



City of Denton

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

Meeting Agenda

City Council

Tuesday, December 2, 2014

1:00 PM

Work Session Room & Council Chambers

After determining that a quorum is present, the City Council of the City of Denton, Texas will convene in a Work Session on Tuesday, December 2, 2014 at 1:00 p.m. in the Council Work Session Room at City Hall, 215 E. McKinney Street, Denton, Texas at which the following items will be considered:

1. Citizen Comments on Consent Agenda Items

This section of the agenda allows citizens to speak on Consent Agenda Items only. Each speaker will be given a total of three (3) minutes to address any items he/she wishes that are listed on the Consent Agenda. A Request to Speak Card should be completed and returned to the City Secretary before Council considers this item.

2. Requests for clarification of agenda items listed on the agenda for December 2, 2014.

3. Work Session Reports

- A. [CA11-0004c](#) Receive a report, hold a discussion, and give staff direction regarding the update to the City of Denton's Comprehensive Plan.

Attachments: [Exhibit 1 Final Draft Comprehensive Plan](#)
[Exhibit 2 Draft Action Plan](#)

- B. [14-0770](#) Receive a report, hold a discussion, and give staff direction regarding the status of the 'Kings Row' electric substation expansion being part of the City of Denton's Capital Improvement Plan for its electric infrastructure. [ID S14-0007]

- C. [ID 14-0813](#) Receive a report, hold a discussion, and give staff direction concerning proposed amendments to Ordinance 2014-240 regarding a Specific Use Permit (SUP) granting a Wrecker Services and Impound Lots use on approximately 1.3 acres property zoned Employment Center Industrial (EC-I) to consider Akers Towing's request to modify the SUP conditions pertaining to fencing and the landscape buffer requirements. The discussion will include a report on the results of soil testing conducted by staff, to determine if contaminants are leaving the subject site. The subject property is generally located south of Smith Street, east of Dallas Drive, and north of Teasley Lane.

Attachments: [Exhibit 1-Email Request for Reconsideration of the Conditions of Approval](#)
[Exhibit 2-October 24, 2014 Informal Staff Report](#)
[Exhibit 3-November 14, 2014 Informal Staff Report](#)
[Exhibit 4-Approved Ordinance](#)
[Exhibit 5-Site Pictures](#)

- D. [ID 14-0802](#) Receive a report, hold a discussion and give staff direction regarding the 2015 State Legislative Program of the City of Denton for the 84th Texas Legislature.

Attachments: [Exhibit 1 Denton State Legislative Program 2015](#)
 [Exhibit 2 Legislative Program Resolution \(2015\)](#)

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 14-0774](#) Deliberations regarding Real Property - Under Texas Government Code Section 551.072; Consultation with Attorneys - Under Texas Government Code Section 551.071.

Receive information from staff, discuss, deliberate, and provide staff with direction regarding real estate matters related to the site selection for the DME Hickory substation, presently located at the intersection of West Hickory and South Bonnie Brae in the City of Denton, Texas, and concerning certain real property within the immediate vicinity, and the potential acquisition of real property interests. Consultation with the City's attorneys regarding legal issues associated with the condemnation or acquisition of the real property interests where a public discussion of these legal matters would conflict with the duty of the City's attorneys to the City of Denton and the Denton City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas, or would jeopardize the City's legal position in any administrative proceeding or potential litigation. [ID 14-0764]

- B. [ID 14-0569](#) 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 and pending litigation styled Jerry Patterson, Commissioner, Texas General Land Office v. City of Denton Texas, Cause No. D-1-GN-14-004628 currently pending in the 53rd District Court of Travis County and Texas Oil and Gas Association v. City of Denton, Cause No. 14-09833-431 currently pending in the 431st District Court of Denton County 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.

- C. [ID 14-0799](#) 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.

Receive a report and hold a discussion regarding legal and economic development issues regarding economic development incentives for a business prospective in the Cole Ranch Development. This discussion shall include commercial and financial information the City Council may receive from the business 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 incentives. 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

- A. [ID 14-0700](#) Police Appreciation Day
- B. [ID 14-0800](#) Family & Consumer Sciences Day Proclamation

3. CITIZEN REPORTS

- A. Review of procedures for addressing the City Council.
- B. Receive citizen reports from the following:
 - A. [ID 14-0780](#) Brooke Moore regarding Denton humanity restored and the Actively Caring for People movement.

