



City of Denton

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

Meeting Agenda City Council

Tuesday, April 18, 2017

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, April 18, 2017 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 April 18, 2017.

3. Work Session Reports

- A. [ID 17-500](#) Receive a report, hold a discussion, and give staff direction regarding Downtown Reinvestment Grants for 112 W. Oak and 421 E. Oak.

Attachments: [Exhibit 1- Grant Application 112 W Oak](#)
[Exhibit 2- Grant Application 421 Oak](#)
[Exhibit 3- Grant presentation](#)

- B. [ID 17-503](#) Receive a report hold a discussion and give staff direction regarding fire sprinkler tap fees.

Attachments: [Exhibit 1 Fire Line Presentation.pdf](#)

- C. [ID 17-514](#) Receive a report and hold a discussion regarding an update from the Capital Projects department on the status of key projects and overall program update.

Attachments: [Exhibit 1 Maps of Key Projects](#)
[Exhibit 2 Projects Update - Completed \(or near completion\) and Ongoing](#)
[Exhibit 3 Presentation on Capital Projects](#)

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

1. Closed Meeting:

- A. [ID 17-457](#) 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 real estate matters related to DME Hickory substation, and the potential acquisition of certain real property located at the intersection of W. Hickory St. and S. Bonnie Brae St.; 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 City in negotiations with a third party. Consultation with the City's attorneys regarding legal issues associated with the potential 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. [Hickory Substation]

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. 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.
- 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 – U). 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 – U 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 17-359](#) Consider adoption of an ordinance authorizing the City Manager to execute an agreement by and between the City of Denton, Texas and the Texas Municipal Power Agency (TMPA), that provides for terms and conditions under which The City of Denton and TMPA are electrically interconnected between each of their respective transmission assets located within Denton County, Texas, in substantial conformity with the attached exhibits; authorizing the expenditure of funds therefor; and providing an effective date. The Public Utilities Board recommends approval (6-0).

Attachments: [Exhibit 1 TMPA Interconnection Ordinance](#)

- B. [ID 17-407](#) Consider adoption of an ordinance abandoning and vacating 0.025 acre of Hickory Street, as dedicated by The Original Town of Denton Texas plat as recorded in Cabinet A Page 200, Plat Records, Denton County, Texas and as conveyed to the City of Denton as recorded in Volume 341, Page 527 of the Real Property Records of Denton County, Texas, and located in the H. Cisco survey, Abstract No. 1184, to resolve the building encroachment within Hickory Street; and declaring an effective date. [Partial abandonment of Hickory Street - adjacent to and the front of the Denton Record Chronicle Building located along Hickory Street]

Attachments: [Exhibit 1 - Location Map](#)
[Exhibit 2 - Boundary Survey, 314 E. Hickory St.](#)
[Exhibit 3 - Applicant project narrative letter](#)
[Exhibit 4 - Real Estate Appraisal](#)
[Exhibit 5 - Ordinance](#)

- C. [ID 17-416](#) Consider adoption of an ordinance of the City of Denton, Texas prohibiting parking on south side of Texas Street from one hundred and fifty (150) feet east of Vine Street to one hundred fifty (150) feet west of Frame 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 Option 1 (6-0).

Attachments: [Exhibit 1 3-10-17 Letter Notice No Parking Texas St](#)

[Exhibit 2 2-24-17 Door Hangers Notice No Parking Texas St](#)

[Exhibit 3 Location map](#)

[Exhibit 4 Ordinance - No Parking Texas.pdf](#)

- D. [ID 17-417](#) Consider adoption of an ordinance of the City of Denton, Texas prohibiting parking on the east side of Denton Street from Oak Street to Hickory 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 Option 1 (6-0).

Attachments: [Exhibit 1 3-15-17 Letter Denton Street No Parking Mailing](#)

[Exhibit 2 2-27-17 Door Hangers Notice No Parking Denton St](#)

[Exhibit 3 Location Maps](#)

[Exhibit 4 Ordinance - No Parking Denton.pdf](#)

- E. [ID 17-465](#) Consider adoption of an ordinance approving a City sponsorship in an amount not to exceed \$11,000 of in-kind services and resources for the Denton Juneteenth Celebration to be held in Fred Moore Park from June 16 through 17, 2017; and providing an effective date.

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

[Exhibit 2 In-Kind Services and Resources](#)

[Exhibit 3 Running Total of In-kind Services](#)

[Exhibit 4 Sponsorship Agreement](#)

[Exhibit 5 Proposed Ordinance](#)

- F. [ID 17-473](#) Consider adoption of an ordinance accepting competitive proposals and awarding a contract for Police Motorcycles; providing for the expenditure of funds therefor; and providing an effective date (RFP 6364-awarded to American Eagle Harley-Davidson in the three (3) year not-to-exceed amount of \$222,690).

