

CITY OF DENTON CITY COUNCIL MINUTES

June 21, 2011

After determining that a quorum was present, the City Council convened in a Work Session on Tuesday, July 21, 2011 at 3:00 p.m. in the Council Work Session Room at City Hall.

PRESENT: Council Member King, Council Member Gregory, Council Member Engelbrecht, Mayor Pro Tem Kamp, Mayor Burroughs, Council Member Roden

ABSENT: Council Member Watts and Council Member King.

1. Citizen Comments on Consent Agenda Items

Joe Northern presented information on Transit Center Investment. He presented results of a six month tenant search for the Bell Street property. The proposal was for a New Orleans style restaurant delivering the first spark of change for the Industrial/Bell Street area. The short term and long term feasibility analysis was discussed.

Sam Sullivan spoke on the benefits of the proposal.

John Blackman presented benefits of the proposal.

Randy Smith spoke in favor of the proposal.

Mayor Burroughs questioned why this was another grant request for the same property and why it was not done as a package.

Smith stated that one grant was for the rehabilitation of the property and one was for the tenant.

Mayor Burroughs noted that Nona Dean and Kelly Alexander had submitted Comment Cards for Consent Agenda Item 3E.

Sam Alexander presented information on Consent Agenda 3E concerning the purchase of the easements.

Bob Clifton spoke in opposition to Consent Agenda Items 3B, C, D and E.

Council Member King arrived at the meeting.

2. Requests for clarification of agenda items listed on the agenda for June 21, 2011.

City Attorney Burgess stated that Consent Agenda Item 3C had a substitute ordinance consistent with the Economic Development Partnership Board recommendation.

Mayor Burroughs noted that he would be pulling Item 3C for separate consideration.

3. Receive a report, hold a discussion and give staff direction regarding redistricting of city council districts as a result of the 2010 census.

City Attorney Burgess stated that currently there were two plans for Council consideration.

Bob Heath, Bickerstaff Heath Delgado Acosta, stated that part of the process for redistricting was to develop an illustrative plan for public discussion. That plan would not be a final plan but would be available for public comments, possible alternatives from the public and then Council would decide on what kind of plan to adopt. He showed the existing plan and detailed the census numbers against the existing plan. The current configuration was dramatically out of balance due to population growth with District Four 37% over populated. The ideal balance was to get the difference of the largest deviation and smallest deviation to no more than 10%. Changes in the voting districts had to comply with the Voting Rights Act and had to be approved by the Department of Justice in Washington. That agenda would make sure that there was no diminishing of a minority voting district. The heaviest minority district in Denton was District One. It was determined that the best way to equal out the numbers was to move the lines clockwise and take numbers from District Four into District Three, District Three into Two, etc.

Plan A – the district lines for Plan A were reviewed. Heath noted that the deviation was at 9.4%. One problem with Plan A was in the center area where they tried to keep the voting precincts together. In order to get the population balanced they had to make some splits in the county precincts.

Plan B – the district lines for Plan B were reviewed. This plan compensated the precinct lines so that they were not split as much and had very few split precincts. The deviation in Plan B was 8.66% with the minority percentage very similar to the start of District One.

Heath stated that he felt Plan B was the better of the two plans. Plan B paid attention to county voting precinct lines and the provisions of the Voting Rights Act. Council could propose changes to either of the plans and he hoped Council would come to a consensus on a plan that could be put out for public comment.

Council Member Roden asked why total population was used instead of voting age population.

Heath stated that typically total population was used for redistricting. He knew of only one case where voting age population was used. In the 2000 redistricting cycle, all plans adopted by the Department of Justice had used total population. Total population included children who were part of the community and were traditionally included. Citizen voting age population figures were difficult to compute and were not useful for redistricting.

Council Member Roden asked at what point would registered voter information be used as part of the process and would that be helpful for redistricting.

Heath stated that the Department of Justice would not approve a plan based on registered voter information as minorities registered at lower rates than others did.

