



# 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, August 23, 2016

1:00 PM

Work Session Room

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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, August 23, 2016 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 August 23, 2016.**

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

- A. [ID 16-1071](#) Receive a report, hold a discussion, and give direction to staff and Waters & Company on the City Manager recruitment process.

Attachments: [Exhibit 1- Draft City Manager Advertising Brochure](#)  
[Exhibit 2- Revised City Manager Job Description](#)  
[Exhibit 3- Presentation](#)

- B. [ID 16-983](#) Receive a report, hold a discussion, and give staff direction regarding the agreement between the City of Denton and the Denton Chamber of Commerce providing for a program to promote economic development through joint efforts.

Attachments: [Exhibit 1 - 2015-297 Chamber Ordinance](#)  
[Exhibit 2 - Chamber Budget](#)  
[Exhibit 3 - Presentation](#)

- C. [ID 16-1049](#) Receive a report, hold a discussion, and provide staff with direction concerning audit activities and the City Auditor position.

Attachments: [Exhibit 1 Memo to Carla Romine regarding Internal Audit Information](#)  
[Exhibit 2 Presentation](#)

- D. [ID 16-1060](#) Receive a report; hold a discussion, and give staff direction regarding the FY 2016-17 City Manager's Proposed Budget, Capital Improvement Program, and Five-Year Financial Forecast.

Attachments: [Exhibit 1 Memorandum](#)

Following the completion of the Work Session, the City Council will convene in a Closed Meeting to consider specific items when these items are listed below under the Closed Meeting section of this agenda. The City Council reserves the right to adjourn into a Closed Meeting on any item on its Open Meeting agenda consistent with Chapter 551 of the Texas Government Code, as amended, or as otherwise allowed by law.

**1. Closed Meeting:**

**A. [ID 16-1102](#) Consultation with Attorneys - Under Texas Government Code, Section 551.071**

Consultation, discussion, deliberation, and receipt of information from the City's attorneys involving legal matters relating to the annexation, extension/renewal of non-annexation agreement, or pre-annexation development agreement for Creekside (Ryan Ranch) development, and to provide the City Attorneys with direction, where a public discussion of these legal matters would clearly 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.

**B. [ID 16-1009](#) Deliberations Regarding Certain Public Power Utilities: Competitive Matters - Under Texas Government Code Section 551.086; Consultation with Attorneys - Under Texas Government Code Section 551.071.**

Receive a presentation from staff regarding public power competitive and financial matters related to the City's participation in, and the overall operational and financial aspects of, the Texas Municipal Power Agency; discuss and deliberate strategies regarding same; discuss, deliberate and provide staff with direction. Consultation, discussion, deliberation, and receipt of information from the City's attorneys involving legal matters relating to public power competitive and financial matters related to the City's participation in, and the overall operational and financial aspects of, the Texas Municipal Power Agency, and to provide the City Attorneys with direction, where a public discussion of these legal matters would clearly 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.

**C. [ID 16-938](#) 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 and discuss, deliberate, and provide staff with direction regarding the potential acquisition of real property interests generally located northwest of N. Loop 288 and west of N. Locust St. in the City of Denton, Denton County, Texas; discussions had, deliberation, and direction given, by the Denton City Council in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third party. Consultation with the City's attorneys regarding legal issues associated with the acquisition of the real property interests described above; discussion of these legal matters in an open meeting would conflict with the duty of the City's attorneys to the City of Denton and the Denton City Council under the Texas Disciplinary Rules of Professional

Conduct of the State Bar of Texas, or would jeopardize the City's legal position in any administrative proceeding or potential litigation. [Long Road Substation]

- D. [ID 16-1028](#) 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 and discuss, deliberate, and provide staff with direction regarding the potential acquisition of real property interests located adjacent to Hickory Substation then generally South of W. Hickory Street and East of S. Bonnie Brae Street, and terminating at the Northwest corner of the UNT Campus on Stella Street in the City of Denton, Denton County, Texas; for the construction, expansion and use of electric power transmission lines; where discussions had, deliberation, and direction given, by the Denton City Council in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third party. Consultation with the City's attorneys regarding legal issues associated with the acquisition of the real property interests described above; discussion of these legal matters in an open meeting would conflict with the duty of the City's attorneys to the City of Denton and the Denton City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas, or would jeopardize the City's legal position in any administrative proceeding or potential litigation. [Hickory Substation area and TM Lines to the UNT Campus]

