

CITY OF DENTON CITY COUNCIL MINUTES

October 1, 2013

After determining that a quorum was present, the City Council convened in a Work Session on Tuesday, October 1, 2013 at 3:00 p.m. in the Council Work Session Room.

PRESENT: Mayor Burroughs, Council Member Engelbrecht, Council Member Gregory, Council Member King, Council Member Roden, Council Member Hawkins

ABSENT: Mayor Pro Tem Kamp

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 1, 2013.

Council Member Gregory asked about the current status of Consent Agenda Item G and how far along was the project. He also questioned if there would be any additional change orders.

Jim Coulter, General Manager-Wastewater, stated that the project was 70% complete. On a retrofit, staff did the best to determine underground conditions but there were pipe conditions with this project and a need to take care of the problem.

Mayor Pro Tem Kamp arrived at the meeting.

3. Receive a report, hold a discussion, and give staff direction regarding a proposed Hotel and Convention Center project.

Jon Fortune, Assistant City Manager, stated that there was new information regarding the project. He reviewed the background information concerning the project and the details of the project. He noted that his presentation at this meeting would center on the Development Steps.

The Development Steps included (1) hire an architect and construction manager through a contract with OHM, (2) initiate project design to obtain design development drawings, (3) implement creation of a TIRZ and determine level of participation from other governmental entities, (4) solicit construction proposals for a guaranteed maximum price, (5) evaluate construction proposals and award guaranteed maximum price contract, (6) finalize contraction budget, (7) feasibility period ends and participants determine whether to continue, (8) City initiates process for the sale of bonds, (9) bond closing and fund become available, (10) with funding available, design was completed, (11) City hires a project manager, (12) complete TIRZ creation, (13) begin hotel/convention center marketing, (14) begin construction, and (15) open hotel/convention center. A review of what happened in the first two years after selling the debt was presented.

Fortune reviewed an example of a proforma with level debt. Assumptions associated with the proforma with level debt was that property tax was based on hotel income at 85% taxable, sales tax was based on food and beverage sales from the hotel and restaurant, and the debt service was estimated based on a 6% taxable issue. The proforma probably would not coincide with the

City's fiscal year as there would probably be a mid-year opening and the figures for the proforma would change. An example of a proforma with a graduated debt was also presented.

Council Member Roden stated that in the upcoming weeks he would like to have the Convention and Visitors Bureau experts look at and see what they would project for an occupancy rate. He would also like to see a worst case scenario in terms of occupancy rate so Council would know what might be happening in that case. Council discussed the two scenarios. Fortune presented figures for a proforma with level development.

Council discussed the various scenarios in terms of occupancy rate, money applied to debt payment, levels during the feasibility stage, and a scenario if O'Reilly was no longer a partner in the project,

Item 6 was considered.

6. Presentation by Kimberly Sims, Public Information Manager for the I35 Express regarding the project and information on how to stay connected to the project.

Ms. Sims presented an update on the 35Express project. The project was a design-build project which allowed a cost efficient and quicker project. The project went from Highway 380 to I-635 and included general purpose lanes, frontage roads and managed lanes and should be completed in early 2017. Managed lanes were tolled lanes with variable pricing and would be reversible.

Mayor Burroughs stated that there would be no managed lanes in Denton.

Sims stated that was correct and that the managed lanes would stop in Corinth. The middle segment was from FM 2181 to the President George Bush Turnpike. It would have some managed lanes with three lanes in each direction. Work on a new southbound frontage road would start mid-October. A new southbound Lewisville bridge would be built.

Mayor Pro Tem Kamp stated that there would be pedestrian lanes both on the new and old bridge.

Sims continued that the north segment was from US 380 to FM 2181. It would transition from two lanes to three lanes. There would be new bridges, and a rehab and expansion of the bridges at Mayhill, US 288, US 77, McCormick and Bonnie Brae. Early work included rehab and expansion of the bridges at Bonnie Brae and drainage and culvert work near US 77. Next steps included right-of-way acquisition and early design.

