

CITY OF DENTON CITY COUNCIL MINUTES

August 5, 2013

After determining that a quorum was present, the City Council convened in a Work Session on Monday, August 5, 2013 at 11:30 a.m. in the Council Work Session Room.

PRESENT: Council Member Engelbrecht, Mayor Pro Tem Kamp, Council Member King, Council Member Hawkins, Council Member Gregory, Council Member Roden, Mayor Burroughs

ABSENT: None

1. Receive a report, hold a discussion, and give staff direction regarding potential amendments to the Public Art Policy.

Bryan Langley, Assistant City Manager, presented an update on potential amendments to the Public Art Policy. The overview would include a discussion on the current public art policy, an examination of potential issues with the current policy, a review of recent discussions regarding potential changes to policy and the proposed policy revisions for consideration. He presented an overview of the current policy. Council approved a Public Art Policy in 2006 which encouraged private donations from individuals, businesses and organizations. Public funding was derived from Hotel Occupancy Tax collections, additional tax abatements provided certain conditions were met, and Capital Improvement Bond Program authorizations.

The potential issues were that the policy was intended to complement major capital projects on a city-wide basis and did not contemplate a bond program related only to infrastructure. As a result, the Citizens Bond Committee and Council discussed whether to apply the policy to the 2012 street bond program. After much discussion the Committee and Council recommended up to \$400,000 in public art improvements for the 2012 bond program. The projects would be related to the streets project.

By applying the funding to only voter authorized bonds, public art funding was limited in timing and scope. By law the funding could only be applied to projects closely related to bond propositions. This prevented funds from various propositions being combined to complete standalone projects. Public art projects could be independently approved by a separate proposition. As such a more reliable, flexible and predictable source of funds were needed to properly fund public art projects.

Council Member Roden asked if the public art component could be a separate item on a bond election.

Langley stated that it would have to be segregated by type of program – not all or nothing.

Council discussed how San Antonio and Fort Worth worked their public art into drainage and streets and the wording of their propositions versus how Denton worded their propositions.

The Public Art Committee currently served in an advisory capacity to the Parks, Recreation and Beautification Board. It was felt that the Committee should report directly the Council. The City also lacked a public art master plan. A plan was needed to guide selection of public art projects in the community and identify resources that were required for implementation.

Recent discussions – In January Staff discussed potential public art policy issues and recommendations to Council. In March Staff met with the Public Art Committee to discuss potential issues and recommendations and in March 2013 a Council Work Session was held to discuss potential changes to the policy.

Recommendations - Prepare a public art master plan for approximately \$80,000 to be paid from the 2012-13 budget which would provide a foundation to determine future public art projects. Staff recommended that the Committee advise the Council directly. Staff also recommended that public art projects be presented to voters as standalone propositions for consideration. The amount of the bond proposition would be determined by Council and may equal a minimum of 2% but not more than 4% of those portions of the bond election that were determined to be appropriate for arts funding. It would not apply to improvements such as streets, drainage, traffic control or other related infrastructures. It allowed public art bond funds to be used for any voter approved purpose. It also specified that bond funding was contingent upon voter approval and that the policy did not apply to Certificates of Obligation revenue bonds, or any other indebtedness of the city.

Mayor Burroughs recommended a change in wording to indicate “voter approved GO bonds” as opposed to “only approved”.

Langley stated that would be correct as it would apply only to voter approved GO bonds.

Council Member Roden stated that Council would reserve the right to change the provision to apply to anything else in the future if it wanted.

Council Member Gregory stated that he was comfortable with most recommendations except that it would have to be a standalone proposition. He felt it might not be a vote approval with it alone.

Council discussed the dividing out of the public art from the other portions of the proposition and flexibility in the wording of the propositions.

Staff recommended that a new public art fund be created to support public art projects. Other minor changes were proposed to clarify language and improve sentence structure.

Summary and Next Steps - staff was recommending revisions to the policy which were designed to resolve potential issues with allocation of bond proceeds to public art projects. If Council agreed with the recommended changes, a revised policy would be presented for consideration on August 20th with three recommended changes to be made.

Mayor Burroughs stated that his recommended modification only applied to the last sentence of the provision. The change to this provision only applied to voter approved GO bonds.

Council Member Hawkins suggested changing “will consider” to “will place”.

2. Receive a report and hold a discussion on the Master Drainage Study for the Downtown Implementation Plan/Tax Increment Financing area.

PS Arora, Division Manager, presented an update on the topic. The drainage study showed that during moderate to intense storms the Downtown area experienced flooded homes, businesses, and impaired emergency responses.

