

## CITY OF DENTON CITY COUNCIL MINUTES

March 5, 2013

After determining that a quorum was present, the City Council convened in a Work Session on Tuesday, March 5, 2013 at 3:30 p.m. in the Council Work Session Room.

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

**ABSENT:** None

### 1. Citizen Comments on Consent Agenda Items

Robert Donnelly submitted a Speaker Card on Item 4F. He felt it was not in the public's best interest to not have these types of items on an agenda.

### 2. Requests for clarification of agenda items listed on the agenda for March 5, 2013.

Council Member Watts requested that Item 4F be pulled for individual consideration regarding the intention of the item.

### 3. Receive a report, hold a discussion and give staff direction, regarding the Denton Plan Update.

Ron Menguita, Planning Supervisor, stated that the project was currently in Phase 2 of a 5 phase process. He was going to discuss where they have been, where they are, where they were going, next phases and upcoming events in the process.

Where they have been – Prior events involved a kickoff open house, community stakeholder interviews, mobile meetings, informational community meetings, and community forums.

What they had heard so far – the main emerging themes included sense of community; diversity; arts and music; a vibrant downtown; community amenities; local business development; traffic and roads; development/permitting process; gas well drilling; air quality; pedestrian/bike access; and education and vision/image/identity.

Preliminary findings from citizen engagements indicated that there was a need to get more leaders in business, community and education involved. Citizens needed to know that this update was important and how to get involved. There was also a need to keep those who had shown interest and had participated involved in the process.

Public Outreach Efforts – these efforts included mobile meetings; meetings with boards and commissions; Denton Plan Ambassadors; technical advisory committee; community conversation kit; and public announcement and videos.

Where they are – Currently the process was in Phase 2 which involved stakeholder engagement, Community Forum 1 and a community survey. The consultants were working on a Denton Plan assessment, a data book growth scenario model and Community Forum 1 results.

Where they were going – future steps would involve a vision statement, strategic directions, preferred growth concept, and a final comprehensive plan update.

Next phases – Phase 3 would involve framing the vision, Phase 4 would involve the development of the Comprehensive Plan and Phase 5 would involve the final Comprehensive Plan and adoption which included public hearings.

Mayor Burroughs stated that in Phase 4 there was a plan to communicate with everyone who was involved in the phases. He strongly encouraged an email attachment to everyone who had expressed an interest or participated in the program so they knew what was going to Community Forum 3.

Menguita stated that staff was doing that all throughout the process.

Mayor Burroughs asked about plans for people with no email and an outreach for them.

Menguita stated that staff could send information in whatever form someone requested as staff wanted them to continue with the process. He stated that two community forums were being planned at UNT and TWU.

Council Member King asked if those two forums were the only ones for the entire community.

Menguita stated that there would be more events at other locations. The forums at UNT and TWU were specifically asked for at those campuses. These were in addition to other community forums.

Council Member Gregory stated that there were a number of community events this spring and felt that it would be good to make the handout available for people to pick up and connect with.

Menguita stated that staff would have brochures available at the forums.

Council Member Engelbrecht asked how the word was getting out to students.

Menguita stated that there was a marketing system on campus doing it.

Council Member Roden stated that he had hosted a meeting at UNT as an informational meeting and the room was packed.

Council Member Engelbrecht asked for a list of all the places meeting had been held.

Menguita stated that there was a list in the backup materials under “mobile meetings”. Staff could provide information where they actually went. Citizens could stay involved by looking on social media sites, the City’s website, by signing up for Denton Plan 2030 e-news.

4. Receive a report, hold a discussion, and give staff direction regarding the FY 2011-12 Comprehensive Annual Financial Report and annual audit.

Chuck Springer, Director of Finance, presented the details regarding the CAFR.

Report overview – the report was comprised of 4 distinct sections including introductory, financial, statistical and other supplemental information. The report had been designed to comply with GAAP/GASB guidelines. The emphasis was on transparency and disclosure. Conformance with standards was very important to financial markets.

Audit results – the City received an unqualified or clean opinion and there was no management letter. That meant that there was no recommendation for strengthening controls and/or operational efficiency. A single audit was conducted for state and federal grant awards and no finds were noted.

