district to a Regional Center Commercial Downtown (RCC-D) zoning district and use classification on approximately 0.808 acres of land generally located on the northeast side of the I-35E, approximately 627 feet southeast of S. Mayhill 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 recommend approval (7-0).

Attachments:
- Exhibit 1 Agenda Information Sheet
- Exhibit 2 Staff Analysis
- Exhibit 3 Site Location Map
- Exhibit 4 Zoning Map
- Exhibit 5 Future Land Use Map
- Exhibit 6 Proposed Zoning Map
- Exhibit 7 Comparison of Permitted Uses Chart
- Exhibit 8 Notification Map
- Exhibit 9 Planning and Zoning Commission Meeting Minutes
- Exhibit 10 Draft Ordinance
- Exhibit 11 Staff Presentation

C. Z17-0033b Hold a public hearing and consider an ordinance of the City of Denton, Texas, regarding assignment of an initial zoning classification to a Community Mixed Use General (CM-G) zoning district and use classification on approximately 0.30 acres of land generally located on the east side of Old Alton Road, south of the intersection of Old Alton Road and Teasley Lane 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 recommends approval (7-0).

Attachments: Exhibit 1 Agenda Information Sheet
Exhibit 2 Staff Analysis
Exhibit 3 Site Location
Exhibit 4 Existing Zoning Map
Exhibit 5 Future Land Use Map
Exhibit 6 Proposed Zoning Map
Exhibit 7 Comparison of Permitted Uses
Exhibit 8 Notification Map
Exhibit 9 Planning and Zoning Commission Meeting Minutes
Exhibit 10 Draft Ordinance
Exhibit 11 Staff Presentation

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 _____, 2018 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.