

City of Denton

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

Meeting Agenda City Council

Tuesday, November 13, 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, November 13, 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 November 13, 2018.

3. Work Session Reports

A. ID 18-1876 Receiv

Receive a report, hold discussion, and provide direction on the Land Use Assumptions, Impact Fee Capital Improvements Plan and the Impact Fees for the 5-year update of the Water and Wastewater Impact Fee study.

Attachments:

Exhibit 1 - Agenda Information Sheet

Exhibit 2 - Water CCN Map

Exhibit 3 - Wastewater CCN Map

Exhibit 4 - Water SA

Exhibit 5 - Wastewater SA

Exhibit 6 - 2018 Denton Water and Wastewater Impact Fee Update

Exhibit 7 - Water IF CIP

Exhibit 8 - Wastewater IF CIP

Exhibit 9 - Denton Water & Wastewater impact fee study City Council

B. <u>ID 18-1910</u>

Receive a report, hold a discussion and give staff direction regarding Denton Development Code Subchapter 17, Conservation and Landscape Standards as well as managing the Urban Forest through the Parks and Recreation Department's new Forestry Division.

Attachments:

Exhibit 1 - Agenda Information Sheet FINAL

Exhibit 2 - Consolidated Draft Conservation and Landscape Code FINAL

Exhibit 3 - Presentation

C. ID 18-1738

Receive a report, hold a discussion and give staff direction regarding a recommendation by the City Hall West Steering Committee on the rehabilitation and future use of City Hall

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West.

<u>Attachments:</u> Exhibit 1- Agenda Information Sheet.pdf

Exhibit 2- Conceputal Design.pdf

Exhibit 3- Conceputal Business Plan.pdf

Exhibit 4- CHW Public Feeback Summary.pdf

Exhibit 5- The Old Denton City Hall Preliminary Rehabilitation Assessment Repo

Exhibit 6- Related Committee Resolutions (R2017-040, R2017-049, and R2018-

Exhibit 7 - CHW Council Presentation.pdf

D. ID 18-1911 Receive a report and hold a discussion regarding the history and overview of the proposed Park 7 project located on the south side of Scripture Street, between Normal Street and Bryan Street.

<u>Attachments:</u> Exhibit 1 - Agenda Information Sheet

Exhibit 2 - List of Addresses

Exhibit 3 – October 5 Event Letter

Exhibit 4 - October 5 Event Sign In Sheet

Exhibit 5 - December 7 Event Letter

Exhibit 6 - December 7 Event Sign In Sheet

Exhibit 7 - March 8 Public Hearing Speakers List

Exhibit 8 - April 4 Public Hearing Speakers List

Exhibit 9 – Development Review Committee Comment Letter

Exhibit 10 - 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 18-1857</u>

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 Samson Solar Energy, LLC., and ENGIE Long Draw Solar, 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 18-1886 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 the potential purchase of certain real property interests out of the E. Puchalski Survey, Abstract No. 996, Denton County, Texas, in regard to a 0.472 acre tract generally located at 2293 Scripture Street, Denton, Texas. Consultation with the City's attorneys regarding legal issues associated with the potential acquisition or condemnation of the real property interests 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. (Bonnie Brae Street - Phase 4 - Parcel 29)

C. <u>ID 18-1954</u> Deliberations regarding Personnel Matters - Under Texas Government Code Section 551.074.

Deliberate and discuss the evaluation, duties, discipline, procedures, compensation and contracts of the City Attorney and City Auditor.

D. ID 18-1985 Deliberations regarding Real Property - Under Texas Government Code Section 551.072; and Consultation with Attorneys - Under Texas Government Code Section 551.071.

Discuss, deliberate, and receive information from staff and the City's attorneys and provide staff and the City's attorneys with direction pertaining to the status, strategy, current discussions with opposition, and possible outcomes of the condemnation case styled City of Denton v. Robert W. Jones, Trustee of the Jones Family Trust, Cause No. PR-2015-00509, currently pending in the Probate Court of Denton County, Texas regarding the acquisition of real property interests located in the A. Tomkins Survey, Abstract No. 1246, and the O. S. Brewster Survey, Abstract No. 56, both in Denton County, Texas, generally located in the 1800 block of Bonnie Brae Street, City of Denton, Texas; 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. (Bonnie Brae Road Widening and Improvements Project: Parcel 17, Jones Family Trust)

