



City of Denton

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

Meeting Agenda

City Council

Tuesday, April 4, 2017

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, April 4, 2017 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 April 4, 2017.

3. Work Session Reports

- A. [ID 17-305](#) Receive a report, hold a discussion, and give staff direction regarding any support for the Denton County Historical Park.
Attachments: [Denton County Historical Park Presentation.pdf](#)
- B. [ID 17-384](#) Receive a report, hold a discussion, and provide direction regarding House Bill 2445 concerning the allocation of hotel occupancy tax funds to the purpose of enhancing and upgrading existing City-owned sports facilities.
Attachments: [Exhibit 1 - HOT Fund Resolution](#)
[Exhibit 2 - Tax Code 351.1076 Current Law Funding Limitations](#)
[Exhibit 3 - Tax Code 351.101 Current Law](#)
- C. [ID 17-398](#) Receive a report, hold a discussion, and give staff direction regarding monument assessment and restoration/preservation services at Oakwood and IOOF cemeteries.
Attachments: [Exhibit 1 - Proposal Pricing](#)
[Exhibit 2 - Cemetery Presentation](#)
- D. [ID 17-290](#) Receive a report, hold a discussion, and give staff direction regarding the acquisition of property for the purpose of tree preservation.
Attachments: [Exhibit 1 - Use of the Tree Fund for Tree Preservation - Work Session Presenta](#)
[Exhibit 2 - Preservation Property Score Sheet](#)
[Exhibit 3 - Tree Fund Expenditure Criteria](#)

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 17-302](#) 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 the following real property interests located within the City of Denton, Denton County, Texas in: (1) the N. Britton Survey, Abstract No. 51(generally south of 1400 block of E. Ryan Rd.); (2) the D. Hough Survey, Abstract No. 646(generally west of the 1900 block of S. Mayhill Rd.); (3) the J. McGowan Survey, Abstract No. 797(generally west of the 2500 block of S. I-35 East) (4) the G. Walker Survey, Abstract No. 1330(generally west of the 4100 block of Swisher Rd.); and (5) the M. Austin Survey, Abstract No. A-4(generally west of the 1200 block of S. Loop 288). The potential purchases are related to the City's tree preservation initiatives. Consultation with the City's attorneys regarding legal issues associated with the potential 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 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 17-441](#) Denton Arbor Day

3. PRESENTATION FROM MEMBERS OF THE PUBLIC

- A. Review of procedures for addressing the City Council.
B. Receive Scheduled Citizen Reports from Members of the Public.

1. [ID 17-363](#) Harry Eaddy regarding the Denton Black Film Festival.
2. [ID 17-402](#) Margarete Neale regarding gas leaks in the Guyer neighborhood.

C. Additional Citizen Reports - This section of the agenda permits any person not registered for a citizen report to make comments regarding public business on items not listed on the agenda. This is limited to two speakers per meeting with each speaker allowed a maximum of four (4) minutes. Such person(s) shall have filed a "Blue Card" requesting to speak during this period prior to the calling of this agenda item.

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 – F). 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 – F 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 17-091](#) Consider adoption of an ordinance of the City Council of the City of Denton, Texas authorizing the City Manager to execute an Engagement Letter with the law firm of David A. Portz, P.C., Houston, Texas, for Professional Legal Services to be provided to the Energy Management Organization of the City's Electric Department, Denton Municipal Electric; authorizing the expenditure of funds therefor; providing an effective date (File No. 5554-in the additional amount of not-to-exceed \$75,000, aggregating not-to-exceed \$250,000). The Public Utilities Board recommended approval (6-0) on 3/21/2017 (PUB17-033).

