



City of Denton

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

Meeting Agenda

City Council

Tuesday, June 17, 2014

2:00 PM

Work Session Room & Council Chambers

After determining that a quorum is present, the City Council of the City of Denton, Texas will convene in a Work Session on Tuesday, June 17, 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 17, 2014.

3. Work Session Reports

- A. [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](#)

- B. [ID 14-0225](#) Receive a report, hold a discussion and give staff direction regarding the design and construction of a west side runway at Denton Enterprise Airport. [ID 14-0222]

Attachments: [Exhibit 1 Grant Request 2011-05-27](#)
[Exhibit 2 Project Cost Estimate](#)

- C. [ID 14-0245](#) Receive a report, hold a discussion, and give staff direction regarding the preliminary FY 2014-15 Proposed Budget, Capital Improvement Program, and Five Year Financial Forecast.

Attachments: [PowerPoint Presentation](#)

- D. [ID 14-0259](#) 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. [ID 14-0209]

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 14-0193](#) 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.B. Longbottom Survey, Abstract Number 775, City of Denton, Denton County, Texas, and generally located northwest corner of State Highway Loop 288 and Audra Lane. 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 P26 - Geesling Gassaway County, Inc.) [ID 14-0195]

- B. [ID 14-0196](#) 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 Caswell Carter Survey, Abstract Number 275, and in the Daniel P. Culp Survey, Abstract No. 287, City of Denton, Denton County, Texas, and generally located on the west line of North Loop 288, north of US 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 P33 - Edward F. Wolski) [ID 14-0197]

- C. [ID 14-0198](#) 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 Daniel P. Culp Survey, Abstract No. 287, City of Denton, Denton County, Texas, and generally located generally on the west line of North Loop 288, south of Kings Row. 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 P35 - Kim Property Revocable Living Trust) [ID 14-0199]

- D. [ID 14-0203](#) 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 S. McCracken Survey, Abstract Number 817, City of Denton, Denton County, Texas, and generally located on the north east corner of N Loop 288 and Stuart Road. 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 C9 - Stuart Property Trust, Sherman County Inc., a Nevada Corporation, as Trustee and Edward F. Wolski, a married man) [ID 14-0202]

- E. [ID 14-0254](#) 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 927, Denton County, Texas, located generally in the 1300 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 14-0251]

- F. [ID 14-0257](#) 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 927, Denton County, Texas, located generally in the 1300 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 M029 - JNJ Prominence Square, LP) [ID 14-0253]

- G. [ID 14-0258](#)** Deliberations regarding Consultation with the City Attorney - Under Texas Government Code, Section 551.071; Deliberations regarding Economic Development Negotiations - Under Texas Government Code, Section 551.087.

Receive a report and hold a discussion regarding legal and economic development issues regarding proposed amendments to the economic development incentive agreement for Golden Triangle Mall. This discussion shall include commercial and financial information the City Council has received from Golden Triangle Mall owners which the City seeks to have locate, stay, or expand in or near the territory of the city, and with which the City Council is conducting economic development negotiations; including the offer of financial or other incentive where the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the provisions of the Texas Open Meetings Act, Chapter 551 of the Texas Government Code. [ID 14-0255]

- H. [ID 14-0267](#)** 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 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 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. (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 14-0268]

- I. [ID 14-0269](#) Deliberations regarding Real Property - Under Texas Government Code Section 551.072; 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 M.E.P. & P.R.R. Survey, Abstract No. 927, located in the City of Denton, Denton County, Texas, and being generally in the 1000 block of South Mayhill Road. 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 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. (Mayhill Road Widening and Improvements Project: Parcel M100 - Estate of Eliza F. Duncan, deceased) [ID 14-0270]

- J. [ID 14-0243](#) 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 in the M.E.P. & P.R.R. Co. Survey, Abstract Number 927, Denton County, Texas, located generally in the 500 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 70 - 551 Mayhill Joint Venture) [No Action Item on Regular Agenda]

- K. [ID 14-0242](#) 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 A. Tompkins Survey, Abstract Number 1246, Denton County, Texas, located generally in the 1800 block of South Bonnie Brae Street, 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. (Bonnie Brae Street Widening and Improvements project: Parcel 18 - Thomas) [No Action Item on Regular Agenda]

L. [ID 14-0262](#) Consultation with Attorneys - Under Texas Government Code, Section 552.071.

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.

