



# City of Denton

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

## Meeting Agenda

### City Council

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Tuesday, June 3, 2014

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, June 3, 2014 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 June 3, 2014.**

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

- A. [ID 14-0174](#) Receive a report, hold a discussion, and give staff direction regarding the creation of a Tax Increment Reinvestment Zone for the construction of a Hotel and Convention Center on approximately thirteen acres of land located along Interstate 35 on University of North Texas property.

**Attachments:** [Exhibit 1 Project Plan and Finance Plan](#)  
[Exhibit 2 Pettit PowerPoint](#)

- B. [ID 14-0177](#) Receive a report, hold a discussion, and give staff direction regarding Denton Plan and Denton Development Code amendments to allow for various land uses at the North Texas State Fairgrounds.

**Attachments:** [Exhibit 1 Site Location Aerial Map](#)  
[Exhibit 2 Existing Zoning Map](#)  
[Exhibit 3 Future Land Use Map](#)  
[Exhibit 4 Ordinance 1996-171](#)  
[Exhibit 5 August 6, 1996 City Council Minutes](#)  
[Exhibit 6 Zoning Chart](#)

- C. [ID 14-0184](#) Receive a report, hold a discussion, and provide direction on proposed revisions to the City of Denton Strategic Plan.

**Attachments:** [Exhibit 1 FY 2013-14 Strategic Plan](#)  
[Exhibit 2 Strategic Plan 6.3.14 \(redline copy\)](#)  
[Exhibit 3 Strategic Plan 6.3.14 \(clean copy\)](#)  
[Exhibit 4 FY 2014-15 Strategic Plan Update June 2014 Council Discussion](#)

- D. [ID 14-0215](#) Receive a report, hold a discussion and give staff direction regarding City Council

committee nominations and City Council board appointments.

- Attachments:**      [Exhibit 1 2013-14 Council Committees](#)  
[Exhibit 2 Council Committee Preferences](#)  
[Exhibit 3 Committee Narrative](#)  
[Exhibit 4 Economic Development Partnership Board membership](#)  
[Exhibit 5 Tax Increment Reinvestment Zone 2 membership](#)  
[Exhibit 6 Downtown Tax Increment Financing Reinvestment Zone 1 Board mem](#)

- E. [ID 14-0182](#)      Receive a report, hold a discussion, and give staff direction regarding project recommendations from the Citizens Bond Advisory Committee for the November 2014 bond election.

- Attachments:**      [Exhibit 1 Summary of Recommended Projects](#)  
[Exhibit 2 PowerPoint 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 14-0189](#)      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 provide staff with direction pertaining to the potential eminent domain proceedings against certain real property interests located in the S. McCracken Survey, Abstract Number 817, in the City of Denton, Denton County, Texas, being 2.912 acres and 0.040 acre tracts of land for electric easements, and being 1.160 acre and 0.048 acre tracts of land for temporary construction easements, all located generally north of Loop 288, along Sherman Drive, for the public use of expansion, construction, maintenance, operation, and improvement of electric transmission and distribution lines facilities and structures. Consultation with the City's attorneys regarding legal issues associated with the potential proceedings against the real property 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. (Denton Municipal Electric 69kV Spencer to Denton North Interchange Transmission Line Upgrade Project: Parcel C6 - Tony A. Riley [ID 14-0186], and Parcel C7 - Sel Sherman Drive, LLC) [ID 14-0187]

- B. [ID 14-0190](#)      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 provide staff with direction pertaining to the potential eminent domain proceedings against certain real property interests located in the T. Toby Survey, Abstract Number 1288, in the City of Denton, Denton County, Texas, being a fee interest in land, regarding a certain 2.493 acre tract of land located generally south of Beall Street and west of North Locust Street, for the public use of expansion, construction, maintenance, operation, and improvement of electric transmission and distribution lines facilities, and structures, as well as substations. Consultation with the City's attorneys regarding legal issues associated with the potential proceedings against the real property 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. (Denton Municipal Electric 69kV Spencer to Denton North Interchange Transmission Line Upgrade Project: Parcel C13 - North Locust Properties, LLC) [ID 14-0188]