Key financial information – the audit showed an overall strong financial results. He reviewed the net assets of City, and general and unassigned fund balances.

Jerry Gaither, Weaver and Tidwell, stated that the audit included an analysis of internal processes and it was determined that they were operating as designed. They also performed a test of laws and regulations for the impact on financial statements. Everything was clean and fairly reflected the financial statements of the City. The internal control report showed no significant deficiencies or findings of law violations. The single audit included an opinion on compliance that was unqualified. The City was compliant in all materials respects with federal financial regulations.

Mayor Burroughs requested a comparison with other cities such as McKinney and Lewisville in terms of outstanding debt by type. He questioned the demographics on Page 118/Table 13 which showed that the median age dropped from the previous year and the per capita income was down significantly. He questioned what the basis was for those falls.

Gaither stated that the per capita amount had been going down over the past several years.

Council Member Roden stated that the Audit Finance Committee had asked for a specific report relating to debt for educational purposes for citizens.

Council Member Watts requested an informal report showing a summary of the categories for assessed value for the years prior to the economic down turn and post economic down turn.

5. Receive a report, hold a discussion and give staff direction regarding the request for City sponsorship of the Third Annual Susan G. Komen for the Cure, North Texas, to be held in Denton on September 28, 2013, in South Lakes Park and the run routed through surrounding neighborhoods.

Emerson Vorel, Director of Parks and Recreation, stated that staff was seeking direction from Council regarding a request for co-sponsorship of the Susan G. Koman event to be held on September 28<sup>th</sup>. Past dollars included funding for police, fire, EMS, rental for park and street closure barricades. The request was for \$10,000 of in-kind services. The event also received \$10,000 in HOT funds this year.

Council Member Roden asked about the number of participants from the first year.

Vorel stated that there were 2,210 participants.

Council Member Roden asked if participants had to pre-register or could they just show up for the event.

Mary Frances Hooper, representing Susan G. Koman, stated that 500 participants were city residents who registered either on-line or through the mail before the race. The majority of the participants were preregistered.

Council Member Watts questioned if the \$10,000 in HOT funds was to cover the in-kind services or in addition to the in-kind funds.

Council Member Roden stated that the HOT funds were used mainly for mailing and postage.

Mayor Pro Tem Kamp stated that the HOT funds were not for in-kind services.

Consensus of the Council was to proceed with the funding.

Following the completion of the Work Session, the Council convened in a Closed Session to consider the following:

1. Closed Meeting:
  - A. Deliberation regarding Personnel Matters - Under Texas Government Code Section 551.074.
    1. Deliberate and discuss the evaluation, duties, discipline, procedures, and contracts of the Municipal Court Judge, City Attorney, City Manager, and Internal Auditor.

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. Denton Family Unity Week

Mayor Burroughs presented a proclamation for Denton Family Unity Week.

2. Severe Weather Awareness Week

Mayor Burroughs presented the proclamation for Severe Weather Awareness Week.

3. **CITIZEN REPORTS**

A. Review of procedures for addressing the City Council.

B. Receive citizen reports from the following:

1. Erica Cordier regarding good citizenship.

Ms. Cordier stated that she was in favor of a sponsorship for a good citizen program in the City that would include service participation and communication for residents of the city of Denton. She encouraged citizens to become more involved in good acts in the city of Denton and challenged Council to put forth a program of good citizenship in Denton.

4. **CONSENT AGENDA**

Mayor Burroughs noted that Items 4 E and 4F would be pulled for separate consideration.

Mayor Pro Tem Kamp motioned, Council Member Roden seconded to approve the Consent Agenda and accompanying ordinances and resolutions with the exception of Item 4E and 4F. On roll call vote: Council Member King, Council Member Watts, Council Member Gregory, Council Member Engelbrecht, Mayor Pro Tem Kamp, Mayor Burroughs, Council Member Roden – “aye”. Motion carried unanimously.

Approved the minutes below.

