

CITY OF DENTON CITY COUNCIL MINUTES

May 12, 2015

After determining that a quorum was present, the City Council convened in a Work Session on Tuesday, May 12, 2015 at 4:00 p.m. in the Council Work Session Room at City Hall.

PRESENT: Mayor Pro Tem Engelbrecht, Council Member Gregory, Council Member Hawkins, Council Member Johnson, Council Member Ryan, Council Member Roden, and Mayor Watts.

ABSENT: None.

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.

PS Arora, Wastewater Division Manager, reviewed the items covered to date and items that would be covered at this meeting. Those items included impact fee calculation, comparison information for impact fees and impact fee procedures. The process in determining the vehicle-mile calculation in residential and non-residential calculation was reviewed. This was tied into the calculation of the impact fee. The Service Area "D" impact fee CIP recoverable cost was reviewed. The total need was \$39.61 million. The Impact Fee CIP recoverable cost required the removal of the cost to meet existing demand, the removal of the cost outside the 10 year need and provide credit for ad valorem taxes. The formula for the maximum impact fee per vehicle mile was presented. Each service area had its own calculation for the maximum impact fee per vehicle mile. A comparison of roadway impact fees for single family from various cities in the Metroplex was presented.

Preliminary recommendations from staff included adopting impact fees between 25-30% of the maximum calculated fee and using the same impact fee amount for all service areas.

Council discussed various scenarios associated with the proposed fees and the amount of trips generated in multi-family versus single family. There was a policy perspective to discuss on whether to assess a different fee per type of zone or one fee for the entire city.

Arora stated that he would be presenting the incentives at the next meeting for Council to consider.

Mayor Watts questioned what other cities were doing with infill and for a definition of infill.

PS reviewed the different rates for different zones.

Mayor Watts stated that he had difficulty with the concept of the requirement that when development occurred, right-of-way had to be dedicated. If the City was going to start giving credit for right-of-way, he questioned how the value of the land would be determined.

Mayor Pro Tem Engelbrecht asked if there was a 10 year plan and how to handle inflation.

Arora stated that the fee had to be updated every 5 years by State law and that would take inflation into consideration. Any rate could be set but 5 years was the maximum.

Council Member Johnson stated that he was not ready at this time to make a decision. He would like to see five projects going through the process at this time and see the calculations for those projects. He requested more real examples for the fee comparison.

Council Member Hawkins agreed with that process to look at different scenarios.

Council Member Roden asked if Council Member Johnson was in favor of shifting to impact fees and just needed to know the fee range.

Council Member Johnson stated that he was in favor of the impact fees but needed more information on the associated fee to implement.

Mayor Watts suggested including some smaller projects and some new development to see how the credits would impact the fee.

- 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.

Laura Behrens, Fire Marshal, updated the Council on the incident and reviewed an associated timeline.

Council Member Roden asked if this was an active well.

Behrens stated that it was a low producing well which was shut in. There was no product received from it. The well was not plugged but also was not in production. A low level of gas at the well head was being released and that was what was on fire.

Council discussed responders getting on scene and fact that there were multiple reports on the fire with no specific address for the location. They also discussed the requirements for an all-weather road, techniques of fire suppression during the fire, response time of the technical experts from the well owners, companies within the Metroplex that would be able to participate in suppressing the fire and direct City personnel on how to properly respond. It was noted that response time was dependent on type of equipment needed to put out a fire. It was expressed that there was a need to coordinate a good communication process with the community and that there were limitations of what a municipal fire department could do in a hazardous materials situation as it was a different orientation process.

Mayor Watts asked for a staff report on high pressure to low pressure due to the malfunction of equipment and how that occurred.

Following the completion of the 2nd Tuesday Session, the City Council convened in a Closed Meeting at 5:37 p.m. to consider the specific items listed below under the Closed Meeting section.

- 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.

Special Called Meeting of the City of Denton City Council at 6:30 p.m. in the Council Chambers at City Hall.

