



City of Denton

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

Meeting Agenda

City Council

Tuesday, December 16, 2014

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, December 16, 2014 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 December 16, 2014.

3. Work Session Reports

- A. [ID 14-0830](#) Receive a report, hold a discussion and give staff direction regarding the 2015 State Legislative Program of the City of Denton for the 84th Texas Legislature.

Attachments: [Exhibit 1 Denton State Legislative Program 2015](#)

- B. [ID 14-0834](#) Receive a report, hold a discussion, and give staff direction regarding the use of economic development incentives in residential development projects.

Attachments: [Exhibit 1 PID Guidelines](#)

[Exhibit 2 PowerPoint Presentation](#)

- C. [ID 14-0807](#) Receive a report and hold a discussion regarding billboards impacted by the I-35E widening project.

Attachments: [Exhibit 1 - Billboards \(Zoning\)](#)

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 14-0821](#) 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 acquisition of real property interests located in the David

Hough Survey, Abstract Number 646, located generally in the 3900 block of Quailcreek Road, located in the City of Denton, Denton County, Texas. Consultation with the City's attorneys regarding legal issues associated with the acquisition or condemnation of the real property interests referenced 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 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. (Mayhill Road Widening and Improvements Project & Municipal Landfill: Parcel M139 - Robert Donnelly)

- B. [ID 14-0824](#) Deliberations regarding Real Property - Under Texas Government Code Section 551.072; Consultation with Attorneys - Under Texas Government Code Section 551.071.

Discuss, deliberate, receive information from staff and provide staff with direction pertaining to the acquisition or the condemnation of fee simple tracts, utility easement tracts, slope easement tracts, drainage easement tracts and temporary construction easement tracts for the Bonnie Brae Street Widening and Improvements project, the limits of which are generally between the intersection of Bonnie Brae Street and Interstate Highway 35 East and the intersection of Bonnie Brae Street and U.S. Highway 380, affecting real property tracts in the Robert Beaumont Survey, Abstract No. 31, the Buffalo Bayou, Brazos and Colorado Railroad Survey, Abstract No. 192, and the Eugene Puchalski Survey, Abstract No. 996, in the City and County of Denton, Texas. Consultation with the City's attorneys regarding legal issues associated with the acquisition or condemnation of the tracts referenced above where a public discussion of these legal matters would conflict with the duty of the City's attorneys to the Denton City Council under the Texas Rules of Disciplinary Conduct of the State Bar of Texas, or would jeopardize the City's legal position in any administrative proceedings or potential litigation.

- C. [ID 14-0833](#) Deliberations regarding Real Property - Under Texas Government Code, Section 551.072; Deliberations regarding Consultation with the City Attorney - Under Texas Government Code, Section 551.071; Deliberations regarding Economic Development Negotiations - Under Texas Government Code, Section 551.087.

Receive a report and hold a discussion regarding legal and economic development issues regarding economic development incentives for a business prospective in the Cole Ranch Development. This discussion shall include commercial and financial information the City Council may receive from the business owners which the City seeks to have locate, stay, or expand in or near the territory of the City, and with which the City Council is conducting economic development negotiations, including the offer of financial or other incentives. Also hold a discussion with the City's attorneys on the referenced topic where the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the provisions of the Texas Open Meetings Act, Chapter 551 of the Texas Government Code.

D. [ID 14-0850](#) Consultation with Attorneys - Under Texas Government Code, Section 551.071

Consult with and provide direction to City's attorneys regarding potential litigation and legal issues and strategies associated with the City's sign code and sign regulations, where a public discussion of such matters would conflict with the duty of the City's attorneys under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.

E. [ID 14-0847](#) 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, discuss, deliberate, and provide staff with direction regarding real estate matters related to the site selection for the DME Hickory substation, presently located at the intersection of West Hickory and South Bonnie Brae in the City of Denton, Texas, and concerning certain real property within the immediate vicinity, and the potential acquisition of real property interests. Consultation with the City's attorneys regarding legal issues associated with the 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.

F. [ID 14-0796](#) Consultation with Attorneys - Under Texas Government Code, Section 551.071.

Consult with and provide direction to City's attorneys regarding legal issues and strategies associated with Gas Well Ordinance regulation of gas well drilling and production within the City Limits and the extraterritorial jurisdiction, including: Constitutional limitations, statutory limitations upon municipal regulatory authority; statutory preemption and vested rights; impacts of federal and state law and regulations; impacts of gas well drilling upon protected uses and vice-versa; moratorium on drilling and production; other concerns about municipal regulatory authority or matters relating to enforcement of the Gas Well Ordinance, both current and proposed; settlement matters concerning gas well drilling in the City; surface development issues involving surface and mineral estates; and legal matters associated with a citizen's initiative ordinance and pending litigation styled Jerry Patterson, Commissioner, Texas General Land Office v. City of Denton Texas, Cause No. D-1-GN-14-004628 currently pending in the 53rd District Court of Travis County and Texas Oil and Gas Association v. City of Denton, Cause No. 14-09833-431 currently pending in the 431st District Court of Denton County regarding hydraulic fracturing where a public discussion of these legal matters would conflict with the duty of the City's attorneys 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.