There was a new website available for outreach and construction plans. Citizens could sign up for a newsletter. There was also a hotline and a project email address. External communications task force community meetings and business owner task force meetings would be held.

Mayor Pro Tem Kamp stated that she would like a copy of the update plans. A link should be added to the City's website with this information for citizens.

Item 7 was considered.

7. Receive a presentation from Freese & Nichols regarding program management, project management, civil engineering, land permitting, and land acquisition services to assist with the DME CIP. Discuss and give staff direction regarding Freese and Nichols providing services to assist with DME CIP.

Phil Williams, General Manager - DME, stated that steady growth and aging infrastructure combined to cause a need now for a large investment to upgrade Denton's electric utility transmission and distribution system. The proposed project included \$257 million for transmission lines and substations. Seventeen new substations would need to be designed, built, tested and included 17 public involvement neighborhood meetings. The transmission line portion of the project included 11 line sections and 30 miles of lines to build or upgrade plus design built and test. The substations would need 140 acres of land to buy and 65 tracts to transact while the transmission line portion of the project would need 235 tracts of right-of-way to acquire. There were 25 elements for each project. A review of the previous consulting contracts for elements of the project was presented. Consultants were needed for their special expertise, for additional short term resources, would not cost more than employees and consultants benefited from economies of scale. The economies of scale included (1) pay for hours used, (2) high level of expertise available on part-time cost basis, (3) costs were spread over many clients, (4) a team of 15 experts but full-time equivalent of only 5, (5) skills change as the project progresses from land to permitting to construction, and (6) utilities were not conducive to changing employees often and quickly. The Freese and Nichols services portion of the agreement were presented.

Council Member Roden asked about the cost and time elements. He questioned if the projects were done in-house, what would be the cost and time.

Williams stated that the cost would be the same as having full-time employees. The time would be extended in order to ramp up to find the talent with the specialists and probably would double the project time.

Mayor Pro Tem Kamp stated that some of the funding would be spent anyway whether done in-house or with a consultant.

Williams stated that it would be about 6% of the amount for consultant work.

Kendall King, Freese and Nichols, reviewed DME's challenge, the approach for the project, related experience, project management tools and the project team. The goal was to complete all projects within 5 years and the planning portion within 3 years. At the program peak there would be 15-18 concurrent projects. There would be four main areas of the project: (1) route/site selection, (2) project design, (3) the construction phase, and (4) right-of-way/land acquisition. He detailed the project manager duties and how some of the projects would be shifted off the project manager duties and put on Freese and Nichols. Freese and Nichols would support DME through (1) program management, (2) project management assistance, (3) right-of-way acquisition, (4) DRC/SUP process support, (5) project controls, (6) GIS database administration, (7) construction phase assistance & inspection, and (8) engineering support as needed. Project management assistance would include day-to-day management of the project team, meetings, the preparation and maintenance of project schedules/budgets, preparation of project status reports, preparation and maintenance of critical actions items list, the coordination of right-of-way

efforts, right-of-way scheduling considerations, compliance with the requirements of SB 18 and the maintenance of a right-of-way GIS database.

Council Member Roden asked how the public involvement portion would be coordinated with Freese and Nichols to make sure all the bases were covered.

Williams stated that Freese and Nichols would help coordinate those projects. They would not replace the public involvement process but rather coordinate it with all of the entities.

King continued with project controls that included scheduling, cost control, and planning. The construction phase would include bid phase assistance, construction contract administration, and construction management.

Item 4 was considered.

4. Receive a report, hold a discussion, and give staff direction regarding a policy for valet parking.

Jim Coulter, Manager for Water/Wastewater, presented the update on a proposed valet parking ordinance. The City had received a request from the owner of Queenies for valet parking. Staff worked through some initial issues and currently Queenies was operating under the following criteria: (1) a valet stand may be placed on the sidewalk facing the public parking spaces, (2) valet service may utilize one or two public parking spaces if spaces were open, (3) valet service may politely ask a citizen if they would move their vehicle to accommodate valet, and (4) the valet service could not require a citizen to move their vehicle and may not block public parking spaces. Other businesses indicated that they might want to provide this service. Staff was continuing to work on a draft valet parking ordinance and to simplify the ordinance to better align it with the existing issue. Staff recommended continuing with the temporary permitting process until a valet parking ordinance was finalized.