Council Member Roden questioned that as redistricting was only done every ten years, were known growth areas worked into the figures.

Heath stated that growth figures could be considered but not so much as to take it outside the 10% deviation. Minority areas tended to grow more slowly than other areas which might be more Anglo in nature and if the area was over populated there might be a Section 5 violation.

The primary reason for a preference for Plan B was better minority percentages and fewer split precincts.

Mayor Burroughs stated that he recognized that the entire process was based on an increasing assumption that neighborhoods grew in segregated ways and tended to aggregate persons of color in particular neighborhoods. If redistricting was done correctly, that should not be a factor in the growth of neighborhoods. It appeared that it would be increasingly hard to meet the provisions of the Voting Rights Act as minorities spread out more and more in neighborhoods.

Heath stated that it was harder to draw Hispanic districts as the Hispanic population was a huge growth in Texas and was a disperse population. Hispanic population areas tended to not be as concentrated as African-American areas tended to be.

Mayor Pro Tem Kamp asked whether Precinct 118 was split between Districts One and Two.

Heath stated Precinct 118 was partially inside the city limits and partially outside the city limits. It was not split.

Council Member Engelbrecht asked how it was determined to split a precinct and whether it followed backyard to backyard.

Heath stated that the lines followed a street line as that was what the census lines and precinct lines did. Backyard to backyard was very difficult and often caused problems with voting precincts.

Council Member Roden noted that Precinct 408 currently was in District Three but would be moving into District Two. The demarcation line was in the middle of an existing neighborhood.

Staff worked on changing the lines in District 2 with Precinct 408.

Council Member Gregory asked who set the precincts.

Heath stated that the County set the lines and had certain requirements for each precinct. If the city drew a district that split a precinct the County should fix it and draw the lines similar to the city district. However, the less the precincts were split the easier it would be for the County to draw their lines.

Council Member Gregory stated that after the plan was worked out and Council agreed to the plan, the decision on which plan to propose to the Department of Justice was the Council's decision.

Heath replied correct.

Council Member Gregory asked about public hearings.

City Attorney Burgess stated that once the Council had decided on a plan it would be brought forward as a public hearing for citizen comments. Citizens could also submit a plan per Council established procedures. Council would then do a final consideration for the plan.

Council Member Gregory asked about a time frame for completion.

City Attorney Burgess stated that staff hoped to have the process completed by September.

Council discussed the changing of various district lines and developed a Plan C for consideration. It was felt that Plan C kept neighborhoods together better.

Consensus of the Council was to proceed with Plan C.

Council Member Engelbrecht suggested enlarging the areas in the southern portion of the proposed plan to see if there were any neighborhood issues associated with split precincts.

Council Member Roden asked when the plan would go into effect once the Council approved it.

City Attorney Burgess stated that once the plan was approved by Council, it would be submitted to the Department of Justice and Justice should approve it so that the lines would set before the next election. Justice had approximately 60 days from submission to approve.

Council Member Roden asked if it would be possible to give web space for the plan.

City Attorney Burgess stated that it could be posted to the web for citizen comment.

Council Member Gregory stated that there were scheduled donut hole annexations within three years and had those annexations been considered in the figures.

Heath stated that the major annexation would put the numbers over but still within the required percentage.

4. Receive a report, hold a discussion and give staff direction regarding the outcome of the 2011 State Legislative Program of the City of Denton during the 82nd Texas Legislature, including future legislative issues and strategies.

John Cabrales, Public Information and Intergovernmental Relations Officer, presented an overview of the outcome of the 2011 legislative programs.

The Session overview started with an attempt by Tea Party groups to appoint a new Speaker of the House; Republicans had a supermajority; the State was facing a \$27 billion state budget deficit; redistricting was an issue along with the sunset of several key agencies. A special session was in progress at this time.