1. ITEMS FOR INDIVIDUAL CONSIDERATION

First Reading

- 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)

Aimee Bissett, Interim Director of Planning and Development, stated that in 1999 the Denton Plan called for a significant annexation plan at that time. In 2009 an annexation plan was completed and identified a large area of annexation to be considered. In 2010 the City entered into annexation agreements for five years that expire this year. One year extensions were offered for those properties that continued to qualify for the exception. This was the first reading of the ordinance. Eight areas were located in the city's ETJ. The locations of the annexation areas and the amount of property were reviewed. Bissett noted that staff would continue to work with the property owners for an exemption and refine the area to be annexed.

Council Member Gregory motioned, Council Member Hawkins seconded to adopt the ordinances. On roll call vote, Council Member Gregory "aye", Council Member Johnson "aye", Mayor Watts "aye", Council Member Ryan "aye", Council Member Hawkins "aye", Council Member Roden "aye", and Mayor Pro Tem Engelbrecht "aye". Motion carried unanimously.

Ordinance No. 2015-150

- 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)

LuAnne Oldham, Real Estate Specialist, presented the details of the proposal. The ordinance would authorize a contract sale of the remaining three tracts in the Oaks of Township II property.

Council Member Roden motioned, Council Member Johnson seconded to adopt the ordinance. On roll call vote, Council Member Gregory "aye", Council Member Johnson "aye", Mayor Watts "aye", Council Member Ryan "aye", Council Member Hawkins "aye", Council Member Roden "aye", and Mayor Pro Tem Engelbrecht "aye". Motion carried unanimously.

Ordinance No. 2015-151

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.

Jerry Drake, Deputy City Attorney, stated that Council had been briefed in Closed Meeting on this agreement. The City of Ponder had the proposal on their upcoming agenda.

Council Member Ryan motioned, Council Member Roden seconded to adopt the ordinance. On roll call vote, Council Member Gregory "aye", Council Member Johnson "aye", Mayor Watts "aye", Council Member Ryan "aye", Council Member Hawkins "aye", Council Member Roden "aye", and Mayor Pro Tem Engelbrecht "aye". Motion carried unanimously.

Ordinance No. 2015-152

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)

City Manager Campbell stated that the agreement would use Council contingency funds for seating in Quakertown Park and recommended approval.

Council Member Roden asked about the type of seating.

Mayor Pro Tem Engelbrecht noted that the seating would be in the garden area so people could enjoy the park setting.

Mayor Pro Tem Engelbrecht motioned, Council Member Gregory seconded to adopt the ordinance. On roll call vote, Council Member Gregory "aye", Mayor Watts "aye", Council Member Ryan "aye", Council Member Hawkins "aye", Council Member Roden "aye", and Mayor Pro Tem Engelbrecht "aye"; Council Member Johnson "nay". Motion carried with a 6-1 vote.

Resolution No. R2015-015

- 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.

John Knight, Deputy City Attorney, presented the details of the settlement which was the culmination of several years of negotiations to set the gas rates for Atmos in the future

Council Member Hawkins motioned, Council Member Gregory seconded to approve the resolution. On roll call vote, Council Member Gregory "aye", Council Member Johnson "aye", Mayor Watts "aye", Council Member Ryan "aye", Council Member Hawkins "aye", Council Member Roden "aye", and Mayor Pro Tem Engelbrecht "aye". Motion carried unanimously.

2. PUBLIC HEARINGS

Ordinance No. 2015-153

- 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)

Aimee Bissett, Interim Director of Planning and Development, stated that the requested specific use permit was for a multifamily development located in Unicorn Lake. There were 227 units proposed for the development. She presented location map, zoning map, the L4 limitation permitted only with a specific use permit and the future land use map for regional mixed uses. The site plan showed four three-story apartment buildings with three secondary office uses, retail and restaurant. The proposal had 77% lot coverage and 23% landscape coverage. Staff worked with the applicant to break up the parking areas to make it easier for pedestrians and not have large contiguous areas of parking locations. Bissett reviewed the criteria for approval, the adjacent uses, and the proposed alternate buffer landscape plan to create a more walkable environment between the existing use and proposed use. The proposal would include pedestrian amenities to assist with the walkability. The notification map and responses were presented.