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 - J). 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 - J 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 18-1798 Consider approval of a resolution by the City of Denton authorizing the City Manager, or his designee, to accept the 2018 State Homeland Security Program (SHSP) Grant (Grant No. 3692101) in the amount of \$24,000.00 from the State of Texas, Office of the Governor, through a grant from the US Department of Homeland Security for the period

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

<u>Attachments:</u> <u>Exhibit 1 - AIS - 2018 SHSP Grant</u>

Exhibit 2 - Resolution - 2018 SHSP Grant

B. ID 18-1850 Consider adoption of an ordinance of the City of Denton authorizing an agreement between the City of Denton, Texas, and Denton Holiday Festival Association, Inc. for the purpose of 2018 Denton Holiday Lighting Festival sponsorship; providing for the expenditure of funds; and providing for an effective date. (\$2,000 - The Hotel Occupancy Tax and Sponsorship Committee recommends approval 3-0).

Attachments: Exhbit 1 - AIS.pdf

Exhibit 2 Ordinance.pdf

C. <u>ID 18-1875</u> Consider adoption of an ordinance of the City of Denton, authorizing the City Manager, or his designee, to accept grant funds for the Victim Assistance Coordinator Grant (Grant No. 3632901), from the State of Texas Office of the Governor Criminal Justice Division

(CJD) through the U.S. Department of Justice, in the amount of \$89,040.00; and to authorize a cash match in the amount of \$25,733.75 from the City of Denton's general fund for the period of October 1, 2018, through September 30, 2019; authorizing the expenditure of funds thereof; and providing an effective date.

Attachments:

Exhibit 1 - AIS - Victim Assistance Coordinator Grant

Exhibit 2 - Ordinance - Victim Assistance Coordinator Grant

Exhibit 3 - Funding Explanation

D. ID 18-1878

Consider adoption of an ordinance of the City Council of the City of Denton, Texas, approving guidelines for operation of the City of Denton Home Improvement Program and eligibility criteria; authorizing expenditures up to \$100,000 for projects meeting program guidelines and criteria; ratifying and approving prior projects and contracts; and providing for an effective date.

Attachments:

Exhibit 1 Agenda Information Sheet

Exhibit 2 Ordinance

Exhibit 3 2018 Home Improvement Guidelines
Exhibit 4 2018-19 HIP Guideline Highlights

E. <u>ID 18-1889</u>

Consider adoption of an Ordinance of the City of Denton authorizing the City Manager, or his designee, to execute and administer a wireline crossing agreement with Union Pacific Railroad, and execute ancillary documents related thereto, for electrical wirelines over the existing railroad track at mile post 719.95; authorizing the expenditure of funds; and providing an effective date.

Attachments:

Exhibit 1 - Agenda Information Sheet

Exhibit 2 - Ordinance

Exhibit 3 - UPRR Crossing Agreement

Exhibit 4 - Crossing Exhibit

F. ID 18-1895

Consider approval of the minutes of October 16 and 23, 2018.

Attachments:

Exhibit 1 October 16, 2018 Minutes

Exhibit 2 October 23, 2018 Minutes

G. ID 18-1900

Consider adoption of an ordinance of the City Council of the City of Denton, Texas calling a public hearing of the City Council on Land Use Assumptions, Water and Wastewater Capital Improvements Plan, and a proposed amendment to Impact Fees related to the possible adoption of amended Water and Wastewater impact fees in accordance with Chapter 395 of the Texas Local Government Code; requiring the City Secretary to post notice of the public hearing and to provide additional notice of the public hearing as set forth in the body of this ordinance; and providing an effective date.

Attachments:

Exhibit 1 - Agenda Information Sheet

Exhibit 2 - Ordinance

Exhibit 3 - Public Hearing Notice

H. ID 18-1912

Consider adoption of an ordinance of the City of Denton, approving a City sponsorship in

an amount not to exceed \$5,060 of in-kind services and resources for the Downtown Denton Turkey Trot and Kids' Gobble Wobble on Thursday, November 22, 2018, at 8:30 a.m., to be held at the McKinney Street parking lot; and providing an effective date.