Cabrales reviewed the total bills introduced, total bills passed, city related bills introduced, and city related bill passed. A list of items for legislative emergency as announced by the Governor was presented. He reviewed the impact to cities based on the state budget bill. In total, there

would be a \$154 million reduction in funds to be received from the State. Those reductions included mixed beverage tax, library resource sharing, local library aid, local parks grants, major events trust fund, automobile theft prevention, and TCEQ solid waste grants.

Cabrales reviewed proposed legislation and legislation that passed in the areas of (1) city legislative issues, (2) transportation, (3) economic development, (4) elections, (5) utilities/environment, (6) proposals for redistricting of House and Senate districts and (7) the latest U.S. congressional districts. He stated that there were hundreds of harmful initiatives that were defeated in areas of appraisal caps, annexation authority, tree mitigation and bans on plastic bags. The Special Session currently in progress would be considering school funding, changes to Medicaid, congressional redistricting, Texas Windstorm Insurance Agency, sanctuary cities and airport security.

Council Member Roden asked about the voter ID bill and how that would affect Denton voters.

Cabrales stated that a voter would need a photo ID in order to vote.

Council Member Roden felt that voters would need to be educated before the May election on this procedure.

5. Receive a report, hold a discussion and give staff direction regarding Board and Commission nominations, ad hoc committee nominations, and council committee nominations.

City Manager Campbell stated that there was no formal presentation with this item. Council could review the listing of the nominations submitted for boards and commissions and also council committee assignments.

Mayor Burroughs stated that the Airport Advisory Board was in a state of flux for duties and goals to achieve. He stated that the process was outreach to help Council with various committee functions. His sense on the Airport Advisory Board was the Board needed people with practicable airport background plus people who could see the vision for the Airport and the way Council was trying to approach it. It was not the goal to have an identical function of the Board as it had changed and there was a need for flexibility with those goals in mind. It was his hope to have a functional board with a perspective sense for how the Airport functions and what made it successful plus a vision for Airport.

Mayor Pro Tem Kamp stated that she had some concerns regarding returning members but had a discussion with Jim Clark and he assured her his thoughts were in line with Council's direction for the Airport.

Council Member Gregory indicated that Bob Pugh did not want to serve again on the Airport Advisory Board.

Mayor Pro Tem Kamp suggested Karen Dixon for the Airport Advisory Board.

Council continued with a board by board review of proposed members.

Council Member Engelbrecht suggested encouraging people to submit applications. He suggested communicating to those people whose application was not used that their application would continue to be kept on file. He also suggested a letter after an application was received acknowledging it had been received.

Council went into Closed Session at 5:25 p.m. to discuss the following:

- C. Deliberations regarding Personnel Matters – Under Texas Government Code Section 551.074.
 1. Deliberate and discuss the appointment and duties of public officers to boards or commissions exercising discretionary or rule making power as opposed to purely advisory powers, which includes without limitation the Health and Building Standards Commission, the Historic Landmark Commission, the Planning and Zoning Commission, and the Zoning Board of Adjustment.

Council returned to Open Session at 5:32 p.m.

Council discussed Council committees. Mayor Burroughs asked if any council member would like to serve on the Audit/Finance Committee.

Council Member Roden expressed an interest and indicated that he would be happy to give up his position on the Property Maintenance Code Committee.

Council Member Engelbrecht indicated that he would serve on the Property Maintenance Code Committee.

City Secretary Jennifer Walters stated that there would be an item on an upcoming agenda for formal consideration of the Council committees.

City Manager Campbell asked about direction on the gas well task force. Three possible names had been submitted and staff needed direction on which two people the Council would like to place on the task force.

Consensus of the Council was to nominate all three people.

Council returned to the Close Meeting at 5:54 p.m. to consider the items listed below:

1. Closed Meeting:
 - A. Certain Public Power Utilities Competitive Matters - Under Texas Government Code Section 551.086; Consultation with Attorneys - Under Texas Government Code Section 551.071.

