

CITY OF DENTON CITY COUNCIL MINUTES

August 20, 2013

After determining that a quorum was present, the City Council convened in a Work Session on Tuesday, August 20, 2013 at 3:00 p.m. in the Work Session Room at City Hall.

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

ABSENT: Mayor Pro Tem Kamp

1. Citizen Comments on Consent Agenda Items

Robert Donnelly spoke on Items 4E, F and G. He had questions concerning the backup regarding Bonnie Brae and the associated projects. In particular, he had a question concerning Bonnie Brae and Vintage and if those were separate issues. He also questioned the amount of money for the appraisals and the alignment of the roads.

2. Requests for clarification of agenda items listed on the agenda for August 20, 2013.

Mayor Burroughs asked the Fire Chief to speak on Item 4J concerning the architect contract for the new fire station.

Ross Chadwick, Fire Chief, stated that staff was recommending Council approve the ordinance to design Fire Station #2. Council had requested an option for LEED certification versus non LEED certification. The LEED certification would add an additional \$165,000 to the contract. Staff had made a commitment that the fire station, as a green station, would be sustainable for 50 years whether LEED or not. Direction was needed from Council on whether to continue with the LEED certification in the contract.

Mayor Burroughs stated that the cost for construction was \$3.4 million with \$550,000 for design and oversight of the project. \$165,000 was for LEED certification. He asked about the difference for the architect.

Chadwick stated that the contract under consideration included the \$165,000. The ordinance could still be adopted with direction from Council to remove the \$165,000 if Council desired not to go with the LEED certification.

Council Member Hawkins questioned if the design would change if not LEED certified.

Chadwick stated that the station would still be green and sustainable.

Council Member Hawkins asked what LEED certification did for the station.

Chadwick stated that it basically was a piece of paper certifying that the station was LEED certified and provided bragging rights.

Hawkins asked if the certification had to be done at this time or could it be applied for in the future.

Chadwick stated that the certification would have to be done now. If the station was not LEED certified, the architect recommended that energy modeling be done to look at all energy options on what would work best for the station and what would not.

Council Member Gregory stated that one of the reasons to apply the LEED certification now had to do with the design and procurement of materials. Part of what the City was paying for was a third party getting materials locally to reduce transportation costs, etc. A presentation at the Committee on the Environment indicated that Station #7 had specific design issues that made it hard for the people who were there on a 24 hour basis. He asked how many design changes would need to take place and hamper the redo of Station 2 for LEED.

Chadwick stated that other options would be used to off-set those issues and felt confident the City could receive gold certification if it wanted.

Council Member Gregory stated that a previous Council had made this commitment to do LEED certification and questioned if this Council would have to undo a resolution if LEED certification was not desired for this station.

City Manager Campbell stated that Council could just provide direction on the status of the LEED certification.

Council Member King asked for an example of something that was in the way at Station 7 that was LEED certified.

Chadwick stated that one item was the automatic shutoffs on sinks. It often times took longer to get cleared up after a fire than the sinks would allow.

Council Member Engelbrecht asked if the \$165,000 for Station 2 would be the same amount for the other two stations.

Chadwick stated that the cost might go up or down depending on the cost of construction. The other two stations would not have to be LEED certified if Council did not want to go in that direction.

City Manager Campbell stated that it was anticipated that the proposed design of Station 2 would be used for Stations 3 and 4.

Chadwick stated that part of design process included the development of a manual based on the station design so that future stations would resemble Station 2.

Council Member Roden stated that he was in favor of LEED certification and wanted to encourage the private sector to do this as well. It was also good for the City to show that it was doing this.

Mayor Burroughs stated that he would like future Councils to make Denton the greenest city in the U.S. A LEED certification would show off the City from other cities.

Council Member Engelbrecht stated that one of the issues was the costs for LEED. At some point the community at-large needed to make a statement to LEED certifiers that the cost was out of bounds.

Council Member Gregory was in favor of the LEED certification with this station but was not sure about the future stations.

Council Member Hawkins asked if the design would be the same building whether LEED certified or not.

Chadwick stated that it would be pretty close.

Council Member Hawkins felt that \$165,000 was a lot of money but that if it was going to be done, then all of the stations should be done and not just one.

Council Member King stated that he was all about sustainability and that it should be done as much as possible. However, he did not feel that LEED certification was necessary. If the LEED certification was not done then it would be necessary to make sure it was known that the station was on track for the certification.

City Manager Campbell stated that the \$165,000 difference was for the architectural design and not for construction. Without the certification, there might be different windows or the collection of rainwater might not be included.

Chadwick stated that those would be included even if not LEED certified.

Jon Fortune, Assistant City Manager, stated that the \$165,000 was for monitoring of construction for the certification. It would provide oversight of the process and certification that the project met the standards to meet LEED certification.

Mayor Burroughs questioned what would happen if no clear direction was provided at this meeting.

Chadwick stated that the sooner the decision was known, the better it would be for the design process. Council could approve the contract and then amend it if necessary in the future.

Mayor Burroughs announced that Items 7B, C, and D were being removed from the agenda and would not be considered.

Council Member Gregory stated that Item U did not have a listing in Closed Session and felt uncomfortable moving on that item unless he had some legal consultation.

City Attorney Burgess stated that the agenda listed a provision that the Council reserved the right to go into Closed Session on any item allowed. That item could be included in a Closed Session.

Council Member Gregory requested that Item U be added to the Closed Session.

3. Receive a report and hold a discussion, and give staff direction regarding various

professional services agreements between the City of Denton and Graham Associates, Inc. and Freese and Nichols relating to the widening and improvements to Bonnie Brae Street, Vintage Boulevard, and Mayhill Road.

Frank Payne, City Engineer, stated that the City applied for regional toll revenue funding for several major transportation projects in August 2007. In August 2008 the Bonnie Brae Project was selected for funding. He showed the original project that was in the advanced funding agreement with the State and detailed the funding amounts per source by fiscal year. He also reviewed the history of the approval of the project. A modified layout was presented to Council on July 17, 2012. At that time, Council approved the use of the remaining funding on Bonnie Brae to pay for the widening of Vintage Blvd, the widening Bonnie Brae from just north of Scripture to US 380 and for acquiring right-of-way for the future widening of Bonnie Brae from I35E to just north of Scripture. Remaining funding consisted primarily of money not spent to widen Bonnie Brae south of Vintage. Staff prepared a TIP modification, anticipating that funding from Denton County Precinct 2 could be used for Vintage. The TIP modification was to be entered in the NCTCOG application for screening prior to RTC and TxDOT approval.

