City of Denton

Meeting Agenda

City Council

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

Tuesday, May 8, 2018 | **12:00 PM** | **Work Session Room**

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 8, 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 8, 2018.

3. Work Session Reports

A. ID 18-652 Receive a report, hold a discussion, and give staff direction regarding the contract administration audit findings and recommendations from Crawford and Associates, P.C.

Attachments:
Exhibit 1 - Agenda Information Sheet
Exhibit 2 - Ordinance 2017-383 Crawford and Associates PSA
Exhibit 3 - Crawford and Associates Audit Report
Exhibit 4 - Presentation

B. ID 18-651 Receive a report, hold a discussion, and give staff direction regarding the City's Compliance and Procurement program and initiatives.

Attachments:
Exhibit 1 - Agenda Information Sheet
Exhibit 2 - Presentation

C. ID 18-720 Receive a report from staff and the Denton Parks Foundation, hold a discussion, and give staff direction regarding 1) the implementation of recommendations related to a review of the relationship between the Parks Foundation and the City of Denton, and 2) potential options for future partnership opportunities between the Foundation and City.

Attachments: Exhibit 1 - Agenda Information Sheet
Exhibit 2 - Summary of Parks Foundation Review Recommendations
Exhibit 3 - February 2018 Presentation
Exhibit 4 - Letter to Parks Foundation_March 12, 2018
Exhibit 5 - Parks Foundation Letter to City Manager
Exhibit 6 - Parks Foundation Donor and Gift Policy
Exhibit 7 - Parks Foundation Ethics Policy
Exhibit 8 - Presentation

D. ID 18-739 Receive a report, hold a discussion, and give staff direction regarding the 2017 Reliability Indices for the electric distribution system and DME's actions taken to improve reliability.

Attachments: Exhibit 1 - Agenda Information Sheet.pdf
Exhibit 2 - DME Classifications (IEEE 1782) for Cause and Equipment .pdf
Exhibit 3 - Presentation.pdf

E. ID 18-275 Receive a report, hold a discussion, and give staff direction regarding the City of Denton's special event processes, application requirements, common issues, and recommendations for potential solutions.

Attachments: Exhibit 1- Agenda Information Sheet.pdf
Exhibit 2- Presentation.pdf
Exhibit 3- Draft Ordinance.pdf
Exhibit 4- Event List.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 18-777 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 solar energy and enter into agreements regarding the same including a Power Purchase Agreement with Bluebell Solar II, LLC.; receive a presentation from staff regarding public power competitive and financial matters pertaining to the purchase of solar energy; consultation with the City's attorneys regarding legal issues associated with the agreement 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.

B. ID 18-812 Consultation with Attorneys - Under Texas Government Code, Section 551.071.

Receive information from, consult with, deliberate, and provide direction to the City's attorneys regarding monies paid by the City to the University of Texas at Arlington ("UTA") related to (i) UTA's Solid Waste Institute for Sustainability; and (ii) UTA's research related to and/or at the City's ECO-W.E.R.C.S. Resource Recovery Park. 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.

C. ID 18-836 Deliberate regarding Real Property - Under Texas Government Code 551.072; Consultation with Attorneys - Under Texas Government Code Section 551.071

Discuss, deliberate, receive information from staff, and provide staff with direction regarding the potential purchase or condemnation of various fee simple tracts, utility easements, drainage easements, and temporary construction easements in the City of Denton, Denton County, Texas for the Bonnie Brae Street Widening and Improvements project, generally located along Bonnie Brae Street, north of Interstate Highway 35East, and south of Scripture Street. Consultation with the City's attorneys regarding legal issues associated with the potential acquisition of real property interests in the tracts 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.

D. ID 18-837 Deliberate regarding Real Property - Under Texas Government Code 551.072; Consultation with Attorneys - Under Texas Government Code Section 551.071

Discuss, deliberate, receive information from staff, and provide staff with direction regarding the potential acquisition of one or more real estate interests in a tract generally located in the G. Walker Survey, Abstract No. 1330a, East of South Mayhill Road and North of Edwards Road, in the City of Denton, Denton County, Texas which is related to both the Mayhill St. Widening Project and the promotion of tree preservation in accordance with the Denton Development Code and Denton Plan. Consultation with the City's attorneys regarding legal issues associated with the potential acquisition of the tract 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.

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.

