

## CITY OF DENTON CITY COUNCIL MINUTES

March 4, 2014

After determining that a quorum was present, the City Council convened in a Work Session on Tuesday, March 4, 2014 at 2:00 p.m. in the Council Work Session Room at City Hall.

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

ABSENT: Council Members Hawkins and King

### 1. Citizen Comments on Consent Agenda Items

There were no citizen comments on Consent Agenda Items.

### 2. Requests for clarification of agenda items listed on the agenda for March 4, 2014.

Mayor Burroughs stated that Consent Agenda Item 4A was one more step forward in the FM 2181 expansion.

Council Member Gregory stated that he would like to pull Consent Agenda Item 4H for individual consideration. He questioned the temporary lease for parking in Consent Agenda Item 4G. He asked who was currently using the lot and where they would park. He also asked if there would be restricted parking only for the tenants of the development

Ron Menguita, Development Review Committee Administrator, stated that the property was owned by the City and that staff at City Hall West parked in the lot. However, not all of the lot was used by staff. There were also spaces on the other side of street that could be used to determine the 29 spaces. The developer would be providing a site plan of the proposed parking lot, micro-seal and mark the spaces. There would be no requirements to sign the lot for tenant parking only.

### 3. Receive a report, hold a discussion, and give staff direction regarding proposed changes to the current Building Permit and Fee Schedule.

Kurt Hansen, Building Official, presented the proposed changes to the fee schedule. Since 1994 there had been four amendments to the Building Permit and Fee Schedule for various building permit types and associated fees for residential and commercial construction. The latest amendment was in 2008 for new fees for one and two family dwelling permits.

One reason for the need for the change in fees was the fiscal obligations. Building Inspection expenditures exceeded the revenues. The proposed changes to consider included one and two family dwellings, multi-family dwellings and temporary certificates of occupancy. Staff surveyed area municipalities to compare Denton's fees which showed that Denton had the lowest fees in the area.

Proposed single-family dwelling fee – staff was proposing to change from a fee that charged by the square foot to a home valuation based fee that would be priced based on the total value of the proposed home within specific value ranges. That would result in an overall increase in this revenue and capture more of the housing sizes that may be constructed

Proposed multi-family dwelling fee – staff was recommending the use of the current Commercial Building Permit fee table for new multi-family dwelling permit fees. Using the commercial table would result in a fee which was similar to other area cities. The fee would be a priced based fee based on the total value of the proposed Multi-Family structure within specific value ranges with no maximum.

Council Member Roden questioned if it would be legal to charge different fees depending on where the project would be located within the city. Zones could be created for tools for development.

City Attorney Burgess stated that staff would research that aspect.

Mayor Burroughs asked if staff had calculated what the new fees would have generated if it had been applied to projects already completed. If not, he would like to have such a comparison. He noticed that the last fee schedule increases were a month before the recession started and assumed the fixed costs were part of the projected deficit for current operations.

Hansen reviewed the information in the proposed expenditures; it did not vary much year to year.

Mayor Burroughs stated that with an increased number of developments it was hard to estimate costs as some of the fixed costs would be spread out over the number of developments. He asked if there was a vetting process for these types of increases and who would be directly impacted for unintended consequences

Hansen stated that staff had not done that analysis but they had compared other cities and how Denton compared with those.

Proposed Temporary Certificate of Occupancy fee - this would be a new proposed fee. There were instances when a contractor was close to the end of a project and asked for a temporary Certificate of Occupancy. The permit would allow access to the building or facility for a specific purpose and for a specific group of people. As these fees would take extra staff time, extra inspections, and extra consideration, staff was recommending a nominal fee of \$.05/square foot with a minimum \$100 fee. This fee would cover a percentage of the administration cost for the temporary Certificate of Occupancy.

Mayor Burroughs stated that designating staff to run a shorter route for inspections would also help with inspection completions.

Fiscal information – Hansen stated that \$92,000 extra could be collected if the new fees were implemented in April.

Council Member Roden stated that there was a need to market the changes so that the increased fees were identifying the good points of the process.

City Manager Campbell stated that the biggest way to do this was by word of mouth in the development community.