A. Consider approval of the minutes of:

January 7, 2013

January 8, 2013

January 14, 2012

January 29, 2013

Ordinance No. 2013-058

B. Consider adoption of an ordinance accepting proposals and awarding a public works contract for the replacement of two 10-inch Sewer Crossings as part of the US Hwy 380 Widening Project; providing for the expenditure of funds therefor; and providing an effective date (Bid 5131-awarded to Wilson Contractor Services, LLC in the amount of \$202,509.40). The Public Utilities Board recommends approval (5-0).

Ordinance No. 2013-059

C. Consider adoption of an ordinance of the City of Denton, Texas authorizing the City Manager or his designee to execute on behalf of the city a Deed Without Warranty, from the City of Denton, Texas, as grantor, to Texas SB Holdings, LLC, as grantee, conveying a 0.09 acre tract located in the Eugene Puchalski

Survey, Abstract Number 996, City of Denton, Denton County, Texas, being generally located at the northeast intersection of West Hickory Street and North Texas Boulevard (the "Land"); reserving a perpetual Sanitary Sewer Easement in, along, upon, under, over and across a portion of said land; and providing for an effective date.

Ordinance No. 2013-060

- D. Consider adoption of an ordinance approving and authorizing the concession to Fair 2000, Inc. to sell alcoholic beverages at designated locations during the 2013, 2014 and 2015 Denton Air Fair, Inc. Air show events, upon certain conditions; and providing an effective date.

Approved the Noise Exception Request below

- E. Consider a request for an exception to the Noise Ordinance for the purpose of the DentonRadio on the Square Music Stage sponsored by the Denton Convention and Visitors Bureau (CVB), DentonRadio.com, and the Denton County Office of History and Culture in collaboration with the 35 Denton Festival. The event will be held on the Denton County Courthouse lawn from Thursday, March 7 through Sunday, March 10, from noon to 11:00 p.m. The exception is specifically requested to increase sound levels from 70 to 75 decibels and for amplified sound on Sunday. Staff recommends approval of the request.

Mayor Pro Tem Kamp left meeting with a conflict of interest.

Council Member Roden motioned, Council Member Engelbrecht seconded to approve the noise exception request. On roll call vote: Council Member King, Council Member Watts, Council Member Gregory, Council Member Engelbrecht, Mayor Burroughs, Council Member Roden – “aye”. Motion carried unanimously.

Mayor Pro Tem Kamp returned to the meeting.

- F. Consider adoption of an ordinance of the City of Denton, Texas, delegating certain authority to the City Manager, or his designee, to make offers and to accept counter offers to purchase eligible real property interests necessary for City of Denton public works and electric utility capital improvement projects; authorizing the City Manager, or his designee, to execute contracts to purchase said real property interests for and on behalf of the City of Denton; authorizing the City Manager, or his designee, to expend funds in accordance with the terms of said contracts; providing a severability clause; and providing an effective date.

Paul Williamson, Real Estate Manager, presented the details of the item. The ordinance would authorize the City Manager or his designee to extend offers and counter offers to property owners for public works and electric utility capital improvement projects. The offers would be based on certified appraisals. The ordinance would also for allow for counter offers up to 15% of the certified appraisals.

Council Member Gregory stated that a citizen had expressed concern in the Work Session about delegating authority to the City Manager in order to circumvent steps for condemnation. He questioned if citizens would have all the steps needed to protect their rights for a fair price.

Williamson stated that the process involved offers and counteroffers. The overarching elements were associated with the CIP program and included several public processes that showed alignments and locations of projects plus budgeting elements. There were also state statutes to follow for making offers and final offers to land owners.

Council Member Watts stated that there were heavy public vetting processes before a condemnation process. Typically Council approved these on the Consent Agenda and property owner could speak at that time. By taking these off the Consent Agenda there would be a different way for citizens to come before Council with concerns. He did have some concerns regarding the ordinance. The ordinance indicated capital projects but in essence the ordinance was granting to the City Manager or his designee the ability to approve whatever need the City might have other than substations. He thought it would be project specific but a larger designation of projects was also included. He did not see any kind of limiting phrase.

City Attorney Burgess stated that the definition of a capital project was included in the "whereas" clauses. The intent was to allow a more expeditious process in light of increasing CIP projects staff would experience over the next 5 years.

Council Member Watts questioned if that was the exhaustive list and if the project did not fit into the category it would involve the normal process.

