



City of Denton

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

Meeting Agenda

City Council

Tuesday, May 12, 2015

4:00 PM

Work Session Room & Council Chambers

After determining that a quorum is present, the City Council of the City of Denton, Texas will convene in a 2nd Tuesday Session on Tuesday, May 12, 2015 at 4:00 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:

A 2nd Tuesday Session is used to explore matters of interest to one or more City Council Members or the City Manager for the purpose of giving staff direction into whether or not such matters should be placed on a future regular or special meeting of the Council for citizen input, City Council deliberation and formal City action. At a 2nd Tuesday Session, the City Council generally receives informal and preliminary reports and information from City staff, officials, members of City committees, and the individual or organization proposing council action, if invited by City Council or City Manager to participate in the session. Participation by individuals and members of organizations invited to speak ceases when the Mayor announces the session is being closed to public input. Although 2nd Tuesday Session are public meetings, and citizens have a legal right to attend, they are not public hearings, so citizens are not allowed to participate in the session unless invited to do so by the Mayor. Any citizen may supply to the City Council, prior to the beginning of the session, a written report regarding the citizen's opinion on the matter being explored. Should the Council direct the matter be placed on a regular meeting agenda, the staff will generally prepare a final report defining the proposed action, which will be made available to all citizens prior to the regular meeting at which citizen input is sought. The purpose of this procedure is to allow citizens attending the regular meeting the opportunity to hear the views of their fellow citizens without having to attend two meetings.

1. Work Session Reports

- A. [ID 15-385](#) Receive a report, hold a discussion, and give staff direction on the Road Impact Fee calculations, and comparison with other cities.

Attachments: [Exhibit 1 Presentation](#)
 [Exhibit 2 Executive Summary](#)

- B. **ID 15-423** Receive a report and hold a discussion regarding a gas well fire on May 7, 2015 and following emergency responses by the City of Denton and state regulatory agencies.

Following the completion of the 2nd Tuesday Session, the City Council will convene in a 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.

1. Closed Meeting:

- A. [ID 15-413](#) Consultation with Attorneys - Under Texas Government Code, Section 551.071; Deliberations Regarding Real Property - Under Texas Government Code, Section 551.072.

Receive information from staff pertaining to the acquisition of real property

interests related to the proposed expansion and reconstruction of Locust Substation generally located South East of Fort Worth Drive & West Collins Street, in the City of Denton, Denton County, Texas. Consultation with the City's attorneys regarding legal issues associated with the potential acquisition and/or condemnation of parcels of real property near the aforementioned location and more particularly described as: Lot 1, Block A of Garcia Addition, an addition to the City of Denton, Denton County, Texas, according to the plat thereof recorded in document No. 2009-168 of the plat records of Denton, County, Texas.[Locust substation/no associated action item]

B. [ID 15-419](#) Consultation with Attorneys - Under Texas Government Code Section 551.071.

Consult with City's attorneys regarding legal rights, restrictions, and obligations under Texas law, associated with overlapping extraterritorial jurisdictions claimed by municipalities neighboring the City of Denton, Texas, as well as possible negotiated resolutions of such matters, where a public discussion of such legal matters would conflict with the duty of the City's attorneys to the City of Denton, Texas under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas, and where such matters may become an issue in potential litigation. [ID 15-417]

C. [ID 15-414](#) 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:

1. ITEMS FOR INDIVIDUAL CONSIDERATION

- A. [A15-0012b](#) Consider adoption of an ordinance of the City of Denton, Texas, on first reading to involuntarily annex approximately 578.74 acres of land contained in eight (8) of the fifteen (15) annexation areas. Four (4) of the annexation areas include approximately 440.19 acres of land and are primarily located within the northwestern quadrant of the City of Denton’s Extraterritorial Jurisdiction (ETJ) Division 1, and are identified as PAA1, PAA2, PAA3, and PAA4. The remaining four (4) areas include approximately 138.65 acres of land and are considered unincorporated ETJ pockets located within the body of the City of Denton’s corporate limits and are identified as DH2, DH3, DH4, and DH11; providing for a penalty in the maximum amount of \$2000.00 for violations thereof, severability and an effective date. (A15-0012b)

Attachments: [Exhibit 1 2015 Annexation Service Plan FINAL](#)

[Exhibit 2 Map and Descriptions](#)

