



# 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, September 16, 2014

3:00 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, September 16, 2014 at 3:00 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 September 16, 2014.**

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

- A. [DCA14-0005](#) Receive a report, hold a discussion and give staff direction regarding the history and current status of the Tree Code, Tree Fund, and Tree Trusts; and Urban Forestry Ecosystem Assessment and Canopy Analysis.

**Attachments:**

[Exhibit 1 - Phasing Schedule](#)

[Exhibit 2 - Recommendation Graphic](#)

[Exhibit 3 - Sample Assessment Executive Summary- Arlington Executive Summ](#)

[Exhibit 4 - Sample Assessment Summary- Mesquite Summary](#)

[Exhibit 5 - Council Directed Prioritization of Projects](#)

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 14-0501](#) 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 pertaining to the acquisition of real property interests located in the O.S. Brewster Survey, Abstract No. 56, located generally in the 2200 block of South Bonnie Brae Street, City of 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 Widening & Improvements Project)

- B.** [ID 14-0530](#) 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 real property interests located in the W. Roark Survey, Abstract No. 1087, J. Severe Survey, Abstract 1164, B.B.B. & C.R.R. Co. Survey, Abstract No. 196 and the J. W. Withers Survey, Abstract No. 1343, all in Denton County, Texas, generally located along a line running west to east, commencing at U.S. Highway 377 adjacent to the Fort Worth Drive Substation and continuing to the west right of way line of F. M. 1830 City of Denton, Texas. Consultation with the City's attorneys regarding legal issues associated with the acquisition or condemnation 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 Fort Worth T1 Addition Expansion, Denton Municipal Electric Fort Worth Drive and FM 1830 Distribution, and Hickory Creek Detention Facility projects: Burch Family Farms Ltd.) [ID 14-0532]

- C.** [ID 14-0558](#) Deliberations regarding Real Property - Under Texas Government Code, Section 551.072; and Consultation with Attorneys - Under Texas Government Code, Section 551.071.

Discuss, deliberate, receive information from staff and provide staff with direction pertaining to the acquisition of real property interests located in the in the M.E.P. & P.R.R. Co. Survey, Abstract Number 1469, Denton County, Texas, located generally in the 1500 block of North Mayhill Road, in the City of Denton, Denton County, Texas. Consultation with the City's attorneys regarding legal issues associated with the acquisition or condemnation of the real property interests referenced 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 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 proceedings or potential litigation. (Mayhill Road Widening and Improvements Project: Parcel M026 - Habib Pyarali Arab) [ID 14-0557]

- D.** [ID 14-0531](#) 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 site selection process for the DME Hickory substation and the potential acquisition of real property interests generally located in Denton, Denton County, Texas, in the 100 block of Bonnie Brae, the 2500 block of W. Hickory St., and the 2300 block of W. Oak St. Consultation with the City's attorneys regarding legal issues associated with the condemnation or 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. [ID 14-0533]

- E. [ID 14-0560](#) 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 leasing of real property interests generally located in Denton, Denton County, Texas, in the 2000 - 2200 blocks of Skylane St., Denton Enterprise Airport. Consultation with the City's attorneys regarding legal issues associated with the leasing 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. [ID 14-0529]

- F. [ID 14-0545](#) 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 T. Toby Survey, Abstract No. 1285, City of Denton, Denton County, Texas, and generally located north of Airport Road and east of Masch Branch Road. Consultation with the City's attorneys regarding legal issues associated with the potential acquisition and condemnation 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.

- G. [ID 14-0452](#) Certain Public Power Utilities: Competitive Matters --- Under Texas Government Code, Section 551.086.

Receive competitive public power information and competitive financial information from staff in the form of the final draft operating budget for Denton Municipal Electric ("DME") for FY 2014-2015, including without limitation,

revenues, expenses, commodity volumes, and commitments; and discuss and deliberate the DME budget.

H. [ID 14-0561](#) 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 and vested rights; 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; settlement matters concerning gas well drilling in the City; surface development issues involving surface and mineral estates; 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.

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 14-0556](#) Scenic City Certification

**3. BUDGET ITEMS FOR INDIVIDUAL CONSIDERATION**

- A. [ID 14-0476](#) Consider adoption of an ordinance of the City of Denton, Texas, levying the ad valorem property tax of the City of Denton, Texas, for the year 2014, on all taxable property within the corporate limits of the city on January 1, 2014, and adopting a

tax rate of \$0.689750 per \$100 of valuation for 2014; providing revenues for payment of current municipal maintenance and operation expenses and for payment of interest and principal on outstanding City of Denton debt; providing for limited exemptions of certain homesteads; providing for enforcement of collections; providing for a severability clause; and providing an effective date.

