



# City of Denton

City Hall  
215 E. McKinney St.  
Denton, Texas 76201  
[www.cityofdenton.com](http://www.cityofdenton.com)

## Meeting Agenda

### City Council

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**Tuesday, March 22, 2016**

**3:00 PM**

**Work Session Room & Council Chambers**

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After determining that a quorum is present, the City Council of the City of Denton, Texas will convene in a Work Session on Tuesday, March 22, 2016 at 3:00 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:

#### **1. Citizen Comments on Consent Agenda Items**

This section of the agenda allows citizens to speak on Consent Agenda Items only. Each speaker will be given a total of three (3) minutes to address any items he/she wishes that are listed on the Consent Agenda. A Request to Speak Card should be completed and returned to the City Secretary before Council considers this item.

#### **2. Requests for clarification of agenda items listed on the agenda for March 22, 2016.**

#### **3. Work Session Reports**

- A. [ID 16-407](#) Receive a report, hold a discussion, and give staff direction regarding the City's budgeting, rate setting and cost recovery processes for internal service funds and utility funds of the City.

**Attachments:**      [Exhibit 1 - Budget Presentation](#)  
                                 [Exhibit 2 - Property and Sales Tax Mix](#)

Following the completion of the Work 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 16-344](#) Certain Public Power Utilities: Competitive Matters - Under Texas Government Code, Section 551.086; and Consultation with Attorneys - Under Texas Government Code, Section 551.071.

Receive a presentation from Denton Municipal Electric ("DME") staff regarding certain public power competitive, financial and commercial information relating to issues regarding support, implementation and operation of its 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. Consultation with the City's attorneys regarding legal issues associated with the 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, and provide staff with direction.

- B. [ID 16-376](#) Consultation with Attorneys - Under Texas Government Code Section 551.071.

Consult with the City's Attorneys on the status, strategy, and potential resolution of the claim of Ross McDowell.

- C. [ID 16-416](#) 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 regarding the potential acquisition of real property located at 301 E. McKinney, Denton, Texas where deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third party. Consultation with the City's attorneys regarding legal issues associated with the acquisition of the real property interests 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. [Denton County Courthouse Annex property tract(s) - no action item]

- D. [ID 16-418](#) Consultation with Attorneys - Under Texas Government Code, Section 551.071; Deliberations regarding Economic Development Negotiations - Under Texas Government Code, Section 551.087.

Receive a report and hold a discussion regarding legal and economic development issues regarding economic development incentives for a business prospective in regard to the Samuel, Son, & Co. This discussion shall include commercial and financial information the City Council may receive from the business owners which the City 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 incentives. Also hold a discussion with the City's attorneys on the referenced topic where 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.

- E. [ID 16-431](#) Consultation with Attorney - Under Texas Government Code, Section 551.071; Deliberations regarding Economic Development Negotiations - Under Texas Government Code Section 551.087.

Receive a report and hold a discussion regarding a proposed economic development program grant agreement between the City of Denton and WGBP Investments, LTD. This discussion shall include commercial and financial information the City Council has received from WGBP Investments, LTD, a business 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; deliberate the economic development program grant agreement between the City of Denton and WGBP Investments, LTD. Also, hold a discussion with the City's attorneys on the referenced topic where 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.

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. PLEDGE OF ALLEGIANCE**

- A. U.S. Flag
- B. Texas Flag

"Honor the Texas Flag – I pledge allegiance to thee, Texas, one state under God, one and indivisible."

### **2. PROCLAMATIONS/PRESENTATIONS**

- A. [ID 16-406](#) Mayor's Day of Concern for Mental Health and those with Intellectual Disabilities

### **3. CONSENT AGENDA**

Each of these items is recommended by the Staff and approval thereof will be strictly on the basis of the Staff recommendations. Approval of the Consent Agenda authorizes the City Manager or his designee to implement each item in accordance with the Staff recommendations. The City Council has received background information and has had an opportunity to raise questions regarding these items prior to consideration.