- E. [ID 16-1027](#) 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 and discuss, deliberate, and provide staff with direction regarding the potential acquisition of real property interests located on the southeastern corner of West Eagle Drive and Bernard Street. City of Denton, Denton County; discussions had, deliberation, and direction given, by the Denton City Council in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third party. Consultation with the City's attorneys regarding legal issues associated with the acquisition of the real property interests described above; discussion of these legal matters in an open meeting would conflict with the duty of the City's attorneys to the City of Denton and the Denton City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas, or would jeopardize the City's legal position in any administrative proceeding or potential litigation. [Eagle Substation]

- F. [ID 16-1096](#) Deliberations regarding Real Property - Under Texas Government Code Section 551.072; Consultation with Attorneys - Under Texas Government Code Section 551.071.

Receive information from staff, discuss, deliberate, and provide staff with direction regarding the potential acquisition of real property interests generally located in (i) the Gibson Myers Survey, Abstract No. 843, the Johnson, Green, Myers, and

Brummell Survey, Abstract No. 1699, the Moses H. Davis Survey, Abstract No. 377, and the William Wilburn Survey, Abstract No. 1419, City of Denton, Denton County, Texas, for the possible construction of an electric generation facility, and (ii) the William Wilburn Survey, Abstract No. 1419, City of Denton, Denton County, Texas, for the West Parallel Runway Project for Denton Enterprise Airport where deliberation of the potential acquisition of these real property interests in an open meeting would have a detrimental effect on the position of a governmental body in negotiations with a third party. Consultation with the City's attorney's regarding legal issues associated with the 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.

- G. [ID 16-1056](#) Certain Public Power Utilities: Competitive Matters --- Under Texas Government Code, Section 551.086.

Receive competitive public power competitive information and financial information from staff regarding the proposed FY 2016-2017 operating budget for Denton Municipal Electric ("DME") including without limitation, proposed rates for DME for FY 2016-2017, expected revenues, expenses, commodity volumes, and financial commitments of DME; discuss, deliberate and provide staff with direction.

- H. [ID 16-1105](#) Consultation with Attorneys - Under Texas Government Code Section 551.071.

Receive information from the City's attorneys and discuss costs, status, strategy, and potential resolution of the City of Denton v. 551 Mayhill Joint Venture, et al. pending in the Probate Court, Denton County, Texas related to the Mayhill Road Widening and Relocation Project.

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.

Special Called 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. 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 – D). 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 – D below will be approved with one motion. If items are pulled for separate discussion, they may be considered as the first items following approval of the Consent Agenda.

- A. [ID 16-957](#) Consider approval of a resolution by the City Council for the construction, expansion, and use of an electric power transmission /distribution substation located at the southeastern corner of West Eagle Drive and Bernard Street, in the City of Denton, Denton County Texas, as part of Denton Municipal Electric’s service territory. [Eagle Substation]

**Attachments:**      [Exhibit 1 - Project Information Sheet](#)  
                                 [Exhibit 2 - Substations System Map](#)  
                                 [Exhibit 3 - Location Map](#)  
                                 [Exhibit 4 - Site Options Map](#)  
                                 [Exhibit 5 - Resolution](#)

- B. [ID 16-984](#) Consider adoption of an ordinance approving an amendment to Ordinance No. 2015-074, relating to the Economic Development Partnership Board (“the Board”) to add to the membership of the Board and to revise Sec. 2-251 C-1; repealing all conflicting ordinances and portions thereof; and providing an effective date.

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

- C. [ID 16-1095](#) Consider adoption of an ordinance authorizing the City Manager to execute a Tower/Ground Lease Agreement between the City of Denton and Denton Commercial Internet, Inc., which agreement will allow the leasing of antenna and ground space at the McKenna Park Radio Tower for a ten (10) year term; and providing for an effective date.