Attachments: [Exhibit 1 - Ordinance](#)

- B. [ID 14-0477](#) Consider adoption of an ordinance of the City of Denton, Texas, approving the 2014 tax rolls; and providing an effective date.

Attachments: [Exhibit 1- Ordinance](#)

- C. [ID 14-0507](#) Consider adoption of an ordinance of the City of Denton, Texas, adopting the Fiscal Year 2014-2015 Annual Program of Services (Budget) and the Capital Improvement Program of the City of Denton, Texas, for the fiscal year beginning on October 1, 2014, and ending on September 30, 2015; and declaring an effective date.

Attachments: [Exhibit 1 - Ordinance](#)

- D. [ID 14-0508](#) Consider adoption of an ordinance of the City of Denton, Texas, ratifying the adoption of the Fiscal Year 2014-15 Annual Program of Services (Budget) and the Capital Improvement Program of the City of Denton, Texas, for the fiscal year beginning October 1, 2014, and ending on September 30, 2015 when the Budget will raise more revenue from property taxes than last year's budget; and providing an effective date.

Attachments: [Exhibit 1 - Ordinance](#)

#### **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 – MM). 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 – MM 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 14-0417](#) Consider adoption of an ordinance adopting a Schedule of Fees for use of certain park facilities; superseding all prior fees in conflict with such schedule; and providing for severability and an effective date. The Parks, Recreation and Beautification Board recommends approval (5-0).

Attachments: [Exhibit 1 - Schedule of Fees](#)

[Exhibit 2 - Excerpt of Park Board Minutes 8-4-14 \(Schedule of Fees\)](#)

[Exhibit 3 - Proposed Ordinance](#)

- B. [ID 14-0461](#) Consider approval of the Public Art Committee's recommendation to purchase three

color lithographs by artist Billy Hassell as public art for the City of Denton. The lithographs, which will a total of \$5,700, is pursuant to the City of Denton Public Art policy approved by Ordinance 2006-105, and funded with Hotel/Motel Occupancy Tax (HOT) revenues previously authorized and encumbered for expenditure of such purposes; and declaring an effective date. The Public Art Committee recommends approval (5-0).

Attachments:      [Exhibit 1 - Public Art Committee Minutes August 7, 2014](#)

[Exhibit 2 - Illustration of Lithographs](#)

- C. [ID 14-0463](#) Consider approval of a resolution by the City of Denton, Texas, authorizing the City Manager to submit an application and all other necessary documents to obtain a grant under the Texas Department of Housing and Community Affairs, Amy Young Barrier Removal Program and take all other actions necessary to implement the program; and providing for an effective date.

Attachments:      [Exhibit 1 - Resolution](#)

- D. [ID 14-0469](#) 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 in excess of \$50,000 for projects meeting program guidelines and criteria; and providing for an effective date.

Attachments:      [Exhibit 1 - 2014-15 HIP Guidelines](#)

[Exhibit 2 - Ordinance](#)

- E. [ID 14-0478](#) Consider adoption of an ordinance of the City of Denton, Texas authorizing the City Manager to execute an agreement between the City and Denton City County Day School to provide Community Development Block Grant funds for improvements to the facility at 1603 Paisley Street, Denton, Texas, 76209; authorizing the expenditure of funds therefore, not to exceed \$102,767; and providing for an effective date.

Attachments:      [Exhibit 1 - 2014-15 Funding Agreement](#)

[Exhibit 2 - Ordinance](#)

- F. [ID 14-0483](#) Consider approval of a resolution allowing DI2-Denton I, LLC, to be the sole participant allowed to sell alcoholic beverages at Oaktopia, September 20, 2014, from 2 pm until 11 pm, upon certain conditions, authorizing the City Manager or his designee to execute an agreement in conformity with this resolution; and providing for an effective date. Staff recommends approval.

Attachments:      [Exhibit 1 - Letter of request](#)

[Exhibit 2 - Resolution](#)

[Exhibit 3 - Contract](#)

- G. [ID 14-0502](#) Consider a request for an exception to the Noise Ordinance for the purpose of the Oaktopia Festival sponsored by Monocle LLC. The event will be held on City property, Williams Trade Square, and on the Denton County Courthouse lawn on Saturday, September 20, 2014, from 2 p.m. to 11 p.m. The exception is specifically requested to increase sound levels from 70 to 75 decibels and an extension of hours

for amplified sound from 10 p.m. to 11 p.m. Staff recommends approval.