The modified funding amounts per source by fiscal year were reviewed. The TIP modification originally submitted to NCTCOG counted on the use of all Denton County money approved for Vintage Blvd. and left- over street bond funds as additional local match. The RTR funding was to remain the same overall at \$46 million with a redistribution of funds between engineering, right-of-way, utility relocations and construction. COG did not approve the TIP modification as presented by the City through Innovative Transportation Solutions because it could not agree to the inclusion of Vintage Blvd. west of Bonnie Brae.

The project extents approved by COG and the basis for TIP modification was presented. The TIP modification approved for submission by COG included the section of Vintage from Bonnie Brae east to US Highway 377. It maintained the original tie back to US 377 removed by eliminating the southern section of Bonnie Brae. Vintage, west of Bonnie Brae, was to be treated as a separate project.

Payne next reviewed the modified funding amounts per source by fiscal year - final figures. The TIP modification included a total of \$14 million by the City or roughly \$4.9 million more than originally budgeted. The actual funding remaining from street bond funding was approximately \$2 million. The additional \$2.9 million needed could come from (1) selling additional Certificates of Obligation, (2) project savings, (3) transfer from General Obligation Bonds remaining in other projects, (4) County money slated for Vintage Blvd., or (5) interest income from deposited funds.

The original Graham Associates contract still had approximately \$1 million left on the contract. The original fee was split at approximately 72% for north of Vintage and 27% south of Vintage. The contracts on the later agenda were for additional work on Vintage and Bonnie Brae. Payne reviewed the details of the Graham contract. The engineering costs included in the modified budget were intended to cover all professional services including engineering, right-of-way acquisition, internal staff costs and legal fees.

Council Member Gregory requested a listing of the sources of funding and where the fund savings came from.

Mayhill Road widening and improvements project – Council approved the original contract with Freese and Nichols in the amount of \$4.5 million on October 19, 2010. Right-of-way acquisition included the purchase of a number of properties having existing structures that had to be removed. In order to remove the structures, the possible presence of asbestos had to be determined. The original contract was amended to include an asbestos survey of 19 structures. As the project evolved, additional items were required beyond the original scope.

Options for the amended contract included whether to approve the professional services agreements as discussed and presented on the Consent Agenda or decline to approve the professional services agreements as recommended. Staff recommended approval of the professional services agreements as listed on the Consent Agenda.

4. Receive a report, hold a discussion and give staff direction regarding economic development strategies.

Aimee Bissett, Director of Economic Development, presented an overview review of the EDP structure, a discussion of FY 2013-14 objectives, a discussion of a new strategic plan, and a request for direction from Council.

There were several reasons for relocating to Denton. They included (1) convenience to come to Texas, (2) deciding whether to consider north Texas specifically, and (3) reasons why the business should want to come to Denton. The membership of the Economic Development Partnership Board, partnership staffing, Chamber Economic development and additional participation was reviewed.

Mayor Burroughs left the meeting.

Bissett reviewed economic development best practices, including entrepreneurship and small business development; business retention and expansion; and recruitment of large employers and taxpayers. Additional areas of review included business attraction, the top 20 taxpayers, and the top five private employers.

Council Member Roden asked what was done to market Denton to potential businesses.

Bissett stated that site selectors looked at an area and statistics for criteria for looking at Denton. The process was really managed by site selectors.

Council discussed the methods used to attract potential businesses to Denton such as conference attendance, various state programs, and networking with site selectors.

The perception of Denton poverty and how students affected the Denton economy was presented. Retailers looked at that poverty level and did not feel Denton was able to support high end retailers.

Mayor Burroughs returned to the meeting.

Positives for Denton – the economic area was affordable and had locally-owned business. The social area was local-centric and environmentally minded. Politically, Denton had grassroots

politics with actively engaged citizens. In the cultural area, Denton had a creative section with music and arts along with festivals and events.

Bissett presented an outline of seven potential strategies for improving economic development programs and options for the development of a new strategic plan. The seven potential strategies included (1) entrepreneurship and small business, (2) business retention and expansion, (3) identification of target industries, (4) marketing/recruitment team, (5) filling the GAP, (6) effective incentives, and (7) strategic planning.

Mayor Burroughs suggested including access to local university research in #3 strategy for identification of target industries.

Council Member Roden stated that he had suggested this topic as a budget priority because he felt the current plan was out of date. He suggested thinking about what to invest in this budget cycle, what do in this year for a low to minimal cost and decide whether to put more money in it.

Bissett stated that staff was working on advancing the plan with UNT

Mayor Burroughs stated that Council was encouraging of the process. He questioned when would be the right time to do an analysis. He was also comfortable with the retail side and felt it would be increasing very soon in the future.

Council Member Hawkins stated that a one stop shop for small business and a fast track for large businesses would be great.

Mayor Burroughs stated that Item D1 in the Closed Session would not be considered and that the general budget discussion would be considered either after the completion of the Closed Session or after the regular session.

Following the completion of the Work Session, the Council convened in a Closed Session to consider the following:

A. Closed Meeting:

A. Deliberations regarding Real Property - Under Texas Government Code Section 551.072; Consultation with Attorneys - Under Texas Government Code Section 551.071.

1. Discuss, deliberate, and receive information from staff and provide staff with direction pertaining to the potential purchase of certain real property interests located in the M.E.P. & P.R.R. Survey, Abstract No. 927, the M.E.P. & P.R.R. Survey, Abstract 1473, the R.B. Longbottom Survey, Abstract Number 775, the Caswell Carter Survey, Abstract Number 275, the Daniel D. Gulp Survey, Abstract 287, and the M. Yoacham Survey, Abstract 1442, City of Denton, Denton County, Texas, and generally located north of McKinney Street, east along Paisley Street, and north following Loop 288. Consultation with the City's attorneys regarding

legal issues associated with the potential acquisition and condemnation of the real property described 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.

2. Discuss, deliberate, and receive information from staff and provide staff with direction pertaining to the potential purchase of certain real property interests located in the James Edmonson Survey, Abstract No. 400, Denton County, Texas, located generally in the 3100 Block of South Bonnie Brae Street, the property interests being within an unincorporated area of Denton County, Texas. Consultation with the City's attorneys regarding legal issues associated with the potential acquisition of the real property interests described 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 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.
3. Discuss, deliberate, and receive further information regarding the purchase of certain real property interests located in the Thomas Toby Survey, Abstract No. 1288, City of Denton, Denton County, Texas, and generally located at the south east corner of Loop 288 and Locust Street. Consultation with the City's attorneys regarding legal issues associated with the potential acquisition and condemnation of the real property described 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.

B. 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.

1. Receive competitive public power information and competitive financial information from staff regarding plans and strategies involved with the Energy Management Division proposed for Denton Municipal Electric ("DME") regarding electric power marketing analyses and strategies. Consultation with the City's attorneys regarding legal issues associated with the same, 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.