The Planning and Zoning Commission recommended approval with the following conditions:

1. The development must substantially conform to the proposed site plan and landscape plan with the following additions:
 - Street trees shall be installed in accordance with Section 35.13.7.C.3 of the Denton Development Code along the north/south access drive on the east property line.

- A minimum of five bicycle racks shall be installed throughout the subject property.
 - A sidewalk shall be installed from the subject property to the undeveloped property to the west to provide for future pedestrian connection.
2. The development must substantially conform to the proposed elevations.

Council Member Roden stated that the SUP was needed to approve the use but that the criteria for approval did not lock those into the statement.

Bissett stated that the purpose of the conditions for approval would hold them to the conformity of what was shown at the meeting.

Council Member Roden questioned the sidewalks adjacent to the property which was vacant.

The Mayor opened the public hearing.

Lee Ramsay, applicant, stated that he would answer any of the Council's questions.

Council Member Gregory asked about the ingress/egress into site.

Ramsay stated that access was from I-35 and Wind River. They were stubbing a road for future development.

Council Member Johnson asked about the need for the sidewalk and questioned if the applicant was agreeable with that provision.

Ramsay stated that the added sidewalk was no problem.

Council Member Roden stated that this was a unique development area which he wanted to succeed. When he saw new projects for the area, he filtered them through his vision for area and whether they would help with that vision. He questioned what Ramsay saw this area doing and how this project fit in.

Ramsay stated that the first project was very successful with 95% occupancy. That occupancy did not include all students. Phase 2 was under construction with 15% preleased. His vision was for an area transition to a commercial area to be in the middle of the new business. Keep that area as a walkable area with walking trails throughout the development.

Council Member Roden questioned the density.

Ramsay felt that the density was there but also there was a consideration to think of what the area would look with too much density. A consideration was what other citizens in the area would support and what a good fit for the area was.

The Mayor closed the public hearing.

Council Member Johnson motioned, Council Member Ryan seconded to adopt the ordinance and to remove the condition to install a sidewalk from the subject property to the undeveloped property to the west. On roll call vote, Council Member Gregory "aye", Council Member

Johnson "aye", Mayor Watts "aye", Council Member Ryan "aye", Council Member Hawkins "aye", Council Member Roden "aye", and Mayor Pro Tem Engelbrecht "aye". Motion carried unanimously.

Council returned to Agenda Item 1A.

- 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)

Deputy City Attorney Drake noted that the ordinance captions for each annexation ordinance needed to be read into the record.

Mayor Watts recalled Agenda Item A.

Mayor Pro Tem Engelbrecht read the ordinance caption for PAA1 into the record.

First Reading

An ordinance annexing an area of land to the city of Denton, Texas, generally identified as PAA1 of approximately 188.60 acres (less those parcels identified in Exhibit "C") located on the south side of Jim Christal Road, the north side of Tom Cole Road, west of Masch Branch Road, and more specifically identified in Exhibit "Z" attached hereto, which area is adjacent to and abuts the existing city limits of the city of Denton, Texas, and which contains fewer than 100 separate tracts of land on which one or more residential dwellings are located on each tract; providing for inclusion of a service plan in this ordinance; excluding properties within PAA1 subject to non-annexation agreements for agricultural, wildlife management or timberland use from the annexation; providing for correction of the city map to include this annexed area; providing a savings clause; and providing an effective date.

Mayor Pro Tem Engelbrecht motioned, Council Member Hawkins seconded to adopt the ordinance. On roll call vote, Council Member Gregory "aye", Council Member Johnson "aye", Mayor Watts "aye", Council Member Ryan "aye", Council Member Hawkins "aye", Council Member Roden "aye", and Mayor Pro Tem Engelbrecht "aye". Motion carried unanimously.

Council Member Roden read the ordinance caption for PAA2 into the record.