City Attorney Burgess replied correct.

Council Member Watts stated that he did not see where closing costs were defined.

Richard Casner, Deputy City Attorney, stated that they were defined in Section 2C to make certain they would not be included in the delegated authority.

Council Member Watts stated that Section 4 referenced examples of other documents.

Casner stated that those would include such documents such as HUD statements and agreements to release funds for closing.

Council Member Watts asked what the intent of the ordinance was given the volume of projects and cost savings involved.

Williamson stated that it was not for convenience. This year there would be more than 60 offers to administer.

Council Member Watts asked if it would be possible in the process of doing these offers and counteroffers to have informal staff reports on the process and if there were a large group of offers to have a place holder for citizens who were receiving the offers to have an opportunity to

speak to Council if they had questions. This would provide a reporting mechanism and way for citizens to speak rather than having to do citizen reports.

Mayor Burroughs stated that he had no problem with named projects. He questioned the first whereas that referenced "other various public works projects" and subsection b that referenced "future public works projects". Those were not known yet and the issue was that Council would be making a determination with this ordinance about whether there was a need in the first place for the project. Council was making a predetermination regarding routing or site selection and would be agreeing that those would be the most appropriate. That was potentially locking in a determination of need without ever seeing it and determining site selection without ever seeing it.

Casner stated that the delegation was a designation for a finding for public works facilities for future projects. The projects would have been determined when Council approved the CIP program.

Mayor Burroughs stated that to fall under future plans, a determination would be made by Council that the project was funded as a CIP project and would provide direction and authority by Council that this would be a public need before it went to offer status. Mayor Burroughs asked if the ordinance would delegate routing/site election.

Casner stated that was not determined in the ordinance. There would be no offers made unless there was a site selected. Offers were not made until a route had been determined.

Mayor Burroughs asked if cost of a reroute fell within the limits that the Council would know about that.

Casner stated that the ordinance did not limit that but current practice was for Closed and Work sessions on where routes would be placed along with acceptable locations.

Phil Williams, General Manager - DME, stated that Council adopted transmission lines and routes and adopted a procedure that involved a public hearing at the Public Utilities Board and Council. After the route was approved the proposal would help proceed in the proposed manner.

Council Member Gregory stated that he had been thinking of the proposal in terms of projects such as Mayhill and Bonnie Brae where the routes had already been determined. The proposed ordinance created a certain level of discomfort as it was broader than what he anticipated. Public use and necessity occurred at several different levels and he was concerned there might be unintended consequences with the proposal. The proposal might also be less effective in providing public input, transparency and Council weigh-in on the proposal. His other concern was transparency so that if a citizen wanted to speak to the issue regarding an offer he should have a mechanism to do so.

Council Member Roden suggested limiting the delegation to be project specific. A new ordinance could be considered when there was a new project after the route had been determined. He questioned if there was a down side to that.

City Attorney Burgess stated that the delegation ordinance was an attempt by staff to create a process where staff handled the large increase in the number of properties to work with. The increase in projects increased the amount of presentations. It was not intended to be a decision making document in terms of site selection, routing or if the project was needed. Limiting language could be put in the ordinance and brought back to Council at the next meeting for consideration.

Williamson stated that road projects would be the biggest specter of where and how to have a route.

Council Member Engelbrecht felt that there were different levels of routing. There was a general route on where it might be and then narrowed down to an exact route. He stated that this proposal was not addressing the condemnation process.

Casner stated that those would have to be made in advance.

Mayor Pro Tem Kamp asked if continuing this item to another meeting would cause any issues.

Williamson stated that there would be no problem at this time.

Council Member Watts requested that this item come back to a Work Session for discussion.

Mayor Pro Tem Kamp motioned, Council Member King seconded to postpone consideration of the ordinance until the March 19<sup>th</sup> agenda. On roll call vote: Council Member King, Council Member Watts, Council Member Gregory, Council Member Engelbrecht, Mayor Pro Tem Kamp, Mayor Burroughs, Council Member Roden – “aye”. Motion carried unanimously.

