



# 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, January 5, 2016

2:00 PM

Work Session Room & Council Chambers

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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, January 5, 2016 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 January 5, 2016.**

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

- A. [ID 16-005](#) Receive a report, hold a discussion, and give staff direction regarding policies related to the Economic Development Investment Fund and the Downtown Reinvestment Grant Fund.

**Attachments:** [Exhibit 1- Downtown Grant Report](#)  
[Exhibit 2 - Examples](#)  
[Exhibit 3 - Ordinance 2012-001](#)  
[Exhibit 4 - Draft Ordinance ED Investment Fund](#)  
[Exhibit 5 - Resolution 2014-016](#)

- B. [ID 16-041](#) Receive a report, hold a discussion, and give staff direction on the Denton Renewable plan and activities related to the future power supply plans to meet the City's growth and needs.

**Attachments:** [Exhibit 1 - Dec 1 WS presentation](#)  
[Exhibit 2 - Nov 10 WS presentation](#)  
[Exhibit 3 - Dec 15 WS presentation](#)  
[Exhibit 4- Jan 5 WS 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 16-007](#) 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, 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. [ID 16-008]

- B. [ID 16-044](#) 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 real estate matters related to DME Hickory substation, located at the intersection of West Hickory and South Bonnie Brae in the City of Denton, Texas, and specifically concerning certain real property located at 1224 N. Bonnie Brae; where discussions had, deliberation, and direction given, by the Denton City Council 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 condemnation or acquisition of the real property interests 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. [Hickory Substation] [ID 16-031]

- C. [ID 16-043](#) 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 both the east and west sides of South Mayhill Road between Spencer Road to the north and Pockrus Page Road to the south; where discussions had, deliberation, and direction given, by the Denton City Council 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; 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, or would jeopardize the City's legal position in any administrative proceeding or potential litigation.[Pockrus-Spencer/Mayhill Substation] [ID 16-040]

- D. [ID 16-042](#) 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.

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 16-009](#) Irma P. Hall 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.
- 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 – \_). 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 – \_ 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 16-004](#) Consider adoption of an ordinance accepting competitive proposals and awarding a contract for fraud prevention, credit risk assessment, and debit recovery services for the City of Denton Customer Service department; providing for the expenditure of funds therefor; and providing an effective date (RFP 5890-awarded to ONLINE Information Services, Inc., dba the ONLINE Utility Exchange, in the three (3) year not-to-exceed amount of \$250,000). The Public Utilities Board recommends approval (6-0).

**Attachments:** [Exhibit 1-Pricing and Evaluation Sheet](#)  
[Exhibit 2-Public Utilities Board Minutes](#)  
[Exhibit 3-Ordinance](#)  
[Exhibit 4-Contract](#)

- B. [ID 16-008](#) Consider adoption of an ordinance of the City of Denton, Texas approving an Office Lease and Right of First Refusal between the City of Denton and 4SR Mulberry, LLC, and a Subordination, Non-Disturbance and Attornment Agreement between the City of Denton, 4SR Mulberry, LLC, and the National Bank of Texas at Fort Worth, all related to the properties located at 215 West Hickory Street and 216 West Mulberry Street, Denton, Texas, 76201; providing authority for the City Manager to execute the agreements subject to final language approval by the City Attorney; and providing an effective date.

- C. [ID 16-029](#) Consider adoption of an ordinance of the City of Denton authorizing an agreement between the City of Denton, Texas and the Denton African American Scholarship Foundation; providing for the expenditure of funds therefor; and providing for an effective date.

**Attachments:** [Exhibit 1 - Ordinance-Denton African-American Scholarship Foundation](#)  
[Exhibit 2 - Serv Agreement Denton African-American Agreement](#)

- D. [ID 16-030](#) Consider adoption of an ordinance of the City of Denton authorizing the City Manager or his designee to execute a purchase order through The Interlocal Purchasing System (TIPS) Cooperative Purchasing Program Contract #02042315 for the replacement of the roof at the City of Denton Fleet Services building by way of an Interlocal Agreement with the City of Denton; and providing an effective date (File 6027-awarded to CBS Mechanical, Inc. in the amount of \$445,810).

