



# 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, January 13, 2015**

**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, January 13, 2015 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:

NOTE: 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 Sessions 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.

#### Work Session Reports

- A. [ID 15-047](#) Receive a report, hold a discussion regarding the 2013 Return on Investment Report of Economic Development Incentives for the City of Denton.  
Attachments: [Exhibit 1 ROI 2013](#)
- B. [ID 15-061](#) Receive a report, hold a discussion and give staff direction regarding the creation of an Economic Development Incentive Fund for the City of Denton.  
Attachments: [Exhibit 1 ED Fund Presentation](#)
- C. [ID 15-049](#) Receive a report, hold a discussion and give staff direction regarding aesthetics related to the 35Express Project.  
Attachments: [Exhibit 1 City of Denton Medallion Graphic](#)  
[Exhibit 2 UNT Medallion Graphic](#)  
[Exhibit 3 Pedestrian Enhancements-Intersections Bridge Deck](#)
- D. [SI15-0001](#) Receive a report; hold a discussion, and give staff direction regarding proposed criteria for Tree Fund Expenditures and initial tree planting projects.

**Attachments:**      [Exhibit 1 - Tree Fund Expenditure Criteria](#)  
                                 [Exhibit 2 - Tree Expenditure Analysis](#)  
                                 [Exhibit 3 - Tree Fund Management Parameters](#)  
                                 [Exhibit 4 - Tree Fund Survey](#)  
                                 [Exhibit 5 - Analysis - Carl Young](#)  
                                 [Exhibit 6 - Analysis - North Pointe](#)  
                                 [Exhibit 7 - Analysis - North Lakes East](#)  
                                 [Exhibit 8 - Analysis - South Lakes](#)  
                                 [Exhibit 9 - List of Cities Surveyed](#)

- E.    [ID 15-058](#)      Receive a report, hold a discussion, and give updated staff recommendation regarding a transportation user fee.

**Attachments:**      [Exhibit 1 Street Maintenance Fee](#)  
                                 [Exhibit 2 Denton Report](#)  
                                 [Exhibit 3 Jan 13th CC Street Maint Destination Denton #2](#)  
                                 [Exhibit 4 Streets Fees](#)

- F.                      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 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.

### **Closed Meeting**

- A.    [ID 15-048](#)      Certain Public Power Utilities: Competitive Matters - Under Texas Government Code, Section 551.086.

Receive a presentation from Denton Municipal Electric (“DME”) staff regarding public power competitive and financial matters pertaining to plans, strategies, opportunities, and developments for generation improvements to the DME system; discuss and deliberate strategies relating to selecting and acquiring generation

resources for the City; discuss and deliberate opportunities and strategies for the City to acquire purchased power and enter into agreements regarding the same, in order to meet its future energy needs. Discuss, deliberate and provide Staff with direction.

- B. [ID 15-063](#) Deliberations regarding consultation with the City 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 legal and economic development issues regarding an incentive agreement with Metzeler Schaum, GmbH. This discussion shall include commercial and financial information the City Council has received from Metzeler Schaum, GmbH 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 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.

- C. [ID 15-067](#) Consultation with Attorneys - Under Texas Government Code Section 551.071; and Deliberations regarding Real Property - Under Texas Government Code Section 551.072.

Consult with the City's attorneys regarding the present status of pending litigation styled Linda Marie Casias Roth, et al v. City of Denton, Texas, Cause No. 2012-60839-393, now pending before the 393rd Judicial District Court of Denton County, Texas; and discuss, deliberate and provide the City's attorneys with direction and any recommendations regarding such legal matter. A public discussion of this legal matter would conflict with the duty of the City's Attorneys to the City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas. Relating to this same issue, discuss, deliberate, and receive information from staff, and provide direction pertaining to the acquisition of real property interests located in the R. Beaumont Survey, Abstract Number 31, located generally in the 1200 block of North Bonnie Brae Street, City of Denton, Denton County, Texas.

- D. [ID 15-066](#) 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.

Following the completion of the Closed Meeting, the City Council will convene in Open Session in the Council Chambers to consider the following:

- A. [DCA14-0009](#) Continue a public hearing on Tuesday, January 13, 2015, and consider 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.

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 Amended Ordinance 2013-248](#)

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.)

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CITY SECRETARY

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