



City of Denton

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

Meeting Agenda

City Council

Tuesday, December 1, 2015

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, December 1, 2015 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 December 1, 2015.

3. Work Session Reports

- A. [ID 15-962](#) Receive an update, hold a discussion, and give staff direction on the Road Impact Fee implementation.
Attachments: [Exhibit 1 PowerPoint Presentation](#)
- B. [ID 15-1171](#) Receive a report, hold a discussion, and give staff direction on the Denton Renewable plan, activities, and possible financial options related to the future power supply plans to meet the City's growth and needs.
Attachments: [Exhibit 1 December 1 Renewable Denton presentation](#)
[Exhibit 2 November 10 Renewable Denton presentation](#)
- C. [ID 15-1202](#) Receive a report, hold a discussion and give staff direction regarding a policy for valet parking.
- D. [ID 15-1235](#) Receive a report, hold a discussion, and give staff direction regarding a proposed ordinance of the City of Denton, Texas, setting Planning and Development Fees as it concerns gas well drilling and production in the City of Denton and its extraterritorial jurisdiction.
Attachments: [Exhibit 1 Fee Schedule Ordinance No. 2013-248](#)
[Exhibit 3 Findings from Gas Well Fee Analysis](#)
[Exhibit 4 Gas Well Fees - Presentation](#)
- E. [ID 15-1258](#) Receive a report and hold a discussion regarding the recall petition as against Joey Hawkins, Council Member for District 4, and the reasons therefor; and regarding the insufficiency of the recall petition and the City Secretary's declination of certification to the City Council.
Attachments: [Exhibit 1 Recall Petition](#)

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 15-554](#) Deliberations regarding Real Property - Under Texas Government Code Section 551.072; Consultation with Attorneys - Under Texas Government Code Section 551.071.

Receive information from staff, discuss, deliberate, and provide staff with direction regarding the potential acquisition of real property interests generally located in Denton, Denton County, Texas, for the construction, expansion and use of electric power transmission lines, beginning at the North Lakes Substation of Denton Municipal Electric and proceeding east along Riney Rd, then turning north along Nicosia St., then east along W. Hercules Lane and terminating at the Denton North Substation of Denton Municipal Electric. Consultation with the City's attorneys regarding legal issues associated with the acquisition 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. [North Lakes to Denton North transmission route]

- B. [ID 15-1106](#) Deliberations Regarding Certain Public Power Utilities: Competitive Matters - Under Texas Government Code Section 551.086.

Receive a presentation from Denton Municipal Electric staff ("DME") regarding public power competitive and financial matters pertaining to plans, strategies, opportunities, and developments for generation improvements to the DME system; discuss and deliberate strategies regarding same; discuss and deliberate opportunities and strategies for the City to acquire purchased power and enter into agreements regarding the same, in order to meet its future energy needs. Discuss, deliberate and provide Staff with direction.

- C. [ID 15-1242](#) Deliberations Regarding Real Property - Under Texas Government Code Section 551.072; Deliberations Regarding Economic Development Negotiations - Under Texas Code Section 551.087; Consultation with Attorneys - Under Texas Government Code Section 551.071.

Receive information from staff, discuss, deliberate and provide staff with direction regarding the potential acquisition, exchange, lease or value of real property located generally in the 200 block of West Hickory in the City of Denton, Denton County, Texas. Consultation with the City's attorneys regarding legal issues associated with the potential real property matter 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 15-1244](#) Deliberations regarding Economic Development Negotiations - Under Texas Government Code Section 551.087.

Receive a report and hold a discussion regarding a proposed economic development program grant agreement between the City of Denton and BUC-EE's, LTD. This discussion shall include commercial and financial information the City Council has received from BUC-EE's, LTD, a business prospect which the City Council seeks to have locate, stay, or expand in or near the territory of the city, and with which the City Council is conducting economic development negotiations; deliberate the economic development program grant agreement between the City of Denton and BUC-EE's, LTD.

- E. [ID 15-1248](#) Deliberations regarding Real Property - Under Texas Government Code Section 551.072; Consultation with Attorneys - Under Texas Government Code Section 551.071.

Receive information from staff, discuss, deliberate, and provide staff with direction regarding the potential acquisition of real property interests located along the east side of Bernard St. between Eagle Drive to the north and Collins Street to the south, in the City of Denton, Texas; where discussions had, deliberation, and direction given in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third party. Consultation with the City's attorneys regarding legal issues associated with the acquisition of the real property interests described above; where 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. [Eagle Substation]

- F. [ID 15-1274](#) Consultation with Attorneys - Under Texas Government Code Section 551.071.

Consult with City's attorneys regarding ID 15-1235 of the December 1, 2015 Work Session Agenda, as it concerns legal issues associated with that item where a public discussion of this legal matter would conflict with the duty of the City's attorneys under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas

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

[ID 15-1278](#) Police Appreciation Day

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.

1. [ID 15-1247](#) William Jones regarding various issues concerning the City of Denton.
2. [ID 15-1275](#) Kim McKibben regarding a proposed building in the Fry Street Overlay District.

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 four speakers per meeting with each speaker allowed a maximum of four (4) minutes.