First Reading

An ordinance annexing an area of land to the city of Denton, Texas, generally identified as PAA2 south of approximately 88.45 acres (less those parcels identified in Exhibit "C") located on the south side of FM 1173, north of W. University Drive, west of I-35, and more specifically identified in Exhibit "A" attached hereto, which area is adjacent to and abuts the existing city limits of the city of Denton, Texas, and which contains fewer than 100 separate tracts of land on which one or more residential dwellings are located on each tract; providing for inclusion of a service plan in this ordinance; excluding properties within PAA2 south subject to non-annexation agreements for agricultural, wildlife management or timberland use from the annexation; providing for correction of the city map to include this annexed area; providing a savings clause; and providing an effective date.

Council Member Hawkins motioned, Mayor Pro Tem Engelbrecht seconded to adopt the ordinance. On roll call vote, Council Member Gregory "aye", Council Member Johnson "aye", Mayor Watts "aye", Council Member Ryan "aye", Council Member Hawkins "aye", Council Member Roden "aye", and Mayor Pro Tem Engelbrecht "aye". Motion carried unanimously.

Council Member Johnson read the ordinance caption for PAA3 into the record:

First Reading

An ordinance annexing an area of land to the city of Denton, Texas, generally identified as PAA3 of approximately 219.96 acres (less those parcels identified in Exhibit "C") located on the south side of Ganzer Road; north and south of Barthold Road; north of FM 1173; west of I-35, and more specifically identified in Exhibit "A" attached hereto, which area is adjacent to and abuts the existing city limits of the city of Denton, Texas, and which contains fewer than 100 separate tracts of land on which one or more residential dwellings are located on each tract; providing for inclusion of a service plan in this ordinance; excluding properties within PAA3 subject to non-annexation agreements for agricultural, wildlife management or timberland use from the annexation; providing for correction of the city map to include this annexed area; providing a savings clause; and providing an effective date.

Council Member Hawkins motioned, Council Member Roden seconded to adopt the ordinance. On roll call vote, Council Member Gregory "aye", Council Member Johnson "aye", Mayor Watts "aye", Council Member Ryan "aye", Council Member Hawkins "aye", Council Member Roden "aye", and Mayor Pro Tem Engelbrecht "aye". Motion carried unanimously.

Mayor Watts read the ordinance caption for PAA4 into the record.

First Reading

An ordinance annexing an area of land to the city of Denton, Texas, generally identified as PAA4 of approximately 11.78 acres (less those parcels identified in Exhibit "C") located on the south side of Milam Road; north of Loop 288; east of I-35, and more specifically identified in Exhibit "A" attached hereto, which area is adjacent to and abuts the existing city limits of the city of Denton, Texas, and which contains fewer than 100 separate tracts of land on which one or more residential dwellings are located on each tract; providing for inclusion of a service plan in this ordinance; excluding properties

within PAA4 subject to non-annexation agreements for agricultural, wildlife management or timberland use from the annexation; providing for correction of the city map to include this annexed area; providing a savings clause; and providing an effective date.

Council Member Gregory motioned, Council Member Hawkins seconded to adopt the ordinance. On roll call vote, Council Member Gregory "aye", Council Member Johnson "aye", Mayor Watts "aye", Council Member Ryan "aye", Council Member Hawkins "aye", Council Member Roden "aye", and Mayor Pro Tem Engelbrecht "aye". Motion carried unanimously.

Council Member Gregory read the ordinance caption for DH-2 into the record.

First Reading

An ordinance annexing an area of land to the city of Denton, Texas, generally identified as DH-2 of approximately 73.51 acres (less those parcels identified in Exhibit "C") located on the south side of University Drive; west and east sides of Thomas J. Egan Road; north of Jim Christal Road; west of Masch Branch Road, and more specifically identified in Exhibit "A" attached hereto, which area is adjacent to and abuts the existing city limits of the city of Denton, Texas, and which contains fewer than 100 separate tracts of land on which one or more residential dwellings are located on each tract; providing for inclusion of a service plan in this ordinance; excluding properties within DH-2 subject to non-annexation agreements for agricultural, wildlife management or timberland use from the annexation; providing for correction of the city map to include this annexed area; providing a savings clause; and providing an effective date.