M. [ID 14-0274](#) Consultation with Attorneys - Under Texas Government Code, Section 552.071.

Consult with City's attorneys regarding litigation styled *Shaklee v. City of Denton*, Cause No. 2013-20132-158, currently pending in the 158th District Court, Denton County, Texas where 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.

N. [ID 14-0279](#) Deliberations regarding Real Property - Under Texas Government Code, Section 551.072; Deliberations regarding Consultation with the City Attorney - Under Texas Government Code, Section 551.071; Deliberations regarding Economic Development Negotiations - Under Texas Government Code, Section 551.087.

Discuss, deliberate, and receive information from staff and provide staff with direction pertaining to the sale of real property interests located in the M. Forrest Survey, Abstract Number 417, in the City of Denton, Denton County, Texas. Receive a report and hold a discussion regarding negotiations for a potential transaction. This discussion shall include commercial and financial information the City Council may receive from the property owners which the City seeks for the public use of expansion, construction, maintenance, replacement, operation, augmentation and improvement of electric transmission and distribution lines, facilities and structures, as well as substations, (herein the "DME Expansion Project"). Also hold a discussion with the City's attorneys on the referenced topic where the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the provisions of the Texas Open Meetings Act, Chapter 551 of the Texas Government Code.

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

3. CITIZEN REPORTS

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

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 – Q). 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 – Q 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 14-0195](#) Consider adoption of an ordinance authorizing the City Manager or his designee to accept a Counter offer from Gassaway Property Trust (“Owner”), made by its Trustee, Geesling Gassaway County, Inc., a Nevada Corporation, for the purchase by the City of an electric Utility Easement encumbering a 2.9001 acre tract of land situated in the R.B. Longbottom Survey, Abstract No. 775, City of Denton, Denton County, Texas (“Property Interest”) for the public use of expansion, construction, operation, maintenance, augmentation, and improvement of electric transmission

and distribution lines, facilities, structures, and substations for the purchase price of Five Hundred Eighty Eight Thousand, Four Hundred Ninety Six Dollars and Eighty Eight Cents (\$588,496.88), authorizing the expenditure of funds; and providing an effective date. (Denton Municipal Electric 69kV Spencer to Denton North Interchange Transmission Line Upgrade Project: P26 - Geesling Gassaway County, Inc.)

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

- B. [ID 14-0197](#)** Consider adoption of an ordinance authorizing the City Manager or his designee to accept a counteroffer from Edward F. Wolski for the purchase by the City of an electric utility easement encumbering a 6.8289 acre tract of land being generally situated in the Caswell Carter Survey, Abstract Number 275, and in the Daniel P. Culp Survey, Abstract No. 287, both in the City of Denton, Denton County, Texas, for the public use of expansion, construction, operation, maintenance, augmentation, and improvement of electric transmission and distribution lines, facilities, structures, and substations for the price One Million, Seven Hundred Fifty Three Thousand, Seven Hundred Twenty One Dollars and Fifty Eight Cents (\$1,753,721.58); authorizing the expenditure of funds; and providing an effective date. (Denton Municipal Electric 69kV Spencer to Denton North Interchange Transmission Line Upgrade Project: Parcel P33 - Edward F. Wolski)