## **5. ITEMS FOR INDIVIDUAL CONSIDERATION**

### Ordinance No. 2013-061

- A. Consider adoption of an ordinance directing the publication of Notice of Intention to issue \$46,770,000 in principal amount of Certificates of Obligation of the City of Denton for Waterworks and Sewer System and Electric System projects; and providing for an effective date. The Audit/Finance Committee recommends approval (2-0).

Bryan Langley, Assistant City Manager, presented the information for both Items A and B. Item A involved the issuance of a small bond program selling \$46 million of Certificates of Obligation for wastewater and electric projects. State law required a publication of notice of intention to issue the bonds. This notice would be published in the local newspaper with the actual sale on April 16th. There would be two notices to keep the two issuances separate. A detail of what would be included in the two issuances for projects was presented.

Item 5B involved the issuance of \$21 million for General Government and Solid Waste projects. Key elements of the projects were reviewed. Upon approval of the intent publication notice, the intent would be to sell these bonds at a future date.

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

Ordinance No. 2013-062

- B. Consider adoption of an ordinance directing the publication of Notice of Intention to issue \$21,495,000 in principal amount of Certificates of Obligation of the City of Denton for General Government and Solid Waste projects; and providing for an effective date. The Audit/Finance Committee recommends approval (2-0).

This item was discussed in conjunction with Item 5A.

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

Resolution No. R2013-006

- C. Consider approval of a resolution creating an Ad-hoc Citizen Advisory Committee to advise the City Council on the development of: goals; strategies; objectives; and growth scenarios for the Denton Plan Update and the composition of such a citizen committee and providing an effective date.

Brian Lockley, Director of Planning and Development, stated that Council had directed staff to establish a Citizen Advisory Committee (CAC) to help facilitate the update to the Denton Plan. The membership of the CAC would be broad-based and represented the diverse constituencies within the community. It would be comprised of up to 33 members and represented a number of interest groups.

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

- D. Consider nominations/appointments to the City's boards, commissions and/or committees:

- 1) Zoning Board of Adjustment

City Secretary Walters stated that Millard Heath had resigned from the Zoning Board of Adjustment. Council Member Roden had provided the name of Marshall Surratt as a nomination to the Zoning Board of Adjustment.

Council Member Roden motioned, Council Member Gregory seconded to approve the nomination of Marshall Surratt to the Zoning Board of Adjustment. On roll call vote: Council

Member King, Council Member Watts, Council Member Gregory, Council Member Engelbrecht, Mayor Pro Tem Kamp, Mayor Burroughs, Council Member Roden – “aye”. Motion carried unanimously.

2) Citizens Advisory Committee for the Comprehensive Plan

Brian Lockley, Director of Planning and Development, stated that these appointments were for the Committee that the Council approved earlier in the meeting. Each interest group had representatives except for the large business interest which was vacant at this time. A list of the appointees had been included in the agenda backup materials.

Mayor Pro Tem Kamp motioned, Council Member King seconded to approve the appointments to the Citizens Advisory Committee for the Comprehensive Plan. On roll call vote: Council Member King, Council Member Watts, Council Member Gregory, Council Member Engelbrecht, Mayor Pro Tem Kamp, Mayor Burroughs, Council Member Roden – “aye”. Motion carried unanimously.

First Reading – No ordinance number at this time

- E. Hold the first of two (2) readings to consider the adoption of an ordinance annexing an area of land to the City of Denton, Texas, generally identified as DH-12 of approximately 1,154 acres (less those parcels identified in Exhibit "C") located south of E. University Drive, east of N. Mayhill Road, north and south of Blagg Road, north and south of Mills Road, and east and west of S. Trinity 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 areas of land which are to be annexed pursuant to the City's 3-Year Annexation Plan; excluding properties within DH-12 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. (First of two readings.)