Council Member Roden motioned, Mayor Pro Tem Engelbrecht seconded to adopt the ordinance. On roll call vote, Council Member Gregory "aye", Council Member Johnson "aye", Mayor Watts "aye", Council Member Ryan "aye", Council Member Hawkins "aye", Council Member Roden "aye", and Mayor Pro Tem Engelbrecht "aye". Motion carried unanimously.

Council Member Hawkins read the ordinance caption for DH-3 into the record.

First Reading

An ordinance annexing an area of land to the city of Denton, Texas, generally identified as DH-3 of approximately 24.47 acres (less those parcels identified in Exhibit "C") located on the south side of Spring Side Road; north, south and west of Corbin Road; west of I-35, and more specifically identified in Exhibit "A" attached hereto, which area is adjacent to and abuts the existing city limits of the city of Denton, Texas, and which contains fewer than 100 separate tracts of land on which one or more residential dwellings are located on each tract; providing for inclusion of a service plan in this ordinance; excluding properties within DH-3 subject to non-annexation agreements for agricultural, wildlife management or timberland use from the annexation; providing for correction of the city map to include this annexed area; providing a savings clause; and providing an effective date.

Council Member Roden motioned, Council Member Johnson seconded to adopt the ordinance. On roll call vote, Council Member Gregory "aye", Council Member Johnson "aye", Mayor Watts "aye", Council Member Ryan "aye", Council Member Hawkins "aye", Council Member Roden "aye", and Mayor Pro Tem Engelbrecht "aye". Motion carried unanimously.

Council Member Ryan read the ordinance caption for DH-4 into the record.

First Reading

An ordinance annexing an area of land to the city of Denton, Texas, generally identified as DH-4 of approximately 347 acres (less those parcels identified in Exhibits "C") located on the east side of Bonnie Brae Street; west of Fort Worth Drive; east and west of Vintage Boulevard, and more specifically identified in Exhibit "A" attached hereto, which area is adjacent to and abuts the existing city limits of the city of Denton, Texas, and which contains fewer than 100 separate tracts of land on which one or more residential dwellings are located on each tract; providing for inclusion of a service plan in this ordinance; excluding properties within DH-4 subject to non-annexation agreements for agricultural, wildlife management or timberland use from the annexation; providing for correction of the city map to include this annexed area; providing a savings clause; and providing an effective date.

Mayor Pro Tem Engelbrecht motioned, Council Member Roden seconded to adopt the ordinance. On roll call vote, Council Member Gregory "aye", Council Member Johnson "aye", Mayor Watts "aye", Council Member Ryan "aye", Council Member Hawkins "aye", Council Member Roden "aye", and Mayor Pro Tem Engelbrecht "aye". Motion carried unanimously.

Council read the ordinance caption for DH-11 into the record.

First Reading

An ordinance annexing an area of land to the city of Denton, Texas, generally identified as DH-11 of approximately 62.2 acres located southeast of the intersection of Mayhill Road and McKinney Street, and more specifically identified in Exhibit "A" attached hereto, which area is adjacent to and abuts the existing city limits of the city of Denton, Texas, and which contains fewer than 10 separate tracts of land on which one or more residential dwellings are located on each tract; providing for inclusion of a service plan in this ordinance; providing for correction of the city map to include this annexed area; providing a savings clause; and providing an effective date.

Council Member Roden motioned, Council Member Johnson seconded to adopt the ordinance. On roll call vote, Council Member Gregory "aye", Council Member Johnson "aye", Mayor Watts "aye", Council Member Ryan "aye", Council Member Hawkins "aye", Council Member Roden "aye", and Mayor Pro Tem Engelbrecht "aye". Motion carried unanimously.

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.

Council Member Gregory requested a press release regarding the gas well fire incident

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

There was no continuation of the Closed Meeting.

With no further business, the meeting was adjourned at 7:35 p.m.

CHRIS WATTS
MAYOR
CITY OF DENTON, TEXAS

JENNIFER WALTERS
CITY SECRETARY
CITY OF DENTON, TEXAS