



City of Denton

Meeting Agenda

City Council

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

Tuesday, October 10, 2017

2:00 PM

Work Session Room

After determining that a quorum is present, the City Council of the City of Denton, Texas will convene in a Work Session on Tuesday, October 10, 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 October 10, 2017.

3. Work Session Reports

- A. [ID 17-1351](#) Receive a report, hold a discussion, and give staff direction regarding the establishment of a steering committee as part of the Small Area Plan and Implementation Strategy.

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
[Exhibit 2 - Small Area Plan Boundary Map](#)
[Exhibit 3 - Project Schedule](#)
[Exhibit 4 - Presentation](#)

- B. [ID 17-1401](#) Receive a report, hold a discussion, and give staff direction regarding the Water Works Park wave pool and concession stand project and preliminary end of season numbers.

Attachments: [Exhibit 1 - Agenda Information Sheet.docx](#)
[Exhibit 2 - Presentation.pdf](#)

- C. [ID 17-1406](#) Receive a report, hold a discussion, and give staff direction regarding a policy and application process to review housing tax credit requests.

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
[Exhibit 2 - Presentation](#)
[Exhibit 3 - Draft Policy and Application](#)
[Exhibit 4 - Letter from DHA](#)
[Exhibit 5 - Research](#)

- D. [ID 17-1419](#) Receive a report, hold a discussion and give staff direction regarding the Texas Open Meetings Act as it relates to Section 3.B. ("Receive Scheduled Citizen Reports from Members of the Public") items of the City Council's Regular Meeting agenda.

Attachments:[Exhibit 1 - Agenda Information Sheet](#)[Exhibit 2 - Friday Status Report of Sept. 29, 2017](#)

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 17-1133](#) Deliberations regarding Personnel Matters - Under Government Code Section 551.074.

Review and discuss the evaluation, duties, discipline, procedures, and contract for the City Manager.

- B. [ID 17-1422](#) Deliberations regarding Personnel Matters - Under Government Code Section 551.074.

Discuss and deliberate regarding the evaluation of candidates and the appointment/employment of a City Attorney.

- C. [ID 17-1432](#) Deliberations regarding Real Property - Under Texas Government Code, Section 551.072; and 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 various tracts in the City of Denton, Denton County, Texas, generally located on the west side of the 2000 block to the 2600 block of South Mayhill Road, Denton, Texas, for City infrastructure improvements. Consultation with the City's attorneys regarding legal issues associated with the potential acquisition or release of real property interests in the tracts described above, and the status and strategy of litigation styled City of Denton, Texas v. Robert P. Donnelly, Cause No. 17-5939-158, currently pending in the 158th District Court of Denton County, Texas, 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 litigation.

- D. [ID 17-1433](#) Consultation with Attorneys - Under Texas Government Code, Section 551.071

Receive a report, consult, discuss and deliberate with the City's attorneys regarding legal issues associated with an investigation as to the internal operations of the City of Denton Parks and Recreation Department and as to the business relationship between the City of Denton and the Denton Parks Foundation, where a public discussion associated with these legal matters would clearly conflict with the duty of the City's attorney's to the City of Denton and the Denton City Council under the Texas Disciplinary 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.

Following the completion of the Closed Meeting, the City Council will convene in a Special Called Meeting at which the following items will be considered:

1. 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 – E). 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 – E 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 17-1175](#) Consider adoption of an ordinance of the City of Denton, Texas authorizing the approval of a second amendment to a contract between the City of Denton and Deloitte & Touche, LLP to perform a Fiscal Year 2017-18 benchmark analysis and risk assessment of the City of Denton Energy Maintenance Organization (EMO) in the amount of \$145,000, amending the contract approved by Purchasing staff on May 25, 2017 in the amount of \$26,000 and a First Amendment approved by the City Manager on July 25, 2017 in the amount of \$60,000; providing for the expenditure of funds therefor; and providing an effective date (File 6469-providing for an additional expenditure amount not-to-exceed \$145,000, with the total contract amount not-to-exceed \$231,000). The Public Utilities Board recommends approval (6-0).

Attachments: [Exhibit 1-Agenda Information Sheet](#)
 [Exhibit 2-Original Agreement with Amendment 1](#)
 [Exhibit 3-PUB Minutes](#)
 [Exhibit 4-Ordinance2.doc](#)
 [Exhibit 5-Contract](#)

- B. [ID 17-1271](#) Consider adoption of an ordinance of the City of Denton, Texas authorizing the approval of a first amendment to a contract between the City of Denton and Enterprise Risk

Consulting, LLC (ERC) to assist the City of Denton in developing a Power Supply Hedge Strategy and implement a Risk Management Process in the not-to-exceed amount of \$200,000, amending the contract approved by the City Manager on August 23, 2017 in the amount of \$99,000; providing for the expenditure of funds therefor; and providing an effective date (File 6560-providing for an additional expenditure amount not-to-exceed \$200,000, with the total contract amount not-to-exceed \$299,000). The Public Utilities Board recommends approval (6-0).

Attachments: [Exhibit 1-Agenda Information Sheet](#)
 [Exhibit 2-Original Agreement](#)
 [Exhibit 3-Public Utilities Board Minutes](#)
 [Exhibit 4-Ordinance](#)
 [Exhibit 5-Contract](#)

- C. [ID 17-1317](#) Consider approval of a resolution nominating members to the Board of Directors of the Denton Central Appraisal District; and declaring an effective date.

Attachments: [Exhibit 1- Agenda Information Sheet](#)
 [Exhibit 2- DCAD memo](#)
 [Exhibit 3- Resolution](#)

- D. [ID 17-1320](#) Consider adoption of an ordinance of the City Council of the City of Denton, Texas, approving the FY18 Annual Audit Plan and providing for an effective date.

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
 [Exhibit 2 - FY18 Annual Audit Plan](#)

- E. [ID 17-1348](#) Consider adoption of an ordinance accepting competitive proposals and awarding a public works contract for construction of the Cedar Street parking lot to be located at the southwest corner of Cedar and McKinney Streets; providing for the expenditure of funds therefor; and providing an effective date (RFP 6481C-awarded to Quality Excavation, Ltd. in the not-to-exceed amount of \$792,991.20).

Attachments: [Exhibit 1-Agenda Information Sheet](#)
 [Exhibit 2-Evaluation and Ranking Sheet](#)
 [Exhibit 4-Contract](#)

2. ITEMS FOR INDIVIDUAL CONSIDERATION

- A. [ID 17-1423](#) Consider adoption of an ordinance approving an employment agreement for the City Attorney and authorizing the Mayor to execute said Agreement setting the compensation and terms of that employment; authorizing expenditures and actions; and providing an effective date.

Attachments: [Exhibit 1 - Agenda Information Sheet](#)

3. 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.

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 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.