- C. [ID 14-0207](#) 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 provide staff with direction pertaining to the acquisition of and potential eminent domain proceedings against certain real property interests located in the M. Forrest Survey, Abstract Number 417, in the City of Denton, Denton County, Texas, being a fee interest in land, regarding a certain 10.372 acre tract of land located generally north of Blagg Road and east of Geesling Road, for the public use of expansion, construction, maintenance, operation, and improvement of electric transmission and distribution lines facilities, structures, and substations. Consultation with the City's attorneys regarding legal issues associated with the acquisition of land potential eminent domain proceedings against the real property 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. (Denton Municipal Electric Arco Substation Project) [ID14-0191]

- D. [ID 14-0172](#) Certain Public Power Utilities: Competitive Matters - Under Texas Government Code, Section 551.086; and Consultation With Attorneys - Under Texas Government Code, Section 551.071.

Receive further competitive public power, financial and commercial information from Denton Municipal Electric ("DME") staff regarding the procurement, acquisition, integration and implementation of ERCOT Shadow Settlement Software in its Energy Management Organization relating to its power purchase operations, which includes bidding and pricing information for purchased power, generation and fuel, and Electric Reliability Council of Texas bids, prices, offers, and related services for purposes of supporting the Energy Management

Organization of the Power Supply Administration of DME; discuss, deliberate, provide staff with direction, consider and take final action on the Master Customer Agreement and any and all ancillary Agreements pertaining thereto. Consultation with the City's attorneys regarding legal issues associated with the above acquisition 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; Consider an ordinance of the City Council of the City of Denton, Texas providing for, authorizing, and approving the execution by the City Manager of a "Master Customer Agreement" by and between the City of Denton, Texas and Ventyx, Inc., a Delaware Corporation, further authorizing and approving the execution of such other ancillary and related documents, including without limitation, licensing agreements and statements of work related to the Master Customer Agreement by the City Manager or his designee, which are incident or related thereto; confirming and ratifying that the City of Denton, Texas, its Mayor, its City Council members, its City Manager, its City Attorney, and their respective designees, shall be authorized and empowered to perform such acts and obligations as are reasonably required to complete and consummate this transaction; ratifying and confirming all prior actions taken by the City Council in furtherance of this procurement; and determining that said agreements 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; finding and determining that the approval of this transaction in a closed meeting of the City Council is further authorized under Texas law; adopting significant recitations, findings and conclusions, as are set forth in the preamble of this ordinance; finding that the matter of approval of the Master Customer Agreement was posted as required by law and was duly considered in a closed meeting of the City Council on the 3rd day of June, 2014 by a quorum of the Denton City Council and was duly approved by a vote taken in said closed meeting; providing that upon approval of the Ordinance, Master Customer Agreement and any and all ancillary agreements, by the City Council that the City Secretary is hereby authorized and directed to seal the said documents as Public Power documents, as provided by applicable Texas law; that this procurement is in the public welfare and is in the best interests of the ratepayers of Denton Municipal Electric; authorizing the expenditure of funds therefor; providing an effective date.

E. [ID 14-0200](#) Consultation with Attorneys - Under Texas Government Code, Section 551.071.

Consult with and provide direction to City's attorneys regarding legal issues and strategies associated with Gas Well Ordinance regulation of gas well drilling and production within the City Limits and the extraterritorial jurisdiction, including: Constitutional limitations; statutory limitations upon municipal regulatory authority; statutory preemption; impacts of federal and state law and regulations; impacts of gas well drilling upon protected uses and vice-versa; moratorium on drilling and production; other concerns about municipal regulatory authority or matters relating to enforcement of the Gas Well Ordinance; and legal matters associated with a citizen's initiative regarding hydraulic fracturing where a public discussion of these

legal matters would conflict with the duty of the City's attorneys under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.

F. [ID 14-0201](#) Consultation with Attorneys - Under Texas Government Code, Section 551.071.

Consult with and provide direction to City's attorneys regarding legal issues regard to Item No. 3.B. of the June 3, 2014 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.