Council Member Gregory stated that Council had discussed in prior sessions that fees needed to cover costs. The charges could not be raised enough to make money but rather to cover the costs for the services. He suggested that Planning use the additional fee money to further expedite the process which would be consistent with legal obligations.

Council Member Roden left the meeting.

Mayor Burroughs suggested presenting these increases to the developer group to see if the increases would be accepted by the development community for unintended consequences.

John Cabrales, Assistant City Manager, stated that staff could send out emails to the developer group for comments. If that was not sufficient, he would recommend delaying consideration of the proposal.

Mayor Burroughs felt sending out emails would be sufficient.

Council Member Gregory suggested looking at everything else in the pipeline such as other associated costs and how those might impact the developers.

Council Member Engelbrecht suggested having a consultant look at starter home costs. He was nervous about additional fees and what starter home builders would do in response to the increases. He was concerned that they would change the quality of their developments.

4. Receive a report, hold a discussion, and give staff direction regarding the FY 2012-13 Comprehensive Annual Financial Report and annual audit.

Jerry Gather, auditor with Weaver, LLP, stated that his firm performed an independent audit of the City's basic financial statements. The purpose of the audit was to express an opinion as to whether the City's financial statements present fairly, in all materials respects, the financial position of the City. The audit was performed within accepted government standards. Three reports were issued with no material weaknesses found. The City was given an unqualified or clean opinion. No Management Letter was issued which normally had recommendations for strengthening controls and/or operational efficiency. A Single Audit was conducted for State and Federal grant awards with no negative finds noted.

5. Receive a report, hold a discussion, and give staff direction regarding potential budget amendments to the FY 2013-14 Operating and Capital Improvement budgets.

Chuck Springer, Director of Finance, reviewed the components of the potential budget changes. The Capital Improvement budget for General Government included (1) increases for fire station improvements; (2) a decrease in funding for the Civic Center pool improvements leaving \$300,000 for design; (3) a plan to budget the cost of the Civic Center pool reconstruction in 2014-15 from CO issuance; (4) a net increase in CO's for General Government of \$600,000 from \$8.5 million to \$9.1 million; and (5) selling \$1.7 million for airport hanger development previously approved.

Capital Improvement Budget - Utilities - the Solid Waste fund would have no changes. A reduction of \$3 million was proposed in the Water fund and a reduction of \$217 million in the Wastewater fund. The Electric fund would be reduced by \$26 million. All of the proposed changes were reflected in the Notice of Intent. The ordinances were on the regular agenda for Council consideration later in the meeting.

Mayor Burroughs asked if the changes were based on needs for 12 or 6 months.

Springer stated that they were for this fiscal year.

Council Member Gregory questioned the increase for Fire Station Two and how that might impact other fire stations.

Ross Chadwick, Fire Chief, reviewed the design plan for Station 2. The original estimate had a cost per square foot that was lower than was thought to be needed. There were some contingency fees that probably would not be needed. There were also additional site improvements that needed to be mitigated plus three structures that needed to be demolished. He had checked with other departments in the area and the costs were in line with those other cities.

Springer reviewed the General Fund amendments. Those included (1) increased funding for Planning of \$40,000 for the Better Block program, and (2) increase funding for Legal for outside legal services. The changes will increase the General Fund expenditures to \$99 million.

Technology Services fund – the proposed amendments would add two staff members to provide necessary support for the Electric fund and energy management program. The increase in expenditures would be paid by the Electric Fund as Technology Services fund was an internal service fund.

Council Member Roden returned to the meeting.

Library Donations fund – the proposal was to amend the budget to add this fund for Fiscal Year 2013-14 budget. Donations were currently handled by the Library staff. These donations were currently routed through Finance which would change with the amendment.

The proposed amendments would be brought back to Council for consideration on April 1<sup>st</sup>.