**Attachments:** [Exhibit 1-Comparison](#)  
[Exhibit 2-CBS Quote](#)  
[Exhibit 3-Ordinance](#)

- E. [ID 16-031](#) Consider adoption of an ordinance ratifying the expenditure of funds by the City Manager for the emergency purchase and installation of electrical wiring, fixtures, appliances, drywall and associated repairs for the Denton Municipal Electric and Facilities Management project located at 1224 North Bonnie Brae Street, Denton, Texas and in accordance with provisions of Section 252.022 of the Local Government Code exempting such purchases from requirements of competitive bidding; and providing an effective date (File 6023-awarded to Harvest Construction Team, Inc. in the amount of \$58,175).

Attachments: [Exhibit 1- Memo from Sendero Acquisiitons, LP](#)  
[Exhibit 2-Emergency Declaration Form](#)  
[Exhibit 3-Ordinance.doc](#)

- F. [ID 16-032](#) Consider adoption of an ordinance of the City of Denton, Texas authorizing the City Manager to execute a Professional Services Agreement for professional engineering and consulting services related to the City of Denton Municipal Solid Waste Landfill and Recycling Facilities; providing for the expenditure of funds therefor; and providing an effective date (File 6014-awarded to Parkhill Smith and Cooper in the annual amount of \$150,000 for a three (3) year not-to-exceed amount of \$450,000). The Public Utilities Board recommends approval (7-0).

Attachments: [Exhibit 1-PUB Minutes](#)  
[Exhibit 2-Ordinance](#)  
[Exhibit 3-Contract](#)

- G. [ID 16-033](#) Consider adoption of an ordinance approving a “Third Amendment to Professional Services Agreement for Architect or Engineer” by and between the City of Denton, Texas and Malcolm Pirnie, Inc., now known as Arcadis US, Inc., to provide engineering services for the design of the Lake Lewisville Water Treatment Plant Rehabilitation and Process Upgrade; authorizing the expenditure of funds therefor; and providing an effective date (File 4399-providing for an additional \$146,823 for additional services on the project-aggregating to \$3,850,233). The Public Utilities Board recommends approval (7-0).

Attachments: [Exhibit 1-Original Contract](#)  
[Exhibit 2-Contract Amendments 1 and 2](#)  
[Exhibit 3-PUB Agenda Sheet](#)  
[Exhibit 4-Draft PUB Minutes](#)  
[Exhibit 5-Ordinance](#)

- H. [ID 16-034](#) Consider adoption of an ordinance of the City of Denton, Texas providing for, authorizing, and approving the expenditure of funds for the purchase of certified softball officiating services from the North Texas Umpires Association (NTUA), which are 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 providing an effective date (File 6017-Agreement with NTUA in the amount per game as specified in the agreement in the estimated annual award of \$85,000 for a three (3) year estimated expenditure

of \$255,000).

**Attachments:**      [Exhibit 1-Sole Source Letter](#)  
[Exhibit 2-Ordinance](#)  
[Exhibit 3-Contract](#)

- I.    [ID 16-035](#)      Consider adoption of an ordinance accepting competitive proposals and awarding a contract for the purchase of electric utility aluminum swage connectors to be stocked in the City of Denton Distribution Center; providing for the expenditure of funds therefor; and providing an effective date (RFP 5861-awarded to Irby Utilities in the three (3) year not-to-exceed amount of \$660,000).