2. Receive competitive public power information and financial information from staff regarding approval of the Genscape, Inc., a Delaware Corporation, "Master License and Services Agreement (North America)," being a three-year agreement, and being a sole-source acquisition which is exempt from the requirements of competitive bidding under the provisions of Section 252.022, Texas Local Government Code, for software relating to bidding and pricing information for purchased power, generation and fuel, and Electric Reliability Council of Texas bids, prices, offers, and related services for purposes of supporting the Energy Management Division of DME; discuss, deliberate, provide staff with direction, consider and take final action regarding said Agreement. Consultation with the City's attorneys regarding legal issues associated with the above acquisition 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.

Council Member Gregory motioned, Council Member Roden seconded to authorize the City Manager to execute the contract. On roll call vote: Mayor Burroughs, Council Member Engelbrecht, Council Member Gregory, Council Member King, Council Member Roden, and Council Member Hawkins – “aye”. Motion carried unanimously.

C. 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.

D. Consultation with Attorneys - Under Texas Government Code Section 551.071.

1. Receive a report and hold a discussion with City's attorneys regarding the City of Denton Sign Ordinance.

This item was not considered.

E. Deliberations regarding Personnel Matters - Under Texas Government Code Section 551.074.

1. Deliberate and discuss the appointment and duties of public officers to boards or commissions exercising discretionary or rule making power as opposed to purely advisory powers, which includes without limitation the Health and Building Standards Commission, the Historic Landmark Commission, the

Planning and Zoning Commission, and the Zoning Board of Adjustment.

This item was not considered.

Regular meeting of the City of Denton City Council at 7:00 p.m.in the Council Chambers at City Hall.

1. PLEDGE OF ALLEGIANCE

The Council and members of the audience recited the Pledge of Allegiance to the U. S. and Texas flags.

2. PROCLAMATIONS/PRESENTATIONS

A. Proclamations/Awards

1. Women's Right to Vote Week

Mayor Burroughs presented the proclamation for Women's Right to Vote Week.

2. Live United Month

Mayor Burroughs presented the proclamation for Live United Month.

3. 2013 Miss Texas

Mayor Burroughs presented the proclamation for 2013 Miss Texas proclamation.

4. Mean Green Pride Fridays

This proclamation was not presented at the meeting.

3. CITIZEN REPORTS

There were no citizen reports at this meeting.

4. CONSENT AGENDA

Council Member Gregory motioned, Council Member King seconded to adopt the Consent Agenda and accompanying ordinances and resolutions. On roll call vote: Mayor Burroughs, Council Member Engelbrecht, Council Member Gregory, Council Member King, Council Member Roden, and Council Member Hawkins – “aye”. Motion carried unanimously.

Resolution No. R2013-020

- A. Consider approval of a resolution voting for a member to the Board of Managers of the Denco Area 9-1-1 District; and declaring an effective date.

Ordinance No. 2013-198

- B. Consider adoption of an ordinance awarding a contract under the Texas Multiple Award Schedule (TXMAS) program for the purchase of a Volvo L70G Wheel Loader for the City of Denton Water Distribution Department as awarded by the State of Texas (Contract TXMAS-13-23V010); providing for the expenditure of funds therefor; and providing an effective date (File 5327-Wheel Loader for Water Distribution Department awarded to Romco Equipment Company in the amount of \$143,580). The Public Utilities Board recommends approval (5-0).

Ordinance No. 2013-199

- C. Consider adoption of an ordinance of the City of Denton, Texas authorizing the City Manager to execute a Professional Services Agreement for design and engineering services with Graham Associates, Inc. relating to the widening of Vintage Boulevard from Bonnie Brae Road East to U.S. Highway 377 in an amount not-to-exceed \$557,402; providing for the expenditure of funds therefor; and providing an effective date (File 5328-awarded to Graham Associates, Inc.).

Ordinance No. 2013-200

- D. Consider adoption of an ordinance of the City of Denton, Texas authorizing the City Manager to execute a Professional Services Agreement for preliminary design and engineering services with Graham Associates, Inc. relating to the widening of and improvement of Bonnie Brae Road from Interstate Highway 35 East to north of Scripture Road in an amount not-to-exceed \$292,575.68; providing for the expenditure of funds therefor; and providing an effective date (File 5329-awarded to Graham Associates, Inc.).

Ordinance No. 2013-201

- E. Consider adoption of an ordinance of the City of Denton, Texas authorizing the City Manager to execute a Professional Services Agreement for design and engineering services with Graham Associates, Inc. relating to the widening of and improvement of Bonnie Brae Road from north of Scripture Road to U.S. Highway 380 in an amount not-to-exceed \$831,196.50; providing for the expenditure of funds therefor; and providing an effective date (File 5330-awarded to Graham Associates, Inc.).

Ordinance No, 2013-202

- F. Consider adoption of an ordinance of the City of Denton, Texas authorizing the City Manager to execute a Professional Services Agreement for design and engineering services with Graham Associates, Inc. relating to the widening of Vintage Boulevard from Bonnie Brae Road west to Interstate Highway 35 West in an amount not-to-exceed \$331,565; providing for the expenditure of funds therefor; and providing an effective date (File 5331-awarded to Graham Associates, Inc.).

Ordinance No. 2013-203

- G. Consider adoption of an ordinance of the City of Denton, Texas authorizing the approval of a Second Amendment to a Professional Services Agreement for

Engineering and Design Services relating to the Mayhill Road widening and Improvements Project, by and between Freese and Nichols, Inc. and the City of Denton, Texas, providing for the expenditure of funds therefor; and providing an effective date (File 4511-providing for an additional expenditure amount not-to-exceed \$488,835 with the total contract amount not-to-exceed \$5,040,742).

Ordinance No. 2013-204

H. Consider adoption of an ordinance of the City of Denton, Texas authorizing the City Manager to execute a Professional Services Agreement with Resolved Energy Consulting, LLC, for Utility Consulting Services for Denton Municipal Electric for a three (3) year period, in an amount not-to-exceed \$520,000; authorizing the expenditure of funds therefor; and providing an effective date (File 5332 awarded to Resolved Energy Consulting, LLC). The Public Utilities Board recommends approval (5-0).

Ordinance No. 2013-205

I. Consider adoption of an ordinance by the City of Denton Texas, authorizing the City Manager to execute the Second Amendment to professional and personal services agreement with AR/WS Texas, LP, for further services regarding the procurement and delivery of land rights for the Denton Municipal Electric 69kV Spencer to Denton North Interchange Transmission Line Upgrade Project; authorizing the expenditure of additional funds therefor in an amount not-to-exceed \$191,800; and providing an effective date (File 4744-AR/WS Texas, LP aggregating an amount not-to-exceed \$637,200). The Public Utilities Board recommends approval (5-0).