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

1. 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 acquisition of real property interest located (1) in the M.E.P. & P.R.R. Company Survey, Abstract No. 927, located generally in

the 500 block of North Mayhill Road; and (2) in the Morreau Forrest Survey, Abstract No. 417, located generally in the 600 block of South Mayhill Road; and (3) in the David Hough Survey, Abstract No. 646, located generally in the 1900 block of South Mayhill Road; and (4) in the David Hough Survey, Abstract Number 646, located generally in the 2100 block of South Mayhill Road, all tracts located in the City of Denton, Denton County, Texas. Consultation with the City's attorneys regarding legal issues associated with the acquisition or condemnation of the real property interests referenced above where a public discussion of these legal matters would conflict with the duty of the City's attorneys to the City of Denton and the Denton City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas, or would jeopardize the City's legal position in any administrative proceeding or potential litigation. (Mayhill Road Widening and Improvements Project & Municipal Landfill)

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 M.E.P. & P.R.R. Survey, Abstract No. 927, City of Denton, Denton County, Texas, and generally located on the west line of North Loop 288 south of Holland Lane. 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. (Singing Oaks Acquisitions - 69KV)
3. 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 T. Toby Survey, Abstract No. 1288, City of Denton, Denton County, Texas, and generally located on the southwest corner of North Locust Street and Beall 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. (North Locust Properties, LLC Acquisitions - 69KV)

B. Certain Public Power Utilities: Competitive Matters - Under Texas Government Code Section 551.086; and Consultation with Attorneys - Under Texas Government Code Section 551.071.

1. Receive a further presentation from Denton Municipal Electric ("DME") staff regarding certain public power competitive, financial and commercial

information relating to issues regarding the proposed "Denton Municipal Electric - Energy Risk Management Policy" that deals with bidding and pricing information for purchased power, generation and fuel, and Electric Reliability Council of Texas (ERCOT) bids, prices, offers and related services and strategies, and the terms and authorizations related thereto, as well as other and further public power information. Consultation with the City's attorneys regarding legal issues associated with the "Denton Municipal Electric - Energy Risk Management Policy" 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 potential litigation. Discuss, deliberate, provide staff with direction, consider and take final action adopting an ordinance approving the Policy in the Closed Meeting.

Kamp motioned, Engelbrecht seconded to adopt Ordinance 2014-060. On roll call vote, Mayor Burroughs "aye", Mayor Pro Tem Kamp "aye", Council Member Engelbrecht "aye", Council Member Gregory "aye", and Council Member Roden "aye". Motion carried unanimously.

2. Receive a presentation from Denton Municipal Electric ("DME") staff regarding certain public power competitive and financial issues regarding purchased power pricing information including the proposed "Second Amendment to Full Requirements Wholesale Electric Power Service Agreement between the City of Denton, Texas and NextEra Energy Power Marketing, LLC" (Second Amendment). Consultation with the City's attorneys regarding legal issues associated with the said Second Amendment where a public discussion of this legal matter 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 potential litigation. Discuss, deliberate, provide staff with direction, consider and take final action adopting an ordinance approving the said Second Amendment in the Closed Meeting.

Gregory motioned, Kamp seconded to adopt Ordinance 2014-061. On roll call vote, Mayor Burroughs "aye", Mayor Pro Tem Kamp "aye", Council Member Engelbrecht "aye", Council Member Gregory "aye", and Council Member Roden "aye". Motion carried unanimously.

C. 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 Gas Well Ordinance regulation of gas well drilling and production within the City Limits and the extraterritorial jurisdiction, including Constitutional limitations, statutory limitations upon municipal regulatory authority, statutory preemption and/or impacts of federal and state law and regulations, standstill agreements or other cessation regulations and take any appropriate action regarding the above in the

meeting of today's date as it concerns municipal regulatory authority or matters relating to enforcement of the ordinance.

D. Consultation with Attorney - Under Texas Government Code Section 551.071; and Deliberations regarding Economic Development Negotiations - Under Texas Government Code Section 551.087.