Council Member Roden questioned if the temporary permit process involved payment at this time.

Coulter stated that staff time was involved but currently there was no charge for the spaces.

Council Member Roden asked about a recommendation for a fee during the temporary process.

Coulter stated staff was also considering a requirement for an agreement with some private parking area for a leased space so there would be a place to take the cars and not put them in a public parking area.

Mayor Burroughs questioned the sample ordinance language regarding the number of spaces.

Coulter stated that the need was for enough spaces for parallel parking to off load the vehicles.

City Manager Campbell stated that an establishment would have to have a minimum of 2 spaces and may need more.

Council Member Gregory stated that he would hate to require 2 spaces if the situation did not need it. For example, the case of a driveway next to a space or next to a fire hydrant. Two spaces in that situation would not be necessary. He suggested striking that language due to some circumstances.

Mayor Burroughs suggested having the Director determine, for safety reasons, the number of spaces needed.

Council Member Roden asked if proof of insurance would be a requirement.

Coulter stated that currently it was not a requirement.

Council Member Roden questioned if there was a distinction between a permit and an ordinance in terms of long term versus short term.

Aimee Bissett, Director of Economic Development, stated that right now there was a temporary arrangement but that was not a permit at this time. The current process was an informal process. The establishment was using a valet company that was insured.

Coulter stated that Queenies was operating under the temporary process. To date, no one had requested to do the service.

Council Member King felt that a permit process sounded like someone would have a right to use those spaces for valet. He stated the City did not guarantee that there was no risk for parking. He suggested putting limits of insurance in the process.

5. Receive a report, hold a discussion, and give staff direction regarding a ban on wireless communication use while operating a motor vehicle in the City of Denton.

Jim Coulter, Director of Water/Wastewater, presented the information on the proposal. Staff was seeking direction from Council on whether to proceed with a proposed ban on wireless communication use while operating a motor vehicle in the city. The concern originated from the Traffic Safety Commission. The issue was first presented to the Traffic Safety Commission in September 2012. At that meeting, staff recommended waiting on the State legislative session to see if they would produce a state-wide standard which the Commission agreed to do. The session did not pass a state-wide ban so staff was bringing forward a recommended ordinance from the Traffic Safety Commission. The ordinance included a ban on handheld devices including texting. The recommendation was if a ban was going to be in place that it be a full ban because of the difficulty to enforce just a texting ban. A hands free device would be permitted. It did provide for use of handheld devices by emergency personnel. Staff was seeking direction on this issue.

Mayor Pro Tem Kamp asked about a Bluetooth as those were not hand held.

Coulter stated that if the device would be banned if it was hand held.

Mayor Pro Tem Kamp asked how it would be determined if the device was being used.

Lee Howell, Chief of Police, stated that enforcement of the ordinance would require an observance of the phone in hand. If it was not in view, there would be no observable violation.

Council Member Roden stated that statistics were staggering regarding the number of accidents and fatalities. There already was a ban of cell phone use in school zones. He questioned if the police could recognize that a driver was distracted and would merit stopping the car. That would be an observance of a behavior rather than seeing the usage.

Howell stated that in terms of enforcement, a complete ban was easier than a texting ban.

Stephanie Berry, City Prosecutor, stated that cell phone violations were similar to seat belt violations. A cell phone violation would have an individual looking at something in the car.

Council Member Gregory questioned if phone records could be subpoenaed if an individual said he was not using a phone in a car.

Berry stated that as a prosecutor she could not do that but in a civil lawsuit it could be done.

