



City of Denton

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

Meeting Agenda

City Council

Tuesday, September 11, 2018

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, September 11, 2018 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 September 11, 2018.

3. Work Session Reports

- A. [ID 18-1196](#) Receive a report, hold a discussion, and give staff direction regarding gas well setback distances, including the history of setbacks in Denton and current setback requirements in other area cities.

Attachments: [Exhibit 1 - Agenda Information Sheet.pdf](#)
[Exhibit 2 - Gas well presentation Final 090518.pdf](#)

- B. [ID 18-1237](#) Receive a report, hold a discussion, and provide staff direction regarding potential revisions to the Code of Ordinances to address tie-votes.

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

- C. [ID 18-1336](#) Receive a report, hold a discussion, and give staff direction regarding the FY 2018-19 City Manager's Proposed Budget, Capital Improvement Program, and Five-Year Financial Forecast.

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
[Exhibit 2 - Budget Follow-Up Memorandum](#)
[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. [ID 18-1256](#) Consultation with Attorneys - Under Texas Government Code Section 551.071

Received information from the City's attorneys and discuss legal status, strategy and possible resolution or litigation in Cause No. 17-3526-211, styled "Deborah Knabe v. Allison A. Vetere and the City of Denton, Texas" pending in the 211th Judicial District Court, Denton County, Texas; 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 18-1391](#) 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.

Receive competitive and financial public power information from staff related to the Power Purchase Agreement between the City of Denton, as the seller of power and electric energy services, and Texas Woman's University, as the buyer of power and electric energy services; discuss, deliberate, and make recommendations to City Council regarding the same. Consultation with the City's attorneys regarding legal issues associated with the above matters 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.

- C. [ID 18-1461](#) Consultation with Attorneys - Under Texas Government Code Section 551.071

Consultation with the City's attorneys regarding legal issues associated with gas well setback distances 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.

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 18-1396](#) Fall Prevention Awareness Day
- B. [ID 18-1397](#) Pain Awareness Month
- C. [ID 18-1398](#) Constitution 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.

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 – O). 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 – O 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 18-771](#) 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 Supply of Overhead Electric Distribution Services for the City of Denton; providing for the expenditure of funds therefor; and providing an effective date (RFP 6582- awarded to Primoris T&D Services, LLC, for one (1) year, with the option for two (2) additional one (1) year extensions, in a total not-to-exceed amount of \$900,000 for all years). The Public Utilities Board recommends approval (7-0).

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

- B. [ID 18-1233](#) 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 liquid oxygen for the Water Department to Airgas USA, LLC; providing for the expenditure of funds therefor; and providing an effective date (IFB 6785-awarded to Airgas USA, LLC, for one (1) year, with the option for two (2) additional one (1) year extensions, in a total not-to-exceed amount of \$250,000 for all years).

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
 [Exhibit 2 - Bid Tabulation](#)
 [Exhibit 3 - Praxair rejection letter](#)
 [Exhibit 4 - Ordinance and Contract](#)

- C. [ID 18-1304](#) Consider adoption of an ordinance of the City of Denton, Texas, a Texas home-rule municipal cooperation, authorizing the City Manager to execute a contract through the Buy Board Cooperative Purchasing Network Contract Number 507-16, for the Purchase or Rental of Uniform for City of Denton employees; authorizing the expenditure of funds therefor; and providing an effective date (File 6839- awarded to G&K Services, a Division of Cintas, for a three (3) year not-to-exceed amount of \$500,000).

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
 [Exhibit 2 - Bid Tabulation](#)
 [Exhibit 3- Buyboard Purchasing Cooperative Award](#)
 [Exhibit 4 - Ordinance and Contract](#)

- D. [ID 18-1315](#) Consider adoption of an ordinance of the City Council of the City of Denton, Texas providing for, authorizing, and approving the execution by the City Manager of an amendment to extend the Power Purchase Agreement by and between the City of Denton, Texas and the Texas Woman's University; providing for an effective date. The Public Utilities Board recommends approval (6-0).

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
 [Exhibit 2 - Ordinance with Redacted Amendment to Extend Power Purchase Ag](#)

- E. [ID 18-1344](#) Consider adoption of an ordinance by the City of Denton authorizing the City Manager, or his designee, to accept the Comprehensive Selective Traffic Enforcement (STEP) grant (Grant No. 2019-Denton PD-S-1YG-00044) in the amount of \$88,536.68 from the U.S. Department of Transportation passed through the Texas Department of

Transportation for the period of October 1, 2018 through September 30, 2019; and providing an effective date.