1. Receive a report and hold a discussion regarding legal issues on matters in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the provisions of the Texas Open Meetings Act, Chapter 551 of the Texas Government Code. Also hold a discussion regarding proposed amendments to the economic development incentive agreement for Golden Triangle Mall. This discussion shall include commercial and financial information the City Council has received from Golden Triangle Mall which the City Council seeks to have locate, stay, or expand in or near the territory of the city, and with which the City Council is conducting economic development negotiations; including the offer of financial or other incentive.
2. Receive a report and hold a discussion regarding legal issues on matters in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the provisions of the Texas Open Meetings Act, Chapter 551 of the Texas Government Code. Also hold a discussion regarding the creation of a public improvement district and proposed amendments to the economic development incentive agreements for the Rayzor Ranch mixed-use development. This discussion shall include commercial and financial information the City Council has received from Rayzor Ranch developers which the City Council seeks to have locate, stay, or expand in or near the territory of the city, and with which the City Council is conducting economic development negotiations; including the offer of financial or other incentive.

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

1. Deliberate and discuss the evaluation, duties, discipline, procedures, and contracts of the Municipal Court Judge, City Attorney, and City Manager.

Regular Meeting of the City of Denton City Council at 6:30 p.m. in the Council Chambers at City Hall, 215 E. McKinney Street, Denton, Texas.

Council Member King arrived at the meeting.

**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. Severe Weather Awareness Week

Mayor Burroughs presented the proclamation for Severe Weather Awareness Week.

## **3. CITIZEN REPORTS**

### A. Review of procedures for addressing the City Council.

### B. Receive citizen reports from the following:

1. Monica Jones regarding high utility bills for persons on a fixed income, and issues with the Fire Marshal and Police Department.

Ms. Jones was not present at the meeting.

## **4. CONSENT AGENDA**

Mayor Burroughs stated that Item H would be pulled for separate consideration.

Council Member Gregory motioned, Council Member Roden seconded to approve the Consent Agenda and accompanying ordinances and resolutions with the exception of Item H. On roll call vote, Mayor Burroughs "aye", Mayor Pro Tem Kamp "aye", Council Member Engelbrecht "aye", Council Member Gregory "aye", Council Member King "aye", and Council Member Roden "aye". Motion carried unanimously.

### Ordinance No. 2014-062

- A. Consider adoption of an ordinance of the City of Denton Texas, authorizing the City Manager to execute a Professional Services Agreement (PSA) with Freese and Nichols, Inc. for 15-percent design and engineering services for the relocation of utilities along the proposed Texas Department of Transportation Right-of-Way for FM 2181 from Windriver Lane/Teasley to the Corinth city limits; and providing an effective date (File 5488-awarded to Freese and Nichols, Inc., in the not-to-exceed amount of \$216,503). The Public Utilities Board recommends approval (6-0).

### Ordinance No. 2014-063

- B. Consider adoption of an ordinance accepting competitive proposals and awarding a contract for the supply of hot mix asphalt concrete and the lay down of the asphalt for the City of Denton Streets Department; providing for the expenditure of funds therefor; and providing an effective date (RFP 5463-awarded to Jagoe-Public



Company, in the estimated annual amount of \$4,000,000 for a three (3) year not-to-exceed amount of \$12,000,000).

Ordinance No. 2014-064

- C. Consider adoption of an ordinance authorizing the City Manager or his designee to execute a Purchase Agreement, by and between the City of Denton, Texas ("City"), as buyer, and Miles Land Company, Inc., a Texas corporation (the "Owner"); as seller, to acquire (i) fee simple to a 0.586 acre tract situated in the Morreau Forrest Survey, Abstract No. 417, located in the City of Denton, Denton County, Texas, and being generally located in the 600 block of South Mayhill Road; for the purchase price of One Hundred Thousand Seven Hundred Dollars and No Cents (\$100,700.00), and other consideration, as prescribed in the Purchase Agreement (the "Agreement"), as attached to the ordinance and made a part thereof as Exhibit "A", authorizing the expenditure of funds therefor; and providing an effective date. (Parcel M104 Miles Land Company - Mayhill Road Widening and Improvements project)

Ordinance No. 2014-065

- D. Consider adoption of an ordinance of the City of Denton, Texas authorizing the City Manager to make application to the Texas Department of Housing and Community Affairs Emergency Solutions Grant Program and take all other actions necessary to obtain and implement the program; and providing for an effective date.