Ordinance No. 2013-206

J. Consider adoption of an ordinance of the City of Denton, Texas authorizing the City Manager to execute a Professional Services Agreement for architectural and design services with Kirkpatrick Architecture Studio for the design of Fire Station 2 to be located at 3311 East McKinney Street, Denton, Texas in an amount not-to-exceed \$555,500; providing for the expenditure of funds therefor; and providing an effective date (File 5334-awarded to Kirkpatrick Architecture Studio).

Resolution No. R20013-021

K. Consider approval of a resolution repealing Resolution No. R2006-014 which established a Public Art Policy for the City of Denton, and establishing a revised Public Art Policy for the City of Denton, Texas; and providing for an effective date.

Ordinance No. 2013-207

L. Consider adoption of an ordinance amending Chapter 22 "Parks and Recreation", of the Code of Ordinances, City of Denton, Texas by amending Section 22-4, "Duties" to provide that the Board shall have the duty to make recommendations to the City Council and the Parks and Recreation director regarding policy matters related to public art; amending Section 22-6, to provide for a City Council appointed nine-member Public Art Committee to serve as an advisory board to

the City Council; repealing Ordinance No. 2006-105; and providing an effective date.

Resolution No. R2013-022

- M. Consider approval of a resolution of the City Council of the City of Denton, Texas receiving and accepting the City of Denton, Texas Master Drainage Study of the Downtown Implementation plan ("DTIP") and the Tax Increment Finance Districts ("TIF") - 2013, conducted by Teague Nall and Perkins, Inc. and HALFF Associates, Inc; and providing an effective date.

Resolution No. R2013-023

- N. Consider approval of a resolution allowing Corey Pond, of The Common Table, to be the sole participant allowed to sell alcoholic beverages at the Canned Festival, to be held in Williams Trade Square (parking area bordered by E. Hickory and Mulberry Streets; east of Wells Fargo Bank; and west of 210 E. Hickory), on October 5, 2013, upon certain conditions; authorizing the City Manager or his designee to execute an agreement in conformity with this resolution; and providing for an effective date. Staff recommends approval.

Approved the noise exception request below.

- O. Consider a request for an exception to the Noise Ordinance for the purpose of the Canned Festival sponsored by Spune Productions. The event will be held on City property, Williams Trade Square, on Saturday, October 5 from 2 p.m. to 10 p.m. The exception is specifically requested to increase sound levels from 70 to 75 decibels. Staff recommends approval of request.

Approved the noise exception request below.

- P. Consider a request for an exception to the Noise Ordinance for the purpose of performing live music during a new event, Friends with Benefits Concert. The concert will be located at 1209 W. Hickory Street, beginning at 11:30 a.m. and concluding at 10:00 p.m. on Sunday, September 1, 2013. This request is for amplified sound and an increase in decibels from 70 to 75. Staff recommends approval of request.

Resolution No. R2013-024

- Q. Consider approval of a resolution approving the issuance of Revenue Bonds by the Colorado Health Facilities Authority on behalf of the Evangelical Lutheran Good Samaritan Society in an aggregate principal amount not to exceed \$115,000,000; recognizing that the City of Denton is not responsible for issuing the Revenue Bonds and has no financial obligation to pay any principal or interest on the Revenue Bonds; making certain findings in connection therewith; and providing an effective date.

Approved the noise exception request below.

- R. Consider a request for an exception to the Noise Ordinance for the purpose of the 15th Annual Denton Blues Festival, sponsored by the Denton Black Chamber of Commerce. The event will be held in Quakertown Park on Saturday, September 21, 2013, from 1:00 p.m. to 10:30 p.m. and Sunday, September 22, 2013, from

1:00 p.m. to 8:30 p.m. The exception is specifically requested to increase hours of operation for amplified sound on Saturday from 10:00 p.m. until 10:30 p.m. and for amplified sound on Sunday, and an increase in sound levels from 70 to 75 decibels.

Resolution No. R2013-025

S. Consider approval of a resolution allowing the Black Chamber of Commerce to be the sole participant allowed to sell alcoholic beverages at the Blues Festival on September 21-22, 2013, upon certain conditions; authorizing the City Manager or his designee to execute an agreement in conformity with this resolution; and providing for an effective date. The Parks, Recreation and Beautification Board recommends approval (6-0).

Resolution No. R2013-026

T. Consider approval of a resolution of the City of Denton, Texas, supporting Proposition 6 on the November 2013 Texas Constitutional Amendment Election called by the State of Texas, relating to water infrastructure funding.

Ordinance No. 2013-208

U. Consider adoption of an ordinance of the City of Denton, Texas authorizing the City Manager to execute and Oil and Gas Lease (the "Lease") between the City of Denton, Texas, as Lessor and Eagleridge Energy, LLC, as Lessee, as attached to the ordinance and made a part thereof as Exhibit "A", said lease providing for a twelve (12) month primary term and other terms and provisions as described therein, and leasing approximately 10.0513 acres of real property, located in the Eugene Puchalski Survey, Abstract No. 996, and located approximately along the 3100 block of West Prairie Street, providing findings; and providing an effective date. (Old Armory Tract Lease)

5. ITEMS FOR INDIVIDUAL CONSIDERATION

A. Consider nominations/appointments to the City's Economic Development Partnership Board.

Aimee Bissett, Director of Economic Development, stated that the Nominating Committee met and was bringing forward four nominations for Council consideration. Those nominations were Virgil Strange representing the Chamber of Commerce, Dalton Gregory representing the City Council, Cleve Breedlove representing aviation and Jim Fykes representing the top 20 taxpayer category.

Council Member Engelbrecht motioned, Council Member King seconded to approve the nominations. On roll call vote: Mayor Burroughs, Council Member Engelbrecht, Council Member Gregory, Council Member King, Council Member Roden, and Council Member Hawkins - "aye". Motion carried unanimously.

- B. Consider nominations/appointments to the City's Boards & Commissions.
1. Airport Advisory Board
 2. Community Development Advisory Committee
 3. Health & Building Standards Commission
 4. Historic Landmark Commission
 5. Human Services Advisory Committee
 6. Library Board
 7. Parks, Recreation and Beautification Board
 8. Public Art Committee
 9. Public Utilities Board
 10. Traffic Safety Commission
 11. Zoning Board of Adjustment

Nominations were:

Community Development Advisory Committee – Ira Weinstein

Health & Building Standards – Cody Robinson; David Hoenig

Human Services – Ira Weinstein

Library Board – Bonnie McCormick

Parks and Recreation – Russ Stukel

Public Art Committee – Jim Clement

Public Utilities Board - Barbara Russell

Zoning Board of Adjustment – Barbara Gailey

Council Member Roden motioned, Council Member King seconded to approve the nominations. On roll call vote: Mayor Burroughs, Council Member Engelbrecht, Council Member Gregory, Council Member King, Council Member Roden, and Council Member Hawkins – “aye”. Motion carried unanimously.