Attachments: [Ordinance-Portz.pdf](#)
[Engagement Letter.pdf](#)
[List of EMO Counterparties.docx](#)

- B. [ID 17-321](#) Consider adoption of an ordinance releasing, abandoning and vacating a public drainage easement granted to the City of Denton, Texas, by CPM Financial Corporation on July 2, 2004 and recorded in Cabinet V Page 760, Real Property Records, Denton County, Texas, situated in the B.B.B. & C.R.R. Co. Survey,

Abstract No. 186, Denton County, Texas, and located within the 1600 block of Stuart Lane. [Amending Plat, The Village Phase 1, Lots 1A & 2A Block 4]

Attachments: [Release of Easement with Ordinance](#)
 [Site map Illustrating Drainage Easement](#)
 [FEMA Map Illustrating New Area](#)

- C. [ID 17-400](#) Consider approval of the minutes of March 7, March 20, March 21, March 28, and March 30, 2017.

Attachments: [Exhibit 1 - March 7, 2017 Minutes](#)
 [Exhibit 2 - March 20, 2017 Minutes](#)
 [Exhibit 3 - March 21, 2017 Minutes](#)
 [Exhibit 4 - March 28, 2017 Minutes](#)
 [Exhibit 5 - March 30, 2017 Minutes](#)

- D. [ID 17-418](#) Consider approval of a resolution by the City of Denton (“City”) suspending the effective date for ninety days in connection with the rate increase filing of Oncor Electric Delivery Company, LLC on or about March 17, 2017; requiring the reimbursement of municipal rate case expenses; authorizing participation in the coalition of similarly situated cities; authorizing intervention and participation in related rate proceedings; authorizing the retention of special counsel; finding that the meeting complies with the open meetings act; making other findings and provisions related to the subject; and declaring an effective date.

Attachments: [Oncor Resolution.pdf](#)

- E. [ID 17-431](#) Consider adoption of an ordinance approving the expenditure of funds for the purchase of one (1) ambulance chassis and the refurbishment of the ambulance body for Medic 6, which is available from Houston-Galveston Area Cooperative Purchasing Contract #AM10-14 and in accordance with the provisions of Texas Local Government Code 271.083, providing the statutory authority for the City to participate in the cooperative purchasing program; providing for the expenditure of funds therefor; and providing an effective date (File 6407-awarded to Knapp Chevrolet in the not-to-exceed amount of \$169,300).

Attachments: [Exhibit 1-Quote](#)
 [Exhibit 2-Frazer Standardization](#)
 [Exhibit 3-Chevrolet Memo](#)
 [Exhibit 4-Letter of Intent](#)
 [Exhibit 5-Ordinance](#)

- F. [ID 17-450](#) Consider adoption of an ordinance of the City Council of the City of Denton, Texas, approving the FY17 Audit Plan and providing for an effective date.

Attachments: [Exhibit 1 Ordinance - FY17 Audit Plan](#)

5. ITEMS FOR INDIVIDUAL CONSIDERATION

- A. [ID 17-315](#) Consider adoption of an ordinance approving a fourth amendment to an Economic Development Program Grant Agreement with Allegiance Hillview, L.P. (now

Allegiance GL LLC, DB Denton II LLC, and Rayzor Ranch 380 Associates, LLC) for the Rayzor Ranch development.

Attachments: [RED Fourth Amendment FINAL 033117](#)
 [RED letter requesting 4th amendment](#)
 [GTM letter opposed to 4th amendment](#)
 [Movie Tavern letter opposed to 4th amendment](#)
 [RRTC IC 040417](#)

- B. [ID 17-385](#) Consider approval of a resolution of the City of Denton, Texas, supporting House Bill 2445 related to the allocation of hotel occupancy tax funds to the purpose of enhancing and upgrading existing city-owned sports facilities; and providing an effective date.

Attachments: [Exhibit 1 - HOT Fund Resolution](#)
 [Exhibit 2 - Tax Code 351.1076 Current Law Funding Limitations](#)
 [Exhibit 3 - Tax Code 351.101 Current Law](#)

- C. [ID 17-412](#) Consider nominations/appointments to the City's Boards and Commissions: Animal Shelter Advisory Committee; Human Services Advisory Committee; and Zoning Board of Adjustment.