Ordinance No. 2014-066

- E. Consider adoption of an ordinance of the City of Denton, Texas providing for, authorizing, and approving the purchase of a three (3) year agreement for the Esri Small Utility Enterprise License Agreement (ELA) for ArcGIS software suite utilized by Denton Municipal Electric which is available from only one source and in accordance with Chapter 252.022 of the Texas Local Government Code such purchases are exempt from the requirements of competitive bidding; and providing an effective date (File 5466 awarded to Environmental Systems Research Institute, Inc. (Esri) in the not-to-exceed amount of \$75,000). The Public Utilities Board recommends approval (6-0).

Ordinance No. 2014-067

- F. Consider adoption of an ordinance authorizing the City Manager or his designee to execute a Purchase Agreement, by and between the City of Denton, Texas ("City"), as Buyer, and Kevin Nelms and Richard Greb and wife, Nancy Greb (collectively the "Owner"); as Seller, to acquire (I) fee simple to a 7.628 acre tract; (II) fee simple to 3.326 acres; and (III) a drainage easement encumbering 0.196 acre, all lands located in the David Hough Survey, Abstract Number 646, City of Denton, Denton County, Texas, and being generally located in the 2100 block of South Mayhill Road; for the purchase price of One Million Four Hundred Eighty One Thousand Five Hundred and Eighty Dollars and No Cents (\$1,481,580.00), and other consideration, as prescribed in the Purchase Agreement (the "Agreement"), as attached to the ordinance and made a part thereof as Exhibit "A", authorizing the expenditure of funds therefor; and providing an effective date. (Parcel M137-M138

Nelms-Greb - Mayhill Road Widening and Improvements Project and Municipal Landfill)

Ordinance No. 2014-068

- G. Consider adoption of an ordinance of the City of Denton, Texas authorizing the City Manager to execute a Developers Agreement with RLB INVESTMENTS, LLC to allow the developer to temporarily lease parking spaces from the City at the downtown lot, located at the northeast corner of Bolivar Street and McKinney Street; providing a default and indemnification clause; and providing an effective date.

Ordinance No. 2014-070

- I. Consider adoption of an ordinance clarifying by amendment the penalty provisions of Ordinance No. 2013-073, relating to credit access businesses; providing for severability; and establishing an effective date for the amended ordinance.

Item H was considered.

Ordinance No. 2014-069

- H. Consider adoption of an ordinance of the City of Denton, Texas amending Ordinance Nos. 2013-330 and 2014-040 to extend a "Standstill Agreement" between the City of Denton, Texas and Eagleridge Operating, LLC until midnight on May 6, 2014 with regard to certain disputes and issues over gas drilling in the City to allow the parties an opportunity to engage in global settlement negotiations as it concerns unresolved issues between them; and providing for an effective date.

Council Member Roden motioned, Mayor Pro Tem Kamp seconded to adopt the ordinance. On roll call vote, Mayor Burroughs "aye", Mayor Pro Tem Kamp "aye", Council Member King "aye", and Council Member Roden "aye". Council Member Engelbrecht "nay" and Council Member Gregory "nay". Motion carried with a 4-2 vote.

Council Member Roden left the meeting.

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

Ordinance No. 2014-071

- A. Consider adoption of an ordinance finding that a public use and necessity exists to acquire through the exercise of the right of eminent domain (i) fee simple to a 2.115 acre tract; and (ii) a slope easement, encumbering a 0.202 acre tract, for the public use of expanding and improving Mayhill Road, a municipal street and roadway; generally located in the 500 block of North Mayhill Road, each affected tract located in the M.E.P. & P.R.R. Company Survey, Abstract No. 927, City of Denton, Denton County, Texas, as more particularly described on "Exhibit "A", attached to the ordinance and made a part thereof, (collectively the "Property Interests") authorizing the filing and prosecution of eminent domain proceedings to acquire the

Property Interests; authorizing the expenditure of funds therefore; making findings; providing a savings clause; and providing an effective date. (Parcel M070 551 Mayhill Joint Venture - Mayhill Road Widening and Improvements Project)

Paul Williamson, Real Estate Manager, stated that this would authorize the tracts for the Mayhill Road Project through the eminent domain process.