Attachments: [Exhibit 1 - AIS - 2019 Step Grant](#)
 [Exhibit 2 - Revised Ordinance - STEP Grant](#)
 [Exhibit 3 - 2019 - STEP eGrant Agreement](#)
 [Exhibit 4 - Funding Explanation](#)

- F. [ID 18-1408](#) Consider adoption of an ordinance of the City of Denton authorizing an agreement between the City of Denton, Texas and Denton Community Market for Staff Time and Portable Restrooms; providing for the expenditure of funds in the total amount of Five Hundred Dollars (\$500); and providing an effective date.

Attachments: [Exhibit 1 - Agenda Information Sheet Denton Community Market.pdf](#)
 [Exhibit 2 - Community Market Ordinance.pdf](#)
 [Exhibit 3 - Agreement Community Market.pdf](#)

- G. [ID 18-1413](#) Consider and confirm the appointment by the City Manager of Lilyan Prado Carrillo to the Civil Service Commission.

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
 [Exhibit 2 - Lilyan Carillo Bio.pdf](#)

- H. [ID 18-1416](#) Consider adoption of an ordinance of the City of Denton releasing, abandoning, and vacating a 1.139 acre public utility easement granted to the City of Denton by Good Samaritan Village of Denton County, recorded as Instrument No. 1997-R0034793, Real Property Records, Denton County, Texas; providing for severability and an effective date. (Good Samaritan Addition - easement abandonment)

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
 [Exhibit 2 - Good Samaritan Location Map](#)
 [Exhibit 3 - Good Samaritan Site Map](#)
 [Exhibit 4 - Good Samaritan Applicant narrative letter](#)
 [Exhibit 5 - Good Samaritan Ordinance legal approved 8 22 18](#)

- I. [ID 18-1417](#) Consider adoption of an ordinance of the City of Denton, Texas, a Texas home-rule municipal corporation, authorizing the City Manager to approve the purchase of one (1) trailer mounted Fire Pump Testing and Training Simulator for the Fire Department to FD International, Inc.; providing for the expenditure of funds therefor; and providing an effective date (IFB 6853 - awarded to FD International, Inc., in the not to exceed amount of \$61,700).

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

- J. [ID 18-1418](#) Consider adoption of an ordinance of the City of Denton releasing, abandoning, and vacating an electric transmission line easement granted to the City of Denton by Ethel Lee Bush, recorded in Volume 488 Page 289, Deed Records, Denton County, Texas;

providing for severability and an effective date. (Bellaire North Addition - electric transmission easement abandonment)

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
 [Exhibit 2 - Bellaire North LM Location Map](#)
 [Exhibit 3 - Bellaire North Site Map](#)
 [Exhibit 4 - Bellaire North Ordinance](#)

- K. [ID 18-1419](#) Consider adoption of an ordinance releasing, abandoning, and vacating (I) a 0.352 acre drainage easement granted to the City of Denton by Kelsoe & Riley, LLC, recorded as Instrument No. 2015-145562, Real Property Records, Denton County, Texas and (II) a 1.286 acre drainage easement granted by Pitner Family Limited Partnership, recorded as Instrument No. 2015-145563, Real Property Records, Denton County, Texas; providing for severability and an effective date. (Ryan Meadows Phase II Addition - drainage easement abandonments)

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
 [Exhibit 2 - Ryan Meadows PhII Location Map](#)
 [Exhibit 3 - Ryan Meadows Site Map](#)
 [Exhibit 4 - Ryan Meadows PhII Project Narrative](#)
 [Exhibit 5 - Ryan Meadows PhII Ordinance](#)

- L. [ID 18-1428](#) Consider adoption of an ordinance of the City of Denton, Texas, a Texas home-rule municipal corporation, authorizing the City Manager to execute an Administration of IRS Section 125 Flexible Spending Accounts for Medical Care and Dependent Care Service contract with Discovery Benefits, Inc. for the City of Denton; providing for the expenditure of funds therefor; and providing an effective date (RFP 6798- awarded to Discovery Benefits, Inc. in the five (5) year not-to-exceed amount of \$166,276).

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

- M. [ID 18-1432](#) Consider adoption of an ordinance of the City of Denton, Texas, amending Ordinance No. 18-163 related to the duration of the Professional Services Agreement with Innovative Transportation Solutions, Inc. for Transportation Services; providing an effective date (RFQ 6610- providing for a two (2) year contract in the amount of \$252,000, with three (3) one-year options to renew for a not-to-exceed total award of \$630,000).

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
 [Exhibit 2 - Ordinance 18-163 and Contract](#)
 [Exhibit 3 - Ordinance](#)

- N. [ID 18-1434](#) Consider approval of the minutes of July 17, July 24, August 2, August 6, August 7, August 14, and August 21, 2018.

