

CITY OF DENTON CITY COUNCIL MINUTES

November 20, 2017

After determining that a quorum was present, the City Council of the City of Denton, Texas convened in a Special Called Closed Meeting on Monday, November 20, 2017 at 10:30 a.m. in the Council Work Session Room at City Hall.

PRESENT: Council Member Hudspeth, Council Member Briggs, Council Member Duff, Council Member Ryan, Council Member Gregory, and Mayor Pro Tem Bagheri.

ABSENT: Mayor Watts.

1. Closed Meeting:

- A. ID 17-1620 Deliberations regarding Real Property - Under Texas Government Code, Section 551.072; and Consultation with Attorneys - Under Texas Government Code, Section 551.071 Discuss, deliberate and receive information from staff and provide staff with direction pertaining to the potential purchase of various tracts in the City of Denton, Denton County, Texas, and generally located on the west side of the 2000 block to the 2600 block of South Mayhill Road, Denton, Texas for City infrastructure improvements. Consultation with the City's attorneys regarding legal issues associated with the potential acquisition or release of real property interests in the tracts described above, and the status and strategy of litigation styled City of Denton, Texas v. Robert P. Donnelly, Cause No. 17-5939-158, currently pending in the 158th District Court of Denton County, Texas, where a public discussion of these legal matters would conflict with the duty of the City's attorneys to the City of Denton and the Denton City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas, or would jeopardize the City's legal position in any administrative proceeding or litigation.
- B. ID 17-1635 Deliberations regarding Real Property - Texas Government Code Section 551.072; Consultation with Attorneys - Texas Government Code Section 551.071. Discuss, deliberate, and receive information from staff and provide staff with direction pertaining to the lease and use of 1001 S. Mayhill Rd., Buildings 101 and 102, and 1301 S. Mayhill Rd., Denton, Denton County, Texas. Consultation with the City's attorneys regarding legal issues associated with lease and use of said 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.

Following the completion of the Closed Meeting, the City Council convened in a Special Called Meeting to consider the following items.

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

Ordinance No. 2017-372

- A. ID 17-1633 Consider adoption of an ordinance of the City of Denton determining the public use, need, and necessity for the acquisition of fee simple title to the surface estate, including

a waiver of surface use to the mineral estate of an 18.969 acre property tract ("Property Interests"), situated in the David Hough Survey, Abstract 646, in the City and County of Denton, Texas, and more particularly described in the attached Exhibit "A;" Authorizing the City Manager and City Attorney, or their respective designees, to acquire the Property Interests by agreement including making initial and final offers; authorizing the use of the power of eminent domain to condemn the Property Interests if an agreement cannot be reached; and Authorizing the City Attorney, or his designee, to file eminent domain proceedings if necessary; Authorizing the expenditure of funds; Making findings; Providing a savings clause; and Providing an effective date. (Mayhill Road Project)

Trey Lansford, Deputy City Attorney, stated this was to consider condemnation of an 18.969 acre tract of land off Mayhill Road related to the Mayhill Road Widening Project.

Robert Donnelly, 3900 Quail Creek Road, spoke in opposition to the condemnation process.

Council Member Gregory motioned, Council Member Ryan seconded to adopt the ordinance. On roll call vote, Council Member Hudspeth "aye", Council Member Briggs "nay", Council Member Duff "aye", Council Member Ryan "aye", Council Member Gregory "aye", and Mayor Pro Tem Bagheri "aye". Motion carried (5-1).

2. ITEMS FOR INDIVIDUAL CONSIDERATION

Ordinance No. 2017-373

- A. ID 17-1585 Consider adoption of an ordinance canvassing the returns and declaring the results of the municipal election to amend the City Charter of the City of Denton on November 7, 2017; entering an order in the records of the municipality declaring that the Charter amendments are adopted; and providing an effective date.

Jane Richardson, Assistant City Secretary, stated the results of the municipal election held on November 7, 2017.

Council Member Briggs motioned, Council Member Gregory seconded to adopt the ordinance. On roll call vote, Council Member Hudspeth "aye", Council Member Briggs "aye", Council Member Duff "aye", Council Member Ryan "aye", Council Member Gregory "aye", and Mayor Pro Tem Bagheri "aye". Motion carried (6-0).

3. CONCLUDING ITEMS

- A. Under Section 551.042 of the Texas Open Meetings Act, respond to inquiries from the City Council or the public with specific factual information or recitation of policy, or accept a proposal to place the matter on the agenda for an upcoming meeting AND Under Section 551.0415 of the Texas Open Meetings Act, provide reports about items of community interest regarding which no action will be taken, to include: expressions of thanks, congratulations, or condolence; information regarding holiday schedules; an honorary or salutary recognition of a public official, public employee, or other citizen; a reminder about an upcoming event organized or sponsored by the governing body; information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or

is scheduled to be attended by a member of the governing body or an official or employee of the municipality; or an announcement involving an imminent threat to the public health and safety of people in the municipality that has arisen after the posting of the agenda.

The Council had no concluding items.

With no further business, the meeting was adjourned at 11:31 a.m.

SARA BAGHERI
MAYOR PRO TEM
CITY OF DENTON, TEXAS

JANE RICHARDSON
ASSISTANT CITY SECRETARY
CITY OF DENTON, TEXAS