



# 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, January 9, 2018

2:00 PM

Work Session Room & Council Chambers

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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, January 9, 2018 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 January 9, 2018.**

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

- A. [ID 17-1343](#) Receive a report, hold a discussion, and provide staff direction regarding parking requirements for new residential developments.

**Attachments:**      [Exhibit 1 - Agenda Information Sheet](#)  
[Exhibit 2 - PowerPoint Presentation](#)

- B. [ID 17-1652](#) Receive an informational report regarding the Denton Municipal Electric program for underground electric lines.

**Attachments:**      [Agenda Information Sheet.pdf](#)

- C. [ID 17-1686](#) Receive a report, hold a discussion, and give staff direction regarding the design and construction of LED street lighting along US Highway 380.

**Attachments:**      [Exhibit 1- AIS](#)  
[Exhibit 2 - Supplemental Cost](#)  
[Exhibit 3 - Presentation](#)

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 18-033](#) 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 pertaining to the natural gas fuel supply for the Denton Energy Center (“DEC”); discuss and deliberate strategies and opportunities for the City to acquire natural gas for the DEC and enter into agreements regarding the same. Consultation with the City’s attorneys regarding legal issues associated with the agreements described above where 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. Take final action on a Contract for Sale and Purchase of Natural Gas with Enterprise Products Operating, LLC, a Texas limited liability company.

**B. [ID 18-074](#)** Consultation with Attorneys - Texas Government Code Section 551.071

Consultation with the City’s attorneys about legal issues related to the terms, conditions and scope of current and future requests for non-disclosure and/or confidentiality agreements. A public discussion of these legal issues would conflict with the duty of the City’s attorneys to the City of Denton and its City Council under the Texas Disciplinary Rules of Professional Conduct.

**C. [ID 18-076](#)** Deliberations regarding Personnel Matters - Under Texas Government Code, Section 551.074

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

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 18-018](#)** International Baccalaureate Day (IB Day)

- B. [ID 18-019](#) Mentor Denton Month
- C. [ID 18-027](#) SolSmart Bronze Designation

### **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. This section of the agenda permits any person who has registered in advance to make a citizen report regarding a public business item he or she wishes to be considered by the City Council. This is limited to no more than four (4) speakers per meeting with each speaker allowed a maximum of three (3) minutes to present their report. At the conclusion of each report, the City Council may pose questions to the speaker or may engage in discussion. Such questions or discussion shall not exceed two (2) minutes. If the City Council believes a speaker's report requires a more detailed review, the City Council will give the City Manager or City Staff direction to place the item on a future work session or regular meeting agenda and advise staff as to the background materials to be desired at such meeting.

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.

NOTE: If audio/visual aids during presentations to Council are needed, they must be submitted to the City Secretary 24 hours prior to the meeting.

### **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 17-1661](#) Consider adoption of an ordinance accepting competitive bids and awarding a contract for the supply of soil, sand, limestone, and aggregate rock for various City of Denton departments; providing for the expenditure of funds therefor; and providing an effective date (IFB 6608-awarded to the lowest responsive bidder for each line item, CJA Enterprises, LLP in the four (4) year not-to-exceed amount of \$1,500,000).

Attachments:      [Exhibit 1-Agenda Information Sheet.pdf](#)  
                              [Exhibit 2-Evaluation.pdf](#)  
                              [Exhibit 3-Ordinance.pdf](#)  
                              [Exhibit 4- CJA Enterprises Contract.pdf](#)

- B. [ID 17-1705](#) Consider adoption of an ordinance of the City Council of the City of Denton, Texas, nunc pro tunc correcting an inadvertent mistake in Ordinance 2015-116 relating to the dollar amount reflected in the back up provided for RFP 5725, awarded to Polydyne, Inc., TDC, LLC., and PVS Technologies, Inc., and providing an effective date.