Council discussed various scenarios for possible violations as seen by the police and other types of distractions and the inability to ban all types of distractions. Questions were also raised on how motorists would be notified about the ban.

Council Member Engelbrecht stated that the financial estimate was \$32,000-\$36,000 for signage. That signage would have to be put in all entrances and all exit ramps going into the city and questioned if it would involve the Interstate and TxDOT roads in the city.

Mayor Burroughs stated that as an attorney he had problems on picking and choosing the distractions. He had hoped the State would produce something during the recent session as it would be extremely difficult for people coming into Denton to stop talking due to a non-uniform regulation that affected everyone. This created a potential for lots of ticket writing with police officers waiting on the edge of the city limits to see if people were using their phones. In terms of enforcement a school zone was different. Separate bans on phone, text or both were very difficult and would be the worst of law for people not fully informed. Signs at every entrance to the City would not be public friendly. Again, as an attorney, it would be very difficult to operate in a fair manner if just the city of Denton had the ban. Everyone needed to encourage the State to take action.

Mayor Pro Tem Kamp asked about having a ban in the city limits but exempt I35. She had also hoped that the State would have done something in the last session.

City Attorney Burgess stated that Legal had tried to consider not just cell phones but Ipads and other devices that people used while driving and to include those in the ban.

Council Member Hawkins stated that he was in favor of no texting but a complete ban might be overregulation and might lead to other regulations that were not necessary.

Council Member King stated that it was hard to enforce some issues. He was undecided at this point on whether to agree or not. This was so prevalent in society that he didn't know how to address this issue.

Council Member Gregory stated that he was comfortable with the recommendation from the Traffic Safety Commission. He was not concerned with the slippery slope argument. The ordinance could be changed when technology changed. He was thinking about it from the standpoint of a person on the road who could be killed by someone distracted.

Council Member Roden felt the issues were right for community conversation perhaps on Engage Denton. He was in favor of moving forward with the process and getting help with the community process and conversation.

Council Member Engelbrecht stated that he would like to see the issue move forward and get public input on the proposal. A grace period should be considered to properly notify the public.

Consensus of the Council was to proceed with developing the ordinance and receiving citizen input.

Item 8 was considered.

8. Receive a report, hold a discussion, and give staff direction regarding the 2013 Water and Wastewater impact fee study.

PS Arora, Wastewater Division Manager, presented the information for this item. He stated that an impact fee was a mechanism for funding the infrastructure necessary to accommodate new development. It was a one-time charge assessed to new development for a portion of costs related to the 10-year impact fee capital improvement program. State law required an update every 5 years with the last update done in 2008. Impact fee consultant Duncan and Associates prepared a 2013 Water and Wastewater impact fee study. This study calculated the costs to provide a new customer with water or wastewater service, which became the maximum impact fee amounts allowed under Chapter 395. The Council could choose to collect Water and Wastewater fees at any amount up to the maximums set by the impact fee study. The impact fee study also considered adding an infill zone in response to the Council's desire to encourage infill development.

The impact fee calculations using land use and population projections were reviewed along with the Master Plan infrastructure requirements. Part of the impact fee procedures included developing a 10-year impact fee Capital Improvements Advisory Committee and removing costs associated with existing demand and growth beyond 10 years.

Additional impact fee procedures included (1) a Council resolution to consider impact fees, (2) the appointment of a CIP advisory committee, (3) land use assumptions, CIP and impact fee recommendation from CIAC, (4) published notices of hearings 30 days in advance, (5) reports made available to the public, and (6) public hearings and adoption.

Currently there were two wastewater impact fee zones. The area where the City was able to charge an impact fee went beyond the city limits and included most of the ETJ. He detailed the

wastewater impact fee CIP highlights. The maximum recommended fee suggested was \$2,851 with a combined Zone 1 and Zone 2 recommended fee at \$2,200. The Denton Development Code had a definition of an infill zone. Staff divided the infill zone into Zone 1A and Zone 1B. There was a disproportionate amount in Zone 1B for development. Staff, the Public Utilities Board, and the Capital Improvements Advisory Committee recommended no infill zone for wastewater, a single impact fee zone and set the impact fee at \$2,200.