Attachments: [Exhibit 1 July 17, 2018 Minutes](#)
[Exhibit 2 July 24, 2018 Minutes](#)
[Exhibit 3 August 2, 2018 Minutes](#)
[Exhibit 4 August 6, 2018 Minutes](#)
[Exhibit 5 August 7, 2018 Minutes](#)
[Exhibit 6 August 14, 2018 Minutes](#)
[Exhibit 7 August 21, 2018 Minutes](#)

- O. [ID 18-1452](#) Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing and approving the City Manager, or his designee, to expend funds to the Denton County Friends of the Family, as a contractual consultant, in the amount of \$39,395.00 under the Domestic and Sexual Violence Initiative Grant (Grant No. 2016-VF-GX-K024) from the International Association of Chiefs of Police (IACP), with said expenditure being administered by the City of Denton for prevention of domestic and sexual violence, for a period from January 1, 2018 through September 30, 2019; and providing an effective date.

Attachments: [Exhibit 1 - AIS - Friends of the Family](#)
[Exhibit - 2 - Ordinance - Friends of the Family](#)
[Exhibit 3 - Friends of the Family Contract](#)

5. ITEMS FOR INDIVIDUAL CONSIDERATION

- A. [ID 18-915](#) Consider adoption of an ordinance authorizing a development agreement between the City of Denton and Marker Stone Realty Partners I, LLC and Marker Stone Realty Partners II, LLC; providing for acquisition of necessary property interest, installment of critical infrastructure, and provision of electrical services; authorizing the City Manager to execute the agreement, and providing for an effective date. (Evers Way and Beall Way Additions)

Attachments: [Exhibit 1 - Agenda Information Sheet.pdf](#)
[Exhibit 2 - Vicinity Map](#)
[Exhibit 3 - Evers Way Final Plat](#)
[Exhibit 4 - Beall Way Final Replat](#)
[Exhibit 5 - Ordinance and Development Agreement.pdf](#)
[Exhibit 6 - Presentation](#)

- B. [ID 18-1159](#) Consider adoption of an ordinance approving an agreement between the City of Denton, Texas, and the Denton Chamber of Commerce regarding an economic development partnership; and providing an effective date.

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
[Exhibit 2 - 2018-19 redline Chamber ED Ordinance and Contract](#)
[Exhibit 3 - 2018-19 clean Chamber ED Ordinance and Contract](#)
[Exhibit 4 - Presentation](#)

- C. [ID 18-1382](#) Consider adoption of an ordinance of the City of Denton, Texas authorizing the City

Manager or his designee, to execute a Decommissioning Escrow Agreement among and between the Texas Municipal Power Agency, the City of Bryan, Texas, the City of Denton, Texas, the City of Garland, Texas and the City of Greenville, Texas ("Cities") regarding the establishment of escrow for decommissioning pursuant to the existing joint operating agreement between the Cities and TMPA; and providing an effective date. The Public Utilities Board recommends approval (7-0).

Attachments: [Exhibit 1 - Agenda Information Sheet.pdf](#)
 [Exhibit 2 - Ordinance with Decommissioning Escrow Agreement](#)

- D. [ID 18-1435](#) Consider nominations/appointments to the City's Boards, Commissions, and Committees: Health & Building Standards Commission; Historic Landmark Commission; Library Board; Traffic Safety Commission; Zoning Board of Adjustment; City Hall West Steering Committee; and Oak Gateway Area Plan Steering Committee.

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

- E. [ID 18-1444](#) Consider adoption of an ordinance considering all matters incident and related to the issuance, sale and delivery of up to \$31,810,000 in principal amount of "City of Denton Certificates of Obligation, Series 2018A"; authorizing the issuance of the Certificates; delegating the authority to certain City officials to execute certain documents relating to the sale of the Certificates; approving and authorizing instruments and procedures relating to said Certificates; enacting other provisions relating to the subject; and providing an effective date.

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

6. PUBLIC HEARINGS

- A. [A18-0002a](#) Conduct the first of two public hearings for a voluntary annexation of approximately 86.47 acres of land generally located north of Hickory Creek Rd, and south of Creekdale View by the City of Denton, Texas.

Attachments: [Exhibit 1 Agenda Information Sheet](#)
 [Exhibit 2 Site Location Map](#)
 [Exhibit 3 Zoning Map](#)
 [Exhibit 4 Staff Presentation](#)

- B. [ID 18-1337](#) Hold a second public hearing on a proposal to adopt a tax rate of \$0.620477 with a maximum allowable rate of \$0.637856 per \$100 valuation, which will not exceed the lower of the effective or rollback tax rate.

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
 [Exhibit 2 - 2018 Notice of Proposed Tax Rate](#)
 [Exhibit 3 - Presentation](#)

- C. [ID 18-1338](#) Hold a public hearing and receive citizen input on the FY 2018-19 Proposed Budget.

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
 [Exhibit 2 - 2018 Notice of Proposed Budget](#)

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.