G. [ID 14-0206](#) Deliberations regarding Real Property - Under Texas Government Code, Section 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 located in the R. Longbottom Survey, Abstract Number 775, City of Denton, Denton County, Texas, and generally located on the east line of Virginia Street, north of U.S. Highway 380 (University Drive). Consultation with the City's attorneys regarding legal issues associated with the potential acquisition of the real property 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. (Denton Municipal Electric 69kV Spencer to Denton North Interchange Transmission Line Upgrade Project: Parcel P28 and P29 - Prescott Interests Ltd.)

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. ELECTION OF MAYOR PRO TEM****3. PROCLAMATIONS/PRESENTATIONS**

- A. [ID 14-0213](#) Resolution of Appreciation for Ross Chadwick

**4. CITIZEN REPORTS**

- A. Review of procedures for addressing the City Council.  
B. Receive citizen reports from the following:

**5. 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 – P). 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 – P 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 14-0160](#) Consider adoption of an ordinance authorizing the City Manager to execute a Professional Services Agreement (PSA) with Savant Group, Inc. for design and engineering services relating to the City of Denton Intelligent Transportation System (ITS) Trunk Lines project; and providing an effective date (File 5551-awarded to Savant Group, Inc. in a not-to-exceed amount of \$152,548.52).

**Attachments:** [5551-Exhibit 1 Ordinance.pdf](#)  
[5551-Exhibit 2 Contract](#)

- B. [ID 14-0161](#) Consider adoption of an ordinance accepting competitive bids and awarding a public works contract for the Pecan Creek Interceptor Phase II project; providing for the expenditure of funds therefor; and providing an effective date (Bid 5486-awarded to the lowest responsible bidder meeting specification, Speiss Construction Company, Inc. in the amount of \$1,427,624). The Public Utilities Board recommends approval (6-0).

**Attachments:** [5486-Exhibit 1 Location Map](#)  
[5486-Exhibit 2 Tabulation Sheet](#)  
[5486-Exhibit 3 PUB Minutes](#)  
[5486-Exhibit 4 Ordinance.pdf](#)

- C. [ID 14-0162](#) Consider adoption of an ordinance of the City of Denton, Texas providing for, authorizing, and approving the purchase of replacement and repair parts for the Lake Ray Roberts Water Treatment Plant clarification equipment, 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 5553 awarded to Brentwood Industries, Inc. in the not-to-exceed amount of \$100,000). The Public Utilities Board recommends approval (6-0).

**Attachments:**     [5553-Exhibit 1 Quote](#)  
                          [5553-Exhibit 2 Sole Source Letter](#)  
                          [5553-Exhibit 3 PUB Minutes](#)  
                          [5553-Exhibit 4 Ordinance.pdf](#)

- D. [ID 14-0164](#)** Consider adoption of an ordinance accepting competitive proposals and awarding a contract for laboratory services for the City of Denton; providing for the expenditure of funds therefor; and providing an effective date (RFP 5469-awarded to Ana-Lab Corporation in the three (3) year not-to-exceed amount of \$190,000). The Public Utilities Board recommends approval (6-0).

**Attachments:**     [5469-Exhibit 1 Ranking](#)  
                          [5469-Exhibit 2 Pricing](#)  
                          [5469-Exhibit 3 Contract](#)  
                          [5469-Exhibit 4 PUB Minutes](#)  
                          [5469-Exhibit 5 Ordinance.pdf](#)

- E. [ID 14-0165](#)** Consider adoption of an ordinance accepting competitive proposals and awarding a contract for Distribution Gang Operated Air Break (GOAB) Switches for Denton Municipal Electric; providing for the expenditure of funds therefore; and providing an effective date (RFP 5231-awarded to Stuart C. Irby in the three (3) year not-to-exceed amount of \$187,395).

**Attachments:**     [5231-Exhibit 1 Ranking Evaluation and BAFO](#)  
                          [5231-Exhibit 2 Pricing Sheet](#)  
                          [5231-Exhibit 3 Ordinance.pdf](#)  
                          [5231-Exhibit 4 Contract \(3\)](#)

- F. [ID 14-0166](#)** Consider adoption of an ordinance accepting competitive proposals and awarding a contract for galvanized steel transmission poles for Denton Municipal Electric; providing for the expenditure of funds therefor; and providing an effective date (RFP 5404-awarded to Valmont Newmark in the three (3) year not-to-exceed amount of \$15,590,000). The Public Utilities Board recommends approval (6-0).