Attachments: [Exhibit 1-Agenda Information Sheet.pdf](#)  
[Exhibit 2-Ordinance 2015-116.pdf](#)  
[Exhibit 3-Ordinance.pdf](#)  
[Exhibit 4-Polydyne Amendment.pdf](#)  
[Exhibit 5-TDC Amendment.pdf](#)  
[Exhibit 6-PVS Technologies Amendment.pdf](#)

- C. [ID 18-022](#) Consider adoption of an ordinance of the City of Denton, Texas amending the Fiscal Year 2017-18 Budget and Annual Program of Services of the City of Denton to allow for adjustments to the General Fund of two million six hundred ninety five thousand dollars (\$2,695,000) for the purpose of funding traffic and park improvement projects, Downtown Tax Increment Reinvestment Zone Fund of one million four hundred sixty six thousand eight hundred forty five dollars (\$1,466,845) for the purpose of funding sidewalks and street lights in downtown, Capital Improvement Program four million one hundred sixty one thousand eight hundred forty five dollars (\$4,161,845) for the purpose of funding the capital improvement projects; declaring a municipal purpose; providing a severability clause; providing an open meetings clause; and providing for an effective date.

Attachments: [Agenda Information Sheet.docx](#)  
[Capital Projects List.pdf](#)  
[Ordinance.pdf](#)

- D. [ID 18-040](#) Consider adoption of an ordinance of the City of Denton, Texas, amending Ordinance No.2017-181, prescribing the number of positions in each classification of Police Officer; providing a repealer clause; and declaring an effective date.

Attachments: [Exhibit 1 - AIS - Staffing Ordinance-2017-2018](#)  
[Exhibit 2 - Sworn Classification Chart](#)  
[Exhibit 3 - Sworn Position Ordinance](#)

- E. [ID 18-041](#) Consider adoption of an ordinance of the City of Denton authorizing the City Manager or his designee to execute a contract for the purchase of one (1) Terex 47' Digger Derrick truck for the Denton Municipal Electric Distribution Department as awarded by Buy Board Cooperative Purchasing Network Contract# 521-16; providing for the expenditure of funds therefor; and providing an effective date (File 6670-awarded to Freightliner of Austin, in the not-to-exceed amount of \$231,765). The Public Utilities Board will consider this item on January 8, 2018.

Attachments: [Exhibit 1-Agenda Informatin Sheet.pdf](#)  
[Exhibit 2-Comparison and Quote.pdf](#)  
[Exhibit 3-Staff Memo.docx](#)  
[Exhibit 4-Ordinance.pdf](#)

- F. [ID 18-042](#) Consider adoption of an ordinance of the City of Denton authorizing the City Manager or his designee to execute a contract for the purchase of one (1) John Deere Model 245G Hydraulic Excavator for the City of Denton Drainage Department as awarded by Buy Board Cooperative Purchasing Network Contract# 515-16; providing for the expenditure of funds therefor; and providing an effective date (File 6684-awarded to RDO Equipment Company in the not-to-exceed amount of \$215,236.57).

Attachments: [Exhibit 1-Agenda Information Sheet.pdf](#)  
[Exhibit 2-Comparison and Quote.pdf](#)  
[Exhibit 3-Staff Memo.pdf](#)  
[Exhibit 4-Ordinance.pdf](#)

- G. [ID 18-043](#) Consider adoption of an ordinance of the City of Denton, Texas approving an Interlocal Agreement between the City of Denton and the City of Carrollton, Texas for internal auditing services; providing for an hourly rate for services; authorizing the expenditure of funds therefor; and providing an effective date (File 6648).

Attachments: [Exhibit 1-Agenda Information Sheet.pdf](#)  
[Exhibit 2-Ordinance.pdf](#)  
[Exhibit 3-Interlocal Agreement.pdf](#)

- H. [ID 18-044](#) Consider adoption of an ordinance accepting competitive bids and awarding a contract for the supply of Electric Utility PVC Conduit, Fittings and Accessories for Denton Municipal Electric to be stocked in the City of Denton Distribution Center; providing for the expenditure of funds therefor; and providing an effective date (IFB 6558-awarded to the lowest responsive bidder meeting specification, Techline, Inc. in the three (3) year not-to-exceed amount of \$1,800,000).