Attachments:      [Exhibit 1 - Letter of Request](#)

- H. [ID 14-0489](#) Consider adoption of an ordinance of the City of Denton, Texas prohibiting parking on the east side of Highland Park Road from its intersection with North Texas Boulevard to its intersection with Westridge Street; prohibiting parking on the west side of Highland Park Road beginning 670 feet from its intersection with North Texas Boulevard to its intersection with Tremont Circle; prohibiting parking for certain time periods and only when signs are in place on both sides of Underwood Street from Avenue C (Interstate Highway 35 East access road) to its intersection with Highland Park Road; prohibiting parking for certain time periods and only when signs are in place on the west and north side of Highland Park Road from its intersection with North Texas Boulevard to the point on Highland Park Road 670 feet from its intersection with North Texas Boulevard; prohibiting parking for certain time periods and only when signs are in place on both sides of Kendolph Street from its intersection with Underwood Street to its intersection with Interstate 35 East; providing a repealer clause; providing a savings clause; providing for a penalty not to exceed \$500 for violations of this ordinance; providing that violations of this ordinance shall be governed by Chapter 18 of the Code of Ordinances of the City of Denton; and providing for an effective date. The Traffic Safety Commission recommends approval (5-0).

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

- I. [ID 14-0506](#) Consider adoption of an ordinance amending the schedule of electric rates contained in Ordinance No. 2013-231 for electric service; amending the provisions of the Residential Service Rate Schedule (Schedule RES); amending the provisions of the Residential Renewable Energy Service Rider (Schedule RG); amending the provisions of the Residential Prepaid Service Schedule (Schedule RPP); amending the provisions of the General Service Small Schedule (Schedule GSS); amending the provisions of the General Service Medium Schedule (Schedule GSM); amending the provisions of the General Service Large Schedule (Schedule GSL); amending the provisions of the General Time of Use Schedule (Schedule TGS); amending the provisions of the Local Government Small Schedule (Schedule G2); amending the provisions of the Local Government Schedule (Schedule G1); amending the provisions of the Weekend Service Schedule (Schedule WK); amending the provisions of the Athletic Field Schedule (Schedule AF); amending the provisions of the Street Lighting Schedule (Schedule LS); amending the provisions of the Traffic Lighting Schedule (Schedule LT); amending the provisions of the Unmetered School Zone/Crossing Flashers Schedule (Schedule UFL); amending the provisions of the Unmetered Traffic Lights Schedule (Schedule ULT); amending the provisions of the Unmetered Security Camera Schedule (Schedule USC); amending the provisions of the Other Lighting Schedule (Schedule LO); amending the provisions of the Security Lighting Schedule (Schedule DD); amending the provisions of the Decorative Downtown Lighting Schedule (Schedule DDL); amending the provisions of the Non Standard Street Lighting Schedule (Schedule DSL); amending the provisions of the Temporary Service Schedule

(Schedule T1); adding the provisions of the Transmission Cost Recovery Factor Schedule (Schedule TCRF); providing for a repealer; providing for a severability clause; and providing for an effective date. The Public Utilities Board recommends approval (6-0).

Attachments: [Exhibit 1 - 2015 RATES Comparison](#)

[Exhibit 2 - Ordinance](#)

- J. [ID 14-0509](#) Consider adoption of an ordinance of the City of Denton, Texas providing for the schedule of miscellaneous fees, deposits, billings and procedures for administrative services to city utilities customers contained in Ordinance No. 2013-233; adding the credit card processing service fee; providing for a repealer; providing for a severability clause; and providing for an effective date. The Public Utilities Board recommends approval (6-0).

Attachments: [Exhibit 1 - Ordinance](#)

- K. [ID 14-0510](#) Consider adoption of an ordinance amending the schedule of water rates contained in Ordinance No. 2013-235 for water service rates and water rates; amending the residential water service rate (Schedule WR); amending the commercial/industrial water service rate (Schedule WC); amending the metered water from fire hydrant rate (Schedule WFH); amending the wholesale treated water service rate to the Upper Trinity Regional Water District (Schedule WW); amending the wholesale raw water service rate to Upper Trinity Regional Water District (Schedule WRW); amending the wholesale raw water pass-through rate to Upper Trinity Regional Water District from Lake Chapman into Lake Lewisville (Schedule WCL); amending the water tap and meter fees; providing for a repealer; providing for a severability clause; and providing for an effective date. The Public Utilities Board recommends approval (6-0).