**Attachments:**     [5404-Exhibit 1 Location Map Redacted](#)  
                          [5404-Exhibit 2 Ranking Sheet](#)  
                          [5404-Exhibit 3 Pricing Sheet](#)  
                          [5404-Exhibit 4 PUB Minutes](#)  
                          [5404-Exhibit 5 Ordinance.pdf](#)  
                          [5404-Exhibit 6 Contract \(2\)](#)

- G. [ID 14-0167](#)** Consider adoption of an ordinance accepting competitive proposals and awarding a contract for electric capacitor controllers for Denton Municipal Electric; providing

for the expenditure of funds therefor; and providing an effective date (RFP 5297-awarded to Stuart C. Irby in the three (3) year not-to-exceed amount of \$461,100).

**Attachments:**     [5297-Exhibit 1 Ranking and Evaluation](#)  
                              [5297-Exhibit 2 Pricing Sheet](#)  
                              [5297-Exhibit 3 Ordinance.pdf](#)  
                              [5297-Exhibit 4 Contract \(6\)](#)

- H. [ID 14-0168](#)** Consider adoption of an ordinance authorizing the City Manager or his designee to execute a purchase order through the Buy Board Cooperative Purchasing Network for the acquisition of five (5) Chevrolet half ton trucks for the City of Denton; and providing an effective date (File 5559 awarded to Caldwell Country in the amount of \$126,871). The Public Utilities Board recommends approval (6-0).

**Attachments:**     [5559-Exhibit 1 Comparison](#)  
                              [5559-Exhibit 2 PUB Minutes](#)  
                              [5559-Exhibit 3 Ordinance.pdf](#)

- I. [ID 14-0175](#)** Consider adoption of an ordinance providing for the expenditure of funds for the emergency purchase of a Peterbilt Roll-Off Refuse Truck with Wastequip Hoist and Tarper in accordance with provisions of State law exempting such purchases from requirements of competitive bidding; and providing an effective date (File 5560-awarded to Rush Truck Center, Crane in the amount of \$174,419).

**Attachments:**     [5560-Exhibit 1 Quote](#)  
                              [5560-Exhibit 2 Ordinance.pdf](#)  
                              [5560-Exhibit 2 Ordinance Attachment](#)

- J. [ID 14-0176](#)** Consider adoption of an ordinance of the City Council of the City of Denton, Texas, approving a grant application from John Lenz, representing Chident Holdings, LLC, from the Downtown Reinvestment Grant Program not to exceed \$25,000; and providing for an effective date. The Economic Development Partnership Board recommends approval 6-0.

**Attachments:**     [Exhibit 1 331 E. Hickory grant application](#)  
                              [Exhibit 2 Average score sheet 331 E. Hickory](#)  
                              [Exhibit 3 DTF Minutes](#)  
                              [Exhibit 4 EDP Minutes](#)  
                              [Exhibit 5 Ordinance with Agreement](#)

- K. [ID 14-0179](#)** Consider adoption of an ordinance of the City of Denton authorizing an agreement between the City of Denton and the Collegiate Entrepreneurs' Organization of the University of North Texas for reimbursement of costs associated with the TEDXUNT Event on April 26, 2014; authorizing and ratifying the expenditure of funds; and providing for an effective date. (\$1,470)

**Attachments:**     [Exhibit 1 Ordinance](#)  
                              [Exhibit 2 Agreement](#)



- L. [ID 14-0180](#) Consider adoption of an ordinance authorizing the City Manager or his designee to execute a Purchase Agreement, by and between the City of Denton, Texas (“City”), as buyer, and Ken Hodge & Associates, Inc., a Texas corporation (the “Owner”), as seller, to acquire fee simple title to a 0.850 acre tract situated in the M.E.P. & P.R.R. Survey, Abstract No.1469, located in the City of Denton, Denton County, Texas, and being generally located in the 1300 block of North Mayhill Road; for the purchase price of One Hundred Twenty Thousand Eight Hundred Eighty Seven Dollars and No Cents (\$120,887.00), and other consideration, as prescribed in the Purchase Agreement (the “Agreement”), as attached hereto and made a part hereof as Exhibit “A”, authorizing the expenditure of funds therefor; and providing an effective date. (Parcel M028, Ken Hodge & Associates, Inc. - Mayhill Road Widening and Improvements project)

