City of Denton

Meeting Agenda

City Council

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

Tuesday, May 2, 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, May 2, 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 May 2, 2017.

3. Work Session Reports

A. ID 17-517 Receive a report, hold a discussion and provide staff direction regarding the creation of a small area plan and implementation strategy.

Attachments:
Exhibit 1 - Small Area Plan Boundary Map
Exhibit 2 - RFQ 6224 Scope of Work and Services
Exhibit 3 - Staff Presentation

B. ID 17-537 Receive a report, hold a discussion, and give staff direction regarding the digital divide and impact to city of Denton residents.

Attachments:
Exhibit 1 - Digital Divide presentation.pdf

C. ID 17-538 Receive a report, hold a discussion, and give staff direction regarding maintenance and improvements to the IOOF and Oakwood Cemeteries.

Attachments:
Exhibit 1 - Cemetery Cost Comparison
Exhibit 2 - Stone Fence Cut and Paste Sample for Cemetery Fence Oakwood a
Exhibit 3 - 1933 Resolution canvasing the April 4th 1933 election for the City to
Exhibit 4 - April 4th Presentation
Exhibit 5 - Presentation

D. ID 17-590 Receive a report, hold a discussion and give staff direction regarding a requests for resolutions of no objection for two 4% tax credit housing developments, in partnership with the Denton Housing Authority.

Attachments:
Exhibit 1 - Site Location Map
Exhibit 2 - Site Plan

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 17-120 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 report involving public power competitive and financial matters, hold a discussion, and give staff direction regarding (i) the Energy Trading Risk Management (ETRM) software and support contract with ABB/Ventyx and an amendment to the same, (ii) the evaluation and selection of a new ETRM vendor in accordance with the City's competitive bidding process, and (iii) the execution of a contract with the new ETRM vendor. Consultation with the City's attorneys regarding legal issues associated with the above matters 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.

B. ID 17-588 Consultation with Attorneys - Under Texas Government Code Section 551.071.

Consult with the City's Attorneys on the status, strategy, and underlying issues and merits of an appeal styled Rushing, et al. v. City of Denton, Cause No. 02-16-00330, currently pending in the Court of Appeals for the Second District 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 17-299 Mayor's Day of Concern for the Hungry

B. ID 17-541 Bike Month

C. ID 17-544 Denton Children's Mental Health Awareness Day

D. ID 17-545 National Day of Prayer

E. ID 17-546 Motorcycle Safety and Awareness Month

F. ID 17-563 National Small Business Week

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 – L). 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 – L 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 17-427 Consider adoption of an ordinance authorizing the City Manager, or his designee, to execute an amendment to the Energy Trading Risk Management Contract with ABB/Ventyx. The Public Utilities Board recommends approval (6-0).

Attachments: ABB Ventyx Ordinance

B. ID 17-474 Consider adoption of an ordinance accepting competitive proposals and awarding a contract for the purchase of refuse and recycling containers for the City of Denton Solid Waste Department; providing for the expenditure of funds therefor; and providing an effective date (RFP 6379-awarded to Roll-Offs USA, Inc. in the three (3) year not-to-exceed amount of $1,950,000). The Public Utilities Board

recommends approval (6-0).

Attachments: Exhibit 1-Evaluation and Pricing Sheet
Exhibit 2-PUB Minutes
Exhibit 3-Ordinance
Exhibit 4-Contract

C. ID 17-479 Consider adoption of an ordinance accepting competitive proposals and awarding a public works contract for the construction of the 9/11 Firefighter's Memorial Bell Tower project for the City of Denton; providing for the expenditure of funds therefor; and providing an effective date (RFP 6391C-awarded to Links Construction, LLC in the amount of $165,043.60). The Public Art Committee recommends approval of the design concept (8-0).

Attachments: Exhibit 1-Project Rendering
Exhibit 2-Evaluation and Ranking Sheet
Exhibit 3-Public Art Committee Minutes
Exhibit 4-Ordinance
Exhibit 5-Signed Contract

D. ID 17-534 Consider adoption of an ordinance authorizing the City Manager to execute a Cooperative Purchasing Program Agreement with the City of Richardson, Texas under Section 271.102 of the Local Government Code, to authorize City of Denton contracts for the purchase of various goods and services; authorizing the expenditure of funds therefor; and declaring an effective date (File 6441-Cooperative Purchasing Program Agreement with the City of Richardson).

Attachments: Exhibit 1-Durable Specialties Contract
Exhibit 2-Ordinance
Exhibit 3-Interlocal Agreement

E. ID 17-535 Consider adoption of an ordinance accepting competitive proposals and awarding a five (5) year contract for Tennis Instructor Services for the City of Denton Parks Department; providing for the expenditure of funds therefor; and providing an effective date (RFP 6343-Tennis Instructor for City of Denton awarded to Gray Event Management LLC, dba Bad Dawg Tennis in the five (5) year not-to-exceed amount of $750,000).