1. Receive a status report and further presentation from staff regarding public power competitive and financial matters regarding the possible construction and installation of a state-of-the-art combined heat and power (CHP) tri-generation station for the City to be located in the industrial district in the City of Denton, Texas; discuss deliberate, consider and provide staff with direction regarding same. Receive a briefing from and a further consultation with the City's attorneys regarding legal issues concerning the possible construction and installation of a combined heat and power (CHP) tri-generation station for the City in the industrial district in the City of Denton, 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.

D. Consultation with Attorneys - Under Texas Government Code Section 551.071.

1. Consult with, and provide direction to, the City's attorneys regarding legal issues associated with revisions to the City's pretreatment program regulating discharges into the City's sanitary wastewater system, where a public discussion of these legal matters would conflict with the duty of the City's attorneys to the City Council of the City of Denton and the City of Denton under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.
2. Consult with and provide direction to, the City's attorneys regarding legal issues associated with the re-districting process of City Council district boundaries as a result of the 2010 census, where a public discussion of these legal matters would conflict with the duty of the City's attorneys to the City Council of the City of Denton and the City of Denton under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.

This item was not discussed in Closed Session.

E. Deliberations regarding Real Property - Under Texas Government Code Section 551.072; Consultation with Attorneys - Under Texas Government Code Section 551.071.

1. Discuss, deliberate, and receive information from staff and provide staff with direction pertaining to the acquisition or the condemnation of a fee simple tract, a temporary construction easement tract, and a public utility easement tract for the Mayhill Road Widening and Improvements project, affecting real property tract in the M. Forrest Survey, Abstract No. 417, in the City and County of Denton, Texas. Consultation with the City's attorneys regarding legal issues associated with the acquisition or condemnation of the tracts referenced above where a public discussion of

these legal matters would conflict with the duty of the City's attorneys to the Denton City Council under the Texas Rules of Disciplinary Conduct of the State Bar of Texas, or would jeopardize the City's legal position in any administrative proceedings or potential litigation.

This item was not discussed in Closed Session.

The Council convened in Regular Session at 6:30 p.m.

1. PLEDGE OF ALLEGIANCE

The Council and members of the audience recited the Pledge of Allegiance to the U. S. and Texas flags.

2. PROCLAMATIONS/PRESENTATIONS

A. Proclamations/Awards

1. Presentation of the Heart and Stroke Healthy City Award from the Texas Council on Cardiovascular Disease and Stroke.

Dr. Bob Hilart presented the award to the Council and City.

2. Presentation of Top 100 Fleet Award.

Mike Ellis presented the award to the City and the Council.

3. CONSENT AGENDA

Mayor Burroughs stated that Item 3C would be pulled for separate consideration.

Mayor Pro Tem Kamp motioned, Council Member Gregory seconded to approve the Consent Agenda and accompanying ordinances and resolutions with the exception of Item 3C. On roll call vote, Council Member King "aye", Council Member Roden "aye", Council Member Gregory "aye", Council Member Engelbrecht "aye", Mayor Pro Tem Kamp "aye", and Mayor Burroughs "aye". Motion carried unanimously.

Resolution No. R2011-018

- A. Consider approval of a resolution nominating a member to the Board of Managers of the Denco Area 9-1-1 District; and declaring an effective date.

Ordinance No. 2011-101

- B. Consider adoption of an ordinance of the City Council of the City of Denton, Texas, approving a grant application from Brandon Martino from the Downtown Incentive Grant Program not to exceed \$15,000; and providing for an effective date. The Economic Development Partnership Board recommends approval (7-0).

Resolution No. R2011-019

- D. Consider approval of a resolution of the City of Denton, Texas approving the creation of a mural as a public art project; pursuant to the City of Denton Public Art policy approved by Ordinance 2006-105, and funded with Hotel Tax revenues previously authorized and encumbered for expenditure to such purposes; and declaring an effective date. The Parks, Recreation and Beautification Board recommends approval (6-0).