Attachments: [Exhibit 1 Location Map](#)  
[Exhibit 2 Ordinance](#)

- M. [ID 14-0181](#) Consider adoption of an ordinance of the City of Denton, Texas, authorizing the execution of a Fourth Amendment to Right of Entry and possession, by and between the City of Denton (“City”) and the Denton County Transportation Authority (“DCTA”), amending that certain right of entry and possession, between the City and DCTA, May 3, 2011, granting DCTA access to the Euline Brock Downtown Denton Transit Center (“DDTC) and certain lands surrounding the DDTC, located in the Hiram Sisco Survey, Abstract Number 1184, to conduct public transportation related operations; and providing an effective date.

Attachments: [Exhibit 1 Ordinance](#)

- N. [ID 14-0183](#) Consider adoption of an ordinance of the City of Denton authorizing an agreement between the City of Denton, Texas and the Denton Air Fair for the purpose of expenses for the Denton Air Fair; authorizing the expenditure of funds; and providing for an effective date. (\$500)

Attachments: [Exhibit 1 Ordinance](#)  
[Exhibit 2 Agreement](#)

- O. [ID 14-0185](#) Consider adoption of an ordinance of the City of Denton authorizing an agreement between the City of Denton, Texas and SCRAP Denton for the purpose of capital needs; authorizing the expenditure of funds; and providing for an effective date. (\$900)

Attachments: [Exhibit 1 Ordinance](#)  
[Exhibit 2 Agreement](#)

- P. [ID 14-0192](#) Consider approval of a resolution of the City of Denton, Texas certifying funding and support for the 2014 Transportation Alternatives Program application with the North Central Texas Council of Governments, authorizing the City Manager to submit an application to receive funding to implement a bike share program through the program and, if the grant is approved, to execute the grant agreement and take other actions necessary to implement the grant; and providing an effective date.

Attachments:      [Exhibit 1 NCTCOG Call for Projects](#)  
                              [Exhibit 2 Resolution](#)  
                              [Exhibit 3 Bike Share Overview](#)

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

- A. [ID 14-0186](#)      Consider adoption of an ordinance (I) finding that a public use and necessity exists to acquire through the exercise of the right of eminent domain one permanent Electric Utility Easement and one Temporary Construction Easement encumbering 2.192 and 1.160 acres of land respectively; the permanent Electric Utility Easement to be used and utilized for and in connection with the expansion, construction, maintenance, replacement, augmentation, and improvement of electric transmission and distribution lines, facilities, and structures (therein the ordinance as the “ DME Expansion Project”); the Temporary Construction Easement to be used and utilized for the purpose of access, staging of materials and equipment, construction, and grading activities relating to the DME Expansion Project; the affected lands and interests being generally situated in the S McCracken Survey, Abstract Number 817, City of Denton, Denton County, Texas, as more particularly described in Exhibits “A-1” and “A-2”, and depicted in Exhibits “B-1” and “B-2”, respectively, attached to the ordinance and made a part thereof (said tracts of land and all related interests therein to be acquired and damages resulting therefrom collectively referred to therein the ordinance as the “Property Interests”); (II) authorizing the filing and prosecution of eminent domain proceedings to acquire the Property Interests; (III) authorizing the expenditure of funds therefore; (IV) making findings; (V) providing a savings clause; and (VI) providing an effective date. (Parcel C6 - Denton Municipal Electric 69kV Spencer to Denton North Interchange Transmission Line Upgrade Project)

Attachments:      [Exhibit 1 Location Map](#)  
                              [Exhibit 2 Ordinance](#)