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

[Exhibit 2-Evaluation and Ranking Sheet](#)

[Exhibit 3-Ordinance](#)

[Exhibit 4-Contract](#)

- G. [ID 17-477](#) Consider adoption of an ordinance accepting competitive bids and awarding a public works contract for the construction of the Pecan Creek Interceptor IV Project for the City of Denton which consists of the installation of a new 30" PVC sanitary sewer line from Fulton Street to Newton Rayzor Elementary; providing for the expenditure of funds therefor; and providing an effective date (IFB 6375-awarded to the lowest responsible bidder meeting specification, Dickerson Construction Company, Inc. in the amount of \$1,038,187). The Public Utilities Board recommends approval (7-0).

Attachments: [Exhibit 1-Map](#)
 [Exhibit 2-Bid Tabulation](#)
 [Exhibit 3-PUB Minutes](#)
 [Exhibit 4-Ordinance](#)
 [Exhibit 5-Contract](#)

- H. [ID 17-481](#) Consider a request for an exception to the limitations imposed by Section 17-20 of the City of Denton Noise Ordinance for the purpose of the Fry Street Freedom Festival held on the corner of Mulberry and Avenue A on Sunday, May 21, 2017. The exception is specifically requested to increase sound levels from 70 to 75 decibels and to have amplified sound on Sunday, from noon to 9 p.m. Staff recommends approval from noon to 6 p.m.

Attachments: [Exhibit 1 - Letter of Request](#)
 [Exhibit 2 - Proximity Map](#)

- I. [ID 17-482](#) Consider a request for an exception to the limitations imposed by Section 17-20 of the City of Denton Noise Ordinance for the purpose of the Cinco de Mayo Festival held in Quakertown Park located at 321 E McKinney St. on Saturday, May 6, 2017, from 10 a.m. till 10 p.m. The exception is specifically requested to increase sound levels from 70 to 75 decibels.

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

- J. [ID 17-483](#) Consider a request for an exception to the limitations imposed by Section 17-20 of the City of Denton Code Of Ordinances the City of Denton, Texas, for the purpose of hosting the Denton Arts and Jazz Festival, located at Quakertown Park, from April 28 through April 30, 2017. The exception is specifically requested to increase hours of operation from 10 a.m. to midnight on Friday, April 28, and Saturday, April 29; and from 11 a.m. until 10 p.m. on Sunday, April 30, 2017.

Attachments: [Letter of Request](#)

- K. [ID 17-484](#) Consider a request for an exception to the limitations imposed by Section 17-20 of the City of Denton Noise Ordinance for the purpose of The Village Church service held in North Lakes Park located at 2001. N. Windsor Dr., on Sunday, April 23, 2017. The exception is specifically requested to have amplified sound on a Sunday from 10 a.m. to 4 p.m.

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

- L. [ID 17-485](#) Consider approval of a resolution allowing Pro-Fest, Inc., to sell alcoholic beverages for the Denton Arts and Jazz Festival from April 28 - 30, 2017, upon certain conditions; authorizing the City Manager or his designee to execute an agreement in conformity with this resolution; and providing for an effective date.

Attachments: [Exhibit 1 - Letter of Request](#)
 [Exhibit 2 - 4/3/17 Parks, Recreation and Beautification Excerpt of Draft Minutes](#)
 [Exhibit 3 - Resolution and Contract.pdf](#)

- M. [ID 17-486](#) Consider adoption of an ordinance approving a City sponsorship in an amount not to exceed \$18,000 of in-kind services and resources for the Denton Cinco de Mayo

Festival to be held in Quakertown Park on Saturday May 6, 2017; and providing an effective date.

Attachments: [Exhibit 1 Letter of Request](#)
[Exhibit 2 In-kind Resources](#)
[Exhibit 3 Running Total of In-kind Services](#)
[Exhibit 4 Sponsorship Agreement](#)
[Exhibit 5 Ordinance](#)

- N. [ID 17-487](#) Consider approval of a resolution allowing Mi Casita's Mexican Food to sell alcoholic beverages for the Cinco de Mayo Festival to be held in Quakertown Park beginning Saturday, May 6, 2017, upon certain conditions; authorizing the City Manager or his designee to execute an agreement in conformity with this resolution; and providing for an effective date.

Attachments: [Exhibit 1 - Letter of Request](#)
[Exhibit 2 - Draft Minutes Excerpt, April 3, 2017](#)
[Exhibit 3 - Resolution and Contract](#)

- O. [ID 17-490](#) Consider a request for an exception to the limitations imposed by Section 17-20 of the City of Denton Noise Ordinance for the purpose of hosting the Denton Juneteenth Celebration in Fred Moore Park, located at 629 Lakey St., on Friday, June 16 and Saturday, June 17, 2017. The exception is specifically requested to increase sound levels from 70 to 75 decibels, and to extend the hours from 10 p.m. to 11:30 p.m. on Friday, and until midnight on Saturday.