6. PUBLIC HEARINGS

- A. Hold a public hearing and receive citizen input on the FY 2013-14 Proposed Budget.

Chuck Springer, Director of Finance, stated that the City Charter and State law required that prior to budget adoption, a public hearing be conducted to allow citizens the opportunity to provide input on the proposed budget. He reviewed the priorities for the budget, the key focus areas, and the expenditures and resources for the budget. Utility rate adjustments were proposed with the overall rate impact for the average customer discussed.

Council Member Roden asked where a citizen would find more details on the budget.

Springer stated that information was posted on the City website with hard copies at the Library.

The Mayor opened the public hearing.

No one spoke during the public hearing.

The Mayor closed the public hearing.

No action was required on this item at this meeting.

- B. Hold a public hearing on a proposal to adopt a tax rate of \$0.68975 per \$100 valuation, which will exceed the lower of the rollback rate or the effective rate.

Chuck Springer, Director of Finance, stated that the Texas Constitution and the Texas Property Tax Code required taxing units to comply with specific guidelines in adopting tax rates. He reviewed the effective tax rate and rollback rate.

The Mayor opened the public hearing.

No one spoke during the public hearing.

The Mayor closed the public hearing.

No action was required on this time at this time.

Ordinance No. 2013-209

- C. Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, regarding an initial zoning request of Industrial Center General (IC-G) for approximately 6.88 acres of land, generally located approximately 1,250 feet south of the McKinney Street and Grissom Road intersection, legally described as Lot 1, Block 1 of the Lake Dallas Storage Addition; providing for a penalty in the maximum amount of \$2,000.00 for violations thereof; providing for severability; and establishing an effective date. The Planning and Zoning Commission recommends approval (6-0).

Ron Menguita, Planning Supervisor, presented the details of the proposal. This proposal would allow Atmos Energy to move forward with a specific use permit to install a telecommunication tower that would be over 50 feet in height. The request would then come back for a public hearing during the specific use permit process. This property was recently annexed and was designated with the RD-5 zoning category. After the initial discussion, staff recommended that the area not zoned but owned by the City also be included as part of this initial zoning request. It was felt that this would be an opportunity to zone the entire area that the City owed with one application. However, at the Planning and Zoning Commission public hearing, there was opposition to the initial zoning by property owners within 500 feet of the proposed area. Before concluding the public hearing, the Planning and Zoning Commission continued this item to the next meeting to give staff and the applicant time to hold a public meeting. Staff and the applicant met internally and based on the comments received, staff and the applicant decided to withdraw the amendment and to limit the area of the initial zoning request back to the original request. The purpose of tower was for safe communication. A review was presented of future zoning, current zoning, and proposed zoning. The Planning and Zoning Commission and Development Review Committee recommended approval.

The Mayor opened the public hearing.

No one spoke during the public hearing.

The Mayor closed the public hearing.

Council Member Gregory motioned, Council Member King seconded to adopt the ordinance. On roll call vote: Mayor Burroughs, Council Member Engelbrecht, Council Member Gregory, Council Member King, Council Member Roden, and Council Member Hawkins – “aye”. Motion carried unanimously.

- D. Hold a public hearing and consider approval of the alignment of the Northeast Transmission Line Rebuild Project as requested by the Haisler family, property owners of the 53 acre tract located at the southeast corner of Loop 288 and Locust Street, City of Denton, Denton County, Texas. The Public Utilities Board recommends approval (5-0).

Phil Williams, General Manager – DME, presented the details of the public hearing. Last year Council approved the final section of the Northeast Transmission Line Rebuild Project. At that meeting, Council gave direction to DME to work with the Haisler family to determine an alignment that would be acceptable to the property owner and the neighborhood while meeting the requirements of DME. In working with the land owner a proposal was developed to put an expanded tract on back side of the property with a 105 foot easement instead of the traditional 75 foot easement. This would allow for preservation of a tree line on the back side of the homes. A neighborhood meeting was held on July 8th to discuss the alignment with the neighborhood. Twenty six people attended the meeting with 6 comments submitted in favor of the alignment recommended by the Haislers and 7 comments in opposition to the alignment. The Public Utilities Board recommended approval following their public hearing on the proposal.

Council Member Gregory asked if the City was just purchasing the easement and what the land could be used for.

Williams stated that the land would stay under the ownership of current owner. No structures could be built under lines or in the easement.

The Mayor opened the public hearing.

The following Speaker Cards were submitted:

Dalton Allen, 111 Lexington, Denton, 76205 - spoke in favor.

Comment cards were submitted by:

J. Haisler, 1200 Cowling Road, Sanger, 72266 – in favor of the proposed route

Shirley Haisler, 1200 Cowling Road, Sanger, 72266 – in favor of the proposed route

Additional speakers included:

Paul Townsend, 104 Neptune, Denton - opposed

Beth Powell, 402 Redstone, Denton - opposed

David Robertson, 409 Redstone – opposed

The Mayor closed the public hearing.

Council Member Hawkins asked if there were any known health issues related to the transmission lines.

Williams stated that the best Federal study was done in 2002. That exhaustive study found no correlation to any health problems with electromagnetic fields.

Council commented on how hard a decision this was based on what would have least impact on the neighborhood and what was beneficial for the route. The extended easement would save the trees and was a plus for the alignment. It was difficult to install infrastructure without affecting someone.

Council Member Roden motioned, Council Member King seconded to approve the line as presented. On roll call vote: Mayor Burroughs, Council Member Engelbrecht, Council Member Gregory, Council Member King, Council Member Roden, and Council Member Hawkins - "aye". Motion carried unanimously.

7. ITEMS FOR INDIVIDUAL CONSIDERATION - CONSIDERATION OF THE USE OF EMINENT DOMAIN TO CONDEMN REAL PROPERTY INTERESTS

Ordinance No. 2013-210

A. Consider adoption of an ordinance (I) finding that a public use and necessity exists to acquire through the exercise of the right of eminent domain fee simple title to the surface estate, with waiver of surface use related to the mineral estate, of a 0.5103 acre tract of land to be used and utilized for and in connection with the expansion, construction, maintenance, replacement, augmentation, and improvement of electric transmission and distribution lines, facilities, and structures (herein the "DME Expansion Project"), the affected lands and interests being generally situated in the M.E.P. & P.R.R. Survey, Abstract Number 1473, City of Denton, Denton County Texas, as more particularly described in Exhibit "A" and depicted in Exhibit "B", attached hereto and made a part hereof (said tract of land and all related interests therein to be acquired collectively referred to herein as the "Property Interests"); (II) authorizing the filing and prosecution of eminent domain proceedings to acquire the Property Interests; (III) authorizing the expenditure of funds therefore; (IV) making findings; (V) providing a savings clause; and (VI) providing an effective date. (Parcel 19P - Denton Municipal Electric 69kV Spencer to Denton North Interchange Transmission Line Upgrade Project) The Public Utilities Board recommends approval (5-0).

