



# 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, October 9, 2018

1:00 PM

Work Session Room

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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, October 9, 2018 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 October 9, 2018.**

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

- A. [ID 18-1623](#) Receive a report, hold a discussion, and give staff direction on filling the Municipal Judge position and the recruitment process.

**Attachments:** [Agenda Information Sheet](#)

- B. [ID 18-1634](#) Receive a report, hold a discussion, and give staff direction regarding the proposed agreement with Keep Denton Beautiful, Inc.

**Attachments:** [Exhibit 1 - Agenda Information Sheet](#)  
[Exhibit 2 - Ordinance 2000-087](#)  
[Exhibit 3 - Ordinance 2015-239](#)  
[Exhibit 4 - Draft Keep Denton Beautiful Agreement](#)  
[Exhibit 5 - Draft Keep Denton Beautiful Agreement - Redline](#)  
[Exhibit 6 - FY 2018-2019 Keep Denton Beautiful Funding Overview](#)  
[Exhibit 7 - Presentation](#)

- C. [ID 18-1695](#) Receive a report from staff, hold a discussion, and give staff direction regarding the design and construction of Industrial Park.

**Attachments:** [Exhibit 1 Agenda Information Sheet](#)  
[Exhibit 2 Presentation October 9, 2018](#)  
[Exhibit 3 Presentation June 26, 2018](#)  
[Exhibit 4 Proposed Concept](#)  
[Exhibit 5 Industrial Park Cost Estimate](#)

- D. [ID 18-1707](#) Hold a discussion to review Council's action and concerns related to the September 25, 2018 approval of an SUP ordinance for a multifamily use located south of Loop 228 on

the east side of Brinker Road, and related to the Council's discussion at its October 1, 2018 Special Called Meeting in connection with Agenda Item ID: 18-1645, including a discussion on forming a set of Council "best practices" to deal with this type of situation in the future.

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 18-1272](#) 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 information from staff, and discuss, deliberate and provide direction regarding plans for the current and future operations of the Gibbons Creek Steam Electric Station owned by the Texas Municipal Power Agency in connection with the Joint Operating Agreement ("JOA") between the City of Denton and TMPA. Consultation with the City's attorneys regarding legal issues associated with the current and future operations of the Gibbons Creek Steam Electric Station and JOA 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 18-1685](#) Consultation with Attorneys - Under Texas Government Code Section 551.071.

Consult with the City's Attorneys on the status, strategy, and potential resolution of litigation styled, Knabe v. City of Denton, Cause No. 17-3526-211, currently pending in the 211th District Court of Denton County, Texas.

- B. [ID 18-1389](#) Deliberations regarding Personnel Matters - Under Texas Government Code Section 551.074.

Deliberate and discuss the evaluation, duties, discipline, procedures, and contracts of the Municipal Judge and City Auditor.

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 18-1612](#) Peterbilt Pride & Class Day
- B. [ID 18-1614](#) First Christian Church of Denton 150th Anniversary
- C. [ID 18-1691](#) Public Power 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 18-1581](#) Pat Smith regarding New Market Tax Credits.
- 2. [ID 18-1603](#) Dorothy Kuhn regarding Smart City Denton for all Dentonites.

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 – I). 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 – I 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 18-1451](#) Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation authorizing the City Manager, or his designee, to execute an agreement with the Denton Independent School District for participation in the Advanced Technology Complex Practicum of Law, Public Safety, Corrections, and Security Program for the 2018-2019 school year; for the purpose of providing a student internship assignment; and providing an effective date.

**Attachments:**      [Exhibit - 1 - AIS - Student Internship Program with DISD](#)  
                                 [Exhibit - 2 - Ordinance - Student Internship Program with DISD](#)  
                                 [Exhibit - 3 - MOU Agreement - Student Internship Program with DISD](#)

- B. [ID 18-1483](#) 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 POWER Engineers, Inc., to provide services for Capital Improvement Projects where design or relay and control commissioning has been initiated; for providing North American Reliability Corporation (NERC) required periodic relay and protection system testing for two substations; for meeting obligations of the Texas Municipal Power Agency (TMPA) Transmission Operator, Maintenance, and Construction Services Agreement; for providing a contingency for unforeseen engineering support requirements; and for providing a contingency for emergency relay and control system support; providing for the expenditure of funds therefor; and providing an effective date (File 6861 - awarded to POWER Engineers, Inc., in the not-to-exceed amount of \$776,600). The Public Utilities Board recommends approval (5-0).

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

- C. [ID 18-1582](#) Consider approval of the minutes of August 25, August 28, September 11, and September 18, 2018.

**Attachments:**      [Exhibit 1 August 25, 2018 Minutes](#)  
[Exhibit 2 August 28, 2018 Minutes](#)  
[Exhibit 3 September 11, 2018 Minutes](#)  
[Exhibit 4 September 18, 2018 Minutes](#)

- D. [ID 18-1613](#) Consider adoption of an ordinance of the City of Denton, Texas, a Texas home rule municipal corporation, authorizing the City Manager to expend funds for payment by the City of Denton to the Texas Commission on Environmental Quality for the annual Consolidated Water Quality Fee for operation of the Pecan Creek Water Reclamation Plant; and providing an effective date. (Consolidated Water Quality Fee in the total not-to-exceed amount of \$115,000.00). The Public Utility Board recommends approval (5-0).

