

## CITY OF DENTON CITY COUNCIL MINUTES

October 2, 2012

After determining that a quorum was present, the City Council convened in a Work Session on Tuesday, October 2, 2012 at 5:00 p.m. in the Council Work Session Room at City Hall.

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

ABSENT: Council Member King, Council Member Roden

### 1. Citizen Comments on Consent Agenda Items

There were no citizen comments on Consent Agenda Items.

### 2. Requests for clarification of agenda items listed on the agenda for October 2, 2012.

Council Member Watts stated that the ordinance on the agenda concerning chickens prohibited roosters even within a 150' setback.

Scott Fletcher, Captain Denton Police Department, stated that chickens were separated out from other fowl and set the prohibition of roosters and the number of chickens together for clarity of the ordinance. The approach to the ordinance would be complaint driven.

Council Member Watts stated that if people had them now and there were no complaints about the roosters, he would prefer to leave the rooster issue as it currently was at 150 foot setback as that had worked in the past. The current ordinance would deprive people who already had that use and they would have to get rid of their roosters.

Consensus of the Council was to allow the roosters in the 150 foot setback and to put that language back in the ordinance.

Council Member Watt questioned Consent Agenda Item N in terms of the intent of the PID versus 380 agreement reimbursement. It was his understanding that an amendment would be done to the 380 agreement that a PID project would not be eligible for 380 funding. If that was the intent between the two, he would suggest putting that language in the resolution also so it corresponded with the 380 agreement.

City Manager Campbell stated that the resolution this evening would merely call for the holding of a public hearing.

Linda Ratliff, Director of Economic Development, stated that an ordinance on the Council's November 6<sup>th</sup> agenda would create the actual district.

City Manager Campbell stated that the suggested wording would be in the ordinance and in the 380 agreement.

Council Member Engelbrecht expressed concern regarding the issuance of the terms for 40 years for Consent Agenda Item N. Unless there were strong arguments for the 40 year terms, he would not support 40 years. Malls did not last 40 years and he would not be in favor of that amount of time.

Ratliff stated that normally PIDS ran the same length as the bonds which were 25-30 years. Forty years was the maximum included in the request but the phases would be set by the bond indebtedness when approved at that time.

Mayor Burroughs expressed appreciation for staff considering a local preference for Item H.

Following the completion of the Work Session, the Council convened in Closed Session at 5:15 p.m. to consider the following.

1. Closed Meeting:

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

1. Discuss, deliberate, and receive information from staff and provide staff with direction pertaining to the acquisition of two tracts of fee lands for public purposes situated in the Gideon Walker Survey, Abstract Number 1330, in the City of Denton, Denton County, Texas, generally located in the 650 and 1000 blocks of South Mayhill Road. 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 City of Denton and 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 proceedings or potential litigation regarding expanding and improving the City of Denton Landfill, a permitted municipal solid waste disposal facility.
2. Discuss, deliberate, and receive information from staff and provide staff with direction pertaining to the potential purchase of certain real property interests located in the T.M. Downing Survey, Abstract No. 346, City of Denton, Denton County, Texas, and located generally along the south side of East McKinney Street, approximately 0.3 miles east of Woodrow Lane. Consultation with the City's attorneys regarding legal issues associated with the potential acquisition and condemnation of the real property 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.
3. Discuss, deliberate and receive information from staff and provide staff with direction pertaining to the potential purchase of two tracts of land, located in the David Davis Survey, Abstract Number 356, City

of Denton, Denton, County, Texas, and located generally along the west side of Tom Cole Road, across from the Denton Municipal Airport. Consultation with the City's attorneys regarding legal issues associated with the potential acquisition of the real property 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 potential litigation.

Regular meeting of the City of Denton City Council at 6:30 p.m. in the Council Chambers of City Hall.

**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. Employer of the Year for People with Disabilities

Mayor Burroughs presented the proclamation for Employer of the Year for People with Disabilities.

2. National Disability Employment Awareness Month

Mayor Burroughs presented the proclamation for National Disability Employment Awareness Month.

3. Fire Prevention Week

Mayor Burroughs presented the proclamation for Fire Prevention Week.

**3. CONSENT AGENDA**

Council Member Gregory motioned, Mayor Pro Tem Kamp seconded to approve the Consent Agenda and accompanying ordinances and resolutions with the amended ordinance for Item N to include roosters. On roll call vote: Council Member Watts, Council Member Gregory, Council Member Engelbrecht, Mayor Pro Tem Kamp, Mayor Burroughs – “aye”. Motion carried unanimously.