Mayor Pro Tem Kamp motioned, Council Member Gregory seconded the following motion:

I move that the City of Denton, Texas authorize the use of the power of eminent domain to acquire domain (i) fee simple to a 2.115 acre tract; and (ii) a slope easement, encumbering a 0.202 acre tract, for the public use of expanding and improving Mayhill Road, a municipal street and roadway; generally located in the 500 block of North Mayhill Road, each affected tract located in the M.E.P & P.R.R. Company Survey, Abstract No. 927, City of Denton, Denton County, Texas, as more particularly described on Exhibit "A", to the ordinance now under consideration and on the overhead screen being now displayed to the audience, for the public use of expanding and improving Mayhill Road, a municipal street and roadway in the City of Denton, Texas."

On roll call vote, Mayor Burroughs "aye", Mayor Pro Tem Kamp "aye", Council Member Engelbrecht "aye", Council Member Gregory "aye", and Council Member King "aye". Motion carried unanimously.

Real property description is attached as Exhibit 1 to Minutes.

Ordinance No. 2014-072

- B. Consider adoption of an ordinance finding that a public use and necessity exists to acquire through the exercise of the right of eminent domain (i) fee simple to a 1.029 acre tract (the "Mayhill tract"); (ii) fee simple to a 0.624 acre tract (the "landfill tract"); and (iii) a slope easement encumbering a 0.076 acre tract, for; (a) as concerns the Mayhill tract and the slope easement, the public use of expanding and improving Mayhill Road, a municipal street and roadway; and (b) as concerns the landfill tract, for the public use of expanding and improving the City of Denton landfill, a permitted municipal solid waste disposal facility located in the City of Denton, Texas, generally located in the 1900 block of South Mayhill Road, each affected tract located in the David Hough Survey, Abstract Number 646, City Of Denton, Denton County, Texas, as more particularly described on Exhibit "A", attached to the ordinance and made a part thereof, (collectively the "Property Interests"); authorizing the filing and prosecution of eminent domain proceedings to acquire the Property Interests; authorizing the expenditure of funds therefore; making findings; providing a savings clause; and providing an effective date. (Parcel M136 Haggard - Mayhill Road Widening and Improvements Project and Municipal Landfill)

Paul Williamson, Real Estate Manager, presented the details of the property which was needed for the Mayhill Road Widening and Improvements Project and Municipal Landfill. He requested Council use the process of eminent domain to acquire the property.

Council Member King motioned, Council Member Gregory seconded the following motion:

I move that the City of Denton, Texas authorize the use of the power of eminent domain to acquire (i) fee simple to a 1.029 acre tract (the "Mayhill tract"); (ii) fee simple to a 0.624 acre tract (the "Landfill tract"); and (iii) a slope easement encumbering a 0.076 acre tract, for; (a) as concerns the Mayhill tract and the slope easement, the use public use of expanding and improving Mayhill Road, a municipal street and roadway; and (b) as concerns the landfill tract, for the public use of expanding and improving the City of Denton landfill, a permitted municipal solid waste disposal facility located in the City of Denton, Texas, generally located in the 1900 block of South Mayhill Road, each affected tract located in the David Hough Survey, Abstract Number 646, City of Denton, Denton County, Texas, as more particularly described on Exhibit "A", to the ordinance now under consideration and on the overhead screen being now displayed to the audience, for the public use (a) as concerns the Mayhill tract and the slope easement, the public use of expanding and improving Mayhill Road, a municipal street and roadway; and (b) as concerns the landfill tract, for the public use of expanding and improving the City of Denton landfill, a permitted municipal solid waste disposal facility in the City of Denton, Texas".

On roll call vote, Mayor Burroughs "aye", Mayor Pro Tem Kamp "aye", Council Member Engelbrecht "aye", Council Member Gregory "aye", and Council Member King "aye". Motion carried unanimously.

## **6. ITEMS FOR INDIVIDUAL CONSIDERATION**

### Ordinance No. 2014-073

- A. Consider adoption of an ordinance directing the publication of Notice of Intention to issue \$19,500,000 in principal amount of Certificates of Obligation of the City of Denton for General Government and Solid Waste projects; and providing for an effective date.