Following the completion of the Closed Meeting, the City Council will convene in a Special Called Meeting to consider the following items:

1. 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 – H). 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 – H 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 18-284 Consider adoption of an ordinance of the City Council of the City of Denton, a Texas home-rule municipal corporation, nunc pro tunc, correcting an inadvertent mistake in Ordinance No. 2016-172, relating to the dollar amount reflected in back up provided for RFP Number 5641, awarded to Genuine Parts Company, d.b.a. NAPA Auto Parts; and providing for an effective date.

Attachments: Exhibit 1 - Agenda Information Sheet.docx
Exhibit 2 - Ordinance 2016-172.pdf
Exhibit 3 - 5641 NAPA Contract.pdf
Exhibit 4 - Ordinance.pdf

B. ID 18-335 Consider adoption of an ordinance approving a pipeline crossing contract by and between the City of Denton, Texas and the Kansas City Southern Railway Company relating to the location of a City water pipeline within the railroad right-of-way, located at the railroad's intersection with South Bonnie Brae at Mile Post D103.24 Alliance Subdivision, within the County and City of Denton, Texas; authorizing the City Manager to execute the Agreement; authorizing the expenditure of funds therefore; and providing and effective date. (North-South 42-inch Water Transmission Main project - Phase 2) The Public Utilities Board recommends approval (5-0).

Attachments: Exhibit 1- AIS
Exhibit 2 - Site Map
Exhibit 3 - Location Map
Exhibit 4 - Ordinance and Agreement

C. ID 18-549 Consider adoption of an ordinance of the City of Denton, Texas, a Texas home-rule municipal corporation, authorizing the City Manager to execute a Professional Services Agreement with Teague Nall and Perkins, Inc., for engineering and architect services, for the investigation of existing pavement failures on selected concrete streets as set forth in the contract; providing for the expenditure of funds therefor; and providing an effective date (RFQ 6590-001- Professional Services Agreement awarded to Teague Nall and Perkins, Inc., in the not-to-exceed amount of $173,400).

Attachments: Exhibit 1 - Agenda Information Sheet.doc
Exhibit 2 - Map.pdf
Exhibit 2a - Locations.pdf
Exhibit 3 - Ordinance.pdf
Exhibit 4 - Contract.pdf

D. ID 18-559 Consider adoption of an ordinance of the City of Denton, Texas amending the Fiscal Year 2017-18 Budget and Annual Program of Services of the City of Denton to allow for increases to: (A) the General Fund of $2,190,291 for the purpose of funding the Vela Soccer Complex project, and (B) the Capital Improvement Program of $7,643,619 for the purpose of funding drainage, streets and parks capital projects; declaring a municipal purpose; providing a severability clause; providing an open meetings clause; and providing for an effective date.

Attachments: Exhibit 1 - Agenda Information Sheet.docx
Exhibit 2 - List of Capital Projects.pdf
Exhibit 3 - Ordinance.pdf

E. ID 18-583 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 construction of the G. Roland Vela Athletic Complex for the City of Denton; providing the expenditure of funds therefor; and providing an effective date (RFP 6671- awarded to North Rock Construction, LLC, in the not-to-exceed amount of $5,692,727).

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

F. ID 18-584 Consider adoption of an ordinance of the City of Denton, Texas, a Texas home-rule municipal corporation, authorizing the City Manager to execute a Professional Services Agreement with Freese & Nichols, Inc., to perform construction project management for the G. Roland Vela Athletic Complex; and providing an effective date (RFQ 6590-002-

Professional Services Agreement for project management awarded to Freese & Nichols, Inc. in the not-to-exceed amount of $188,909).

Attachments: Exhibit 1 - Agenda Information Sheet
Exhibit 2 - Ordinance.pdf
Exhibit 3 - Contract.pdf

G. ID 18-756 Consider approval of a resolution of the City Council of the City of Denton, Texas approving a policy and application to review housing tax credit requests; and providing an effective date.

Attachments: Exhibit 1 - Agenda Information Sheet
Exhibit 2 - Resolution

H. ID 18-833 Consider adoption of an ordinance of the City of Denton, Texas, a Texas home-rule municipal corporation, to amend Ordinance No. 18-551 Passed and Approved on April 17, 2018 for administrative clarity in reflecting the vote submitted by each council member as either Aye, Nay, Abstain, or Absent.

Attachments: Exhibit 1 - AIS
Exhibit 2 - Ordinance

2. ITEMS FOR INDIVIDUAL CONSIDERATION

A. A18-0001a Consider adoption of an ordinance of the City of Denton, Texas, setting a date, and place for two public hearings on the proposed annexation of certain property generally located on the south side of E. Ryan Road, east of the intersection of E. Ryan Road and Andrew Avenue by the City of Denton, Texas, authorizing and directing the City Secretary to publish notice of such public hearings.