Resolution No. R2012-033

- A. Consider approval of a resolution allowing Metzler's Food and Beverage, Inc. to be the sole participant allowed to sell alcoholic beverages at the Friday Nite

Bites! Denton Foodie Truck Festival, located at 604 E. Hickory Street, Friday, October 26, 2012, upon certain conditions; authorizing the City Manager or his designee to execute an agreement in conformity with this resolution; and providing for an effective date. Staff recommends approval of Metzler's Food and Beverage's request.

Ordinance No. 2012-254

- B. Consider adoption of an ordinance of the City of Denton, Texas amending the provisions of Chapter 17 by amending Sections 17-184, 17-187, 17-189, and 17-191 to correct cross reference errors; amending Section 17-187 to provide for a new section title; amending Section 17-191 to provide for a limited judicial review of demolition orders issued by the health and building standards commission of the City of Denton, Texas; amending the provisions of Chapter 19 by amending Section 19-2 to provide for clear declaration of limited civil jurisdiction already conferred upon the city's municipal court of record by state law, and incorporated by municipal charter; providing a severability clause; providing a savings clause; and providing an effective date.

Ordinance No. 2012-255

- C. Consider adoption of an ordinance of the City of Denton, Texas, to declare the intent to reimburse expenditures from the Unreserved Fund Balance of the Airport Fund with certificates of obligation with an aggregate maximum principal amount equal to \$2,000,000 to allow the purchase of land for future development of Airport property; and providing an effective date.

Ordinance No. 2012-256

- D. Consider adoption of an ordinance of the City of Denton, Texas authorizing the City Manager or his designee to execute (I) 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 Wells Fargo Bank, N.A., and Billie Glosser, (collectively, as "Seller") contemplating the sale by Seller and purchase by City of (A) a called 6.205 acre tract of land; and (B) a called 142.2252 acre tract of land (Collectively, the "Real Property"), for the purchase price of One Million Five Hundred Thousand and No/100 Dollars (\$1,500,000.00), said Real Property being generally located along the west side of Tom Cole Road, across from the Denton Municipal Airport and located in the David Davis Survey, Abstract Number 356, Denton County, Texas; and (II) upon closing of the transaction contemplated by the Contract of Sale, a Temporary Lease (herein so called) of the Real Property in favor of Billie Glosser; authorizing the City Manager, or his designee, to execute and deliver any and all other documents necessary to accomplish closing of the transactions contemplated by the Contract of Sale; authorizing the expenditure of funds therefor; and providing an effective date.

Ordinance No. 2012-257

- E. Consider adoption of an ordinance of the City of Denton, Texas amending the provisions of Chapter 6 by amending Section 6-26 to add provisions to allow the keeping of chickens within the city limits of Denton with certain restrictions;

providing for a severability clause; providing for a savings clause; providing for a penalty not to exceed \$500 for violations of this ordinance; and providing for an effective date.

Ordinance No. 2012-258

- F. Consider adoption of an ordinance amending the Code of Ordinances of the City of Denton, Texas by adding Section 26-12 thereto; providing for the imposition of a lien on real property, other than homestead property, for delinquent municipal utility bills for utility service to the real property; providing for a savings clause; providing for a severability clause; providing for publication thereof; and providing for an effective date. The Public Utilities Board recommends approval (5-0)

Ordinance No. 2012-259

- G. Consider adoption of an ordinance accepting competitive bids and awarding an initial two year contract with the option to extend for three (3) additional one (1) year periods for the purchase of park land maintenance products for the City of Denton Parks Department; providing for the expenditure of funds therefor; and providing an effective date (Bid 4925-Two Year Contract for Park Land Maintenance Products awarded to the lowest responsible bidder for each item as shown on Exhibit A for an annual estimated expenditure of \$65,000 and a five year estimated total of \$325,000).

Ordinance No. 2012-260

- H. Consider adoption of an ordinance accepting competitive bids and awarding an initial two year contract with the option to extend for three (3) additional one (1) year periods for the purchase of irrigation parts and supplies for the City of Denton Parks Department; providing for the expenditure of funds therefor; and providing an effective date (Bid 4928-Two Year Contract for Irrigation Parts and Supplies awarded to the overall lowest responsible bidder meeting specification, Longhorn, Inc., for an annual estimated expenditure of \$50,000 and a five year estimated total of \$250,000).

Ordinance No. 2012-261

- I. Consider adoption of an ordinance accepting competitive bids and awarding a best value, initial three (3) year contract, with the option to extend for two (2) additional one (1) year periods, for asphalt and concrete street sections and repair services for the City of Denton Street Department; providing for the expenditure of funds therefor; and providing an effective date (Bid 4974-awarded to Jagoe-Public Co. in the annual estimated expenditure of \$1,500,000 and a five year estimated total of \$7,500,000).