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 14-0838](#) Denton Humanity Restored’s Actively Caring for People Month

3. 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 – K). 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 – K 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 14-0736](#) Consider adoption of an ordinance of the City of Denton, Texas, amending Ordinance No. 2013-335, prescribing the number of positions in each classification of police officer; providing a repealer clause; and declaring an effective date.

Attachments: [Exhibit 1 Sworn Classification Chart](#)

[Exhibit 2 Ordinance](#)

[Exhibit 3 Position Title Change](#)

- B. [ID 14-0815](#) Consider adoption of an ordinance authorizing the City Manager to execute an Interlocal Agreement with the Texas Woman’s University (TWU) under Chapter 791.001 of the State of Texas Government Code, to authorize the City of Denton to

provide five (5) electronic tickets writers including software, implementation services, training and licensing fees, which will be loaned to the TWU Police Department to assist with Class C Misdemeanor enforcement; authorizing the expenditure of funds therefor; and declaring an effective date (File 5706).

Attachments: [Exhibit 1-Ordinance](#)

[Exhibit 2-Agreement](#)

- C. [ID 14-0816](#) Consider adoption of an ordinance of the Council of the City of Denton, Texas accepting a proposal and awarding an “Agreement for the P.L.U.S. One program by and between the City of Denton, Texas and Interfaith Ministries, Inc.” for a utility assistance program for low-income Denton residential households in an amount not-to-exceed \$100,000 per year; providing for the expenditure of funds therefor; and providing an effective date (RFP 5630-Utility Assistance Program for the City of Denton, Texas-for a one (1) year term with two (2) one year renewal options). The Public Utilities Board recommends approval (7-0).

Attachments: [Exhibit 1-Pricing Sheet](#)

[Exhibit 2-Program Guidelines](#)

[Exhibit 3-PLUS One Funds Administered](#)

[Exhibit 4-PUB Minutes](#)

[Exhibit 5-Ordinance](#)

[Exhibit 6-Agreement](#)

- D. [ID 14-0818](#) Consider adoption of an ordinance of the City of Denton, Texas authorizing the approval of a Fifth Amendment to a contract with Mann Robinson and Sons, Inc. for the procurement of services and materials to prepare substation sites and transmission line easements for construction; providing for the expenditure of funds therefor; and providing an effective date (RFP 5086-providing for an additional expenditure amount of \$595,000 with the total contract amount not-to-exceed \$2,975,000). The Public Utilities Board recommends approval (7-0).

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

[Exhibit 2-Projected Expenditures](#)

[Exhibit 3-PUB Minutes](#)

[Exhibit 4-Ordinance](#)

[Exhibit 5-Fifth Amendment](#)

- E. [ID 14-0819](#) Consider adoption of an ordinance of the City of Denton, Texas authorizing the approval of a Fourth Amendment to a contract with Falcon Steel Company for the procurement of galvanized, tapered, steel structures for substations for Denton Municipal Electric; providing for the expenditure of funds therefor; and providing an effective date (RFP 5115-providing for an additional expenditure amount of \$415,000 with the total contract amount not-to-exceed \$2,075,000). The Public Utilities Board recommends approval (7-0).

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

[Exhibit 2-Contract Pricing](#)

[Exhibit 3-PUB Minutes](#)

[Exhibit 4-Ordinance](#)

[Exhibit 5-4th Amendment](#)

- F. [ID 14-0822](#) Consider adoption of an ordinance of the City of Denton, Texas, authorizing the City Manager, or his designee, on behalf of the City, to exercise the options to purchase real property, and to purchase real property, generally located in the 100 block of N. Bonnie Brae ST., 2500 block of W. Hickory St., and 2300 block of W. Oak St., Denton, Denton County, Texas, which is for the public use of expansion, construction, maintenance, operation, and improvement of electric transmission and distribution lines, facilities, and structures, including substations, from John R. Lott and his related entities, for the total purchase of \$1,500,000.00; authorizing the expenditure of funds; and, providing an effective date.

Attachments: [Exhibit 1 Ordinance](#)

- G. [ID 14-0829](#) Consider adoption of an ordinance accepting competitive proposals and awarding a public works contract for the construction of storm drain, water, and sanitary sewer improvements for the McKinney Street Substation addition; providing for the expenditure of funds therefor; and providing an effective date (RFP 5610-awarded to Nu-Way Construction in the not-to-exceed amount of \$184,505.75.) The Public Utilities Board recommends approval (6-0).

Attachments: [Exhibit 1-Evaluation and Ranking Sheet](#)

[Exhibit 2-PUB Minutes](#)

[Exhibit 3-Ordinance](#)

- H. [ID 14-0831](#) Consider approval of a resolution of the City of Denton, Texas, adopting the City of Denton's 2015 State Legislative Program for the 84th Texas Legislature; and providing an effective date.

Attachments: [Exhibit 1 Resolution](#)

- I. [ID 14-0836](#) Consider adoption of an ordinance of the City Council of Denton, Texas authorizing the City Manager to execute a Sewer Main Pro-Rata Reimbursement Agreement by and between the City of Denton, Texas and Peck Construction, LLC for reimbursement of the costs of building a sewer main, through pro-rata charges paid to the City; authorizing the transfer of funds pursuant to the agreement; and providing an effective date.