- B. [ID 14-0187](#)      Consider adoption of an ordinance (I) finding that a public use and necessity exists to acquire through the exercise of the right of eminent domain one permanent Electric Utility Easement and one Temporary Construction Easement encumbering 0.040 and 0.048 acres of land respectively; the permanent Electric Utility Easement to be used and utilized for and in connection with the expansion, construction, maintenance, replacement, augmentation, and improvement of electric transmission and distribution lines, facilities, and structures (therein the ordinance as the “ DME Expansion Project”); the Temporary Construction Easement to be used and utilized for the purpose of access, staging of materials and equipment, construction, and grading activities relating to the DME Expansion Project; the affected lands and interests being generally situated in the S McCracken Survey, Abstract Number 817, City of Denton, Denton County, Texas, as more particularly described in Exhibits “A-1” and “A-2”, and depicted in Exhibits “B-1” and “B-2”, respectively, attached to the ordinance and made a part thereof (said tracts of land and all related interests therein to be acquired and damages resulting therefrom collectively referred to therein the ordinance as the “Property Interests”); (II) authorizing the filing and

prosecution of eminent domain proceedings to acquire the Property Interests; (III) authorizing the expenditure of funds therefore; (IV) making findings; (V) providing a savings clause; and (VI) providing an effective date. (Parcel C7 - Denton Municipal Electric 69kV Spencer to Denton North Interchange Transmission Line Upgrade Project)

Attachments:      [Exhibit 1 Location Map](#)  
                              [Exhibit 2 Ordinance](#)

- C. [ID 14-0188](#) Consider adoption of an ordinance (I) finding that a public use and necessity exists to acquire through the exercise of the right of eminent domain fee simple title to the surface estate, with waiver of surface use related to the mineral estate, of a 2.493 acre tract of land to be used and utilized for and in connection with the expansion, construction, maintenance, replacement, augmentation, and improvement of electric transmission and distribution lines, facilities, and structures (therein the ordinance, the “DME Expansion Project”); the affected lands and interests being generally situated in the T. Toby Survey, Abstract Number 1288, City of Denton, Denton County, Texas, as more particularly described and depicted in Exhibit “A”, attached thereto the ordinance and made a part thereof (said tract of land and all related interests therein to be acquired and damages resulting therefrom collectively referred to therein the ordinance as the “Property Interests”); (II) authorizing the filing and prosecution of eminent domain proceedings to acquire the Property Interests; (III) authorizing the expenditure of funds therefore; (IV) making findings; (V) providing a savings clause; and (V) providing an effective date. (Parcel C13 - Denton Municipal Electric 69kV Spencer to Denton North Interchange Transmission Line Upgrade Project)

Attachments:      [Exhibit 1 Location Map](#)  
                              [Exhibit 2 Ordinance](#)

- D. [ID 14-0191](#) Consider adoption of an ordinance (I) finding that a public use and necessity exists to acquire through the exercise of the right of eminent domain fee simple title to a 10.372 acre tract of land to be used and utilized for and in connection with expansion, construction, maintenance, replacement, augmentation, and improvement of electric transmission and distribution facilities, and structures; the affected land(s) and interest(s) being generally situated in the M. Forrest Survey, Abstract Number 417, City of Denton, Denton County, Texas, as more particularly described in Exhibit “A” attached thereto the Ordinance and made a part thereof, located generally in the NW quadrant of the intersection of Geesling Road and Blagg Road (the “Property Interest”) (II) authorizing the filing and prosecution of eminent domain proceedings to acquire the Property Interests; (III) authorizing the expenditure of funds therefore; (IV) making findings; (V) providing a savings clause; and (VI) providing an effective date. (Denton Municipal Electric ARCO Substation Project) (The Public Utilities Board recommends approval 6-0)

Attachments:      [Exhibit 1 Survey](#)  
                              [Exhibit 2 Arco Offer Letter](#)  
                              [Exhibit 3 Ordinance](#)

**7. ITEMS FOR INDIVIDUAL CONSIDERATION**

- A. [ID 14-0208](#) Receive Certification of an Initiative Petition regarding the banning of hydraulic fracturing in the city of Denton from the City Secretary and give staff direction.