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

- P. [ID 17-492](#) Consider adoption of an ordinance of the City of Denton authorizing an agreement between the City of Denton, Texas and the Denton Black Chamber of Commerce for the purpose of Denton Black Chamber Entrepreneurs Weekend; providing for the expenditure of funds therefor; and providing for an effective date. (\$100)

Attachments: [Exhibit 1 - Ordinance - Denton Black Chamber-2017 Entrepreneurs Weekend](#)
[Exhibit 2 - Agreement - Denton Black Chamber](#)

- Q. [ID 17-493](#) Consider adoption of an ordinance of the City of Denton authorizing an agreement between the City of Denton, Texas and Calhoun Middle School for the purpose of the Calhoun Color Run; providing for the expenditure of funds therefor; and providing for an effective date. (\$300)

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

- R. [ID 17-494](#) Consider adoption of an ordinance of the City of Denton authorizing an agreement between the City of Denton, Texas and Denton Parks Foundation for the purpose of Cyclodia 2017; providing for the expenditure of funds therefor; and providing for an effective date. (\$350)

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

- S. [ID 17-511](#) Consider adoption of an ordinance of the City Council of the City of Denton, Texas, authorizing the City Manager to execute a Professional Services Agreement for architectural design services in support of the design of the new City of Denton Fire Station 3 to be located at 1210 IH35E; providing for the expenditure of funds therefor; and providing an effective date (File 6318 awarded to Kirkpatrick Architecture Studio in the not-to-exceed amount of \$652,200).

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

- T. [ID 17-519](#) Consider approval of the minutes of April 4 and April 11, 2017.

Attachments: [Exhibit 1 - April 4, 2017 minutes](#)
[Exhibit 2 - April 11, 2017 minutes](#)

- U. [ID 17-533](#) Consider approval of a resolution of the City of Denton, Texas, amending Resolution No. 2017-007 by expanding the scope of review of the ad hoc City Council Committee to include all employee benefits and to advise the City Council with regard to these matters; and providing an effective date.

Attachments: [Exhibit 1- Resolution](#)

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

6. ITEMS FOR INDIVIDUAL CONSIDERATION

- A. [ID 16-1591](#) Consider adoption of an ordinance of the City Council of the City of Denton, Texas, a home-rule municipal corporation, providing for, authorizing, and approving the execution by the City Manager, or his designee, of an interconnect agreement between the City of Denton and Enterprise Pipeline Texas, LLC, a Texas limited liability company, in the amount of \$1,386,000.00 for the construction of gas supply and metering infrastructure in conjunction with the Denton Energy Center project; approving the execution of such other and further related documents deemed necessary to effectuate this agreement by the City Manager or his designee, which are incident or related thereto; authorizing the expenditure of funds therefore; and providing an effective date. The Public Utilities Board recommends approval (5-0).

Attachments: [Fuel Supply Interconnection Approval CC 20170418 FINAL2.pdf](#)
[Enterprise Pipeine Ordinance.pdf](#)
[Enterprise Pipeline Agreement.pdf](#)

- B. [ID 17-371](#) Consider adoption of an ordinance considering all matters incident and related to the issuance, sale and delivery of up to \$102,000,000 in principal amount of "City of Denton Certificates of Obligation, Series 2017" (including up to \$18,940,000 for General Government activities, up to \$17,600,000 for Solid Waste Fund activities, and up to \$65,460,000 for Electric Fund activities); authorizing the issuance of the Certificates; delegating the authority to certain City officials to execute certain documents relating to the sale of the Certificates; approving and authorizing instruments and procedures relating to said Certificates; enacting other provisions

relating to the subject; and providing an effective date.

Attachments: [Exhibit 1 - Preliminary Official Statement](#)
[Exhibit 2 - Ordinance](#)

- C. [ID 17-372](#) Consider adoption of an ordinance considering all matters incident and related to the issuance, sale and delivery of up to \$30,700,000 in principal amount of "City of Denton General Obligation Refunding and Improvement Bonds, Series 2017"; authorizing the issuance of the Bonds; delegating the authority to certain City officials to execute certain documents relating to the sale of the Bonds; approving and authorizing instruments and procedures relating to said Bonds; and enacting other provisions relating to the subject; and providing an effective date.

Attachments: [Exhibit 1 - Preliminary Official Statement](#)
[Exhibit 2 - Ordinance](#)

- D. [A17-0002a](#) Conduct the first of two readings of an ordinance to annex 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).

Attachments: [Exhibit 1 - Site Location Aerial Map](#)
[Exhibit 2 - Annexation Petition](#)
[Exhibit 3 - Presentation](#)
[Exhibit 4 - Draft Ordinance](#)

7. PUBLIC HEARINGS

- A. [ID 17-435](#) Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, adopting Standards of Care for Youth/Teen Programs administered by Denton's Parks and Recreation Department pursuant to Texas Human Resources Code Section 42.041 (b) (14); and providing an effective date. The Parks, Recreation and Beautification Board recommends approval (5-0).

Attachments: [Exhibit 1 - Exerpt of Mintues, March 6, 2017](#)
[Exhibit 2 - Ordinance with 2017-18 Standards of Care incorporated](#)

8. CONCLUDING ITEMS

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

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

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 _____, 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.