Attachments: [Exhibit 1 - Ordinance](#)

- L. [ID 14-0511](#) Consider adoption of an ordinance amending the schedule of wastewater rates contained in Ordinance No. 2013-234; providing for an amendment in the rates for residential wastewater service (Schedule SR); amending the mobile home park wastewater service (Schedule SMH); amending the commercial and industrial wastewater service (Schedule SC); amending the commercial/industrial wastewater service which measures with dedicated water meters (sub-meters) (Schedule SCD); amending the commercial /industrial wastewater service which measures with dedicated water meters (sub-meters) (Schedule SCS); amending the septage & chemical toilet disposal at the pecan creek water reclamation plant septage transfer station (Schedule SCH); amending the equipment services facilities and restaurant & food service establishments wastewater service (Schedule SEE); amending the metered wastewater inside and outside corporate limits (Schedule SM); amending the sale of treated wastewater effluent (Schedule SGE); amending the wholesale wastewater treatment service (Schedule SSC); amending the storm drainage fees schedule (Schedule SD); adding the stormwater reinspection fee- non-residential (schedule SDI); providing for a repealer; providing for a severability clause; and providing for an effective date. The Public Utilities Board recommends approval (6-0).



Attachments:      [Exhibit 1 - Ordinance](#)

- M. [ID 14-0537](#) Consider adoption of an ordinance of the City of Denton, Texas amending the schedule of rates for solid waste service contained in Ordinance No. 2013-230 as authorized by Chapter 24 of the Code of Ordinances of the City of Denton, Texas; providing that the provisions of Sections 26-3, 26-4, 26-5, 26-7, 26-8(a), and 26-9 of the Code of Ordinances of the City of Denton, Texas shall expressly apply to City of Denton Solid Waste and Recycling Services; providing for amendments to the residential refuse & recycling collection services rates; providing commercial refuse and recycling collection services rates; providing processing and disposal services rates; providing solid waste & recycling services definitions; providing for a repealer; providing for a severability clause; providing an effective date. The Public Utilities Board recommends approval (6-0).

Attachments:      [Exhibit 1 Proposed Ordinance](#)

- N. [ID 14-0513](#) Consider adoption of an ordinance of the City Council of the City of Denton, Texas, approving a funding agreement between the City of Denton and the Denton Affordable Housing Corporation; providing for the terms of said contract; authorizing the City Manager to execute the agreement and to expend Home Investment Partnership Program funds with respect to the agreement; and providing for an effective date.

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

- O. [ID 14-0514](#) Consider adoption of an ordinance of the City of Denton, Texas providing for, authorizing and approving communication services for wireless devices as approved by the State of Texas Department of Information Resources (DIR) Contract Number DIR-SDD-1780; providing for the expenditure of funds therefor; and providing an effective date (File 5352-Purchase of Wireless Communication Services for Sprint air cards and cell phones awarded to Sprint Solutions, Inc. in the three (3) year not-to-exceed amount of \$300,000).

Attachments:      [Exhibit 1 - Sprint Accounts](#)  
                              [Exhibit 2 - DIR Contract](#)  
                              [Exhibit 3 - Ordinance](#)

- P. [ID 14-0515](#) Consider adoption of an ordinance accepting competitive bids and awarding a public works contract for the Construction of FM 2499 Utility Relocation-Phase II project; providing for the expenditure of funds therefor; and providing an effective date (Bid 5476-awarded to the lowest responsible bidder meeting specification, Speiss Construction Company, Inc. in the amount of \$1,604,356). The Public Utilities Board recommends approval (5-0).

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

- Q. [ID 14-0516](#) Consider adoption of an ordinance of the City of Denton, Texas authorizing the City Manager to execute a Professional Services Agreement for engineering and consulting services for the City of Denton Landfill including the Texas Commission on Environmental Quality permitting process and other design and construction projects, with CP&Y, Inc.; providing for the expenditure of funds therefor; and providing an effective date (File 5625-awarded to CP&Y, Inc. in the three (3) year amount not-to-exceed \$450,000). The Public Utilities Board recommends approval (5-0).

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

- R. [ID 14-0517](#) Consider adoption of an ordinance of the City of Denton, Texas providing for, authorizing, and approving metering software and handheld hardware maintenance for continued vendor support and upgrade to software version 8.1 for the Meter Data Management System (MDMS) for Denton Municipal Electric Metering Department, which is 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 4448 awarded to Itron, Inc. in the three (3) year not-to-exceed amount of \$350,000).

Attachments: [Exhibit 1 - Maintenance Quote](#)  
[Exhibit 2 - Upgrade SOW and Pricing](#)  
[Exhibit 3 - Sole Source Memo](#)  
[Exhibit 4 - Ordinance](#)

- S. [ID 14-0518](#) Consider adoption of an ordinance of the City of Denton, Texas providing for, authorizing, and approving software maintenance for continued vendor support for Cityworks software for the City of Denton water and wastewater asset and work order software system, which is 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 5194 awarded to Azteca Systems, Inc. in the three (3) year not-to-exceed amount of \$60,000).

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

- T. [ID 14-0519](#) Consider adoption of an ordinance of the City of Denton, Texas providing for, authorizing, and approving a hosted website service for employee payroll direct deposit and W2 image service, which is 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 5304 awarded to Ceridian HCM, Inc. in the three (3) year not-to-exceed amount of \$65,000).