Ordinance No. 2011-102

- E. Consider adoption of an ordinance authorizing a Professional Services Agreement for Appraisal Services and ROW Acquisition Services by and between AR/WS Texas LP, and the City of Denton for services regarding the procurement and delivery of land rights for the Denton Municipal Electric 69kV Kings Row to Spencer Transmission Line Upgrade Project (Phase II); in a not-to-exceed amount of \$381,800.00. The Public Utilities Board recommends approval (4-0).

Ordinance No. 2011-103

- F. Consider adoption of an ordinance of the City of Denton, Texas, amending Article V, entitled "Direct and Indirect Discharge into Sanitary Wastewater System" of Chapter 26, "Utilities", of the Code of Ordinances of the City of Denton, Texas, related to discharge into the sanitary wastewater system; providing the purpose and scope of the ordinance; providing definitions; providing for administration of program; providing procedures for abatement of violations; providing for penalties; providing for determination of the character and concentration of wastewater; providing for approval of plans, issuance of permits and certification of final inspections; providing for inspections; providing rights of access to industrial user records; providing for right of entry to users' property; providing affirmative defenses; providing for bypass; providing for public participation; requiring connection to the sanitary sewer; providing for the prohibition of dry closets; providing for the construction of sanitary sewers and connections; providing for owner responsibility for maintenance of sanitary sewer service lines; requiring compliance with building regulations; prohibiting certain discharges into the publicly owned treatment works; providing for specific pollutant limitations; prohibiting discharge of waters not containing wastewater to the wastewater system; prohibiting discharge of polluted water to any storm sewer or natural outlet; providing for the installation of traps regarding certain discharges; requiring permits of wastewater discharges from transport trucks; requiring permits for significant industrial users to connect to the wastewater system; providing procedures for obtaining permits; providing for suspension or revocation of permits and the effect thereof; providing for reinstatement of suspended or revoked permits; requiring necessary pretreatment of wastewater by significant industrial users; requiring control manholes; providing for a surcharge for abnormal strength wastewater; providing for the effect of the united states code of federal regulations; providing a savings clause; providing a misdemeanor penalty not to exceed \$2,000 per day for violations of this ordinance; providing a civil penalty not to exceed \$5,000 per day for violations of this ordinance, together with other designated legal and equitable remedies that are available to

the city; and providing for an effective date. The Public Utilities Board recommends approval (4-0).

Resolution No. R2011-020

G. Consider approval of a resolution of the City Council of the City of Denton, Texas, committing to the continuation of adequate funding for implementation of the City of Denton Environmental Protection Agency approved pretreatment program; and providing an effective date. The Public Utilities Board recommends approval (4-0).

Resolution No. R2011-021

H. Consider approval of a resolution of the City of Denton to designate the Loop 288 project west of IH-35 (from IH-35 to IH-35W) to the State Highway System; and providing an effective date.

Resolution No. R2011-022

I. Consider approval of a resolution re-appointing a member to the Board of Directors of the Texas Municipal Power Agency, a Joint Powers Agency, representing the City of Denton, Texas; and declaring an effective date.

Approved the minutes listed below.

J. Consider approval of the minutes of:
May 17, 2011
May 24, 2011
June 6, 2011

Council considered Item 3C.

C. Consider adoption of an ordinance of the City Council of the City of Denton, Texas, approving a grant application from Joe Northern from the Downtown Incentive Grant Program not to exceed \$5,000; and providing for an effective date. The Economic Development Partnership Board recommends denial (7-0).

City Manager Campbell stated that Council had two ordinances for consideration on this item. One ordinance would approve the grant application request; the other would deny the request.

Council Member Roden stated that the request was denied by the Economic Development Partnership Board but approved by the Downtown Task Force. He questioned the difference in recommendations.