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

- C. [ID 14-0199](#)** Consider adoption of an ordinance authorizing the City Manager or his designee to accept a Counteroffer from Kim Property Revocable Living Trust, a Texas Revocable Living Trust, for the purchase by the City of an Electric Utility Easement encumbering a 0.8052 acre tract of land being generally situated in the Daniel P. Culp Survey, Abstract No. 287, City of Denton, Denton County, Texas for the public use of expansion, construction, operation, maintenance, augmentation, and improvement of electric transmission and distribution lines, facilities, structures, and substations for the purchase price of One Hundred Ninety Six Thousand One Hundred Eighty Seven Dollars and Forty Four Cents (\$196,187.44); authorizing the expenditure of funds; and providing an effective date. (Denton Municipal Electric 69kV Spencer to Denton North Interchange Transmission Line Upgrade Project: Parcel 35 - Kim Property Revocable Living Trust)

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

- D. [ID 14-0202](#)** Consider adoption of an ordinance authorizing the City Manager or his designee to accept a counteroffer from Stuart Property Trust and Edward F. Wolski for the purchase by the City of an Electric Utility Easement encumbering a 1.175 acre tract of land and a Temporary construction easement encumbering a 0.562 acre tract of land both being generally situated in the S. McCracken Survey, Abstract No. 817, City of Denton, Denton County, Texas, for the public use of expansion, construction, operation, maintenance, augmentation, and improvement of electric transmission and distribution lines, facilities, structures, and substations and the

purpose of access, staging of materials and equipment, construction and grading activities relating to the expansion construction, maintenance, augmentation, operation and improvement of electric transmission and distribution lines, facilities, and structures, respectively, for the purchase price of Two Hundred Twenty One Thousand Five Hundred Twenty Seven Dollars and Twenty Six Cents (\$221,527.26); authorizing the expenditure of funds therefor; and providing an effective date. (Denton Municipal Electric 69kV Spencer to Denton North Interchange Transmission Line Upgrade Project: C9 - Stuart Property Trust, Sherman County Inc., a Nevada Corporation, as Trustee and Edward F. Wolski, a married man)

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

- E. [ID 14-0222](#) Consider approval of a resolution approving and accepting a grant from the State of Texas, in an amount not to exceed \$7,000,000, for design and construction of a west side runway at Denton Enterprise Airport and authorizing the City Manager, or his designee, to execute on behalf of the City of Denton all contracts, agreements and documents associated with the implementation of the said grant; and providing for an effective date.

Attachments: [Exhibit 1 - Resolution](#)
 [Exhibit 2 - Runway Cost](#)

- F. [ID 14-0237](#) Consider adoption of an ordinance accepting competitive proposals and awarding a public works contract for Dry Auger Boring Services for the City of Denton; providing for the expenditure of funds therefor; and providing an effective date (RFP 5419-awarded to Mabak Directional Drilling, Inc. in the not-to-exceed amount of \$3,616,897). The Public Utilities Board recommends approval (5-0).

Attachments: [5419-Exhibit 1 Evaluation and BAFO.xls](#)
 [5419-Exhibit 2 Pricing Sheet.pdf](#)
 [5419-Exhibit 3 PUB Minutes.pdf](#)
 [5419-Exhibit 4 Ordinance signed.pdf](#)

- G. [ID 14-0238](#) Consider adoption of an ordinance authorizing the City Manager to execute Change Order Number Three to the contract between the City of Denton and FCS Construction, LLC for the excavation and construction of Landfill Cells 4AB and 5; providing for the expenditure of funds therefor; and providing an effective date (RFP 5256-Change Order Number Three in the amount of \$68,420 for a total contract amount not-to-exceed \$3,078,382.64). The Public Utilities Board recommends approval (5-0).

Attachments: [5256-Exhibit 1 Change Order Three.pdf](#)
 [5256-Exhibit 2 PUB Minutes.pdf](#)
 [5256-Exhibit 3 Ordinance Signed.pdf](#)

- H. [ID 14-0239](#) Consider adoption of an ordinance accepting competitive proposals and awarding a contract for consulting services related to the establishment of a regional Municipal Settings Designation for the City of Denton; providing for the expenditure of funds

therefor; and providing an effective date (RFQ 5513-awarded to Modern Geosciences, LLC in the not-to-exceed amount of \$185,100).