Tim Fisher, Water Division Manager, reviewed the water side of the impact fee. He stated that a water impact fee did not pay for growth. The current water service area was currently divided into two zones that had different impact fees reflecting the differing cost of service for those areas. The infill boundaries were detailed along with infill recommendations from staff, the Public Utilities Board and the Capital Improvements Advisory Committee. Staff recommended adoption of water impact fees at \$3,800 for Zone 1, and \$4,500 for Zone 2. If an infill zone was adopted, staff recommended fees of \$3,100 for Zone 1A (the new infill zone), \$3,900 for Zone 1B (the rest of the existing Zone 1) and \$4,500 for Zone 2.

The Public Utilities Board passed a recommendation to add an infill zone and set fees at the revised staff recommended levels of \$3,100 for Zone 1A (the new infill zone), \$3,900 for Zone 1B (the rest of the existing Zone 1) and \$4,500 for Zone 2.

The Capital Improvements Advisory Committee passed a recommendation to add an infill zone but to set fees at the original staff recommended levels of \$2,700 for Zone 1A (the new infill zone), \$4,100 for Zone 1B (the rest of the existing Zone 1) and \$4,900 for Zone 2.

Consensus of the Council was to continue with the development of the water and wastewater impact fees.

Following the completion of the Work Session, the Council convened in a Closed Meeting to consider the items listed below.

1. Closed Meeting:

A. 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 Tetra Pak Materials LP with respect to expansion of a manufacturing facility and development of a national headquarters facility. This discussion shall include commercial and financial information the City Council has received from Tetra Pak Materials LP 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 incentives.

This item was not considered.

B. Consultation with Attorney - Under Texas Government Code Section 551.071.

1. Consult with City's attorneys regarding complaint filed with the EEOC by Regie Wilkinson, and receipt by the City of a demand letter from an attorney representing him, where public discussion of these legal matters would clearly 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.

Regular Meeting of the City of Denton City Council at 6:30 p.m. in the Council Chambers at 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. Fire Prevention Week

Mayor Burroughs presented the proclamation for Fire Prevention Week.

3. CITIZEN REPORTS

A. Review of procedures for addressing the City Council.

B. Receive citizen reports from the following:

1. Gerald DeMarsh regarding a traffic accident and no insurance.

Mr. DeMarsh presented information on an accident in which the driver did not have a driver's license or insurance. He had problems with the police and felt that he was not treated fairly.

4. CONSENT AGENDA

Mayor Pro Tem Kamp motioned, Council Member Engelbrecht seconded to approve the Consent Agenda and accompanying ordinances and resolutions. On roll call vote: Mayor Burroughs, Mayor Pro Tem Kamp, Council Member Engelbrecht, Council Member Gregory, Council Member King, Council Member Roden, Council Member Hawkins – “aye”. Motion carried unanimously.

Ordinance No. 2013-261

- A. Consider adoption of an ordinance of the City Council of the City of Denton, Texas calling a public hearing of the Denton City Council on land use assumptions, a capital improvements plan, and a proposed amendment to impact fees related to the possible adoption of amended water and wastewater impact fees in accordance with Chapter 395 of the Texas Local Government Code; requiring the City Secretary to post notice of the public hearing and to provide additional notice of the public hearing as set forth in the body of this ordinance; and providing an effective date.

Approved the noise exception listed below.

- B. Consider a request for an exception to the Noise Ordinance for the purpose of performing live music during a new event, Fry Fest Concert. The outdoor concerts and activities will be located on portions of Avenue A and Fry Street, beginning at 1 p.m. and concluding at 10 p.m., on Saturday, October 5, 2013. This request is for an increase in decibels from 70 to 75. Staff recommends approval.