**Attachments:**      [Exhibit 1-Evaluation and Ranking Sheet](#)  
[Exhibit 2-Ordinance](#)  
[Exhibit 3-Contract](#)

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

- A.    [ID 16-026](#)      Consider adoption of an ordinance of the City of Denton determining the public use, need, and necessity for the acquisition of fee simple title to the surface estate, including a waiver of surface use to the mineral estate, of a tract of land (“Property Interests”) generally located in the 1200 block of North Interstate Highway 35 East and being a portion of Lot 1, Block 1, Royal Inn Addition, an addition to the City of Denton, Denton County, Texas according to the Plat recorded in Cabinet D, Page 329, Plat Records, Denton County, Texas, and more particularly described in the attached Exhibit “A”; authorizing the City Manager and City Attorney, or their respective designees, to acquire the property interests by agreement including making initial and final offers; authorizing the use of the power of eminent domain to condemn the property interests if an agreement cannot be reached; and authorizing the City Attorney, or her designee, to file eminent domain proceedings if necessary; authorizing the expenditure of funding; makings findings; providing a savings clause; and providing an effective date. (Fire Station No. 3 Rebuild)

**Attachments:**      [Exhibit 1 - Location Map](#)  
[Exhibit 2 - Site Map](#)  
[Exhibit 3 - Recommended Motion](#)  
[Exhibit 4 - Ordinance](#)

- B.    [ID 16-052](#)      Consider adoption of an ordinance of the City of Denton, Texas determining the public use, need, and necessity for the acquisition of fee simple title to the surface estate, including a waiver of surface use to the mineral estate, of a 25.63 acre property tract (“property interests”) described in the attached exhibit “a”, generally located on the north side of Tom Cole Road and being west of and adjacent to City of Denton Enterprise Airport property and being situated in the Wm. Wilburn Survey, Abstract 1419, Denton County, Texas, and more particularly described in the attached Exhibit “A”; authorizing the City Manager and City Attorney, or their respective designees, to acquire the property interests by agreement including making initial and final offers; authorizing the use of the power of eminent domain

to condemn the property interests if an agreement cannot be reached; and authorizing the City Attorney, or her designee, to file eminent domain proceedings if necessary; authorizing the expenditure of funding; makings findings; providing a savings clause; and providing an effective date. (Denton Enterprise Airport: West Parallel Runway Project (Eagle Farms/Porter))

Attachments:      [Exhibit 1 - Location Map](#)  
                              [Exhibit 2 - Site Map](#)  
                              [Exhibit 3 - Recommended Motion](#)  
                              [Exhibit 4 - Ordinance](#)

- C. [ID 16-053](#) Consider adoption of an ordinance of the City of Denton, Texas determining the public use, need, and necessity for the acquisition of fee simple title to the surface estate, including a waiver of surface use to the mineral estate, of a 29.444 acre tract (“property interests”) described in the attached Exhibit “A”, generally located and adjacent to the southwest boundaries of the City Of Denton Enterprise Airport property and being situated in the J. McDonald Survey, Abstract 873, Denton County, Texas, and more particularly described in the attached Exhibit “A”; authorizing the City Manager and City Attorney, or their respective designees, to acquire the property interests by agreement including making initial and final offers; authorizing the use of the power of eminent domain to condemn the property interests if an agreement cannot be reached; and authorizing the City Attorney, or her designee, to file eminent domain proceedings if necessary; authorizing the expenditure of funding; makings findings; providing a savings clause; and providing an effective date. (Denton Enterprise Airport: West Parallel Runway Project (SLF II Cole Properties, LP))

Attachments:      [Exhibit 1 - Location Map](#)  
                              [Exhibit 2 - Site Map](#)  
                              [Exhibit 3 - Recommended Motion](#)  
                              [Exhibit 4 - Ordinance](#)

## **6. ITEMS FOR INDIVIDUAL CONSIDERATION**

- A. [ID 16-051](#) Receive certification of a recall petition from the City Secretary and give staff direction.

## **7. PUBLIC HEARINGS**

- A. [ID 16-010](#) Hold a public hearing and consider approval of the updates to the City of Denton’s Mobility Plan and the Travel Demand Model of the Denton roadway system.