Attachments: [5513-Exhibit 1 Evaluation and Ranking sheet.pdf](#)
 [5513-Exhibit 2 Signed contract.pdf](#)
 [5513-Exhibit 3 Ordinance Signed.pdf](#)

- I. [ID 14-0240](#) Consider adoption of an ordinance accepting competitive bids and awarding a contract for the purchase of eleven (11) light duty vehicles for various City of Denton Departments; providing for the expenditure of funds therefore; and providing an effective date (Bid 5557-awarded to the lowest responsible bidder meeting specification, James Wood Autopark in the amount of \$407,131). The Public Utilities Board recommends approval (5-0) for the utility vehicles.

Attachments: [5557-Exhibit 1-Bid Tabulation.pdf](#)
 [5557-Exhibit 2 Local Preference Resolution.pdf](#)
 [5557-Exhibit 3-James Wood Local Preference.pdf](#)
 [5557-Exhibit 4 Vehicle List.pdf](#)
 [5557-Exhibit 5 PUB Minutes.pdf](#)
 [5557-Exhibit 6 Signed Ordinance.pdf](#)

- J. [ID 14-0244](#) Consider adoption of an ordinance of the City of Denton, Texas prohibiting parking on both sides of Oakland Street from its intersection with Hickory Street to its intersection with Oak Street, 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 (3-1).

Attachments: [Exhibit 1 Ordinance](#)
 [Exhibit 2 Site Map](#)
 [Exhibit 3 Photos](#)
 [Exhibit 4 May 6, 2013 Traffic Safety Commission Minutes](#)

- K. [ID 14-0246](#) Consider adoption of an ordinance of the City of Denton authorizing an agreement between the City of Denton, Texas and Denton Black Chamber of Commerce; authorizing the expenditure of funds; and providing for an effective date. (\$1,200)

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

- L. [ID 14-0247](#) Consider adoption of an ordinance of the City of Denton authorizing an agreement between the City of Denton and Texas Filmmakers Corporation for the purpose of expense for the 2014 ThinLine Festival; authorizing and ratifying the expenditure of funds; and providing for an effective date. (\$2,050)

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

- M. [ID 14-0248](#) Consider adoption of an ordinance of the City of Denton authorizing an agreement

between the City of Denton, Texas and Interfaith Ministries; authorizing the expenditure of funds; and providing for an effective date. (\$1,300)

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

- N. [ID 14-0250](#) Consider adoption of an ordinance accepting competitive bids and awarding a public works contract for the construction of the Highland Street Sanitary Sewer Line and Drainage Improvements for the City of Denton; providing for the expenditure of funds therefor; and providing an effective date (Bid 5535-awarded to the lowest responsible bidder meeting specification, Quality Excavation, LTD, in the amount of \$357,390.80). The Public Utilities Board recommends approval (4-0).

Attachments: [5355-Exhibit 1 Location Map](#)
 [5355-Exhibit 2 Tabulation Sheet](#)
 [5355-Exhibit 3 PUB Minutes](#)
 [5355-Exhibit 4 Signed Ordinance](#)

- O. [ID 14-0268](#) Consider adoption of an Ordinance finding that a public use and necessity exists to acquire (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 Connie M. Altemus, called 37.87 acres in deed recorded in Volume 901, Page 777, Deed Records, Denton County, Texas, (the “Altemus tract”) and (v) an approximate 1.793 acre temporary construction and access easement located generally east of the Fort Worth Drive Substation Addition and running to the west line of the Altemus Tract, contiguous with and adjacent to, along the northern line, of said electric utility and communication easement located generally east of the Ft. Worth Drive Substation Addition and running to the west line of the Altemus 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”); authorizing the City