<u>Attachments:</u> Exhibit 1 Agenda Information Sheet

Exhibit 2 Ordinance

Exhibit 3 Sponsorship Letter
Exhibit 4 Letter of Request
Exhibit 5 In-Kind Support

I. ID 18-1929 Consider approval of a resolution adopting a policy informing City Council interactions with developers or persons/entities requesting any type of an incentive or special consideration while a matter is on the City Council agenda due to a tie-vote or where a

request is subject to a motion for reconsideration; and providing an effective date.

<u>Attachments:</u> Exhibit 1 - Agenda Information Sheet -Developer Engagement Policy.pdf

Exhibit 2 - Resolution.pdf
Exhibit 3 - Presentation

J. <u>ID 18-1994</u> Consider adoption of an ordinance authorizing expenditure of an additional \$100,000 in

previously budgeted funds for outside counsel in the litigation styled "Michael Grim and Jim Maynard v. City of Denton, Texas," pending in the 68th Judicial District Court, Dallas

County, Texas; and declaring an effective date.

Attachments: Exhibit 1 - AIS Grim Maynard.pdf

Exhibit 2 - ORDINANCE Grim & Maynard Expenditure.doc

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

A. ID 18-1793 Consider adoption of an ordinance of the City of Denton determining the public use, need and necessity for the acquisition of various permanent easements and temporary construction easements generally located along John Paine Road, north of Park Place Drive, and along Allred Road, from John Paine to South Bonne Brae Street, and being situated in the B.B.B & C.R.R. Survey, Abstract Nos. 158 and 159, City and County of Denton, Texas, and with the use, purpose, and legal descriptions of each easement being more particularly described in the attached Exhibit "A" (The "Property Interests"); authorizing the City Manager and the City Attorney, or their respective designees, to acquire the property interests by agreement including making all offers required by law; 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. (Allred and John Paine Road Water Transmission Project) The subject matter is slated for review and consideration by the Public Utilities Board on November 12, 2018.

Attachments:

Exhibit 1 - Allred - John Paine Water AIS.pdf

Exhibit 2 - Allred - John Paine Water Location Map.pdf

Exhibit 3 - Allred - John Paine Water Site Maps.pdf

Exhibit 4 - Allred - John Paine Water Recommended Motion.pdf

Exhibit 5 - Allred - John Paine Water Ordinance signed by Legal .pdf

B. ID 18-1794

Consider adoption of an ordinance of the City of Denton determining the public use, need, and necessity for the acquisition of various permanent easements and temporary construction easements generally located along the southbound I-35 Service Road, from US 380 (University Drive) south to the south lot line of Lot 1, Block 2 of the Caliber Collision Addition, running due east to the northbound I-35 Service Road along the western and northern boundaries of Lot 10R-2, Block A, Rayzor Ranch Town Center Addition, with US 380 being the northern boundary line, and being situated in the B.B.B & C.R.R. Survey, Abstract No. 192, City and County of Denton, Texas, and with the use, purpose, and legal descriptions of each easement being more particularly described in the attached Exhibit "A" (the "Property Interests"); authorizing the City Manager and the City Attorney, or their respective designees, to acquire the property interests by agreement including making all offers required by law; 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. (HWY 380 - I-35 Water Transmission Project) The subject matter is slated for review and consideration by the Public Utilities Board on November 12, 2018.

Attachments:

Exhibit 1 - HWY 380 - I-35 Water AIS.pdf

Exhibit 2 - HWY 380 - I-35 Water Location Map.pdf

Exhibit 3 - HWY 380 - I-35 Water Site Maps .pdf

Exhibit 4 - HWY 380 - I-35 Waterline Recommended Motion.pdf

Exhibit 5 - HWY 380 - I-35 Water Ordinance signed by Legal .pdf

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C. <u>ID 18-1795</u>

Consider adoption of an ordinance of the City of Denton determining the public use, need, and necessity for the acquisition of various permanent easements and temporary construction easements generally located along the southbound I-35 Service Road, north of the old right-of-way line of Jim Christal Road, running north approximately three hundred feet (300') then east under I-35 to the northwest corner of Lot 1, Block 4 of the Rayzor Ranch South Addition and being situated in the B.B.B & C.R.R. Survey, Abstract No. 192, City and County of Denton, Texas, and with the use, purpose, and legal descriptions of each easement being more particularly described in the attached Exhibit "A" (the "Property Interests"); authorizing the City Manager and the City Attorney, or their respective designees, to acquire the property interests by agreement including making all offers required by law; 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. (Scripture to I-35 Water Transmission Project) The subject matter is slated for review and consideration by the Public Utilities Board on November 12, 2018.