- B. [ID 15-386](#) Consider adoption of an ordinance authorizing the City Manager, or his designee, to execute a Contract of Sale (herein so called), as attached hereto and made a part hereof as Exhibit “A”, by and between the City of Denton, (the “City”) and DENTON 68 JOINT VENTURE, a Texas Joint Venture (the “Seller), regarding the sale and purchase of fee simple to three tracts identified as (I) a 6.458 acre tract, known as Lot 57, Block A, of THE OAKS OF TOWNSHIP II, recorded in Cabinet E, Page 13, Plat Records Denton County, Texas; and (II) a 0.361 acre tract, more or less, out of the R. H. Hopkins Survey, Abstract No. 1694, and being part of Township II, Phase 2, and recorded in Volume 11, Page 14, Plat Records, Denton County, Texas; and (III) a 3.384 acre tract, known as Lot 44, Block A of the Woodlands of Township II, recorded in Cabinet E, Slide 16, Plat Records, Denton County, Texas, all being additions to the City of Denton, Denton County, Texas, located generally in and around the Township II area south and west of Colorado Blvd., south of Foxhollow, north and east of Angelina Bend Dr. and west of Valley Creek Rd., in the City of Denton, Denton County, Texas, as more particularly described in the Contract of Sale, (the “Property Interests”), for the purchase price of Fifty Four Thousand Six Hundred and No/ Dollars and No Cents (\$54,600.00),

and other consideration, as prescribed in the Contract of Sale; authorizing the expenditure of funds therefor; and providing an effective date. (Township II Park Property Acquisition project: Tracts 1, 2, and 4 - Denton 68 Joint Venture)

Attachments: [Exhibit 1 Location Map](#)
 [Exhibit 2 Ordinance with Contract](#)

- C. [ID 15-417](#) Consider adoption of an ordinance of the City of Denton, Texas authorizing the City Manager to execute an Interlocal Boundary and Extraterritorial Jurisdiction Contract between the City of Denton and the Town of Ponder; providing for severability, savings and an effective date.

Attachments: [Exhibit 1 Ordinance and Contract](#)

- D. [ID 15-420](#) Consider adoption of an ordinance of the City of Denton authorizing an agreement between the City of Denton and the Denton Parks Foundation to assist with the costs of seating in Quakertown Park; providing for the expenditure of funds; and providing for an effective date. (\$1,200)

Attachments: [Exhibit 1 - Ordinance](#)
 [Exhibit 2 - Agreement](#)

- E. [ID 15-421](#) Consider approval of a resolution of the City of Denton, Texas (“City”), approving a change in the rates of Atmos Energy Corporation, Mid-Tex Division (“Atmos”) as a result of a settlement between Atmos and the Atmos Texas Municipalities (“ATM”) under the rate review mechanism; finding the rates set by the attached tariffs to be just and reasonable; finding that the meeting complied with the Open Meetings Act; declaring an effective date; and requiring delivery of the resolution to the company and legal counsel.

Attachments: [Exhibit 1 Atmos Resolution](#)
 [Exhibit 2 Atmos Attachment A](#)
 [Exhibit 3 Atmos Attachment B](#)
 [Exhibit 4 Atmos Attachment C](#)

2. PUBLIC HEARINGS

- A. [S15-0001](#) Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, approving a Specific Use Permit for Multifamily Dwellings in a Regional Center Commercial Downtown (RCC-D) zoning district and use classification. The approximately 6.93 acre site is generally located 605 feet west of South I-35E and 540 feet north of Wind River Lane; providing for a penalty in the maximum amount of \$2,000.00 for violations thereof; providing a severability clause and an effective date. (S15-0001)

Attachments:[Exhibit 1 Staff Report](#)[Exhibit 2 Site Location Aerial Map](#)[Exhibit 3 Zoning Map](#)[Exhibit 4 Future Land Use Map](#)[Exhibit 5 Proposed Site Plan](#)[Exhibit 6 Proposed Landscape Plan](#)[Exhibit 7 Public Notification Map and Community Responses](#)[Exhibit 8 Project Narrative](#)[Exhibit 9 Site Photos](#)[Exhibit 10 Draft Ordinance](#)**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.

B. Possible Continuation of Closed Meeting of Closed Meeting topics, above posted.

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 COUNCIL WORK SESSION ROOM AND CITY COUNCIL CHAMBERS ARE 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.