Pamela England, Real Estate Specialist, stated that ongoing negotiations with the affected property owner had reached an impasse. Approval of the proposed ordinance authorized staff to acquire the land right necessary by way of exercising the City's eminent domain authority.

Council Member Gregory motioned, Council Member Roden seconded the following:

"I move approval of this ordinance, and further, I move that the City of Denton, Texas authorize the use of the power of eminent domain to acquire fee acquisition encumbering 0.5103 acre of real property, being generally located in the M.E.P. & P.R.R. Survey, Abstract No. 1473 and all being more particularly described in Exhibit "A" and depicted in Exhibit "B" to the ordinance now under consideration and on the overhead screen being now displayed to the audience, for the DME Expansion Project in the City of Denton, Texas."

Real property description is attached as Exhibit 1 to the minutes.

On roll call vote: Mayor Burroughs, Council Member Engelbrecht, Council Member Gregory, Council Member King, Council Member Roden, and Council Member Hawkins – "aye". Motion carried unanimously.

- B. Consider adoption of an ordinance (I) finding that a public use and necessity exists to acquire through the exercise of the right of eminent domain an Electric Utility Easement encumbering a 0.1739 acre tract to be used and utilized for and in connection with the expansion, construction, maintenance, replacement, augmentation, and improvement of electric transmission and distribution lines, facilities, and structures (herein the "DME Expansion Project"), the affected lands and interests being generally situated in the M.E.P. & P.R.R. Survey, Abstract Number 927, City of Denton, Denton County Texas, as more particularly described in Exhibit "A" and depicted in Exhibit "B", attached hereto and made a part hereof (said tract of land and all related interests therein to be acquired and damages resulting therefrom collectively referred to herein as the "Property Interests"); (II) authorizing the filing and prosecution of eminent domain proceedings to acquire the Property Interests; (III) authorizing the expenditure of funds therefore; (IV) making findings; (V) providing a savings clause; and (VI) providing an effective date. (Parcel 20P - Denton Municipal Electric 69kV Spencer to Denton North Interchange Transmission Line Upgrade Project) The Public Utilities Board recommends approval (5-0).

This item was not considered.

- C. Consider adoption of an ordinance (I) finding that a public use and necessity exists to acquire through the exercise of the right of eminent domain an Electric Utility Easement encumbering a 3.5624 acre tract to be used and utilized for and in connection with the expansion, construction, maintenance, replacement, augmentation, and improvement of electric transmission and distribution lines, facilities, and structures (herein the "DME Expansion Project"), the affected lands and interests being generally situated in the M.E.P. & P.R.R. Survey, Abstract Number 927, City of Denton, Denton County Texas, as more particularly

described in Exhibit "A" and depicted in Exhibit "B", attached hereto and made a part hereof (said tract of land and all related interests therein to be acquired and damages resulting therefrom collectively referred to herein as the "Property Interests"); (II) authorizing the filing and prosecution of eminent domain proceedings to acquire the Property Interests; (III) authorizing the expenditure of funds therefore; (IV) making findings; (V) providing a savings clause; and (VI) providing an effective date. (Parcel 21P - Denton Municipal Electric 69kV Spencer to Denton North Interchange Transmission Line Upgrade Project) The Public Utilities Board recommends approval (4-0).

This item was not considered.

- D. Consider adoption of an ordinance (I) finding that a public use and necessity exists to acquire through the exercise of the right of eminent domain an Electric Utility Easement encumbering a 2.0203 acre tract to be used and utilized for and in connection with the expansion, construction, maintenance, replacement, augmentation, and improvement of electric transmission and distribution lines, facilities, and structures (herein the "DME Expansion Project"), the affected lands and interests being generally situated in the M.E.P. & P.R.R. Survey, Abstract Number 927, City of Denton, Denton County Texas, as more particularly described in Exhibit "A" and depicted in Exhibit "B", attached hereto and made a part hereof (said tract of land and all related interests therein to be acquired and damages resulting therefrom collectively referred to herein as the "Property Interests"); (II) authorizing the filing and prosecution of eminent domain proceedings to acquire the Property Interests; (III) authorizing the expenditure of funds therefore; (IV) making findings; (V) providing a savings clause; and (VI) providing an effective date. (Parcel 22P - Denton Municipal Electric 69kV Spencer to Denton North Interchange Transmission Line Upgrade Project) The Public Utilities Board recommends approval (4-0).

This item was not considered.

Ordinance No. 2013-211

- E. Consider adoption of an ordinance (I) finding that a public use and necessity exists to acquire through the exercise of the right of eminent domain an Electric Utility Easement encumbering a 2.9001 acre tract to be used and utilized for and in connection with the expansion, construction, maintenance, replacement, augmentation, and improvement of electric transmission and distribution lines, facilities, and structures (herein the "DME Expansion Project"), the affected lands and interests being generally situated in the R.B. Longbottom Survey, Abstract Number 775, City of Denton, Denton County Texas, as more particularly described in Exhibit "A" and depicted in Exhibit "B", attached hereto and made a part hereof (said tract of land and all related interests therein to be acquired and damages resulting therefrom collectively referred to herein as the "Property Interests"); (II) authorizing the filing and prosecution of eminent domain proceedings to acquire the Property Interests; (III) authorizing the expenditure of funds therefore; (IV) making findings; (V) providing a savings clause; and (VI) providing an effective date. (Parcel 26P - Denton Municipal

Electric 69kV Spencer to Denton North Interchange Transmission Line Upgrade Project) The Public Utilities Board recommends approval (5-0).

Pamela England, Real Estate Specialist, stated that ongoing negotiations with the affected property owner had reached an impasse. Approval of the proposed ordinance authorized staff to acquire the land right necessary by way of exercising the City's eminent domain authority.

Council Member King motioned, Council Member Engelbrecht seconded the following:

"I move approval of this ordinance, and further, I move that the City of Denton, Texas authorize the use of the power of eminent domain to acquire fee acquisition encumbering 2.9001 acres of real property, being generally located in the R. B. Longbottom Survey, Abstract No. 755 and all being more particularly described in Exhibit "A" and depicted in Exhibit "B" to the ordinance now under consideration and on the overhead screen being now displayed to the audience, for the DME Expansion Project in the City of Denton, Texas."

Real property description is attached as Exhibit 2 to the minutes.

On roll call vote: Mayor Burroughs, Council Member Engelbrecht, Council Member Gregory, Council Member King, Council Member Roden, and Council Member Hawkins – "aye". Motion carried unanimously.