Mayor Burroughs stated that there was not a unanimous vote from the Task Force and he did not know about their deliberations. The Economic Development Partnership Board (EDPB) asked for more definitive criteria from the Task Force. Some of the discussion from the EDPB was held in Closed Session had he could not discuss the Closed Session. There was no particular problem with this use and that was not an issue. Such a use was wanted and needed in the area. One issue of concern was that this was the first time that one location was seeking a second

grant. The building had been relocated to the current property and was not historic in nature. The landlord had one grant application which passed and the money was awarded. This was a second request. He expressed a concern about a policy issue on where to draw the line for additional money. The Incentive Program did not have much money and he was concerned about granting a second grant for the same location.

Council Member Gregory stated that he was also on the EDPB and agreed with the Mayor's rationale. If Council denied the application, he questioned if Council would be creating a policy that only one grant would be awarded per location.

Mayor Burroughs stated that the EDPB did not want to give a sense that this was a bad proposal.

Council Member Roden asked if there had been other instances where one property received more than one grant.

Linda Ratliff, Director of Economic Development, stated that there was one other building that received two grants. One was for renovation of the property given to the owner of the property and the second was for the tenant to help pay for the impact fee.

Mayor Burroughs asked if there was an impact fee on this proposal.

Ratliff stated yes but that the first application received was from the tenant for signage and awnings for \$15,000. The property owner presented an application at the same time but as it was not complete, he had to come back later with a completed application. The property owner's request was for the impact fee and decking.

Mayor Burroughs asked if there had been discussion on the separation of the other grants being two for the same property.

Ratliff stated that there was nothing in the policy preventing one property from having two grants. One person could not have two grants for same property but a property owner could have a grant and a tenant another grant for the same property.

Council Member Engelbrecht recognized that the project was an investment in the area. He felt the Consent Agenda item concerning the art mural would help the project as would the quiet zone for the area.

Council Member Roden asked if this item was appropriate for a Closed Meeting discussion.

City Attorney Burgess stated that it was not posted for a Closed Meeting item on this agenda.

Mayor Pro Tem Kamp felt that more information was needed and suggested it be continued to another meeting.

Mayor Pro Tem Kamp motioned, Council Member King seconded to continue the item to the July 12 Council meeting in order to allow Council to receive more information in a Close Session on the EDPB meeting discussion. On roll call vote, Council Member King "aye",

Council Member Roden "aye", Council Member Gregory "aye", Council Member Engelbrecht "aye", Mayor Pro Tem Kamp "aye", and Mayor Burroughs "aye". Motion carried unanimously.

4. **ITEMS FOR INDIVIDUAL CONSIDERATION**

Resolution No. R2011-023

- A. Consider approval of a resolution nominating a representative to the Board of Directors of the Denton Central Appraisal District; and declaring an effective date.

Bryan Langley, Chief Financial Officer, stated that the Denton Central Appraisal District had a board member resign and was requesting nominations for a replacement. That member would be selected by the Board from the nominations received from area cities. The term of office would be until the end of 2011. He asked if Council had any nominations.

Mayor Pro Tem Kamp asked if Council could vote on the resolution and insert a name after this meeting.

City Attorney Burgess stated that the Council needed to vote on the resolution with a name included.

Council Member King thought that Phil Kregel might be interested.

Consensus of Council was to put this item on hold until Council Member King could contact Mr. Kregel to see if he would be interested in serving.

Council Member King left the meeting to contact Mr. Kregel.

- B. Consider a request for an exception to the Noise Ordinance for the hours of operation for the purpose of an event with live music on Saturday, July 9, 2011, at 1000 Myrtle Street. The exception is requested for extension of the hours of operation for amplified sound from 10:00 p.m. to midnight. The level of sound is to remain at the allowable 70 decibels. Staff recommends denial of the exception to the Noise Ordinance based on the number of noise complaints received by the Denton Police Department, in connection with this address, since March 1, 2011.