- D. [ID 17-413](#) Consider adoption of an ordinance of the City of Denton, Texas authorizing the approval of a first amendment to a professional services agreement between the City of Denton and Teague Nall and Perkins, Inc. (TNP), amending the contract approved by City Council on August 6, 2013, in the not-to-exceed amount of \$4,160,000, to provide additional engineering and surveying services related to the Denton Municipal Electric Capital Improvement Plan; providing for the expenditure of funds therefor; and providing an effective date (File 5306-providing for an additional expenditure amount not-to-exceed \$4,360,000, with the total contract amount not-to-exceed \$8,520,000). The Public Utilities Board recommends approval (6-0).

Attachments: [Exhibit 1-Original Agreement](#)
 [Exhibit 2-TNP Project List](#)
 [Exhibit 3-Projected CIP Expenditures](#)
 [Exhibit 4-PUB Draft Minutes](#)
 [Exhibit 5-Ordinance](#)
 [Exhibit 6-First Amendment](#)

6. PUBLIC HEARINGS

- A. [A17-0002](#) Hold a public hearing on the petition for voluntary annexation into the corporate limits of the City under Texas Local Government Code Sec. 43.028(d) filed by H3H, L.L.C. concerning approximately 16 acres generally located on the north side of Barthold Road, approximately 340 feet west of the I-35 Southbound Service Road (A17-0002; Blue Beacon).

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

[Exhibit 2 - Annexation Petition](#)

[Exhibit 3 - Presentation](#)

[Exhibit 4 - Draft Ordinance](#)

- B. [Z16-0023b](#) Hold a public hearing and consider adoption of an ordinance to rezone approximately 1.39 acres from a Downtown Residential 2 (DR-2) District to a Downtown Commercial General (DC-G) District. The subject property is generally located 185 feet south of the Scripture Street and Normal Street intersection, in the City of Denton, Denton County, Texas; adopting an amendment to the city's official zoning map; 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 denial (5-2). (Z16-0023) A supermajority vote by Council is required for approval.

Attachments: [Exhibit 1 - Staff Analysis](#)

[Exhibit 2 - Aerial Map](#)

[Exhibit 3 - Zoning Map](#)

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

[Exhibit 5 - Proposed Zoning](#)

[Exhibit 6 - Permitted Uses in Downtown Residential 2 \(DR-2\)](#)

[Exhibit 7 - Permitted Uses in Downtown Commercial General \(DC-G\) District](#)

[Exhibit 8 - Zoning District Comparison Chart](#)

[Exhibit 9 - Applicant Narrative](#)

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

[Exhibit 11 - Presentation](#)

[Exhibit 12 - February 22, 2017 Planning and Zoning Commission Meeting Minut](#)

[Exhibit 13 - March 8, 2017 Planning and Zoning Commission Meeting Minutes](#)

[Exhibit 14 - Draft Ordinance](#)

- C. [DCA17-0005](#)
[a](#) Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, regarding amending Subchapter 35.5 of the Denton Development Code by adding a Specific Use Permit (SUP) requirement for multi-family dwelling units in the Downtown Residential 2 (DR-2), Downtown Commercial Neighborhood (DC-N) and Downtown Commercial General (DC-G) zoning district and use classifications and adding a limitation L(44); providing for a penalty in the maximum amount of \$2,000 for violations thereof; providing a severability clause, savings clause, and an effective date. The Planning and Zoning Commission recommends denial (5-1). A supermajority vote by Council is required for approval.

Attachments: [Exhibit 1 - Denton Urban Core Zonng Map](#)

[Exhibit 2 - Section 35.6.1](#)

[Exhibit 3 - Draft Ordinance](#)

[Exhibit 4 - Staff Presentation](#)

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 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 _____, 2017 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.