Ordinance No. 2013-262

- C. Consider adoption of an ordinance authorizing the City Manager or his designee to execute a purchase order through the Buy Board Cooperative Purchasing Network for the acquisition of a Milling Machine and Asphalt Paving Machine for the City of Denton Streets Department; and providing an effective date (File 5371-Milling Machine awarded to R.B. Everett and Co. in the amount of \$391,894.30 and asphalt paver awarded to Holt CAT in the amount of \$156,716.00).

Ordinance No. 2013-263

- D. Consider adoption of an ordinance authorizing the City Manager to execute a Professional Services Agreement (PSA) with CP&Y, Inc. and the City of Denton Solid Waste Department for professional engineering and consulting services; and providing an effective date (File 5349-awarded to CP&Y, Inc. in a not-to-exceed amount of \$150,000). The Public Utilities Board recommends approval (6-0).

Ordinance No. 2013-264

- E. Consider adoption of an ordinance authorizing the City Manager to execute a Professional Services Agreement (PSA) with Solutient GeoSciences, Inc. and the City of Denton Solid Waste Department for hydrogeological and analytical services; and providing an effective date (File 5348-awarded to Solutient GeoSciences, Inc. in a three (3) year amount not-to-exceed \$287,791). The Public Utilities Board recommends approval (6-0).

Ordinance No. 2013-265

- F. Consider adoption of an ordinance accepting competitive proposals and awarding a public works contract for Parking Lot and Infrastructure Improvements for the City of Denton Solid Waste Operations Building; providing for the expenditure of funds therefor; and providing an effective date (RFP 5222-awarded to Caliber Construction Inc. in an amount not-to-exceed \$359,198). The Public Utilities Board recommends approval (7-0).

Ordinance No. 2013-266

- G. Consider adoption of an ordinance authorizing the City Manager to execute approval of a Change Order 9 to the construction contract with Bar Constructors, Inc., for the construction of the Lake Lewisville Water Treatment Plant upgrade project to increase the construction contingency allowance by an additional \$290,000; revising the contract total amount from \$32,142,000 to \$32,432,000; providing for the expenditure of funds therefor; and providing an effective date. The Public Utilities Board recommends approval (5-0).

Ordinance No. 2013-267

- H. Consider adoption of an ordinance accepting competitive proposals and awarding a contract for the purchase of Remanufactured Toner Cartridges and Printer Supplies for the City of Denton; providing for the expenditure of funds therefor; and providing an effective date (RFP 5200-awarded to TIC Express, LLC, in the annual estimated amount of \$150,000 for a three (3) year not-to-exceed amount of \$450,000).

Ordinance No. 2013-268

- I. Consider adoption of an ordinance accepting competitive proposals and awarding a contract for the purchase of Okonite Electric Utility Underground and Substation Cable for Denton Municipal Electric; providing for the expenditure of funds therefor; and providing an effective date (RFP 5203-awarded to The Okonite Company in a three (3) year not-to-exceed amount of \$2,000,000).

Resolution No. R2013-031

- J. Consider approval of a resolution allowing El Guapo's to be the sole participant allowed to sell alcoholic beverages at Oaktopia November 16, 2013, 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.

Ordinance No. 2013-269

- K. Consider adoption of an ordinance approving a sponsorship in an amount not to exceed \$2,000 of in-kind services and city resources for the 2013 Mayor's Mile, a community wellness walk to be held at the Denton County Transportation Authority's MedPark Station located at 3220 MedPark Drive beginning at 8:30 a.m. on October 5, 2013; and providing an effective date.

Ordinance No. 2013-270

- L. Consider adoption of an ordinance approving revisions to the "Amendment to Municipal Maintenance Agreement for the Furnishing, Installing, Operation and Maintenance of Cameras on State Highway Rights-of-Way to Monitor Compliance with Traffic Control Signals" entered into by and between the City of Denton, Texas and the State of Texas, acting by and through its Texas Department of Transportation; providing the City Manager with authority to execute said agreement and to carry out the rights and duties of the City regarding said agreement; and providing an effective date. The Traffic Safety Commission recommends approval (4-0).