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

- D. [ID 16-1104](#) Consider approval of a resolution of the City Council of the City of Denton, a Texas Home Rule Municipal Corporation, electing for the City to have the right to continued performance of services provided by the Texas Municipal Power Agency, a municipal power agency, under the provision of the power sales contract, as amended, for the useful life of the system; direction to the interim City Manager, or his designee, to provide written notice of this election to TMPA; and, providing an effective date.

Attachments:      [Exhibit 1 TMPA Resolution](#)

### **3. ITEMS FOR INDIVIDUAL CONSIDERATION**

- A.    [ID 16-871](#)      Consider adoption of an ordinance approving a Development Agreement between the City of Denton and Justland Development LLC, concerning the use of City property for Temporary Stormwater Facilities for the proposed development of Meadow Oaks Subdivision, Phase 4, until the permanent Ruddell Street Stormwater Facilities are installed; allowing for cost participation in the permanent stormwater facilities; providing to the City a conveyance of land in fee; requiring a performance bond or letters of credit; authorizing the City Manager to execute the agreement; and providing for an effective date.

- B.    [ID 16-980](#)      Consider nominations/appointments to the City's Economic Development Partnership Board.

Attachments:      [Exhibit 1- Ordinance](#)  
                             [Exhibit 2- Draft amendment to Ordinance](#)  
                             [Exhibit 3- Presentation](#)

- C.    [A16-0003b](#)      Consider adoption of an ordinance of the City of Denton approving a pre-annexation development agreement between the City of Denton and Ryan Capital Partners, Ltd. for the Creekside (Ryan Ranch) Development; authorizing the Mayor to execute said Agreement; providing severability and providing an effective date.

Attachments:      [Exhibit 1- Location Map](#)  
                             [Exhibit 2- Zoning Map](#)  
                             [Exhibit 3- PAA Boundary Map](#)  
                             [Exhibit 4- Tree Preservation Plan](#)  
                             [Exhibit 5- Tract 1A Concept Plan](#)  
                             [Exhibit 6- Tract 1C Detailed Plan](#)  
                             [Exhibit 7- Amenity Center](#)  
                             [Exhibit 8- Fencing Exhibit](#)  
                             [Exhibit 9- Entry Features](#)  
                             [Exhibit 10- Hardscape & Landscape](#)  
                             [Exhibit 11- PAA v. DDC Comparison Table](#)

- D.    [ID 16-1086](#)      Consider approval of a resolution of the City of Denton, a Texas Municipal Home Rule Corporation, ("City") approving and authorizing the sales of certain assets by the Texas Municipal Power Agency ("Agency") and the refunding of certain Agency financial obligations in connection with the Agency's sale of assets; authorizing the Mayor to act on the City's behalf in executing certain amendments to agreements by and between, and among the Agency and the Cities of Bryan, Denton, Garland, and Greenville ("Participating public entities" [Each a "Participating Public Entity"]) necessary to effectuate the Agency's sales of assets and the associated refunding of its financial obligations; and to take such other and further actions as are necessary in order to effectuate and finalize the City's

approval of such sales and the refunding of the Agency's related indebtedness; authorizing and approving other matter related thereto; and providing an effective date.

Attachments: [Exhibit 1 TMPA Sale Resolution](#)

- E. [A16-0003c](#) Consider adoption of an ordinance of the City of Denton approving an amendment to a non-annexation agreement between the City of Denton and Ryan Capital Partners, Ltd.; and providing an effective date.

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

#### **4. PUBLIC HEARINGS**

- A. [ID 16-1067](#) Hold a public hearing on a proposal to adopt a tax rate of \$0.684750 with a maximum allowable rate of \$0.689750 per \$100 valuation, which will exceed the lower of the effective or rollback tax rate.

Attachments: [Exhibit 1 - Notice of Proposed Tax Rate 2016](#)

[Exhibit 2 - Presentation](#)

#### **5. CONCLUDING ITEMS**

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

B. Possible Continuation of Closed Meeting topics, above posted.

#### **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 \_\_\_\_\_, 2016 at \_\_\_\_\_ o'clock (a.m.) (p.m.)

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

NOTE: THE CITY OF DENTON CITY COUNCIL WORK SESSION ROOM AND COUNCIL CHAMBERS ARE 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.