Attachments:      [Exhibit 1 - Pricing](#)  
                              [Exhibit 2 - Single Source Memo](#)  
                              [Exhibit 3 - Ordinance](#)

- U.    [ID 14-0520](#)    Consider adoption of an ordinance of the City of Denton, Texas providing for, authorizing, and approving software maintenance for continued vendor support for the financial analysis and reporting software application tool and purchase of Query Designer software to enhance the tool, which is 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 5402 awarded to Global Software, Inc. in the three (3) year not-to-exceed amount of \$105,000).

Attachments:      [Exhibit 1 - Maintenance Quote](#)  
                              [Exhibit 2 - Query Designer Quote](#)  
                              [Exhibit 3 - Sole Source Memo](#)  
                              [Exhibit 4 - Ordinance](#)

- V.    [ID 14-0521](#)    Consider adoption of an ordinance of the City of Denton, Texas providing for, authorizing, and approving software maintenance for continued vendor support and upgrade to Cartegraph Operations Management System for Public Works asset and work order software system, which is 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 5635 awarded to Cartegraph Systems, Inc. in the three (3) year not-to-exceed amount of \$220,000).

Attachments:      [Exhibit 1-Quote](#)  
                              [Exhibit 2-Memo](#)  
                              [Exhibit 3-Ordinance](#)

- W.    [ID 14-0522](#)    Consider adoption of an ordinance of the City of Denton, Texas providing for, authorizing, and approving software maintenance for continued vendor support and upgrade to TrakiT9 for planning projects, permits, code cases, inspections, and business license information software system, which is 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 5636 awarded to CRW Systems, Inc. in the three (3) year not-to-exceed amount of \$212,000).

Attachments:      [Exhibit 1-Agreement](#)  
                              [Exhibit 2-Sole Source Memo](#)  
                              [Exhibit 3-Ordinance](#)

- X.    [ID 14-0523](#)    Consider adoption of an ordinance of the City of Denton, Texas providing for, authorizing, and approving software maintenance for continued vendor support and upgrade and sustainment services for Automated Metering Infrastructure (AMI) for the Denton Municipal Electric Metering Department, which is 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 4485 awarded to Trilliant Inc. in the three (3) year not-to-exceed amount of \$875,000).

**Attachments:**      [Exhibit 1-Pricing and Statement of Work](#)  
                                 [Exhibit 2-Sole Source Memo](#)  
                                 [Exhibit 3-Ordinance](#)

- Y. [ID 14-0524](#) Consider adoption of an ordinance accepting competitive proposals and awarding a contract for the supply of Wood Utility Poles for Denton Municipal Electric; providing for the expenditure of funds therefore; and providing an effective date (RFP 5606-awarded to Kisatche Treating, Inc. in the three (3) year not-to-exceed amount of \$1,679,247).

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

- Z. [ID 14-0525](#) Consider adoption of an ordinance accepting competitive proposals and awarding a contract for the purchase by the City of Denton, Texas of Load, Price, Weather, Wind Forecasting Services in support of the Energy Marketing Organization of Denton Municipal Electric from Pattern Recognition Technologies, Inc. (PRT, Inc.) in an amount not-to-exceed \$171,000, and WSI Corporation in an amount not-to-exceed amount of \$77,004; providing for the expenditure of funds therefor; and providing an effective date (RFP 5595-awarded to PRT, Inc. in the three (3) year not-to-exceed amount of \$171,000 and WSI Corporation in the three (3) year not-to-exceed amount of \$77,004 for a total award of \$248,004). The Public Utilities Board recommends approval (5-0).

**Attachments:**      [Exhibit 1-Evaluation-BAFO](#)  
                                 [Exhibit 2-PUB Minutes](#)  
                                 [Exhibit 3-Ordinance](#)  
                                 [Exhibit 4-PRT Contract](#)  
                                 [Exhibit 5-WSI Contract](#)

- AA. [SI14-0007](#) Consider adoption of an ordinance establishing administrative fees for the remediation or abatement of public nuisances, including high weeds and grass, trash and debris, stagnant water, securing of dangerous or abandoned buildings, and demolition of dangerous buildings; providing that a schedule of fees shall be maintained in the office of the City Secretary; and providing for an effective date.

**Attachments:**      [Exhibit 1 - Ordinance](#)

- BB. [ID 14-0526](#) Consider authorizing the City Manager to execute an agreement and approve a grant application with Royal Seafood LLC, dba Hoochie's Oyster House, represented by Sam Solomon, 214 E. Hickory Street, from the Downtown Reinvestment Grant Program not to exceed \$5,000; and providing for an effective date. The Downtown Task Force recommends approval (11-0).