Approved the noise exception listed below.

- M. Consider a request for an exception to the Noise Ordinance for the purpose of the Oaktopia Festival sponsored by Monocle LLC. The event will be held on City property, Williams Trade Square, on Saturday, November 16, 2013, from 2 p.m. to 10 p.m. The exception is specifically requested to increase sound levels from 70 to 75 decibels. Staff recommends approval.

Resolution No. R2013-032

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

Ordinance No. 2013-271

- O. Consider adoption of an ordinance authorizing and approving the transfer of an Airport Lease Agreement approved by Ordinance 2004-362 on December 1, 2004 and subsequently amended between the City of Denton, Texas and Jet Works Air Center Management, LLC for the property located at 5035 Warbird Drive, Denton Enterprise Airport as authorized by the United States Bankruptcy Court for the Northern District Of Texas, Fort Worth Division, in Case No. 12-46776-RFN for the sale of all assets of Jet Works Air Center Management, LLC to Greenpoint Aerospace Corporation; and providing an effective date.

5. PUBLIC HEARINGS

Ordinance No. 2013-272

- A. Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas designating a certain area within the city limits of Denton as Tetra Pak Materials, LP, Limited Partnership Reinvestment Zone No. XI for commercial/industrial tax abatement establishing the boundaries of such zone, making findings required in accordance with Chapters 311 and 312 of the Texas Tax Code ordaining other matters relating thereto; providing a severability clause; providing for repeal; and providing an effective date.

Aimee Bissett, Director of Economic Development, presented the details of the establishment of a reinvestment zone. Tetrapak was working on an expansion project to relocate their headquarters to Denton. The Economic Development Partnership Board had considered the request and recommended approval with a 65% abatement per year for four years.

The Mayor opened the public hearing.

No one spoke during the public hearing.

The Mayor closed the public hearing.

Council Member Gregory requested a description of the zone.

Bissett stated that it was the same boundaries of the Tetrapak parcel.

Council Member King motioned, Council Member Hawkins seconded to adopt the ordinance. On roll call vote: Mayor Burroughs, Mayor Pro Tem Kamp, Council Member Engelbrecht, Council Member Gregory, Council Member King, Council Member Roden, Council Member Hawkins – “aye”. Motion carried unanimously.

6. ITEMS FOR INDIVIDUAL CONSIDERATION

Ordinance No. 2013-273

- A. Consider adoption of an ordinance authorizing the Mayor to execute a Tax Abatement Agreement with Tetra Pak Materials, LP, setting forth all the required terms of the tax abatement agreement in accordance with the terms of Chapter 312 of the Texas Tax Code; setting forth the various conditions precedent to Tetra Pak Materials LP, a Limited Partnership, receiving the tax abatement; providing for a severability clause; and providing an effective date. The Economic Development Partnership Board recommends approval (8-0).

Council Member Roden motioned, Council Member Gregory seconded to adopt the ordinance. On roll call vote: Mayor Burroughs, Mayor Pro Tem Kamp, Council Member Engelbrecht, Council Member Gregory, Council Member King, Council Member Roden, Council Member Hawkins – “aye”. Motion carried unanimously.

7. CITIZEN REPORTS

There were no citizen reports for this section of the meeting.

8. 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 stated that he had participated with Denton County offices regarding flu shots and promoting awareness that flu season was now and how important it was to get the shot to help prevent the spread of the flu.

Council Member Roden stated that he would like to schedule an update on the food truck ordinance and what to do with food trucks serving on city property.

Council Member Roden asked about the Historic Landmark Commission project on Bell Avenue.

Council Member Engelbrecht stated that there was an open house scheduled at Fire Station #7 to discuss the gas well project on Bonnie Brae and Vintage Parkway.

- 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 Session.

With no further business, the meeting was adjourned at 7:12 p.m.

MARK A. BURROUGHS
MAYOR
CITY OF DENTON, TEXAS

JENNIFER WALTERS
CITY SECRETARY
CITY OF DENTON, TEXAS