Ordinance No. 2013-212

- F. Consider adoption of an ordinance (I) finding that a public use and necessity exists to acquire through the exercise of the right of eminent domain an Electric Utility Easement encumbering a 0.1911 acre tract to be used and utilized for and in connection with the expansion, construction, maintenance, replacement, augmentation, and improvement of electric transmission and distribution lines, facilities, and structures (herein the "DME Expansion Project"), the affected lands and interests being generally situated in the R.B. Longbottom Survey, Abstract Number 775, City of Denton, Denton County Texas, as more particularly described in Exhibit "A" and depicted in Exhibit "B", attached hereto and made a part hereof (said tract of land and all related interests therein to be acquired and damages resulting therefrom collectively referred to herein as the "Property Interests"); (II) authorizing the filing and prosecution of eminent domain proceedings to acquire the Property Interests; (III) authorizing the expenditure of funds therefore; (IV) making findings; (V) providing a savings clause; and (VI) providing an effective date. (Parcel 28P - Denton Municipal Electric 69kV Spencer to Denton North Interchange Transmission Line Upgrade Project) The Public Utilities Board recommends approval (5-0).

Pamela England, Real Estate Specialist, stated that ongoing negotiations with the affected property owner had reached an impasse. Approval of the proposed ordinance authorized staff to acquire the land right necessary by way of exercising the City's eminent domain authority.

Council Member Roden motioned, Council Member Gregory seconded the following:

“I move approval of this ordinance, and further, I move that the City of Denton, Texas authorize the use of the power of eminent domain to acquire fee acquisition encumbering 0.1911 acre of real property, being generally located in the R. B. Longbottom Survey, Abstract No. 755 and all being more particularly described in Exhibit “A” and depicted in Exhibit “B” to the ordinance now under consideration and on the overhead screen being now displayed to the audience, for the DME Expansion Project in the City of Denton, Texas.”

Real property description is attached as Exhibit 3 to the minutes.

On roll call vote: Mayor Burroughs, Council Member Engelbrecht, Council Member Gregory, Council Member King, Council Member Roden, and Council Member Hawkins – “aye”. Motion carried unanimously.

Ordinance No. 2013-213

- G. Consider adoption of an ordinance (I) finding that a public use and necessity exists to acquire through the exercise of the right of eminent domain an Electric Utility Easement encumbering a 0.8652 acre tract to be used and utilized for and in connection with the expansion, construction, maintenance, replacement, augmentation, and improvement of electric transmission and distribution lines, facilities, and structures (herein the "DME Expansion Project"), the affected lands and interests being generally situated in the R.B. Longbottom Survey, Abstract Number 775, City of Denton, Denton County Texas, as more particularly described in Exhibit "A" and depicted in Exhibit "B", attached hereto and made a part hereof (said tract of land and all related interests therein to be acquired and damages resulting therefrom collectively referred to herein as the "Property Interests"); (II) authorizing the filing and prosecution of eminent domain proceedings to acquire the Property Interests; (III) authorizing the expenditure of funds therefore; (IV) making findings; (V) providing a savings clause; and (VI) providing an effective date. (Parcel 29P - Denton Municipal Electric 69kV Spencer to Denton North Interchange Transmission Line Upgrade Project) The Public Utilities Board recommends approval (5-0).

Pamela England, Real Estate Specialist, stated that ongoing negotiations with the affected property owner had reached an impasse. Approval of the proposed ordinance authorized staff to acquire the land right necessary by way of exercising the City’s eminent domain authority.

Council Member Engelbrecht motioned, Council Member Roden seconded the following:

“I move approval of this ordinance, and further, I move that the City of Denton, Texas authorize the use of the power of eminent domain to acquire fee acquisition encumbering 0.8652 acre of real property, being generally located in the R. B. Longbottom Survey, Abstract No. 775 and all being more particularly described in Exhibit “A” and depicted in Exhibit “B” to the ordinance now under consideration and on the overhead screen being now displayed to the audience, for the DME Expansion Project in the City of Denton, Texas.”

Real property description is attached as Exhibit 4 to the minutes.

On roll call vote: Mayor Burroughs, Council Member Engelbrecht, Council Member Gregory, Council Member King, Council Member Roden, and Council Member Hawkins – “aye”. Motion carried unanimously.

Ordinance No. 2013-214

H. Consider adoption of an ordinance (I) finding that a public use and necessity exists to acquire through the exercise of the right of eminent domain an Electric Utility Easement encumbering a 6.8289 acre tract to be used and utilized for and in connection with the expansion, construction, maintenance, replacement, augmentation, and improvement of electric transmission and distribution lines, facilities, and structures (herein the "DME Expansion Project"), the affected lands and interests being generally situated in the Caswell Carter Survey, Abstract Number 275, and the Daniel D. Gulp Survey, Abstract 287, City of Denton, Denton County Texas, as more particularly described in Exhibit "A" and depicted in Exhibit "B", attached hereto and made a part hereof (said tract of land and all related interests therein to be acquired and damages resulting therefrom collectively referred to herein as the "Property Interests"); (II) authorizing the filing and prosecution of eminent domain proceedings to acquire the Property Interests; (III) authorizing the expenditure of funds therefore; (IV) making findings; (V) providing a savings clause; and (VI) providing an effective date. (Parcel 33P - Denton Municipal Electric 69kV Spencer to Denton North Interchange Transmission Line Upgrade Project) The Public Utilities Board recommends approval (5-0).

Pamela England, Real Estate Specialist, stated that ongoing negotiations with the affected property owner had reached an impasse. Approval of the proposed ordinance authorized staff to acquire the land right necessary by way of exercising the City’s eminent domain authority.

Council Member Hawkins motioned, Council Member Roden seconded the following:

“I move approval of this ordinance, and further, I move that the City of Denton, Texas authorize the use of the power of eminent domain to acquire fee acquisition encumbering 6.8289 acres of real property, being generally located in the Caswell Carter Survey, Abstract No. 275 and Daniel D. Gulp Survey, Abstract No. 287, and all being more particularly described in Exhibit “A” and depicted in Exhibit “B” to the ordinance now under consideration and on the overhead screen being now displayed to the audience, for the DME Expansion Project in the City of Denton, Texas.”

Real property description is attached as Exhibit 5 to the minutes.

On roll call vote: Mayor Burroughs, Council Member Engelbrecht, Council Member Gregory, Council Member King, Council Member Roden, and Council Member Hawkins – “aye”. Motion carried unanimously.