- Attachments:**
- [Exhibit 1 - Existing Denton Mobility Plan](#)
  - [Exhibit 2 - Count Map](#)
  - [Exhibit 3 - MPC\\_Updates](#)
  - [Exhibit 4 - New Roadways BRINKER BRIDGE](#)
  - [Exhibit 5 - Road Realignment](#)
  - [Exhibit 6 - Updated Mobility Plan LOS](#)
  - [Exhibit 7 - Street Classification Changes](#)
  - [Exhibit 8 - Proposed Mobility Plan BRINKER BRIDGE](#)
  - [Exhibit 9 - Ordinance](#)
  - [Exhibit 10 - Mobility Plan Public Hearing Presentation Final Council Jan 5 2016](#)

- B. [S15-0011a](#) Hold a public hearing and consider a Specific Use Permit (SUP) to allow a Basic Utility, a Denton Municipal Electric substation, on approximately 6.2 acres within a Downtown Commercial General (DC-G) District. The subject property is generally located at the southwest corner of South Locust Street and West Collins Street, in the City of Denton, Denton County, Texas. The Planning and Zoning Commission recommends approval, subject to conditions (6-0).

- 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/Landscape Plan](#)
  - [Exhibit 7-Collins Street Section](#)
  - [Exhibit 8- DME CIP Project Overview](#)
  - [Exhibit 9- Site Photos](#)
  - [Exhibit 10- Notification Map & Responses](#)
  - [Exhibit 11- Planning and Zoning Commission Meeting Minutes](#)
  - [Exhibit 12- Draft Ordinance](#)

- C. [S15-0012a](#) Hold a public hearing and consider a Specific Use Permit (SUP) for Multi-Family Dwellings on two properties zoned Neighborhood Residential Mixed Use 12 (NRMU-12). The subject properties are approximately 0.24 and 0.33 acres in size and are located at 609 and 612 Meadow View Court, in the City of Denton, Denton County, Texas. The Planning and Zoning Commission recommended approval of this request, subject to conditions (6-0).



- Attachments:**
- [Exhibit 1- Staff Analysis](#)
  - [Exhibit 2- Site Location/Aerial Map](#)
  - [Exhibit 3- Zoning Map](#)
  - [Exhibit 4-Future Land Use Map](#)
  - [Exhibit 5- Proposed Site Plan](#)
  - [Exhibit 6-Proposed Elevations](#)
  - [Exhibit 7- Site Photos](#)
  - [Exhibit 8- Notification Map & Responses](#)
  - [Exhibit 9- Planning and Zoning Commission Meeting Minutes](#)
  - [Exhibit 10- Draft Ordinance](#)

- D. [ID 16-040](#) Hold a public hearing and consider adopting a resolution regarding the proposed sites for construction, expansion, and use of an electric power transmission /distribution substation located along both the east and west sides of South Mayhill Road between Spencer Road to the north and Pockrus Page Road to the south, in the City of Denton, Texas, as part of Denton Municipal Electric's service territory. [Mayhill substation/Pockrus to Mayhill]

- Attachments:**
- [Exhibit 1 - Project Information Sheet for Pockrus to Spencer R2 POWER Revie](#)
  - [Exhibit 2 - Transmission Line Locations Requiring Land Action](#)
  - [Exhibit 3 - DME Substation Locations Map](#)
  - [Exhibit 4 - Mayhill to Pockrus Options Map 10-22-15](#)
  - [Exhibit 5 - Mayhill - MH-PK TM Line - location map](#)
  - [Mayhill Substation Resolution](#)

## **8. 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.
- A. [ID 16-060](#) Willie Hudspeth regarding City Hall.

## **9. 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 \_\_\_\_\_, 2015 at \_\_\_\_\_ o'clock (a.m.) (p.m.)

\_\_\_\_\_  
CITY SECRETARY

NOTE: THE CITY OF DENTON CITY COUNCIL CHAMBERS 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.