The TNP and Halff Associate's consultant team was retained to perform a master drainage study. The study scope was to (1) determine the impact of the Pecan Creek and Pec-4 creeks on the study area storm drainage system, (2) create a 1D and 2D computer model to evaluate the existing storm drainage system and deficiencies, (3) model the ultimate development condition storms to size the study area storm drainage system, and (4) determine planning level costs of recommended improvements.

The consultant 1996 study determined that (1) the floodplain was a limiting factor in redevelopment of the Downtown area, (2) the Denton Development Code and FEMA regulations limited the growth that could occur in the flood plain areas, (3) identified that reclamation of the floodplain through recommended drainage improvements would remove 500 structures and over 200 acres from the floodplain, and (4) the floodplain reclamation would allow new development and redevelopment projects.

The phases of the project and the projected cost for each of the phases was reviewed. The Pec-4 channel improvement/box culvert costs from Bell to Mulberry was \$12.4 million. \$3 million was budgeted for Phase 1 for this fiscal year, Phase 2 design was funded and 90% completed.

Mayor asked for number of structures which would have to be taken down due to the project.

Council Member Gregory asked if the engineers were confident that FEMA would accept the proposal.

Arora stated that the proposal would have to go through the FEMA process. Preliminary approval would be dependent on completion of the project. The Pecan Creek project with the costs for each phase was reviewed.

Council discussed the box culverts, the design, and the capacity to handle the drainage needs in the future,

Arora showed the existing conditions and potential flooding at a 10 year flood and a 100 year flood storm condition. He also reviewed the proposed improvements for the various phases of the project.

Mayor Pro Tem Kamp asked if there would be appropriate areas where there would not have to be concrete over everything.

Arora stated that a concrete lining was not always needed. There were lots of different types of liners that could be used. The liner was determined by a structural analysis for the storm conditions which would be part of the design process.

Parkway drainage – there was backup and overflow at Carroll due to an undersized box culvert under Carroll. There was also a long box culvert along Pecan Creek under Parkway from Carroll to just east of Locust. In addition a high downstream tailwater election in Pecan Creek Channel

created backwater in the Parkway box culvert. These conditions created extensive flooding in the area.

Council Member King left the meeting.

The costs remaining to be funded added up to \$34.35 million. Arora reviewed the recommended construction priorities which started with the Hickory Street system. Questions associated with the remaining impervious area in TIF included (1) whether to charge new development for the recommended storm drainage improvements in the TIF area, (2) if so, then the first 8 of the 10 projects identified would qualify for a fee to varying capacity uses and (3) consideration that only about 9 acres in the TIF area remained impervious and there were some single family homes that could see redevelopment.

Council Member Gregory stated that most of the solutions seemed to use box culverts and enlarging the culverts to get water off as soon as possible. He questioned if there were any situations where it would be cheaper to purchase the land and remove the impervious surfaces to create a detention pond that could also serve as green space.

Arora stated that staff had some discussions regarding that scenario and it would be looked at as part of the options to consider.

3. Receive a report, hold a discussion, and give staff direction regarding the FY 2013-14 City Manager's Proposed Budget, Capital Improvement Program, and Five-Year Financial Forecast.

City Manager Campbell stated that staff was working on documentation for the questions raised last week by Council.

Chuck Springer, Director of Finance, stated that on Tuesday's meeting there was an item on the agenda to set a maximum tax rate to be considered for publication. Staff was recommending the current tax rate which would set the process in motion. Once voted on any required modifications under state law could be done.

Following the completion of the Work Session, the City Council was able to convene in a Closed Meeting to consider the specific item listed below under the Closed Meeting section of this agenda.

1. Closed Meeting
 - A. Deliberations Regarding Certain Public Power Utilities: Competitive Matters - Under Texas Government Code Section 551.086.
 1. Receive competitive public power information from staff in the form of a proposed operating budget for Denton Municipal Electric (DME) for the upcoming fiscal year, including without limitation, revenues, expenses, commodity volumes, and commitments, and the direction of DME; and discuss, deliberate, consider adoption of the budget and other matters, and provide staff with direction regarding such matters.

City of Denton City Council Minutes

August 5, 2013

Page 5

Council did not meet in Closed Session.

With no further business, the meeting was adjourned at 1:25 p.m.

MARK A. BURROUGHS
MAYOR
CITY OF DENTON, TEXAS

JENNIFER WALTERS
CITY SECRETARY
CITY OF DENTON, TEXAS