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

- E. [ID 18-1648](#) Consider approval of a resolution of the City of Denton, Texas, authorizing the donation of surplus library books and materials to the Friends of the Denton Public Libraries; providing procedures for disposition of such property; providing an effective date.

**Attachments:**      [Exhibit 1 - Agenda Information Sheet.docx](#)  
[Surplus Library Books resolution](#)

- F. [ID 18-1303](#) Consider adoption of an ordinance of the City of Denton, Texas, a Texas home-rule municipal corporation, authorizing the City Manager to execute an Interlocal Cooperative Purchasing Agreement with the University of North Texas System for the purchase of Internet Services; authorizing the expenditure of funds therefor; and declaring an effective date (File 6860- Interlocal Cooperative Purchasing Agreement with University of North Texas System in a not-to-exceed amount of \$30,000).

**Attachments:**      [Exhibit 1 - Agenda Information Sheet.docx](#)  
[Exhibit 2 - Ordinance and Contract](#)

- G. [ID 18-1424](#) 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 through the Department of Information Resources (DIR) Cooperative Purchasing Network Contract Number DIR-TSO-4158 for the supply of software maintenance for the City of Denton Human Capital Management software; providing for the expenditure of the funds therefor; and providing an effective date (File 6876 - awarded to Oracle America, Inc. for one (1) year, with the option for two (2) additional one (1) year extensions, in a total not-to-exceed amount of \$422,460 for all years).

**Attachments:**      [Exhibit 1 - Agenda Information Sheet.docx](#)  
[Exhibit 2 - Quotes](#)  
[Exhibit 3 - Ordinance and Contract](#)

- H. [ID 18-1678](#) 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 Airport Sewer Line with Dickerson Construction

Company, Inc., for the City of Denton; providing for the expenditure of funds therefor; and providing an effective date (RFP 6681- awarded to Dickerson Construction Company, Inc., in the not-to-exceed amount of \$91,534).

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

[Exhibit 2 - Pricing Evaluation](#)

[Exhibit 3 - Map](#)

[Exhibit 4 - Ordinance and Contract](#)

- I.    [ID 18-1696](#)    Consider approval of a resolution concerning the transportation of spent nuclear fuel and high level radioactive waste through the City of Denton; and declaring an effective date.

Attachments:      [AIS Radioactive Waste 100518.pdf](#)

[Exhibit 2 - Resolution - Spent Nuclear Fuel and High Level Radioactive Waste T](#)

## **5. ITEMS FOR INDIVIDUAL CONSIDERATION**

- A.    [ID 18-1544](#)    Consider nominations/appointments to the City's Boards and Commissions: Health & Building Standards Commission; Library Board; and Zoning Board of Adjustment.

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

[Exhibit 2 Nominations Sheet 10.9.2018](#)

- B.    [ID 18-1686](#)    Consider amending a resolution that authorized the creation of the Oak Gateway Steering Committee, by reducing the number of appointed Steering Committee members and establishing standing appointed representatives; and providing an effective date.

Attachments:      [Agenda Information Sheet](#)

[Oak Gateway Area Plan Boundary and Sub-areas Map](#)

[Steering Committee Attendance Chart](#)

[Draft Resolution Amendment](#)

[Staff Presentation](#)

[Resolution No. R2017-048](#)

- C.    [ID 18-1689](#)    Consider adoption of an ordinance of the City of Denton ("City") authorizing the City Manager, or his designee, to execute a Contract of Sale by and between Donald V. Radke and Candice R. Harris (collectively "Owner"), and the City, regarding the sale and purchase of fee simple to an approximate 0.276 acre tract, more or less, situated in Eugene Puchalski Survey, Abstract No. 996, Denton County, Texas for the purchase price of One Hundred Sixty Thousand Dollars and No Cents (\$160,000.00), as prescribed in the Contract of Sale; authorizing the expenditure of funds therefor; authorizing relocation expenditures; providing for severability and an effective date. (Bonnie Brae Street project - Phase 4 - Parcel 27 - 400 N. Bonnie Brae)

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

[Exhibit 2 - Location Map](#)

[Exhibit 3 - Site Map](#)

[Exhibit 4 - Ordinance](#)

- D. [ID 18-1690](#) Consider adoption of an ordinance of the City of Denton ("City") authorizing the City Manager, or his designee, to execute a Contract of Sale by and between Donald V. Radke and Candice R. Harris (collectively the "Owner"), and the City, regarding the sale and purchase of fee simple to an approximate 0.302 acre tract, more or less, situated in Eugene Puchalski Survey, Abstract No. 996, Denton County, Texas for the purchase price of One Hundred Fifty Thousand Dollars and No Cents (\$150,000.00), as prescribed in the Contract of Sale; authorizing the expenditure of funds therefor; authorizing relocation expenditures; providing for severability and an effective date. (Bonnie Brae Street project - Phase 4 - Parcel 28 - 404 N. Bonnie Brae)

Attachments:

[Exhibit 1 - AIS](#)

[Exhibit 2 - Location Map](#)

[Exhibit 3 - Site Map](#)

[Exhibit 4 - Ordinance](#)

## **6. 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.