**Attachments:**      [Exhibit 1 - Excerpt from Downtown Task Force minutes](#)  
[Exhibit 2 - Grant application](#)  
[Exhibit 3 - Agreement](#)

- CC. [ID 14-0527](#) Consider adoption of an ordinance of the City of Denton, Texas authorizing and directing the City Manager or his designee to execute on behalf of the City of Denton an Airport Project Participation Agreement with the Texas Department of Transportation relating to design services for construction of a west side runway, connecting taxiways, and apron expansion at the Denton Enterprise Airport; total cost \$550,000 with the City of Denton portion \$55,000; authorizing and directing the City Manager or his designee to expend funds as provided for in said agreement and to execute documents on behalf of the City of Denton in order to implement the project; and providing an effective date. The Airport Advisory Board recommends approval (5-0).

**Attachments:**      [Exhibit 1 - APPA Ordinance](#)

- DD. [ID 14-0529](#) Consider adoption of an ordinance authorizing the City Manager, or his designee, to execute on behalf of the City of Denton an airport lease agreement between the City of Denton, Texas and various tenants for the property located at 2031-2221 Skylane Street, Denton Enterprise Airport. The Council Airport Committee recommends approval (3-0).

**Attachments:**      [Exhibit 1 - Ordinance](#)  
[Exhibit 2 - Agreement](#)  
[Exhibit 2a - Location Map](#)  
[Exhibit 2b - Hangar Rental Terms](#)

- EE. [ID 14-0533](#) Consider adoption of an ordinance authorizing the City Manager, or his designee, on behalf of the City of Denton, Texas, to execute Options to Purchase real property generally located in the 100 block of N. Bonnie Brae St., 2500 block of W. Hickory St., and 2300 block of W. Oak St., Denton, Denton County, Texas, for the public use of expansion, construction, maintenance, operation, and improvement of electric transmission and distribution lines, facilities, and structures, including substations; authorizing the expenditure of funds; and providing an effective date.

**Attachments:**      [Exhibit 1 - Ordinance](#)

- FF. [ID 14-0534](#) Consider adoption of an ordinance authorizing the City Manager or his designee to expend funds to reimburse Texas Municipal Power Agency (“TMPA”) for costs TMPA has already incurred related to the ARCO Substation reconstruction project now assigned to the City. The total amount of reimbursement is not to exceed \$1,020,000.

**Attachments:**      [Exhibit 1 - Ordinance](#)  
[Exhibit 2 - TMPA invoices and backup](#)

- GG. [ID 14-0541](#) Consider approval of a resolution adopting a revised City of Denton Handbook for Boards, Commissions, and Council Committees; and declaring an effective date.

Attachments:      [Exhibit 1 Resolution](#)  
                              [Exhibit 2 Revised Handbook](#)

- HH.** [ID 14-0542](#) Consider a request for an exception to the Noise Ordinance for the purpose of the Oktoberfest on Walnut sponsored by the Walnut off the Square Committee. Live music will be played on the 100 block of Walnut Street, on Friday, October 3, 2014, from 5 p.m. to midnight. An exception is specifically requested to increase sound levels from 70 to 75 decibels, and for an extension of hours from 10 p.m. to midnight. Staff recommends approval.

Attachments:      [Exhibit 1 - Letter of Request](#)

- II.** [ID 14-0543](#) Consider approval of a resolution allowing DI2-Denton I, LLC, dba Lone Star Attitude Burgers, WABL, LLC, dba Abbey Inn and Denton Sweetwater Grill to be allowed to sell alcoholic beverages at Oktoberfest on Walnut, October 3, 2014, from 5 pm until midnight, upon certain conditions, authorizing the City Manager or his designee to execute an agreement in conformity with this resolution; and providing for an effective date. Staff recommends approval.

Attachments:      [Exhibit 1 - Letter of request](#)  
                              [Exhibit 2 - Resolution](#)  
                              [Exhibit 3 - Contract Abbey Inn](#)  
                              [Exhibit 4 - Contract Sweetwater](#)  
                              [Exhibit 5 - Contract LSA](#)

- JJ.** [ID 14-0551](#) Consider approval of a resolution approving the City of Denton's Strategic Plan and Key Performance Indicators for FY 2014-15; and providing for an effective date.