Chuck Springer, Director of Finance, stated that this ordinance would direct the publication of notice of intent to issue \$19,500,000 of Certificates of Obligation for the City. The debt issued was matched for the life of the assets.

Council Member King motioned, Council Member Engelbrecht seconded to adopt the ordinance. On roll call vote, Mayor Burroughs "aye", Mayor Pro Tem Kamp "aye", Council Member Engelbrecht "aye", Council Member Gregory "aye", and Council Member King "aye". Motion carried unanimously.

### Ordinance No. 2014-074

- B. Consider adoption of an ordinance directing the publication of Notice of Intention to issue \$75,000,000 in principal amount of Certificates of Obligation of the City of Denton for Waterworks and Sewer System and Electric System projects; and providing for an effective date.

Chuck Springer, Director of Finance, stated that this item would provide for a notice of intention to issue Certificates of Obligation for waterworks and sewer system and electric system projects.

Council Member Engelbrecht motioned, Mayor Pro Tem Kamp seconded to adopt the ordinance. Consider adoption of an ordinance directing the publication of Notice of Intention to issue \$75,000,000 in principal amount of Certificates of Obligation of the City of Denton for Waterworks and Sewer System and Electric System projects; and providing for an effective date. On roll call vote, Mayor Burroughs "aye", Mayor Pro Tem Kamp "aye", Council Member Engelbrecht "aye", Council Member Gregory "aye", and Council Member King "aye". Motion carried unanimously.

## **7. PUBLIC HEARINGS**

### Ordinance No. 2014-075

- A. Hold a public hearing and consider adoption of an ordinance regarding a rezoning of an approximately 54.25 acre tract of land: specifically by rezoning 30.56 acres from Neighborhood Residential Mixed Use (NRMU) with overlay conditions to a Neighborhood Residential 6 (NR-6) zoning district with overlay conditions and, amending overlay conditions on the remaining 23.57 acres of the site which will remain as NRMU. The subject property is generally located at the northwest corner of Ryan Road and Teasley Lane and is legally described as a 54.2517 acre tract situated in the J. Fisher Survey, Abstract 1018, in the City of Denton, Denton County, Texas; providing for a penalty in the maximum amount of \$2,000.00 for violations thereof, severability and an effective date. The Planning and Zoning Commission recommends approval (6-0.)

Ron Menguita, Development Review Committee Administrator, stated that this was a rezoning request for 54.25 acres from NRMU to NR-6 with an overlay conditions. The second tract would remain NRMU. He provided the background details of the property, reviewed the location map, the future land use map and designation, current zoning, proposed zoning, and photos of the adjacent properties. The zoning analysis between NRMU and NR-6 was provided. Staff reviewed the application in terms of the analysis criteria and felt that the proposed rezoning conformed to the provisions of the rezoning. The overlay conditions for tracts were reviewed. The Planning and Zoning Commission recommended approval as did the Development Review Committee with the noted conditions.

Mayor Pro Tem Kamp asked if the developer agreed to the conditions.

Menguita stated yes.

The Mayor opened the public hearing.

The applicant spoke in favor.

Council Member Engelbrecht asked about traffic calming devices to eliminate cut through traffic.

The applicant stated there would be some to differentiate between the commercial and residential areas.

The Mayor closed the public hearing.

Council Member King motioned, Mayor Pro Tem Kamp seconded to adopt the ordinance. On roll call vote, Mayor Burroughs "aye", Mayor Pro Tem Kamp "aye", Council Member Engelbrecht "aye", Council Member Gregory "aye", and Council Member King "aye". Motion carried unanimously.

**8. CITIZEN REPORTS**

There were no citizen reports for this portion 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.

Council did not have any items.

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

There was no continuation of the Closed Meeting.

With no further business, the meeting was adjourned at 7:20 p.m.

---

MARK A. BURROUGHS  
MAYOR  
CITY OF DENTON, TEXAS

---

JENNIFER WALTERS  
CITY SECRETARY  
CITY OF DENTON, TEXAS