Attachments: [Exhibit 1-Agenda Information Sheet.pdf](#)  
[Exhibit 2-Bid Tabulation.pdf](#)  
[Exhibit 3-Ordinance.pdf](#)  
[Exhibit 4-Contract.pdf](#)

- I. [ID 18-050](#) Consider adoption of an ordinance of the City of Denton, Texas providing for, authorizing, and approving three (3) year software maintenance for continued vendor support for the Kronos Incorporated Automated Timekeeping and Attendance Software system for the City of Denton, which is essential to ensure availability of upgrades, software fixes, and access to knowledge and support resources. Kronos Incorporated is the sole-source vendor for continued upgrade, support and maintenance for Kronos software and hardware. Therefore this system is available from only one source and in accordance with Texas Local Government Code 252.022, provides that procurement of commodities and services that are available from one source are exempt from competitive bidding; and if over \$50,000 shall be awarded by the governing body; and providing an effective date (File 5565-awarded to Kronos Incorporated in the three (3) year not-to-exceed amount of \$400,000).

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

[Exhibit 2-Renewal Quote.pdf](#)

[Exhibit 3-Sole Source Letter.pdf](#)

[Exhibit 4-Ordinance.pdf](#)

- J.    [ID 18-065](#)      Consider adoption of an ordinance accepting competitive proposals and awarding a contract for the supply of Electric Utility Station Service Voltage Transformers for Denton Municipal Electric to be stocked in the City of Denton Distribution Center; providing for the expenditure of funds therefor; and providing an effective date (RFP 6490-awarded to ABB, Inc. in the three (3) year not-to-exceed amount of \$500,000).

Attachments:      [Exhibit 1-Agenda Information Sheet - revised kes 10-31-17.pdf](#)

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

[Exhibit 3-Ordinance.pdf](#)

[Exhibit 4-Contract.pdf](#)

- K.    [ID 18-070](#)      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 Calvin, Giordano, and Associates, Inc. for municipal planning services, originally approved in the amount of \$91,224; providing for the expenditure of funds therefor; and providing an effective date (File 6604-providing for an additional expenditure amount not-to-exceed \$150,000, with the total contract amount not-to-exceed \$241,224).

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

[Exhibit 2-Original Agreement.pdf](#)

[Exhibit 3-Ordinance.pdf](#)

[Exhibit 4-First Amendment.pdf](#)

- L.    [ID 18-075](#)      Consider adoption of an ordinance approving an employment agreement for the City Auditor 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.docx](#)

## **5. ITEMS FOR INDIVIDUAL CONSIDERATION**

- A.    [ID 17-1442](#)      Consider adoption of an ordinance of the City of Denton, a Texas home rule municipal corporation ("City"), approving a Real Estate Exchange and Abandonment Agreement ("Agreement") between the City and Marsam Enterprises, Inc., a Texas corporation ("Marsam"), for (I) the conveyance to Marsam of a 0.098 acre fee tract, with a drainage and utility easement reserved by the City therein, (II) the conveyance to Marsam of a 0.016 acre fee tract, with a drainage and utility easement reserved by the City therein, (III) the abandonment and release by the City of (A) a 0.063 acre drainage easement, and (B) a 285 square feet drainage easement, and (IV) the payment by the City to Marsam of \$5,000.00, all in exchange for the conveyance to the City of (I) a 0.031 acre fee tract, and (II) a 0.047 acre drainage easement, all cited tracts situated in the W. Loving Survey, Abstract No. 759, City of Denton, Denton County, Texas, generally

located at the northeast corner of Myrtle Street and Eagle Drive; authorizing the City Manager in accordance with Local Government Code 272.001(B)(3) to execute the Agreement; authorizing the expenditure of funds therefore; and providing an effective date. (Eagle Drive Drainage project - Phase II - Marsam tract (Briscoe Tire))

**Attachments:**      [Exhibit 1 - Agenda Information Sheet-\(Marsam\).pdf](#)  
                                 [Exhibit 2- Location Map](#)  
                                 [Exhibit 3 - Site Map.pdf](#)  
                                 [Exhibit 4 - Ordinance - Marsam.pdf](#)

- B.    [A17-0005d](#)    Conduct the second of two readings of an ordinance of the City of Denton for a voluntary annexation of approximately 73.47 acres of land generally located north of Long Road and west of FM 428 by the City of Denton, Texas.