Emerson Vorel, Director of Parks and Recreation, stated that the applicant requested a noise exception in order to host an art and music show. The exception was requested for an extension of the hours of operation from 10:00 p.m. to midnight. The sound level would remain at 70 decibels. Council approved a similar request for an event held on May 21st at this address. The Police Department had received five noise complaints since March 1st at this address. Staff was not recommending approval based on the number of complaints.

Mayor Burroughs asked what kind of noise complaints was filed.

Vorel stated he did not know.

Council Member Gregory asked if citations were issued.

Vorel stated that many times the police do not issue citations but ask that the music be turned down.

Council Member Roden asked if it were part of the procedure to have the neighbors sign off on the request.

Vorel stated that there was no standard procedure. Depending on the size of the event, staff would suggest having the neighbors sign off.

Council Member Roden stated that it was not known if the complaints came from different addresses or all from one person.

Vorel stated that the location was between two commercial properties so there were limited residents.

Council Member Engelbrecht motioned, Council Member Gregory seconded to approve the noise exception with the hours until 11:00 p.m. On roll call vote, Council Member King "aye", Council Member Roden "aye", Council Member Gregory "aye", Council Member Engelbrecht "aye", Mayor Pro Tem Kamp "aye", and Mayor Burroughs "aye". Motion carried unanimously.

Council returned to Item 5.A.

Council Member King indicated that Mr. Kregle would be willing to serve on the Board.

Council Member King motioned, Mayor Pro Tem Kamp seconded to nominate Phil Kregel to the Denton Central Appraisal District Board of Directors. On roll call vote, Council Member King "aye", Council Member Roden "aye", Council Member Gregory "aye", Council Member Engelbrecht "aye", Mayor Pro Tem Kamp "aye", and Mayor Burroughs "aye". Motion carried unanimously.

5. 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.

Mayor Burroughs presented a list of events which happened in the City during the past week.

Council Member Gregory asked about placing good news releases on the city's web.

Council Member Roden noted a Citizens Downtown Living Group meeting he would be facilitating on Thursday.

Council Member Engelbrecht suggested developing a policy on what awards would be posted to the web, possibly post them in chronological order and keep on the site for two years.

- B. Possible Continuation of Closed Meeting under Sections 551.071-551.086 of the Texas Open Meetings Act.

Mayor Burroughs announced that Council would be going back into Closed Session.

- C. Official Action on Closed Meeting Item(s) under Sections 551.071-551.086 of the Texas Open Meetings Act.

There was no official action on Closed Meeting items.

Council adjourned into the Closed Meeting at 7:40 p.m. to discuss the following:

- B. 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.
 - 1. Receive a report and hold a discussion regarding legal issues on matters in which 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. Also hold a discussion regarding granting economic development incentives to a property owner for the purpose of developing an industrial park in the industrially zoned area north of Airport Road and west of I-35. This discussion shall include commercial and financial information the City Council has received from the property owner which the City Council seeks to have develop 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
 - 2. Receive a report and hold a discussion regarding legal issues on matters in which 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. Also hold a discussion regarding granting economic development incentives to a property owner for the purpose of redeveloping a major retail facility in the City of Denton, located at Loop 288 and I-35E. This discussion shall include commercial and financial information the City Council has received from the property owner which the City Council seeks to have the property redeveloped 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.

3. Receive a report and hold a discussion regarding legal issues on matters in which 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. Also hold a discussion regarding granting economic development incentives for the purpose of developing locating a light manufacturing/assembly facility on Loop 288 and Russell Newman Blvd. This discussion shall include commercial and financial information the City Council has received from the property owner which the City Council seeks to have the company 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.

With no further business, Council reconvened into Open Session and adjourned at 9:07 p.m.

MARK A. BURROUGHS
MAYOR
CITY OF DENTON, TEXAS

JENNIFER WALTERS
CITY SECRETARY
CITY OF DENTON, TEXAS