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 – P). This listing is provided on the Consent Agenda to allow Council Members to discuss or withdraw an item prior to approval of the Consent Agenda. If no items are pulled, Consent Agenda Items A – P below will be approved with one motion. If items are pulled for separate discussion, they may be considered as the first items following approval of the Consent Agenda.

- A. [ID 14-0665](#) Consider adoption of an ordinance recommending approval of an interdepartmental transfer and conveyance wherein the City of Denton Solid Waste Department is purchasing and acquiring approximately 91.4 acres of land from the City of Denton Wastewater Department, the present record owner thereof, situated in the G. Walker survey, abstract No. 1330, being a part of such survey, and being described in three tracts, being a 37.196 acre tract; a 22.399 acre tract; and a 30.886 acre tract of land, situated in the City of Denton, Denton County, Texas; to be utilized for a public purpose, the expansion of the Municipal Solid Waste (MSW) Landfill Facility, Texas Commission on Environmental Quality (TCEQ) MSW facility permit No. 1590A; finding that the expansion of the City's landfill facility is a public use; said purchase price being in the amount of \$2,350,000, to be paid to the City of Denton Wastewater Department in annual cash payments, for a period of time not-to-exceed ten years; providing for the expenditure of funds therefor; providing an effective date.

Attachments: [Exhibit 1 Area Maps](#)
 [Exhibit 2 Ordinance](#)

- B. [ID 14-0727](#) Consider adoption of an ordinance accepting competitive bids and awarding a contract for the annual supply of light duty vehicles for various City of Denton departments; providing for the expenditure of funds therefore; and providing an effective date (Bid 5647-awarded to the lowest responsible bidder meeting specifications, James Wood Autopark in the three (3) year not-to-exceed amount of \$3,079,769).

Attachments: [Exhibit 1-Bid Tabulation](#)
 [Exhibit 2-Ordinance.pdf](#)
 [Exhibit 3-Contract](#)

- C. [ID 14-0762](#) Consider adoption of an ordinance of the City of Denton authorizing an agreement between the City of Denton, Texas and the Children's Advocacy Center for Denton County, Incorporated in the amount of \$94,365; providing aid to the City of Denton Police Department in the investigation of child abuse cases; providing client and clinical services to victims of child abuse and non-offending family members; providing for the expenditure of funds therefor; and providing for an effective date.

Attachments: [Exhibit 1 - Ordinance](#)

[Exhibit 2 - Agreement](#)

- D. [ID 14-0765](#) Consider adoption of an ordinance approving a City sponsorship in an amount not to exceed \$4,700 of in-kind services and supplies for the 25th Annual Denton Holiday Lighting Festival to be held on the Downtown Square on December 5, 2014; and providing an effective date.

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

[Exhibit 2 Ordinance](#)

- E. [ID 14-0767](#) Consider adoption of an ordinance approving a City sponsorship in an amount not to exceed \$3,700 of in-kind services and resources for the 30th Annual Texas Storytelling Festival to be held in the Civic Center located at 321 E. McKinney Street March 12 -15, 2015; and providing an effective date.

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

[Exhibit 2 Ordinance](#)

- F. [ID 14-0769](#) Consider adoption of an ordinance of the City of Denton, Texas authorizing the City Manager to execute a Professional Services Agreement for engineering services for the City of Denton Enterprise Airport with KSA Engineers.; providing for the expenditure of funds therefor; and providing an effective date (File 5688-awarded to KSA Engineers in the not-to-exceed amount of \$150,000).

Attachments: [Exhibit 1-Project list.pdf](#)

[Exhibit 2-Ordinance.pdf](#)

[Exhibit 3-Agreement](#)

- G. [ID 14-0771](#) Consider adoption of an ordinance of the City of Denton, Texas providing for, authorizing, and approving the purchase of a TASER body-worn camera system and associated modules for the City of Denton Police 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 5696- awarded to TASER International, Inc. in the five (5) year not-to-exceed amount of \$448,873).

Attachments: [Exhibit 1-Memo from Chief](#)

[Exhibit 2-Quote](#)

[Exhibit 3-Sole Source Memos](#)

[Exhibit 4-Ordinance.pdf](#)

- H. [ID 14-0772](#) Consider adoption of an ordinance accepting competitive proposals and awarding a contract for tire repair services for the City of Denton Fleet Services department and other City departments as needed; and providing an effective date (RFP 5612-awarded to Briscoe Alignment and Tire, in the three (3) year not-to-exceed amount of \$180,000).