Ordinance No. 2012-262

- J. Consider adoption of an ordinance finding that a public use and necessity exists to acquire fee simple to a 5.140 acre tract, known as Lot 1, Block A, of Mayhill Road Addition, an Addition to the extraterritorial Jurisdiction of the City of Denton, Denton County, Texas, according to the Plat thereof recorded in Cabinet Y, Page 761, Plat Records of Denton County, Texas, located in the

City of Denton and generally in the 650 block of South Mayhill Road (the "Property Interests"), for the public use of expanding and improving the City of Denton Landfill, a permitted municipal solid waste disposal facility; authorizing the City Manager or his designee to make an offer to (1) Unified Aircraft Service, Inc. (the "Owner"); (2) successors in interest to the Owner to the Property Interests; or (3) any other owners of the Property Interests, as may be applicable, to purchase the Property Interests for the purchase price of Two Million Five Hundred Thousand Dollars and No Cents (\$2,500,000.00), as prescribed in the Contract of Sale (the "Agreement"), as attached to the ordinance and made a part thereof as Exhibit "A"; authorizing the expenditure of funds therefor; authorizing relocation expenditures; and providing an effective date.

Ordinance No. 2012-264

K. Consider adoption of an ordinance finding that a public use and necessity exists to acquire fee simple to a 2.124 acre tract, located in the Gideon Walker Survey, Abstract No. 1330, in the City of Denton, Denton County, Texas, being more particularly described on Exhibit "A", attached to the ordinance and made a part thereof, and located generally on South Mayhill Road, north of Gayla Drive (the "Property Interests"), for the public use of expanding and improving the City of Denton Landfill, a permitted municipal solid waste disposal facility; authorizing the City Manager or his designee to make an offer to (1) Weldon Wilson and wife, Terri Wilson (collectively, the "Owner"); (2) successors in interest to the Owner to the Property Interests; or (3) any other owners of the Property Interests, as may be applicable, to purchase the Property Interests for the purchase price of Eighty Eight Thousand Seven Hundred Fifty One Dollars and No Cents (\$88,751.00), as prescribed in the Contract of Sale (the "Agreement"), as attached to the ordinance and made a part thereof as Exhibit "B"; authorizing the expenditure of funds therefor; and providing an effective date.

Ordinance No. 2012-264

L. Consider adoption of an ordinance finding that a public use and necessity exists to acquire fee simple to an approximate 2.486 acre tract located in the T.M. Downing Survey, Abstract Number 346, in the City of Denton, Denton County, Texas as more particularly described on Exhibit "A", attached to the ordinance and made a part thereof, located generally along the south side of East McKinney Street, approximately 0.3 miles east of Woodrow Lane (the "Property Interests"), for the public use of expanding and improving the Denton Municipal Electric distribution and transmission system; authorizing the City Manager or his designee to make an offer to (1) Gerard Roland Vela and wife, Emma Lamar Vela (collectively the "Owner"); (2) successors in interest to the Owner to the Property Interests; or (3) any other owners of the Property Interests, as may be applicable, to purchase the Property Interests for the purchase price of Two Hundred Eighty Six Thousand Four Hundred Eighty Nine Dollars and No Cents (\$286,489.00), and other considerations as prescribed in the Contract of Sale (the "Agreement"), as attached to the ordinance and made a part thereof as Exhibit "B"; authorizing the

expenditure of funds therefor; and providing an effective date. (69kV Transmission Line Re-build Project)

Approved the minutes listed below

- M. Consider approval of the minutes of:  
August 21, 2012  
August 27, 2012  
August 28, 2012  
September 5, 2012

Resolution No. R2012-034

- N. Consider approval of a resolution of the City Council of the City of Denton, Texas, accepting for filing a petition for the creation of Rayzor Ranch Public Improvement District No. 1; ordering a public hearing to consider the creation of the District; authorizing and directing the publication and mailing of notices of the public hearing as required by law; and providing for an immediate effective date.

**4. ITEMS FOR INDIVIDUAL CONSIDERATION**

- A. Consider nominations/appointments to the City's Boards & Commissions:
1. Health & Building Standards Commission
  2. Human Services Advisory Committee
  3. Parks, Recreation and Beautification Board
  4. Public Art Committee

Mayor Burroughs noted that there were no nominations for consideration at this meeting.

**5. CITIZEN REPORTS**

- A. Review of procedures for addressing the City Council.
- B. Receive citizen reports from the following:
1. Nell Yeldell regarding prescription medications for her disabled son.

Ms. Yeldell was not at the meeting.

**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.

Council did not have any items.

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

There was no continuation of the Closed Meeting.

With no further business, the meeting was adjourned at 6:50 p.m.

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MARK A. BURROUGHS  
MAYOR  
CITY OF DENTON, TEXAS

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JENNIFER WALTERS  
CITY SECRETARY  
CITY OF DENTON, TEXAS