Listed below are bids, purchase orders, contracts, and other items to be approved under the Consent Agenda (Agenda Items A – C). This listing is provided on the Consent Agenda to allow Council Members to discuss or withdraw an item prior to approval of the Consent Agenda. If no items are pulled, Consent Agenda Items A – C below will be approved with one motion. If items are pulled for separate discussion, they may be considered as the first items following approval of the Consent Agenda.

- A. [ID 16-415](#) Consider adoption of an ordinance establishing public hearing dates and authorizing the City Secretary to publish notice for April 5, 2016, and April 12, 2016, for

annexation of eight (8) properties, identified by the following property identification numbers (DH-2: 60756 and 60759), (DH-3: 41547), (PAA1: 651278), (PAA3: 315334 and 60790) and (PAA4: 202610 and 37729), in the City of Denton, Texas.

Attachments:      [Exhibit 1 - Draft Ordinance](#)

- B.    [ID 16-417](#)      Consider adoption of an ordinance of the City Council of the City of Denton, Texas authorizing the City Manager or his designee to execute a letter of agreement for consulting services with the Brattle Group, Inc. that is substantially consistent with the scope of work recommended by the City Manager to the City Council during the work session of the City Council on February 16, 2016, in order to perform a study/analysis of the Renewable Denton Plan and other options; providing for the expenditure of funds; providing an effective date.

Attachments:      [Exhibit 1 - March 2nd Memo Renewable Denton Plan Consultant Selection](#)  
                              [Exhibit 2 - Brattle Group Agreement](#)  
                              [Exhibit 3 - Ordinance](#)

- C.    [ID 16-426](#)      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.

Attachments:      [Exhibit 1 Ordinance](#)

#### **4. PUBLIC HEARINGS**

- A.    [ID 16-403](#)      Hold a public hearing to consider adoption of an ordinance of the City of Denton, Texas approving the land use assumptions and a capital improvements plan under which roadway impact fees may be imposed for designated service areas; setting a date, time, and place for a public hearing to consider adoption of roadway impact fees; authorizing and directing the City Secretary to publish notice of such public hearing; and providing construction and severability clauses.

Attachments:      [Exhibit 1-Road Impact Fee Service Area Map](#)  
                              [Exhibit 2-KHA DRAFT Report on Land Use Assumptions](#)  
                              [Exhibit 3-KHA DRAFT Report on Capital Improvements Plan](#)  
                              [Exhibit 4-CIAC Findings on LUA & CIP](#)  
                              [Exhibit 5-Ordinance](#)

- B.    [ID 16-413](#)      Continue a public hearing and consider adoption of an ordinance of the City of Denton, Texas designating a certain area within the city limits of Denton as West Gate Business Park (WGBP) Investments, LTD. Reinvestment Zone No. XIII for commercial/industrial tax abatement; establishing the boundaries of such zone; making findings required in accordance with Chapters 312 of the Texas Tax Code; ordaining other matters relating thereto; providing a severability clause; providing for repeal; and providing an effective date.

Attachments:      [Exhibit 1 Reinvestment Zone Ordinance](#)

#### **5. ITEMS FOR INDIVIDUAL CONSIDERATION**

- A. [A15-0016b](#) Consider adoption of an ordinance establishing public hearing dates and authorizing the City Secretary to publish notice for April 5, 2016, and April 12, 2016, for annexation of an approximately 23.24 acre property generally located on the west side of Geesling Road, approximately 700 feet south of East University Drive (U.S. 380), within the Moreau Forrest Survey, Abstract No. 417, in Denton County, Texas.

Attachments:      [Exhibit 1- Location Map](#)  
                              [Exhibit 2- Zoning Map](#)  
                              [Exhibit 3- Ordinance](#)

## **6. 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 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 \_\_\_\_\_, 2016 at \_\_\_\_\_ o'clock (a.m.) (p.m.)

\_\_\_\_\_  
CITY SECRETARY

NOTE: THE CITY OF DENTON CITY COUNCIL WORK SESSION ROOM AND 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.