Manager or his designee to make an offer to Burch Family Farms, Ltd. (the "Owner") to purchase the property interests for the purchase price of Thirty Six Thousand Dollars and No Cents (\$36,000.00), and other consideration, as prescribed in the Purchase Agreement, (the "Agreement") as attached to the ordinance and made a part thereof; authorizing the expenditure of funds therefor; and 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.) [ID 14-0267]

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

- P. [ID 14-0270](#) 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 John Fred Duncan and Benny Carl Duncan, Independent Co-Executors of the Estate of Eliza F. Duncan, deceased (collectively the "Owner"), as seller, to acquire fee simple title to a 1.364 acre tract situated in the M.E.P. & P.R.R. Survey, Abstract No. 927, located in the City of Denton, Denton County, Texas, and being generally located in the 1000 block of South Mayhill Road; for the purchase price of One Hundred Eighty Thousand Dollars and No Cents (\$180,000.00), and other consideration, as prescribed in the Purchase Agreement (the "Agreement"), as attached to the ordinance and made a part thereof as Exhibit "A", (the "Property Interest") authorizing the expenditure of funds therefor; and providing an effective date. (Mayhill Road Widening and Improvements Project: Parcel M100 - Estate of Eliza F. Duncan, deceased)

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

- Q. [ID 14-0271](#) Consider approval of the minutes of May 5, 2014, May 6, 2014, May 13, 2014 and May 20, 2014.

Attachments: [Exhibit 1 May 5, 2014](#)
 [Exhibit 2 May 6, 2014](#)
 [Exhibit 3 May 13, 2014](#)
 [Exhibit 4 May 20, 2014](#)

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

- A. [ID 14-0251](#) 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 a 1.398 acre tract; and (ii) slope easement, encumbering a 0.151 acre tract, for the public use of expanding and improving Mayhill Road, a municipal street and roadway; generally located in the 1300 block of North Mayhill Road, each affected tract located in the M.E.P. & P.R.R. Company Survey, Abstract No. 1469, City of Denton, Denton County, Texas, as more particularly described on "Exhibit "A", attached to the ordinance and made a part thereof, (collectively the "Property Interests") authorizing the filing and prosecution of eminent domain proceedings to

acquire the Property Interests; authorizing the expenditure of funds therefore; making findings; providing a savings clause; and providing an effective date. (Mayhill Road Widening and Improvements project: Parcel M026 - Habib Pyarali Arab)

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

[Exhibit 2 - Ordinance](#)

- B. [ID 14-0253](#)** 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 a 1.251 acre tract; and (ii) slope easement, encumbering a 0.161 acre tract, for the public use of expanding and improving Mayhill Road, a municipal street and roadway; generally located in the 1200 block of North Mayhill Road, each affected tract located in the M.E.P. & P.R.R. Company Survey, Abstract No. 1469, City of Denton, Denton County, Texas, as more particularly described on “Exhibit “A”, attached to the ordinance and made a part thereof, (collectively the “Property Interests”) authorizing the filing and prosecution of eminent domain proceedings to acquire the Property Interests; authorizing the expenditure of funds therefore; making findings; providing a savings clause; and providing an effective date. (Mayhill Road Widening and Improvements project: Parcel M029 -JNJ Prominence Square, LP)

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

[Exhibit 2 - Ordinance](#)

6. ITEMS FOR INDIVIDUAL CONSIDERATION

- A. [Z14-0007](#)** Continue consideration 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 2](#)
[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. [ID 14-0255](#) Consider adoption of an ordinance of the City of Denton, Texas approving an amendment to an Economic Development Program Grant Agreement dated August 16, 2011 between the City of Denton and GTM Development, Ltd.; and providing an effective date. (Golden Triangle Mall Incentive). The Economic Development Partnership Board recommends approval (6-0).

Attachments: [Exhibit 1 GTM 2011-133](#)
[Exhibit 2 GTM letter](#)
[Exhibit 3 Ordinance](#)

- C. [ID 14-0256](#) Consider appointing a nominating committee to recommend appointees to serve on the Economic Development Partnership Board.

