

CITY OF DENTON CITY COUNCIL MINUTES

June 23, 2015

After determining that a quorum was present, the City Council convened in a Work Session on Tuesday, June 23, 2015 at 2:00 p.m. in the Council Work Session Room at City Hall.

PRESENT: Mayor Watts, Council Member Hawkins, Council Member Briggs, and Mayor Pro Tem Gregory.

ABSENT: Council Member Roden, Council Member Johnson, and Council Member Wazny.

1. Work Session Reports

A. ID 15-494 Receive a report, hold a discussion, and give staff direction regarding the outcome of the 84th Texas Legislative Session and future legislative issues and strategies.

Brandon Aghamalian, Focused Advocacy, presented a legislative update for Council. He reviewed the volume of bills that were filed and the total bills passed. About 1900 of the bills that were introduced were city-related bills and about 220 of those were passed. He presented information on the beginning of the session which involved new statewide officials, GOP majorities in both Chambers, lots of turnover in the Legislature, a reduction of standing committees in the Senate, and the replacement of the 2/3 rule with a 3/5 rule. The Comptroller announced \$113 billion in revenue for 2016-17.

Council discussed the budget information presented in terms of spending amounts and funds that received or did not receive funding.

Transportation funding – the November 2015 election may produce a new revenue stream from sales tax and motor vehicle sales tax vote. There was no solution for new road construction but the funding should help TxDOT with maintenance.

Tax relief - the various bills that affected tax relief were reviewed. Those included a school homestead exemption and a cut in the franchise tax rate. SB 1760 required a majority vote to adopt a property tax rate exceeding the effective rate. The big bills that did not pass were reviewed.

Snapper Carr, Focus Advocacy, reviewed the municipal issues. He presented the municipal bills that did not pass and those that did pass. Of particular note was HB 40 which dealt with oil and gas regulation.

Curt Seidlits, Focus Advocacy, reviewed SB 776 in terms of TMPA.

Carr reviewed information on elections, city contracting, vendor relationships, financial reporting, open meetings, open records, politics and campaigning. He noted that currently there was no special session expected. He reviewed the topics that might be considered in the next session.

B. ID 15-508 Receive a report, hold a discussion, and give staff direction about possible ways that the City can support or assist in a potential residential development near Ryan Road and Teasley Lane.

Aimee Bissett, Director of Economic Development, stated that this was a proposed development on Ryan Road which currently was outside the city limits. The developer was interested in bringing it into Denton and would involve the development of higher end homes. There were a variety of constraints on the property including an existing gas well on the site. The flood plain and ESA area divided the property into two pieces, significant road improvements would be required and there was no wastewater service to the property.

As the property was currently located in the ETJ there was no requirement to preserve the trees. If located in the city limits, half of the ESA and all of the trees would be preserved. A piece of the property through the middle of the tract was very heavily treed and was the kind of property the City would like to preserve. Because the property was not in the city limits, there was the potential that a property owner would cut the trees down. A future park area could provide connectivity from Ryan Road to Lake Forest Park with provided benefits to the parks.

Council Member Gregory asked if the park dedication came into play if the property were in the city limits.

Bissett stated that the developer would be required to develop .6 acres of the 26 acres. The ESA had 11 acres.

City Attorney Burgess stated that the property had a non-annexation agreement and if development occurred, the property was subject to annexation.

Bissett stated that at some point, the developer would need to make a decision on whether to keep the property in contract. Options for Council to consider included providing infrastructure assistance, whether the property had value to the parks, the value for tree presentation and a determination of an economic value. Staff was looking for direction from Council on whether there was any interest in the property for park land and the use of the tree fund for acquiring the treed portion of the property. Staff was also looking for direction if there was interest in assisting the developer with options for public infrastructure.

Council Member Hawkins questioned how the City assisting would help the developer.

Bissett replied by buying the entire tract with trees as that portion of the property made it too costly for homes.

Council Member Gregory stated that he would like to have a Closed Session on the cost of the land in the flood plain, etc. and was not comfortable giving direction to staff at this time.

City Attorney Burgess suggested specifically posting this item at a next meeting.

Council Member Briggs stated that she was not in favor of staff direction at this meeting.

Mayor Watts felt that he could give direction from his perspective. The price on the flood plain land was \$40 per acre and purchasing that property would deplete the tree fund. However, the land was so expensive there was no way to land bank based on purchase price. The developer needed the City to subsidize the park property to make the project work and he could not agree to that. Much of the property was in the flood plain which was an issue. The City would be

spending \$2 million to achieve a goal for only 60 homes and that was not viable. The property would not be used as park land except for a trail. The City was being asked to subsidize a project that was not economically viable for the developer and was not usable for anyone else.

Council Member Briggs agreed with the Mayor.

Mayor Watts stated that half of the Council was absent. He was clear on his direction but it could be brought before the entire Council to consider.

Consensus of the Council was to postpone the item to another meeting.

Council Member Briggs asked about the gas well on the property

Bob Shelton stated that there was a vertical well on the property. There was no more drilling anticipated and he was trying to buy the well to get it removed from the property.

Council Member Hawkins asked if putting in the infrastructure would benefit any neighboring development.

Shelton stated that the drainage affected the north side directly and that all of the drainage would have to be accommodated.

C. 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 Member Briggs requested an update on the tree ordinance and amendments.

Mayor Watts asked about exploring the possibility of a festival that incorporated the diversity in Denton and to include two universities in the discussion.

Following the completion of the Special Called Work Session, the City Council convened in a Closed Meeting at 3:54 p.m. to consider the specific items listed below under the Closed Meeting section of this agenda.

1. Closed Meeting:

- A. ID 15-498 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 southeast 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]

- B. ID 15-499 Deliberations regarding Real Property - Under Texas Government Code Section 551.072; Consultation with Attorneys - Under Texas Government Code Section 551.071.

Receive information from staff, discuss, deliberate, and provide staff with direction relating to the site selected for the DME Hickory Substation and the acquisition of real property interests. Consultation with the City's attorneys regarding legal issues associated with the acquisition or condemnation of the real property interests in the 100 block of N. Bonnie Brae St., Denton, TX 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. [Hickory Substation]

The Council returned to Open Session at 4:45 p.m. and with no further business, the meeting was adjourned.

CHRIS WATTS
MAYOR
CITY OF DENTON, TEXAS

JENNIFER WALTERS
CITY SECRETARY
CITY OF DENTON, TEXAS