Attachments: Exhibit 1-Pricing Sheet
Exhibit 2-Program Evaluation Form
Exhibit 3-Ordinance
Exhibit 4-Contract

F. ID 17-543 Consider adoption of an ordinance of the City of Denton, Texas, authorizing a waiver for the Texas Municipal Power Agency's (TMPA) decommissioning plan deadline for the Gibbons Creek power plant, and authorizing TMPA to develop a decommissioning plan within a reasonable time if its efforts to sell the plant are abandoned; and providing an effective date. The Public Utilities Board recommends approval (6-0).

Attachments: Ordinance Decommissioning Plan

G. ID 17-549 Consider approval of a resolution re-appointing a member to the Board of Directors of the Texas Municipal Power Agency, a Joint Powers Agency, representing the City of Denton, Texas; and declaring an effective date.

Attachments: Exhibit 1 Letter from TMPA

Exhibit 2 TMPA Board Resolution

H. ID 17-558 Consider approval of a resolution specifying the intent of the City of Denton, Texas to designate a 25.630 acre tract out of a 340.469 acre tract previously purchased by the City of Denton in November 2016 for Denton Enterprise Airport use; and providing and effective date. (Denton Enterprise Airport: West Parallel Runway Project (Eagle Farms, Inc. and John Porter Auto Sales, Inc.)

Attachments: Exhibit 1 - Location Map

Exhibit 2 - Site Map

Exhibit 3 - Resolution

I. ID 17-565 Consider approval of a resolution reappointing Timothy S. Fisher as the City's representative to serve as a member of the Board of Directors of the Upper Trinity Regional Water District. The Public Utilities Board recommends approval (6-0).

Attachments: Exhibit 1 March 24, 2017 Letter from UTRWD

Exhibit 2 Resolution

Exhibit 3 PUB Minutes 4-24-17

J. ID 17-566 Consider approval of the minutes of April 18 and April 25, 2017.

Attachments: Exhibit 1 - April 18, 2017 Minutes

Exhibit 2 - April 25, 2017 Minutes

K. ID 17-569 Consider adoption of an ordinance adopting a Schedule of Fees for use of certain park facilities; superseding all prior fees and discounts in conflict with such schedule; and providing for severability and an effective date.

Attachments: Exhibit 1- Wave Pool Presentation

Exhibit 2 - Ordinance with Exhibit A Schedule of Fees

L. ID 17-584 Consider adoption of an ordinance authorizing the City Manager to execute a water main cost participation agreement between the City of Denton, Texas and Love's Travel Stops & Country Stores, Inc. for the City's participation in the oversizing of water mains and in accordance with the terms and conditions of this ordinance; authorizing the expenditure of funds therefore; and providing an effective date. (In the not-to-exceed amount of $80,322.16)

Attachments: Exhibit 1 - Location Map

Exhibit 2 - Tabulated Calculation of the Oversize Participation Amount

Exhibit 3 - Water Main Cost Participation Agreement

Exhibit 4 - FY 2017 CIP Detail Sheet

Exhibit 5 - Ordinance

5. PUBLIC HEARINGS

A. ID 17-369 Hold a public hearing, and discuss, deliberate and provide staff with direction regarding the proposed site for construction, expansion, and use of an electric power transmission substation generally located in the northeast corner of East Sherman Drive and Hartlee Field Road; as part of Denton Municipal Electric's service territory. [Hartlee Field Substation]

Attachments:
Exhibit 1 DME Substations Locations Map
Exhibit 2 Hartlee Field Options Map
Exhibit 3 Revised Yellow Site Option
Exhibit 4 Project Information Sheet

B. Z16-0028a Hold a public hearing and consider adoption of an ordinance to rezone approximately 0.550 acres from a Downtown Residential 2 (DR-2) District to a Downtown Commercial General (DC-G) District. The property is generally located at 1604 West Hickory Street approximately 85 feet east of North Avenue C in the City of Denton, Denton County, Texas. The Planning and Zoning Commission recommends approval (4-2). (Z16-0028, Harris).

Attachments:
Exhibit 1 - Staff Analysis
Exhibit 2 - Site Location Map
Exhibit 3 - Existing Zoning Map
Exhibit 4 - Future Land Use Map
Exhibit 5 - Proposed Zoning Map
Exhibit 6 - Permitted Uses Table
Exhibit 7 - Presentation Slides
Exhibit 8 - Public Notification Map and Responses
Exhibit 9 - Planning and Zoning Commission Meeting Minutes
Exhibit 10 - Draft Ordinance

C. S17-0002a Hold a public hearing and consider adoption of an ordinance for a Specific Use Permit to allow for a high school use on approximately 13.73 acres. The property is generally located at the southwest corner of the East University Drive and Nottingham Drive intersection. The Planning and Zoning Commission recommends approval with conditions (6-0). (S17-0002, Denton Calvary Academy High School).

Attachments: Exhibit 1 - Staff Analysis
Exhibit 2 - Aerial Map
Exhibit 3 - Zoning Map
Exhibit 4 - Future Land Use Map
Exhibit 5 - Site Plan
Exhibit 6 - Ordinance 99-277
Exhibit 7 - Parking Agreement
Exhibit 8 - Criteria for Approval of a SUP
Exhibit 9 - Public Notification Map and Responses
Exhibit 10 - Presentation Slides
Exhibit 11 - Draft Ordinance

6. 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.