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 – 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 15-967](#) Consider approval of a resolution of the City Council of the City of Denton, Texas approving a policy for aircraft tax abatement for the City of Denton to establish guidelines and criteria governing aircraft incentive agreements and aircraft tax abatement agreements; and declaring an effective date.
- Attachments:* [Exhibit 1 - Resolution](#)
 [Exhibit 2 - Aircraft Incentive Policy](#)
- B. [ID 15-1064](#) Consider adoption of an ordinance amending Ordinance No. 2012-366, as amended by Ordinance 2014-039, relating to Tax Increment Reinvestment Zone (TIRZ) Number Two, to add to the membership of the Board of Directors; repealing all conflicting ordinances and portions thereof; and providing an effective date.
- Attachments:* [Exhibit 1-Revised TIRZ Ordinance](#)
- C. [ID 15-1065](#) Consider appointments to the Tax Increment Reinvestment Zone (TIRZ) Number Two Board of Directors.
- D. [ID 15-1199](#) Consider adoption of an ordinance approving a City sponsorship in an amount not to exceed \$6,000 of in-kind services and supplies for the 27th Annual Denton Holiday Lighting Festival to be held on the Downtown Square on December 4, 2015; and providing an effective date.
- Attachments:* [Exhibit 1 Letter of Request](#)
 [Exhibit 2 2014 In-kind Costs](#)
 [Exhibit 3 2015-16 Running Total of Requested Support](#)
 [Exhibit 4 Ordinance](#)
- E. [ID 15-1225](#) Consider approval of a resolution reviewing and adopting revisions to the Investment Policy regarding funds for the City of Denton; and providing an effective date. The Audit/Finance Committee recommends approval (2-0).
- Attachments:* [Exhibit 1 - Red-lined FY 2015-16 Investment Policy](#)
 [Exhibit 2 - Resolution](#)
- F. [ID 15-1226](#) Consider approval of a resolution revising Administrative Policy No. 403.07 “Debt Service Management” and providing for an effective date. The Audit/Finance Committee recommends approval (2-0).
- Attachments:* [Exhibit 1 - Redlined FY 2015-16 Debt Service Management Policy](#)
 [Exhibit 2 - Debt Summary Report for 2015](#)
 [Exhibit 3 - Resolution](#)
- G. [ID 15-1227](#) Consider adoption of an ordinance authorizing the City Manager to execute an agreement between the City of Denton and Music Theater of Denton (PY2016) for the payment and use of hotel tax revenue; and providing an effective date. (\$5,250 - Hotel Occupancy Tax Committee recommends approval 3-0)
- Attachments:* [Exhibit 1 - Ordinance](#)
- H. [ID 15-1228](#) Consider adoption of an ordinance of the City of Denton authorizing the City Manager or his designee to execute a contract through the Buy Board Cooperative Purchasing Network for the acquisition of an asphalt recycling machine for the City

of Denton Street Department; and providing an effective date (File 5995-awarded to Cooper Equipment Company in the amount of \$185,815).

Attachments: [Exhibit 1-Quote](#)
 [Exhibit 2-Vendor Sole Source](#)
 [Exhibit 3-Fleet Memo](#)
 [Exhibit 4-Ordinance](#)

5. ITEMS FOR INDIVIDUAL CONSIDERATION

- A. [ID 15-1212](#) Consider approval of resolution casting votes for membership to the Board of Directors of the Denton Central Appraisal District; and declaring an effective date.

Attachments: [Exhibit 1 DCAD Memorandum](#)
 [Exhibit 2 DCAD 2015 Board](#)
 [Exhibit 3 DCAD Resolution](#)

- B. [ID 15-1222](#) Consider adoption of an ordinance approving an Economic Development Agreement under Chapter 380 of the Local Government Code to promote economic development and to stimulate business activity in the city of Denton between the City of Denton and BUC-EE's LTD, regarding the development of an approximate 38-acre parcel of land generally located on the west side I-35 E, north of Wind River Lane, in south Denton; authorizing the expenditure of funds therefor; and providing an effective date.

Attachments: [Exhibit 1 - Preliminary Staff Report](#)
 [Exhibit 2 - Aerial Map](#)
 [Exhibit 3 - Zoning Map](#)
 [Exhibit 4 - Future Land Use Map](#)
 [Exhibit 5 - Preliminary Concept Site Plan](#)
 [Exhibit 6 - Elevations](#)
 [Exhibit 7 - Public Infrastructure Costs](#)
 [Exhibit 8 - Buc-ee's Presentation](#)

- C. [ID 15-1269](#) Consider nominations/appointments to the City's Boards and Commissions: Community Development Advisory Committee and Traffic Safety Commission.

6. PUBLIC HEARINGS

- A. [S15-0009a](#) Hold a public hearing and consider an ordinance regarding a Specific Use Permit to allow a multi-family development on an approximately 16.061 acre property generally located on the south side of East McKinney Street (FM 426), approximately 1,500 feet east of Woodrow Lane. The Planning and Zoning Commission recommends approval of this request (6-0), subject to conditions. Due to written opposition from property owners of at least 20% of the area immediately adjoining and within 200 feet of the subject property, a supermajority vote of all members of the City Council is necessary to approve the request.

- Attachments:**
- [Exhibit 1 Staff Analysis](#)
 - [Exhibit 2 Aerial Map](#)
 - [Exhibit 3 Zoning Map](#)
 - [Exhibit 4 Future Land Use Map](#)
 - [Exhibit 5 Applicant Narrative](#)
 - [Exhibit 6 Site Plan](#)
 - [Exhibit 7 Landscape Plan](#)
 - [Exhibit 8 Type A Elevations](#)
 - [Exhibit 9 Type B Elevations](#)
 - [Exhibit 10 Type C Elevations](#)
 - [Exhibit 11 Type D Elevations](#)
 - [Exhibit 12 Type E1 Elevations](#)
 - [Exhibit 13 pe E2 Elevations](#)
 - [Exhibit 14 Type F Elevations](#)
 - [Exhibit 15 Site Photos](#)
 - [Exhibit 16 Notification Map and Responses](#)
 - [Exhibit 17 November 4, 2015, Planning and Zoning Commission Meeting Minutes](#)
 - [Exhibit 18 Draft Ordinance](#)

7. 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.
1. [ID 15-1251](#) Willie Hudspeth regarding City Hall.

8. 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 _____, 2015 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.