



City of Denton

City Hall
215 E. McKinney St.
Denton, Texas 76201
www.cityofdenton.com

Meeting Agenda

City Council

Tuesday, March 24, 2015

2:30 PM

Work Session Room

After determining that a quorum is present, the City Council of the City of Denton, Texas will convene in a Special Called Work Session on Tuesday, March 24, 2015 at 2:30 p.m. in the Council Work Session Room at City Hall, 215 E. McKinney Street, Denton, Texas at which the following items will be considered:

Work Session Reports

- A. [ID 15-059](#) Receive a report and hold discussion on the implementation of the Travel Demand Model of the Denton roadway system, and the resulting proposed updates to the current Mobility Plan that are necessary to implement the Road Impact Fees.

Attachments: [Exhibit 1 Mobility Plan Presentation](#)

- B. [ID 15-134](#) Receive a report, hold a discussion, and give staff direction regarding delivery trucks stopping in the roadway on the Downtown Square.

- C. [ID 15-191](#) Receive a report, hold a discussion, and give staff direction regarding the regulation of fees for the nonconsensual towing of vehicles from private property.

- D. [ID 15-247](#) Receive a report, hold a discussion, and give staff direction regarding an amendment to the membership of the Economic Development Partnership Board.

Attachments: [Exhibit 1 - Option 1 with highlighted changes](#)

[Exhibit 2 - Option 2 with highlighted changes](#)

- E. 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.

Following the completion of the Special Called Work Session, the City Council will convene in a Special Called Closed Meeting to consider specific items when these items are listed below under the Closed Meeting section of this agenda. The City Council reserves the right to adjourn into a Closed Meeting on any item on its Open Meeting agenda consistent with Chapter 551 of the Texas Government Code, as amended, or as otherwise allowed by law.

Closed Meeting

- A. [ID 15-222](#) Deliberations regarding Real Property - Under Texas Government Code Section 551.072; 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 acquisition of real property interests located in the Morreau Forrest Survey, Abstract Number 417, located generally in the 200 block of North Mayhill Road, 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 - Parcel M085 - CCBV, LLC)

- B. [ID 15-238](#) Consultation with Attorneys - Under Texas Government Code, Section 551.071.

Consult with and provide direction to City's attorneys litigation styled In re: Arsenal Minerals and Royalty, et al. v. City of Denton; cause number 4:14-cv-00639, currently pending in the US District Court, Eastern District Sherman Division where a public discussion of these legal matters would conflict with the duty of the City's attorneys under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.

- C. [ID 15-234](#) Consultation with Attorneys - Under Texas Government Code, Section 551.071.

Consult with and provide direction to City's attorneys regarding legal issues and strategies associated with the current Gas Well Ordinance, and proposed Gas Well Ordinance amendment, 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 vested rights; impacts of federal and state law and regulations; impacts of gas well drilling upon protected uses and vice-versa; current and proposed extension to, moratorium on drilling and production; other concerns about municipal regulatory authority or matters relating to enforcement of the Gas Well Ordinance, both current and proposed; settlement matters concerning gas well drilling in the City; surface development issues involving surface and mineral estates; and legal matters associated with a citizen's initiative ordinance and pending litigation styled Jerry Patterson, Commissioner, Texas General Land Office v. City of Denton Texas, Cause No. D-1-GN-14-004628 currently pending in the

53rd District Court of Travis County and Texas Oil and Gas Association v. City of Denton, Cause No. 14-09833-431 currently pending in the 431st District Court of Denton County regarding hydraulic fracturing where a public discussion of these legal matters would conflict with the duty of the City's attorneys under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.