Attachments: [Exhibit 1-Pricing and Evaluation Sheet](#)
[Exhibit 2-Ordinance.pdf](#)
[Exhibit 3-Contract](#)

- I. [ID 14-0775](#) Consider approval of the minutes of October 6, October 7, and October 14, 2014.

Attachments: [Exhibit 1 October 6, 2014 Minutes](#)
[Exhibit 2 October 7, 2014 Minutes](#)
[Exhibit 3 October 14, 2014 Minutes](#)

- J. [ID 14-0776](#) Consider adoption of an ordinance of the City of Denton, Texas providing for, authorizing and approving the purchase of a VCE Vblock System 340 and VCE maintenance for the City of Denton to replace datacenter equipment that has reached full capacity, as approved by the State of Texas Department of Information Resources (Contract#s DIR-TSO-2634/DIR-TSO-2544/DIR-SDD-1915); providing for the expenditure of funds therefor; and providing an effective date (File 5697- awarded to Presidio Networked Solutions Group, LLC in the four (4) year, 0% effective rate, lease agreement amount not-to-exceed \$1,073,598).

Attachments: [Exhibit 1-Proposal and Lease Agreement](#)
[Exhibit 2-Pricing Comparison](#)
[Exhibit 3-Quote from Presidio](#)
[Exhibit 4-Ordinance.pdf](#)

- K. [ID 14-0777](#) Consider adoption of an ordinance of the City of Denton, Texas providing for, authorizing and approving the purchase of a VCE Vblock System 340 and VCE maintenance for a new datacenter for Denton Municipal Electric as approved by the State of Texas Department of Information Resources (Contract#s DIR-TSO-2634/DIR-TSO-2544/DIR-SDD-1915); providing for the expenditure of funds therefor; and providing an effective date (File 5698- awarded to Presidio Networked Solutions Group, LLC in the four (4) year, 0% effective rate, lease agreement amount not-to-exceed \$573,505.95).

Attachments: [Exhibit 1-Proposal and Agreement](#)
[Exhibit 2-Price Comparison](#)
[Exhibit 3-Presidio Quote](#)
[Exhibit 4-Ordinance.pdf](#)

- L. [ID 14-0781](#) Consider adoption of an ordinance accepting competitive proposals and awarding a contract for workers' compensation claims third party administration for the City of Denton; providing for the expenditure of funds therefore; and providing an effective date (RFP 5642-awarded to Texas Political Subdivisions Joint Self-Insurance Fund in the three (3) year amount not-to-exceed \$150,000).

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

- M. [ID 14-0782](#) Consider adoption of an ordinance of the City Council of the City of Denton, Texas,

approving a grant application from Matthew Fisher, representing West Oak Coffee Bar GP, LLC, from the Downtown Reinvestment Grant Program not to exceed \$25,000; and providing for an effective date. The Economic Development Partnership Board recommends approval 8-0.

Attachments: [Exhibit 1 Application](#)

[Exhibit 2 Downtown Task Force Minutes](#)

[Exhibit 3 EDP Board Minutes](#)

[Exhibit 4 Ordinance](#)

- N. [ID 14-0793](#) Consider approval of a resolution of the City of Denton, Texas, adopting the City of Denton's 2015 State Legislative Program for the 84th Texas legislature; and providing an effective date.

Attachments: [Exhibit 1 Denton State Legislative Program 2015](#)

[Exhibit 2 Resolution](#)

- O. [ID 14-0797](#) Consider adoption of an ordinance of the City of Denton, Texas consenting to the inclusion of 2.927 acres of land located within the City's extraterritorial jurisdiction into Denton County Fresh Water Supply District No. 7; containing a savings clause; repealing all ordinances in conflict therewith; providing an effective date.