**Attachments:**      [Exhibit 1 - Agenda Information Sheet](#)  
                                 [Exhibit 2- Location Map](#)  
                                 [Exhibit 3 - Zoning Map](#)  
                                 [Exhibit 4 - Staff Presentation](#)  
                                 [Exhibit 5 - Draft Ordinance](#)

- C.    [A17-0006](#)    Consider adoption of an ordinance of the City of Denton, Texas, setting a date, time, and place for two public hearings on the proposed voluntary annexation of certain property generally located on the east side of Old Alton Road, south of the intersection of Old Alton Road and Teasley Lane by the City of Denton, Texas, authorizing and directing the City Secretary to publish notice of such public hearings.

**Attachments:**      [Exhibit 1 - Agenda Information Sheet](#)  
                                 [Exhibit 2 - Site Location Map](#)  
                                 [Exhibit 3 - Zoning Map](#)  
                                 [Exhibit 4 - Draft Ordinance](#)  
                                 [Exhibit 5 - Staff Presentation](#)

- D.    [ID 18-046](#)    Consider adoption of an ordinance accepting competitive bids and awarding a contract for the supply of Parkland Maintenance Products including but not limited to landscape and turf fertilizer, insecticides, herbicides, mulch, and peat moss for the City of Denton Parks and Recreation Department; providing for the expenditure of funds therefor; and providing an effective date (IFB 6409-awarded to the lowest responsive bidder for each line item in the three (3) year not-to-exceed amount of \$196,741).

**Attachments:**      [Exhibit 1-Agenda Information Sheet.pdf](#)  
                                 [Exhibit 2-Tabulation Sheet.pdf](#)  
                                 [Exhibit 3-Ordinance.pdf](#)  
                                 [Exhibit 4-SiteOne Contract.pdf](#)  
                                 [Exhibit 5-Irrigators Supply Contract.pdf](#)  
                                 [Exhibit 6-BWI Contract.pdf](#)  
                                 [Exhibit 7-Harrells LLC Contract.pdf](#)  
                                 [Exhibit 8-Winfield Contract.pdf](#)  
                                 [Exhibit 9-Helena Chemicals Contract.pdf](#)

- E.    [ID 18-048](#)      Consider adoption of an ordinance accepting competitive bids and awarding a contract for the supply of Wartsila Gas Engine Lubrication Oil and Cooling System Glycol for the Denton Energy Center; providing for the expenditure of funds therefor; and providing an effective date (IFB 6632-awarded to the lowest responsive bidder for each line item, Reeder Distributors, Inc. in the not-to-exceed amount of \$330,030 and O'Rourke Dist. Co., Inc. dba O'Rourke Petroleum in the not-to-exceed amount of \$79,953 for a total award not-to-exceed \$409,983). The Public Utilities Board will consider this item on January 8, 2018.

**Attachments:**      [Exhibit 1-Agenda Information Sheet.pdf](#)  
                                 [Exhibit 2-Pricing Sheet.pdf](#)  
                                 [Exhibit 3-Wartsila Specifications.pdf](#)  
                                 [Exhibit 4-Ordinance.pdf](#)  
                                 [Exhibit 5-Staff Presentation.pdf](#)

- F.    [ID 18-073](#)      Consider adoption of an Ordinance of the City of Denton, Texas amending Sections 26-3, 26-4, 26-8 and adding Section 26-12 to Chapter 26 - Utilities of the Denton Code of Ordinances; providing an open meetings clause; providing a cumulative clause; providing a repealer; providing a severability; and providing an effective date.

**Attachments:**      [Exhibit 1- Agenda Information Sheet](#)  
                                 [Exhibit 2- Ordinance.pdf](#)  
                                 [Exhibit 3- Presentation.pdf](#)

## **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 \_\_\_\_\_, 2018 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.