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

[Exhibit 2 - Peck Prorata](#)

[Exhibit 3- PUB AIS](#)

[Exhibit 4 - Ordinance](#)

[Exhibit 5 - Agreement](#)

- J. [ID 14-0846](#) Consider approval of the minutes of October 21, 2014 and October 28, 2014.

Attachments: [Exhibit 1 October 21, 2014 Minutes](#)
[Exhibit 2 October 28, 2014 Minutes](#)

- K. [ID 14-0856](#) Consider adoption of an ordinance of the City of Denton, Texas, authorizing a Special Called Joint Public Hearing with the City Council and the Planning and Zoning Commission to be held on Tuesday, January 6, 2015, pursuant to Texas Local Government Code §211.007(b) at the City Council Chambers at 6:30 p.m., to consider recommendation and possible action upon an ordinance amending Ordinance No. 2014-137, as amended, which established a moratorium of the acceptance, processing and approval of certain applications related to gas well drilling and production activities; prescribing notice of the joint meeting pursuant to Texas Local Government Code §211.007(d); providing for a recommendation by the Planning and Zoning Commission; superseding the provisions of all ordinances on the same subject matter to the extent of a conflict; and providing for an effective date.

Attachments: [Exhibit 1 - Ordinance](#)

4. 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 of Closed Meeting topics, above posted.

Special Called Session of the City of Denton City Council on December 16, 2014 at 6:30 p.m. in the City Council Chambers located at City Hall, 215 E. McKinney Street, Denton, Texas at which the following item will be considered:

1. PUBLIC HEARINGS

- A. [DCA14-0009](#) Hold a Joint City Council and Planning and Zoning Commission Public Hearing to receive public input, consider, make recommendations and/or take appropriate action, including adoption, concerning an ordinance amending Subchapters 5, 7, 16 and 22 of the Denton Development Code, relating to Gas Well Drilling and Production, Definitions and Procedures; amending Ordinance No. 2013-248, relating to planning and development fees and road damage remediation fees relating to gas well drilling and production activities; adding new Subchapter 22A to the Denton Development Code, relating to Oil and Gas Pipelines, Definitions, Procedures; providing a cumulative clause; providing a severability clause; providing for a penalty; and providing for an effective date.

- Attachments:
- [Exhibit 1 Table of Revised Ordinances](#)
 - [Exhibit 2 Clean Ordinance and Redlined Draft of DDC Subchapter 22](#)
 - [Exhibit 3 Clean Ordinance Draft of DDC Subchapter 7.16](#)
 - [Exhibit 4 Clean Ordinance Draft of DDC Subchapter 16.7](#)
 - [Exhibit 5 Clean Ordinance Draft of DDC Subchapter 5](#)
 - [Exhibit 6 Clean Ordinance Draft of DDC Subchapter 22A](#)
 - [Exhibit 7 Fee Ordinance](#)

At the election of the City Council and the Planning and Zoning Commission, the City Council and the Planning and Zoning Commission may jointly convene in a Closed Meeting, either before or after the Joint City Council and Planning and Zoning Commission Public Hearing to consider specific items when these items are listed below under the Closed Meeting section of this agenda. Both the City Council and the Planning and Zoning Commission reserve the right to adjourn into a Closed Meeting, either jointly or separately, on any item on its Special Session agenda consistent with Chapter 551 of the Texas Government Code, as amended, or as otherwise allowed by law.

A. [ID 14-0852](#) Consultation with Attorneys - Under Texas Government Code Section 551.071.

Hold a Joint City Council and Planning and Zoning Commission Closed Meeting to consult with and provide direction to City's attorneys regarding legal issues and strategies associated with the current Gas Well Ordinance, and proposed Gas Well Ordinance amendment, regulation of gas well drilling and production within the City Limits and the extraterritorial jurisdiction, including: Constitutional limitations, statutory limitations upon municipal regulatory authority; statutory preemption and vested rights; impacts on federal and state law and regulations; impacts of gas well drilling upon protected uses and vice-versa; moratorium on drilling and production; other concerns about municipal regulatory authority or matters relating to enforcement of the Gas Well Ordinance, both current and proposed; settlement matters concerning gas well drilling in the City; surface development issues involving surface and mineral estates; and legal matters associated with a citizen's initiative ordinance and pending litigation styled Jerry Patterson, Commissioner, Texas General Land Office v. City of Denton, Texas, Cause No. D-1-GN-14-004628 currently pending in the 53rd District Court of Travis County and Texas Oil and Gas Association v. City of Denton, Cause No. 14-09833-431 currently pending in the 431st District Court of Denton County regarding hydraulic fracturing where a public discussion of these legal matters would conflict with the duty of the City's attorneys under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.

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 _____, 2014 at _____ o'clock (a.m.) (p.m.)

CITY SECRETARY

NOTE: THE CITY OF DENTON CITY COUNCIL CHAMBERS 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.