

## CITY OF DENTON CITY COUNCIL MINUTES

August 28, 2012

After determining that a quorum was present, the City Council convened in a Special Called Work Session on Tuesday, August 28, 2012 at 4:30 p.m. in the Council Work Session Room at City Hall.

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

ABSENT: Council Member Engelbrecht

1. Receive a report, hold a discussion, and give staff direction regarding the FY 2012-2013 Proposed Budget, Capital Improvement Program, and Five-Year Financial Forecast.

City Manager Campbell stated that this item was a place holder on the agenda if Council had any additional questions concerning the budget.

Council Member Watts asked staff to provide what the level of debt service responsible for ad valorem taxes was excluding utility services.

Council Member Roden stated that he had looked through what was done last year for the neighborhood grant program. It appeared that no one applied for the matching grant funds. He felt a Work Session would be helpful to discuss whether to move forward with the program and how to make it successful. He questioned if it would be appropriate to specify an amount out of the \$83,000 for just that grant program to maintain funds for the program. He suggested starting with \$50,000 specifically for that program.

Council Member Watts stated that he presumed the \$83,000 was set aside and drawn on when applications were made. He questioned if that was not happening or were the funds being used for other things.

Council Member Roden stated that there was mention of using those funds for a certified tree program and an Empowerment Summit. He wanted to identify an amount to keep in the neighborhood fund.

Council Member Watts asked for more details on how the funds were being used.

Bryan Langley, Chief Finance Officer, stated that funds had been used for the citizen forestry program and neighborhood empowerment summit. The proposed budget added \$50 000 to the incentive grant fund and those funds could be restricted only for that. The remaining \$34,000 could use for other expenses as needed.

Mayor Burroughs questioned who decided on how to allocate the funding.

Katia Boykin, Planning Supervisor, stated that any type of project that was submitted was evaluated by Planning and other city departments and that was how the funding was awarded.

Mayor Burroughs questioned if the additional money were provided, would the evaluations still be done by city departments.

Boykin stated that staff had discussed having criteria for the submittals and proposals and then internally pass those on a council committee to decide which proposal to fund. Currently there were no criteria. This process would work for project over a certain dollar amount such as \$5,000.

City Manager Campbell asked if the Council would want to be involved in the selection of all of the grants or just do the ones over a specific amount.

Mayor Burroughs felt it would be a committee function and come to Council only if there was a policy shift.

Council Member Gregory stated that this issue might be something the new Committee on Community Involvement could be involved with. He questioned if this money could be used for neighborhood crime watch signs.

Boykin stated that the police department was the group that dealt with the Neighborhood Watch program. They partnered with them for signs and decals for the groups that were true neighborhood crime groups with the signs and decals free to the groups.

Council Member Roden felt that there were a number of policy questions dealing with this issue. He suggested assigning the funding and then hold a Council discussion later for the details.

Consensus of the Council was to designate \$50,000 to the fund and return later with the specifics on how to manage the fund.

Following the completion of the Special Called Work Session, the City Council convened in a Closed Meeting to consider specific items 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 and related commercial information from staff pertaining to the proposed operating budget for the Denton Municipal Electric (DME) department for FY 2012-2013, including without limitation, revenues, expenses, commodity volumes, electric power pricing proposal information, system load characteristics, and commitments; and discuss, deliberate, and consider adoption of the budget and provide staff with direction regarding such matters.

This item was not considered.

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

1. Consult with and provide direction to City's attorneys regarding legal issues and strategies associated with Phase I and proposed Phase II 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, moratorium on drilling and production and claims associated therewith, including variance requests for relief from the moratorium, statutory preemption and/or impacts of federal and state law and regulations as it concerns municipal regulatory authority and matters relating to enforcement of the ordinance.

Special Called Regular Meeting of the City of Denton City Council at 6:30 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. ITEMS FOR INDIVIDUAL CONSIDERATION**

Ordinance No. 2012-190

- A. Consider adoption of an ordinance of the City of Denton, Texas, authorizing the approval of a Professional Services Agreement for Engineering and Design Services, by and between Michael Baker, Jr., Inc. and the City of Denton, Texas; providing for the expenditure of funds therefor; and providing an effective date (File 5049 - Professional Engineering and Design Services for Hickory Street Grand Street Project in the amount of \$335,771).

PS Arora, DRC Engineering Administrator, presented the details of the proposal for the Hickory Street Grand Street project. Input from Council from the August 14<sup>th</sup> meeting was to include (1) residential stakeholders along with commercial stakeholders along Hickory Street for input during the design process, (2) contact franchise companies to accommodate the provision of high speed internet, (3) consider the possibility of a misting feature, (4) LED lighting along sidewalks, (5) bike parking and the possibility of bike racks and park benches incorporated as artwork, (6) and the location of possible pocket parks. These would be evaluated by Baker in the already negotiated design fee of \$335,771. In addition Council discussed adding art displays and power outlets for festivals. Staff was recommending approval of the contract.

Council Member Gregory suggested substituting a water feature such as a fountain or water spurting up from the ground instead of a misting feature.

Mayor Pro Tem Kamp motioned, Council Member Roden to approve the contract with a modification of a water feature instead of a misting system. On roll call vote: Council Member King, Council Member Watts, Council Member Gregory, Council Member Roden, Mayor Pro Tem Kamp, Mayor Burroughs – “aye”. Motion carried unanimously.

**3. PUBLIC HEARINGS**

- A. Hold a second 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.

Bryan Langley, Chief Finance Office, stated that this was the second public hearing on the tax rate as required by State law.

The Mayor opened the public hearing.

No one spoke during the public hearing.

The Mayor closed the public hearing.

Mayor Burroughs read the following statement”

“The city of Denton will vote on the proposed tax rate on Tuesday, September 11<sup>th</sup> at 6:30 p.m. at the City Council Chambers in City Hall, 215 E. McKinney Street, Denton, Texas, 76201.”

No action was required on this item at this time.

**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.

There were no items suggested by Council.

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

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There was no continuation of Closed Session.

With no further business, the meeting was adjourned 6:39 p.m.

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MARK A. BURROUGHS  
MAYOR  
CITY OF DENTON, TEXAS

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JENNIFER WALTERS  
CITY SECRETARY  
CITY OF DENTON, TEXAS