ANY FINAL ACTION, DECISION, OR VOTE ON A MATTER DELIBERATED IN A CLOSED MEETING WILL ONLY BE TAKEN IN AN OPEN MEETING THAT IS HELD IN COMPLIANCE WITH TEXAS GOVERNMENT CODE, CHAPTER 551, EXCEPT TO THE EXTENT SUCH FINAL ACTION, DECISION, OR VOTE IS TAKEN IN THE CLOSED MEETING IN ACCORDANCE WITH THE PROVISIONS OF §551.086 OF THE TEXAS GOVERNMENT CODE (THE 'PUBLIC POWER EXCEPTION'). THE CITY COUNCIL RESERVES THE RIGHT TO ADJOURN INTO A CLOSED MEETING OR EXECUTIVE SESSION AS AUTHORIZED BY TEX. GOV'T. CODE, §551.001, ET SEQ. (THE TEXAS OPEN MEETINGS ACT) ON ANY ITEM ON ITS OPEN MEETING AGENDA OR TO RECONVENE IN A CONTINUATION OF THE CLOSED MEETING ON THE CLOSED MEETING ITEMS NOTED ABOVE, IN ACCORDANCE WITH THE TEXAS OPEN MEETINGS ACT, INCLUDING, WITHOUT LIMITATION §551.071-551.086 OF THE TEXAS OPEN MEETINGS ACT.

Special Called 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 at which the following items will be considered:

Items For Individual Consideration

- A. [ID 15-248](#) Consider adoption of an ordinance amending Ordinance No. 2003-258, as amended by Ordinance No. 2011-042 and Ordinance No. 2014-009, relating to the Economic Development Partnership Board ("the Board") to add to the membership of the Board; repealing all conflicting ordinances and portions thereof; and providing an effective date.

Attachments: [Exhibit 1 - Option 1](#)
 [Exhibit 2 - Option 2](#)
 [Exhibit 3 - Ordinance 2003-258](#)
 [Exhibit 4 - Ordinance 2011-042](#)
 [Exhibit 5 - Ordinance 2014-009](#)

Public Hearings

- A. [DCA14-0009](#) Continue a public hearing and consider adoption of an ordinance amending Subchapters 5, 7, 16 and 22 of the Denton Development Code, relating to Gas Well Drilling and Production, Definitions and Procedures; amending Ordinance No. 2013-248, relating to planning and development fees and road damage remediation fees relating to gas well drilling and production activities; adding new Subchapter 22A to the Denton Development Code, relating to Oil and Gas Pipelines, Definitions, Procedures; providing a cumulative clause; providing a severability clause; providing for a penalty; and providing for an effective date (DCA14-0009e). The Planning and Zoning Commission recommends denial (4-3). A supermajority vote by City Council is required to adopt a motion to approve this ordinance.

Attachments:

[Exhibit 1 Table of Revised Ordinances](#)
[Exhibit 2 Clean Ordinance and Redlined Draft of DDC Subchapter 22](#)
[Exhibit 3 Clean Ordinance Draft of DDC Subchapter 7.16](#)
[Exhibit 4 Clean Ordinance Draft of DDC Subchapter 16.7](#)
[Exhibit 5 Clean Ordinance Draft of DDC Subchapter 5](#)
[Exhibit 6 Clean Ordinance Draft of DDC Subchapter 22A](#)
[Exhibit 7 Fee Ordinance](#)
[Exhibit 8 Public Responses to CC and P&Z from Dec 2014 meeting](#)
[Exhibit 9 Public Responses to Additional Questions from PZ and the Public](#)
[Exhibit 10 Draft Minutes of the February 4, 2015 P&Z Meeting](#)

C E R T I F I C A T E

I certify that the above notice of meeting was posted on the bulletin board at the City Hall of the City of Denton, Texas, on the _____ day of _____, 2015 at _____ o'clock (a.m.) (p.m.)

CITY SECRETARY

NOTE: THE CITY OF DENTON CITY COUNCIL CHAMBERS IS ACCESSIBLE IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT. THE CITY WILL PROVIDE SIGN LANGUAGE INTERPRETERS FOR THE HEARING IMPAIRED IF REQUESTED AT LEAST 48 HOURS IN ADVANCE OF THE SCHEDULED MEETING. PLEASE CALL THE CITY SECRETARY'S OFFICE AT 349-8309 OR USE TELECOMMUNICATIONS DEVICES FOR THE DEAF (TDD) BY CALLING 1-800-RELAY-TX SO THAT A SIGN LANGUAGE INTERPRETER CAN BE SCHEDULED THROUGH THE CITY SECRETARY'S OFFICE.