Attachments: [Exhibit 1 Petition Ordinance](#)

- B. [ID 14-0218](#) Consider appointments to Council Committees.

**8. PUBLIC HEARINGS**

- A. [Z14-0007](#) Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, providing for a zoning change from a Downtown Residential 2 (DR-2) zoning district classification and use designation to a Downtown Commercial General (DC-G) zoning district classification and use designation; on approximately 0.184 acres, located on south side of West Oak Street approximately 104 feet west of the intersection of West Oak Street and Avenue B, in the City of Denton, Denton County, Texas; providing for a penalty in the maximum amount of \$2,000.00 for violations thereof; providing a severability clause and an effective date. The Planning and Zoning Commission recommends approval (6-0).

Attachments: [Exhibit 1 Staff Analysis](#)  
[Exhibit 2 Location Map](#)  
[Exhibit 3 Zoning Map](#)  
[Exhibit 4 Proposed Zoning Map](#)  
[Exhibit 5 Future Land Use Map](#)  
[Exhibit 6 Applicant Letter](#)  
[Exhibit 7 Site Plan](#)  
[Exhibit 8 Notification Map](#)  
[Exhibit 9 Site Photos](#)  
[Exhibit 10 P&Z Minutes](#)  
[Exhibit 11 Ordinance](#)

- B. [Z14-0002](#) Hold a public hearing and consider adoption of an ordinance approving a rezoning of 2.98 acres from Neighborhood Residential Mixed Use (NRMU) zoning district to the Neighborhood Residential Mixed Use 12 (NRMU-12) zoning district with a mixed use residential protection overlay. The subject property is generally located on the west side of Teasley Lane, across from Ranchman Blvd., and is legally described as a 2.98 acre portion of a called 13.194 acre tract situated in the J. Fisher Survey, Abstract 0421a, in the City of Denton, Denton County, Texas; providing for a penalty in the maximum amount of \$2,000.00 for violations thereof, severability and an effective date. The Planning and Zoning Commission recommends approval (6-0) and stated their intent was to include the mixed use residential protection overlay conditions.

Attachments: [Exhibit 1 Staff Report](#)  
[Exhibit 2 Site Location Aerial Map](#)  
[Exhibit 3 Existing Zoning](#)  
[Exhibit 4 Proposed Zoning Map](#)  
[Exhibit 5 Future Land Use Map](#)  
[Exhibit 6 Letter from Applicant](#)  
[Exhibit 7 Notification Map](#)  
[Exhibit 8 Site Photos](#)  
[Exhibit 9 Legal Description](#)  
[Exhibit 10 Zoning Exhibit](#)  
[Exhibit 11 P&Z Minutes](#)  
[Exhibit 12 Ordinance](#)

- C. [Z13-0011](#) Hold a public hearing and consider adoption of an ordinance regarding a rezoning from a Neighborhood Residential 4 (NR-4) zoning district to a Neighborhood Residential Mixed Use (NRMU) zoning district, with an overlay restriction, on approximately 4.9 acres. The property is located at the northeastern corner of McKinney Street and Mockingbird Lane; and providing for a penalty in the maximum amount of \$2,000.00 for violations, thereof, severability and an effective date. (Z13-0011) The Planning and Zoning Commission recommends approval (6-0) with overlay restriction.

Attachments: [Exhibit 1 Staff Analysis](#)  
[Exhibit 2 Site Map](#)  
[Exhibit 3 Existing Zoning Map](#)  
[Exhibit 4 Proposed Zoning Map](#)  
[Exhibit 5 Future Land Use Map](#)  
[Exhibit 6 Letter from the Applicant](#)  
[Exhibit 7 Notification Map](#)  
[Exhibit 8 Notification Responses](#)  
[Exhibit 9 Site Photos](#)  
[Exhibit 10 P&Z Minutes](#)  
[Exhibit 11 Ordinance](#)

## **9. CITIZEN REPORTS**

- A. Review of procedures for addressing the City Council.
- B. Receive citizen reports from the following:

## **10. 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 under Sections 551.071-551.086 of the Texas Open Meetings Act.

#### 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 \_\_\_\_\_, 2014 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.