Attachments:      [Exhibit 1 - FY 2013-14 Strategic Plan](#)  
                              [Exhibit 2 - Resolution - Strategic Plan](#)  
                              [Exhibit 3 - 2014-15 Strategic Plan](#)

- KK.** [ID 14-0555](#) Consider approval of the minutes of:  
                              July 15, 2014  
                              July 29, 2014  
                              July 31, 2014

Attachments:      [Exhibit 1 July 15, 2014](#)  
                              [Exhibit 2 July 29, 2014](#)  
                              [Exhibit 3 July 31, 2014](#)

- LL.** [ID 14-0557](#) 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 Habib Pyarali Arab ("Owner"), as seller, to acquire (I) fee simple title to a 1.398 acre tract; and (II) a slope easement encumbering a 0.151 acre tract, both tracts located in the M.E.P. & P.R.R. Survey, Abstract No. 1469, City of Denton, Denton County, Texas, and being generally located in the 1500 block of North Mayhill Road (the "Property Interest"); for the purchase price of Two Hundred Eighty Seven Thousand Nine Hundred Dollars and No Cents (\$287,900.00), and other consideration, as prescribed in the Purchase Agreement (the "Agreement"), as

attached to the ordinance and made a part thereof as Exhibit “A”, authorizing the expenditure of funds therefor; and providing an effective date. (Mayhill Road Widening and Improvements Project: Parcel M026 - Habib Pyarali Arab)

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

**MM. [ID 14-0554](#)** Consider adoption of an ordinance approving an agreement between the City of Denton, Texas, and the Denton Chamber of Commerce regarding an Economic Development Partnership; and providing an effective date (\$227,467).

Attachments:        [Exhibit 1 Chamber Contract](#)  
                              [Exhibit 2 Chamber Ordinance](#)

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

**A. [ID 14-0532](#)** Consider adoption of an ordinance finding that a public use and necessity exists to acquire through the exercise of the right of eminent domain (i) fee simple to an approximate 1.074 acre tract (the “Substation Tract”) located in the W. Roark Survey, Abstract No. 1087 and the J. Severe Survey, Abstract No. 1164, both in Denton County, Texas, located generally along the east line of U. S. Highway 377 adjacent to and east of the Fort Worth Drive Substation Addition, and (ii) fee simple to an approximate 0.627 acre tract (the “Pump Station Tract”) located in the B.B.B. & C. R. R. Co. Survey, Abstract No. 196 and the J. W. Withers Survey, Abstract No. 1343, both in Denton County, Texas, generally located west and adjacent to the G. C. & S. F. Railroad right of way and running to the west right of way line of F. M. Highway 1830, and (iii) an approximate 0.476 acre ingress and egress easement tract located in the J. Severe Survey, Abstract No. 1164, Denton County, Texas, located generally along the east line of U. S. Highway 377 adjacent to and south of the Fort Worth Drive Substation Addition, Denton County, Texas, and (iv) an approximate 1.802 acre electric utility and communication easement located in the W. Roark Survey, Abstract No. 1087, Denton County, Texas, located generally east of the Ft. Worth Drive Substation Addition and running to the west line of a tract of land owned by City of Denton, Texas, called 37.95 acres in Deed recorded in Instrument Number 2014-68891, Deed Records, Denton County, Texas, (the “City tract”) and (v) an approximate 1.793 acre temporary construction and access easement located in the W. Roark Survey, Abstract No. 1087, Denton County, Texas, located generally north of and adjacent to 1.802 acre tract; for (A) as concerns the Substation Tract, ingress and egress easement, electric utility and communication easement and the temporary construction and access easement, the public use of expansion, construction, maintenance, operation, and improvement of electric transmission and distribution lines, facilities, and structures; and (B) as concerns the Pump Station Tract, the public use of a wet weather pump station and detention facility project (the “Hickory Creek Detention Facility”); as attached to the ordinance and made a part thereof (I) authorizing the filing and prosecution of eminent domain proceedings to acquire the Property Interests; (II) authorizing the expenditure of funds therefore; (III) making findings; (IV) providing a savings clause; and (V) providing an effective date. (Denton Municipal Electric Fort Worth

T1 Addition Expansion, Denton Municipal Electric Fort Worth Drive and FM 1830 Distribution, and Hickory Creek Detention Facility projects: Burch Family Farms Ltd.)

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

## **6. PUBLIC HEARINGS**

- A.    [Z14-0012](#)    Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, providing for an initial zoning and land use classification of Neighborhood Residential 6 (NR-6) on approximately 34.73 acres of land located on the south side of Edwards Road, approximately 500 feet west of Swisher Road, in the City of Denton, Denton County, Texas; and providing for a penalty in the maximum amount of \$2,000.00 for violations thereof, severability, and an effective date (Z14-0012). The Planning and Zoning Commission recommends approval (6-0).