Attachments: [Exhibit 1 - Petition for Consent](#)

[Exhibit 2 - Ordinance](#)

[Exhibit 3 - Map](#)

- P. [ID 14-0798](#) Consider adoption of an ordinance authorizing the City Manager to execute an Interlocal Cooperative Purchasing Program Agreement with the Texas Political Subdivisions Joint Self-Insurance Fund under Section 271.102 of the Local Government Code, to authorize mutual participation in various Texas Political Subdivisions Joint Self-Insurance Fund and City of Denton contracts for the purchase of various goods and services; authorizing the expenditure of funds therefor; and declaring an effective date (File 5703-Cooperative Purchasing Agreement with Texas Political Subdivisions Joint Self-Insurance Fund).

Attachments: [Exhibit 1-Ordinance.pdf](#)

[Exhibit 2-Contract](#)

5. ITEMS FOR INDIVIDUAL CONSIDERATION

- A. [ID 14-0801](#) Consider nominations/appointments to the City's Boards and Commissions: Health & Building Standards Commission; Human Services Advisory Committee; Library Board; and Traffic Safety Commission.

Attachments: [Exhibit 1 Nominations Sheet](#)

6. PUBLIC HEARINGS

- A. [S14-0007](#) Hold a public hearing and consider adoption of an ordinance providing a Specific Use Permit (SUP) to allow a "Basic Utility;" a Denton Municipal Electric (DME) electrical substation, on approximately 10.45 acres of land within a Neighborhood Residential 3 (NR-3) and a Neighborhood Residential 4 (NR-4) zoning district. The

subject property is generally located at the northwest corner of Kings Row Drive and N. Loop 288, in the City of Denton, Denton County, Texas; and providing for a penalty in the maximum of \$2,000.00 for violations thereof, severability, and an effective date (S14-0007). The Planning and Zoning Commission recommends approval of this request with conditions (6-1).

Attachments:

[Exhibit 1 - Staff Analysis](#)

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

[Exhibit 3 - Zoning Map](#)

[Exhibit 4 - Site Plan](#)

[Exhibit 5 - Landscape Plan](#)

[Exhibit 6 - Applicant Narrative](#)

[Exhibit 7 - DME CIP Plan](#)

[Exhibit 8 - Masonry Wall Examples](#)

[Exhibit 9 - Notification Information Map](#)

[Exhibit 10 - November 5, 2014 Planning & Zoning Commission Meeting Minutes](#)

[Exhibit 11 - Draft Ordinance](#)

- B. [S14-0006](#) Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas providing a Specific Use Permit (SUP) to allow a “Basic Utility;” a Denton Municipal Electric (DME) electrical substation, on approximately 10.372 acres of land within a Neighborhood Residential 6 (NR-6) zoning district. The subject property is generally located on the east side of Geesling Road, approximately 600 feet north of Blagg Road and 1,800 feet south of University Drive (US 380), 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 (S14-0006). The Planning and Zoning Commission recommends approval of this request with conditions (7-0).

Attachments:

[Exhibit 1- Staff Analysis](#)

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

[Exhibit 3 - Zoning Map](#)

[Exhibit 4 - Site Plan](#)

[Exhibit 5 - Landscape Plan](#)

[Exhibit 6 - Applicant Narrative](#)

[Exhibit 7 - DME CIP Plan](#)

[Exhibit 8 - Masonry Wall Examples](#)

[Exhibit 9 - Notification Information Map & Responses](#)

[Exhibit 10 - November 5, 2014 Planning & Zoning Commission Meeting Minutes](#)

[Exhibit 11 - Draft Ordinance](#)

- C. [ID 14-0764](#) Hold a public hearing and consider approval of a resolution approving a site for the reconstruction, expansion, and replacement of the Hickory Substation in the general area south of Scripture St., east of Bonnie Brae St., north of West Prairie St., and west of North Texas Blvd., in the City of Denton, Denton County, Texas.

Attachments:

- [Exhibit 1 Resolution](#)
- [Exhibit 2 Hickory project information](#)
- [Exhibit 3 System Map](#)
- [Exhibit 4 - Location Map](#)
- [Exhibit 5 Site Options Map \(1\)](#)
- [Exhibit 6 - Reconstruction Map](#)
- [Exhibit 7 - Open House Report](#)
- [Exh. 8 - Survey Respondents list](#)
- [Exhibit 9 Open House Comments](#)
- [Exhibit 10 - PUB Minutes](#)

7. 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.

C E R T I F I C A T E

I certify that the above notice of meeting was posted on the bulletin board at the City Hall of the City of Denton, Texas, on the _____ day of _____, 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.