Attachments: [Exhibit 1 - Original EDP Ordinance 2003-258](#)

7. PUBLIC HEARINGS

- A. [ID 14-0209](#) Hold a public hearing and consider adoption of an ordinance designating and describing the boundaries of a Tax Increment Reinvestment Zone Three, City of Denton, Texas (“Convention Center TIRZ”); establishing the duration of the Zone; establishing a Tax Increment Fund; establishing a Board of Directors for the Tax Increment Reinvestment Zone; making certain findings and other matters related thereto; and providing an effective date. The Economic Development Partnership Board recommends approval (6-0).

Attachments: [Exhibit 1 Ordinance](#)

- B. [SI14-0001](#) Hold a public hearing and consider adoption of an ordinance amending Ordinance No. 2014-137, which established a moratorium on the acceptance, processing and approval of certain applications for gas well permits for gas well drilling and production activities within the corporate limits of the City of Denton, Texas, and on applications for specific use permits, site plans, development plans of any nature or type, including applications for amendments to approved or pending gas well development plats or site plans, and on applications for Fire Code operational permits, as they relate to gas well drilling and production activities, by revising exemptions and variance procedures; making minor clarification changes; providing

a cumulative clause; providing a severability clause; and providing an effective date.

Attachments: [Exhibit 1 Draft Ordinance](#)
 [Exhibit 2 Redlined Ordinance](#)

C. [Z13-0013](#)

Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, amending the Rayzor Ranch Overlay District, consisting of 410 acres of land located on both sides of U.S. Highway 380 (West University Drive), between Interstate Highway 35 and Bonnie Brae Street; specifically by defining and establishing permitted uses for a new RR-2A Subdistrict; enhancing and extending the applicability of existing stormwater quality standards for the district; authorizing limited clearing and grading of 99 acres prior to the approval of a final plat or construction plans, subject to certain prescribed restrictions; and providing for a penalty in the maximum amount of \$2,000.00 for violations thereof severability and an effective date. Planning and Zoning Commission recommended denial of the first portion of this request to create a new subdistrict (6-0) and recommended approval of the second portion of this request regarding clearing and grading with conditions (6-0). A supermajority vote of the City Council will be required to approve the first portion of this request.

Attachments: [Exhibit 1 - Staff's Analysis](#)
 [Exhibit 2 - Site Location - Aerial Map](#)
 [Exhibit 3 - Zoning Map](#)
 [Exhibit 4 - Future Land Use Map](#)
 [Exhibit 5 - Notice of Public Hearing](#)
 [Exhibit 6 - Site Photos](#)
 [Exhibit 7 - Ordinance 2010-158](#)
 [Exhibit 8 - Ordinance 2011-225](#)
 [Exhibit 9 - RR Mass Grading Permit Checklist](#)
 [Exhibit 10 - RR-2A Illustrative Site Plan](#)
 [Exhibit 11 - Project Narrative](#)
 [Exhibit 12 - Draft P&Z Minutes of the 5-21-14 Meeting](#)
 [Exhibit 13 - Proposed Ordinance](#)

8. CITIZEN REPORTS

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

9. CONCLUDING ITEMS

A. Under Section 551.042 of the Texas Open Meetings Act, respond to inquiries from the City Council or the public with specific factual information or recitation of policy, or accept a proposal to place the matter on the agenda for an upcoming meeting AND Under Section 551.0415 of the Texas Open Meetings Act, provide reports about items of community interest regarding which no action will be taken, to include: expressions of thanks, congratulations, or condolence; information regarding holiday schedules; an honorary or salutary recognition of a public official, public employee, or other citizen; a reminder about an upcoming event organized or sponsored by the governing body; information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official or employee of the municipality; or an announcement involving an imminent threat to the public health and safety of people in the municipality that has arisen after the posting of the agenda.

B. Possible Continuation of Closed Meeting 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.