Attachments: Exhibit 1 - Scripture - I-35 Waterline AIS.pdf

Exhibit 2 - Scripture - I-35 Waterline Location Map .pdf

Exhibit 3 - Scripture - I-35 Waterline Site Maps .pdf

Exhibit 4 - Scripture - I-35 Waterline Recommended Motion docx.pdf

Exhibit 5 - Scripture - I-35 Waterline Ordinance Legal approved .pdf

3. ITEMS FOR INDIVIDUAL CONSIDERATION

A. <u>ID 18-1846</u>

Consider adoption of an ordinance of the City of Denton, Texas, a Texas home-rule municipal corporation, authorizing the approval of an extension and amendment to a contract for the management of the City's Stoke Denton Entrepreneur Center (RFP 6571) between the City of Denton and Hickory & Rail Ventures, LLC, until February 28, 2021; authorizing an extension and amendment to the sublease of Stoke Denton between the City of Denton and Hickory & Rail Ventures, LLC, until February 28, 2021; authorizing the City Manager or designee to execute the contract extension and amendment; and providing an effective date.

Attachments:

Exhibit 1 - Agenda Information Sheet

Exhibit 2 - Ordinance

Exhibit 3 - Contract Renewal and Amendment

Exhibit 4 - Original Contract

Exhibit 5 - City of Denton Projected Stoke Revenues Over Expenses

Exhibit 6 - Presentation

B. ID 18-1847

Consider approval of a resolution of the City Council of the City of Denton, Texas, in support of seeking legislative authority to allow the City of Denton to consider creation of a tourism public improvement district; and providing for an effective date.

Attachments:

Exhibit 1 - Agenda Information Sheet

Exhibit 2 - TPID resolution

Exhibit 3 - Presentation

C. ID 18-1858

Consider adoption of an Ordinance of the City of Denton, a Texas home rule municipal corporation ("Denton"), providing for, authorizing, and approving the execution by the City Manager, or his designee, of a Power Purchase Agreement ("PPA") between Denton and Samson Solar Energy, LLC, a Delaware limited liability company ("Samson Solar"); approving and authorizing the acceptance and approval by the City Manager, or his designee, of guaranties and letters of credit issued on behalf of Samson Solar to Denton for the benefit of Denton; approving the execution of such other and further related documents deemed necessary to effectuate the transactions allowed under this agreement by the City Manager, or his designee, which are incident to or related to the PPA; finding that Texas Government Code §252.022(a)(15) applies to the PPA and excepts 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; determining that specific information contained in documents involved in this transaction pertain to a

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"competitive electric matter" as set forth under the provisions of §§551.086 and 552.133 of the Texas Government Code, as amended; allowing the public to inspect and reproduce the PPA as redacted; providing an effective date.

Attachments:

Exhibit 1 - Agenda Information Sheet

Exhibit 2 - Ordinance

D. ID 18-1859

Consider adoption of an Ordinance of the City Council of the City of Denton, a Texas home-rule municipal corporation ("Denton"), providing for, authorizing, and approving the execution by the City Manager, or his designee, of a Power Purchase Agreement ("PPA") between Denton and ENGIE Long Draw Solar, LLC, a Delaware limited liability company ("Long Draw Solar"); approving and authorizing the acceptance and approval by the City Manager, or his designee, of guaranties and letters of credit issued on behalf of Long Draw Solar further securing the obligations of Long Draw Solar to Denton for the benefit of Denton; approving the execution of such other and further related documents deemed necessary to effectuate the transactions allowed under this agreement by the City Manager, or his designee, which are incident to or related to the PPA; finding that Texas Government Code §252.022(a)(15) applies to the PPA and excepts 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; determining that specific information contained in documents involved in this transaction pertain to a "competitive electric matter" as set forth under the provisions of §§551.086 and 552.133 of the Texas Government Code, as amended; allowing the public to inspect and reproduce the PPA as redacted; providing an effective date.

Attachments:

Exhibit 1 - Agenda Information Sheet

Exhibit 2 - Ordinance

4. 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 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.

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