Attachments:     [Exhibit 1 - Staff Analysis](#)  
                          [Exhibit 2 - Location Map](#)  
                          [Exhibit 3 - Zoning Map Existing](#)  
                          [Exhibit 4 - Zoning Map Proposed](#)  
                          [Exhibit 5 - ESA Map](#)  
                          [Exhibit 6 - Applicant Narrative](#)  
                          [Exhibit 7 - Notification Information map](#)  
                          [Exhibit 8 - Site Photos](#)  
                          [Exhibit 9 - Post Oak Road Map](#)  
                          [Exhibit 10 - August 13, 2014, P & Z Minutes](#)  
                          [Exhibit 11 - Draft Ordinance](#)

- B.    [MSD14-0001](#)    Hold a public hearing and consider adoption of an ordinance of the City Council of the City of Denton authorizing the acceptance of deed restrictions prohibiting the use of designated groundwater from beneath a 34.06 acre property generally described as 100 and 306 North State Loop 288 and including the full width of adjacent Right of Ways of North State Loop 288, Market Street, and E. McKinney Street (FM 426), generally at the northeast corner of McKinney Street and North State Loop 288, Denton, Texas, to facilitate certification of a municipal setting designation (MSD) of said property by the Texas Commission on Environmental Quality (TCEQ), pursuant to the Texas Solid Waste Disposal Act; and providing for an effective date.

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

- C.    [CA14-0003](#)    Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, providing for a comprehensive plan amendment from a “Regional Mixed Use Center” future land use designation to an “Industrial Center” future land use designation on approximately 2.95 acres of land generally located on the west side of Worthington Drive, north of Barcelona Street and south of Schuyler Street being



Lot 3, Block A of the Hull Addition; and 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 (5-2). (CA14-0003)

**Attachments:**

[Exhibit 1 - Staff Analysis](#)

[Exhibit 2 - Site Location Aerial Map](#)

[Exhibit 3 - Existing Future Land Use Map](#)

[Exhibit 4 - Proposed Future Land Use Map](#)

[Exhibit 5 - Hot Dip Galvanization Process Summary](#)

[Exhibit 6 - Letter from the Applicant](#)

[Exhibit 7 - Notification Map and Responses](#)

[Exhibit 8 - Site Photos](#)

[Exhibit 9 - City Manager Authorization](#)

[Exhibit 10 - August 27, 2014, Planning and Zoning Commission Meeting Minute](#)

[Exhibit 11 - Ordinance](#)

- D. [Z14-0014](#) Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, providing for a zoning change from a Regional Center Commercial Downtown (RCC-D) zoning district and use classification to an Industrial Center General (IC-G) zoning district and use classification on approximately 2.95 acres of land generally located on the west side of Worthington Drive, north of Barcelona Street and south of Schuyler Street being Lot 3, Block A of the Hull Addition; and providing for a penalty in the maximum amount of \$2,000.00 for violations thereof; providing a severability clause and an effective date. This is part two of a three-part request including CA14-0003 and S14-0004. The Planning and Zoning Commission recommends approval (5-2).

**Attachments:**

[Exhibit 1 - Staff Analysis](#)

[Exhibit 2 - Site Location Aerial Map](#)

[Exhibit 3 - Existing Zoning Map](#)

[Exhibit 4 - Proposed Zoning Map](#)

[Exhibit 5 - Letter from the Applicant](#)

[Exhibit 6 - Notification Map and Responses](#)

[Exhibit 7 - Site Photos](#)

[Exhibit 8 - August 27, 2014, Planning and Zoning Commission Meeting Minutes](#)

[Exhibit 9 - Ordinance](#)

- E. [S14-0004](#) Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, providing for a specific use permit for a “heavy manufacturing use” in an “Industrial Center General” (IC-G) zoning district and use classification on approximately 2.95 acres of land generally located on the west side of Worthington Drive, north of Barcelona Street and south of Schuyler Street being Lot 3, Block A of the Hull Addition; and providing for a penalty in the maximum amount of \$2,000.00 for violations thereof; providing a severability clause and an effective

date. This is part three of a three-part request including CA14-0003 and Z14-0014. The Planning and Zoning Commission recommends approval (7-0).

**Attachments:**

[Exhibit 1 - Staff Analysis](#)

[Exhibit 2 - Site Location Aerial Map](#)

[Exhibit 3 - Existing Future Land Use Map](#)

[Exhibit 4 - Proposed Future Land Use Map](#)

[Exhibit 5 - Hot Dip Galvanization Process Summary](#)

[Exhibit 6 - Federal Sewage Discharge Limits](#)

[Exhibit 7 - Potential Polutants the City Monitors](#)

[Exhibit 8 - Letter from the Applicant](#)

[Exhibit 9 - Site Plan](#)

[Exhibit 10 - Notification Map and Responses](#)

[Exhibit 11 - Site Photos](#)

[Exhibit 12 - August 27, 2014, Planning and Zoning Commission Meeting Minute](#)

[Exhibit 13 - Draft Ordinance](#)

## **7. CITIZEN REPORTS**

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

## **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 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.