Ordinance No. 2013-215

I. Consider adoption of an ordinance (I) finding that a public use and necessity exists to acquire through the exercise of the right of eminent domain an Electric

Utility Easement encumbering a 0.8052 acre tract to be used and utilized for and in connection with the expansion, construction, maintenance, replacement, augmentation, and improvement of electric transmission and distribution lines, facilities, and structures (herein the "DME Expansion Project"), the affected lands and interests being generally situated in the Daniel D. Gulp Survey, Abstract 287, City of Denton, Denton County Texas, as more particularly described in Exhibit "A" and depicted in Exhibit "B", attached hereto and made a part hereof (said tract of land and all related interests therein to be acquired and damages resulting therefrom collectively referred to herein as the "Property Interests"); (II) authorizing the filing and prosecution of eminent domain proceedings to acquire the Property Interests; (III) authorizing the expenditure of funds therefore; (IV) making findings; (V) providing a savings clause; and (VI) providing an effective date. (Parcel 35P - Denton Municipal Electric 69kV Spencer to Denton North Interchange Transmission Line Upgrade Project) The Public Utilities Board recommends approval (4-0).

Pamela England, Real Estate Specialist, stated that ongoing negotiations with the affected property owner had reached an impasse. Approval of the proposed ordinance authorized staff to acquire the land right necessary by way of exercising the City's eminent domain authority.

Council Member Gregory motioned, Council Member Roden seconded the following:

"I move approval of this ordinance, and further, I move that the City of Denton, Texas authorize the use of the power of eminent domain to acquire fee acquisition encumbering 0.8052 acre of real property, being generally located in the Daniel D. Gulp Survey, Abstract No. 287 and all being more particularly described in Exhibit "A" and depicted in Exhibit "B" to the ordinance now under consideration and on the overhead screen being now displayed to the audience, for the DME Expansion Project in the City of Denton, Texas."

Real property description is attached as Exhibit 6 to the minutes.

On roll call vote: Mayor Burroughs, Council Member Engelbrecht, Council Member Gregory, Council Member King, Council Member Roden, and Council Member Hawkins – "aye". Motion carried unanimously.

Ordinance No. 2013-216

- J. Consider adoption of an ordinance (I) finding that a public use and necessity exists to acquire through the exercise of the right of eminent domain an Electric Utility Easement encumbering a 0.0560 acre tract to be used and utilized for and in connection with the expansion, construction, maintenance, replacement, augmentation, and improvement of electric transmission and distribution lines, facilities, and structures (herein the "DME Expansion Project"), the affected lands and interests being generally situated in the M. Yoacham Survey, Abstract 1442, City of Denton, Denton County Texas, as more particularly described in Exhibit "A" and depicted in Exhibit "B", attached hereto and made a part hereof (said tract of land and all related interests therein to be acquired and damages resulting therefrom collectively referred to herein as the "Property Interests"); (II) authorizing the filing and prosecution of eminent domain proceedings to

acquire the Property Interests; (III) authorizing the expenditure of funds therefore; (IV) making findings; (V) providing a savings clause; and (VI) providing an effective date. (Parcel 48P - Denton Municipal Electric 69kV Spencer to Denton North Interchange Transmission Line Upgrade Project) The Public Utilities Board recommends approval (5-0).

Pamela England, Real Estate Specialist, stated that ongoing negotiations with the affected property owner had reached an impasse. Approval of the proposed ordinance authorized staff to acquire the land right necessary by way of exercising the City's eminent domain authority.

Council Member Engelbrecht motioned, Council Member Roden seconded the following:

"I move approval of this ordinance, and further, I move that the City of Denton, Texas authorize the use of the power of eminent domain to acquire fee acquisition encumbering 0.0560 acre of real property, being generally located in the M. Yoacham Survey, Abstract No. 1442 and all being more particularly described in Exhibit "A" and depicted in Exhibit "B" to the ordinance now under consideration and on the overhead screen being now displayed to the audience, for the DME Expansion Project in the City of Denton, Texas."

Real property description is attached as Exhibit 7 to the minutes.

On roll call vote: Mayor Burroughs, Council Member Engelbrecht, Council Member Gregory, Council Member King, Council Member Roden, and Council Member Hawkins – "aye". Motion carried unanimously.

8. CITIZEN REPORTS

There were no citizen reports for this section of the meeting.

9. 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.

Mayor Burroughs noted that the North Texas State Fair was currently underway.

Mayor Burroughs stated that Council would be returning to the Work Session plus a possible Closed Session.

- B. Possible Continuation of Closed Meeting under Sections 551.071-551.086 of the Texas Open Meetings Act.

Mayor Burroughs stated that there was a possibility of the Council returning to Close Session after the completion of the remaining Work Session item.

Council returned to the Work Session at 8:35 p.m.

- 5. 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.

Chuck Springer, Director of Finance, stated that he did not have a formal presentation but would answer any questions from Council. Additional information would be presented to Council at the September 10th meeting.

Mayor Burroughs asked Springer to restate the time line for the budget items.

Springer stated that Council could call any special work session between now and the 10th. A special work session was scheduled for September 10th and adoption of the budget on September 17th. A public hearing would be held on September 10th for the budget and tax rate.

Council Member Gregory stated that there were currently comments out on social media about a Denton splash park. If Denton citizens could raise \$100,000, they would like the City to match those funds. He noted there was nothing in the budget for that item.

John Cabrales, Assistant City Manager, stated that after visiting with the Director of Parks and Recreation, it was felt that if the citizens raised the \$100,000 there would be some funding options for the City to consider.

Council Member Roden stated that the goal seemed pretty ambitious at this point.

Council Member Hawkins asked if there was a deadline to raise the money.

Council Member Roden stated that when the funds were raised they would be earmarked with Parks for a future splash park.

Council Member King suggested repeating the wording regarding organizational excellence in the strategic plan section on economic development.

Consensus of the Council was to duplicate that wording.

Council Member Roden asked about the interest of air and water monitoring for gas wells. If Council was interested in pursuing those items, there would be budget implications if included.

City Manager Campbell stated that funding for those programs were not included at this point. Staff had not been give clear direction from Council at this point.

Springer stated that was one of the unfunded supplemental packages.

Council Member Engelbrecht stated that there were many questions and issues to consider at this point. The problem he saw was the need for more information on whether to spend money on a measure that might not be valid.

Springer stated that the estimated amount for air and water monitoring was \$407,000. If Council wished to pursue the monitoring, an off-setting of costs would be required.

City Manager Campbell stated that staff would bring that item back at the September 10th meeting for further discussion.

City Attorney Burgess stated that the item would be considered in Closed Session.

Mayor Burroughs asked if Council wanted to go into Closed Session regarding DME.

Council did not need to go into Closed Session.

With no further business, the meeting was adjourned at 8:45 p.m.

MARK A. BURROUGHS
MAYOR
CITY OF DENTON, TEXAS

JENNIFER WALTERS
CITY SECRETARY
CITY OF DENTON, TEXAS