Attachments: Exhibit 1 Agenda Information Sheet
Exhibit 2 Site Location Map
Exhibit 3 Existing Zoning Map
Exhibit 4, Draft Ordinance
Exhibit 5 Staff Presentation
Exhibit 6 Ordinance No. 2016-251

B. ID 18-283 Consider adoption of an ordinance of the City of Denton, Texas, a Texas home-rule municipal corporation, authorizing the City Manager to execute a Professional Services Agreement for engineering and architectural design for various City of Denton parking lots; providing for the expenditure of funds therefor; and providing an effective date (RFQ 6581- awarded to Teague, Nall, and Perkins, Inc., in the not-to-exceed amount of $300,050).

Attachments: Exhibit 1 - Agenda Information Sheet MC
Exhibit 2 - Evaluation Sheet
Exhibit 3 - Parking Lots Schedule
Exhibit 4 - Contract.pdf
Exhibit 5 - Staff Presentation
Exhibit 6 - Ordinance

C. ID 18-588 Consider adoption of an ordinance of the City of Denton, Texas, a Texas home-rule municipal corporation, accepting competitive bids and awarding a public works contract for asphalt and concrete street repair services for the City of Denton; providing for the expenditure of funds therefor; and providing an effective date (IFB 6730- awarded to Jagoe-Public Company, in the one (1) year not-to-exceed amount of $10,000,000).

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

D. ID 18-645 Consider adoption of an ordinance of the City of Denton, Texas, providing for, authorizing, and approving the expenditure of Hotel Occupancy Tax funds for public art in the amount of $45,000 awarded to artist Paula Collins (File 6607) which is available from only one source and in accordance with Chapter 252.022 of the Texas Local Government Code such purchases are exempt from the requirements of competitive bidding and 2014 Bond funds for public safety-related public art in the amount of $9,300 awarded to Kirkpatrick Architecture Studio for its professional services (File 6796) for the purchase and installation of two brick sculptures depicting the history of the Denton Police Department to be displayed on the exterior of City Hall East; authorizing the City Manager to execute any agreements required under Files 6607 and 6796; and providing an effective date. The Public Art Committee recommends approval (4-3).

Attachments: Exhibit 1 - Agenda information Sheet
Exhibit 2 – Artist Sole Source Letter
Exhibit 3 – Architect Sole Source Letter
Exhibit 4 - Artist Contract -File 6607
Exhibit 5 - Architecture & Engineering Contract
Exhibit 6 - PAC April 5, 2018 Meeting Minutes
Exhibit 7 - Ordinance
Exhibit 8 - Presentation

E. ID 18-776 Consider adoption of an ordinance of the City Council of the City of Denton, a Texas home-rule municipal corporation, providing for, authorizing, and approving the execution by the Mayor of a Power Purchase Agreement ("PPA") between the City of Denton, a Texas home-rule municipal corporation ("Denton"), and Bluebell Solar II, LLC, a Delaware limited liability company ("Bluebell Solar II"); approving and authorizing the

acceptance and approval by the City Manager, or his respective designee, of guaranties and letters of credit issued by Bluebell Solar II and NextEra Energy Capital Holdings, Inc., a Delaware corporation ("NextEra Holdings"), further securing the obligations of Bluebell Solar II to the City for the benefit of the City; approving the execution of such other and further related documents deemed necessary to effectuate this transaction by the City Manager, or his designee, which are incident or related to the PPA; finding that the PPA, as redacted, pertains to a "competitive electric matter" as set forth under the provisions of §§551.086 and 552.133 of the Texas Government Code, as amended; finding and determining that the Texas Government Code §252.022(a)(15) applies to said Purchase Power Agreement, exempting the procurement of electricity from the requirements of competitive bidding; finding that the purchase of capacity and energy made by Denton under the terms of the PPA are in the public welfare; authorizing the expenditure of funds; providing an effective date.

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

F. ID 18-844 Consider adoption of an ordinance authorizing the execution of a settlement agreement between the City of Denton and the Board of Regents of the University of Texas System on behalf of the University of Texas at Arlington ("UTA") related to monies paid by Denton to UTA for solid waste research and related activities at Denton's ECO-W.E.R.C.S. resource recovery facility and including Denton's membership in UTA's Solid Waste Institute of Sustainability; authorizing the City Manager and City Attorney to effectuate the settlement; and, providing for an effective date.

Attachments: Exhibit 1 - Agenda Information Sheet
Exhibit 2 - UTA presentation
Exhibit 3 - Ordinance

3. 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.

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 IS 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.