Johnna Matthews, Senior Planner, presented the details of the annexations. This would be the first of two readings to consider the adoption of three annexation ordinances in accordance with the involuntary annexation procedures for areas not exempt from the City's Municipal Annexation Plan. These annexations included 1,595 acres in Division 1 of the City's ETJ excepting those parcels subject to Non-Annexation agreements and identified as DH-7, DH-9 and DH-12. She reviewed the background information concerning these annexations. State law established the elements of a required annexation plan. However, the elements would not apply to an area proposed for annexation if it contained fewer than 100 separate tracts of land on which one or more residential dwellings were located on each tract. DH 7, 9, and 12 had more than 100 separate tracts of land thus requiring an Annexation Plan. DH-7 was located east and north side of Teasley Lane and west of Southlake Drive and contained approximately 143 acres. DH-9 was located north of Pockrus Page Road, north, south and northeast of Edwards Road and contained approximately 298 acres. DH-12 was located south of East University Drive, east of North

Mayhill Road, north and south of Blagg Road, north and south of Mills Road and east and west of S. Trinity Road. It contained approximately 1,154 acres.

State law also required the City to prepare a Service Plan that provided for full municipal services to annexed areas. Preliminary Service Plans were presented at three public hearings and posted on the City's website. Final Service Plans were adopted by the Council on August 16, 2011 and were posted on the City's website. After holding the public hearings, the City and property owners were required to negotiate for provision of services to the area after annexation. Denton County Commissioners Court was also required to select five representatives to negotiate with the City for the provision of the services. DH-7 negotiations began on July 12, 2011 and ended on July 26, 2011 with an agreed upon Service Plan. DH-9 negotiations began on July 6, 2011 and ended on August 16, 2011, with an agreed upon Service Plan. DH-12 negotiations began on July 7, 2011 and ended on October 13, without an agreed upon Service Plan.

Because the City and the representatives chosen by Commissioners Court could not reach an agreement, an arbitrator was appointed to resolve the service plan issues in dispute. Arbitration hearings were held October 17-18, with the arbitrator ruling in favor of the City on October 30, 2012.

Another provision of the State law stated that a municipality could not annex areas appraised for agricultural, wildlife management or as timber land unless the municipality offered the property owner a development agreement (non-annexation agreement) and the property owner declined to make the agreement. Staff sent non-annexation agreements to all known owners of property identified by the Denton County Appraisal District as being currently appraised for agricultural, wildlife management, or as timber land use. Newly annexed land that was not zoned would be given the default zoning of rural District 5 (RD-5).

Staff provided Council with information regarding the service plan. Section 4 stated that the service plan had to be signed for the amended service plan which was not done so the original service plan would take effect.

The Planning and Zoning Commission and the Development Review Committee recommended approval of the annexations except for the non-annexation agreement areas.

Mayor Burroughs stated that the property would be zoned to the default zoning of RD-5.

Matthews stated that the property would be un-zoned until the property owner requested a zoning designation. Until then, the property would remain at RD-5 zoning.

Mayor Burroughs stated that a significant amount of property would be legally non-conforming and asked if there was a way to get around that. He suggested considering in the future an opportunity to bring in annexed property with appropriate zoning instead of the default zoning as it forced property owners to come to City to do another round of zoning.

Matthews stated that staff could look into that in the future and that it would require a code amendment.

City Manager Campbell stated that care would have to be taken that the assigned zoning was mutually beneficial as the land use might not be what the property owner wanted. The default zoning was best way to get generic zoning until the property owner determined what he wanted for zoning.

Council Member King motioned, Council Member Engelbrecht seconded to adopt the ordinances for Items E, F and G. On roll call vote: Council Member King, Council Member Watts, Council Member Gregory, Council Member Engelbrecht, Mayor Pro Tem Kamp, Mayor Burroughs, Council Member Roden – “aye”. Motion carried unanimously.

First Reading – no ordinance number at this time

- F. Hold the first of two (2) readings to consider the adoption of an ordinance annexing an area of land to the City of Denton, Texas, generally identified as DH-9 of approximately 298 acres (less those parcels identified in Exhibit "C") located north of Pockrus Page Road, north, south and northeast of Edwards 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 areas of land which are to be annexed pursuant to the City's 3-Year Annexation Plan; excluding properties within DH-9 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. (First of two readings.)

This item was considered with Item E.

First Reading – no ordinance number at this time

- G. Hold the first of two (2) readings to consider the adoption of an ordinance annexing an area of land to the City of Denton, Texas, generally identified as DH-7 of approximately 143 acres (less those parcels identified in Exhibit "C") located on the east and north sides of Teasley Lane, south of Teasley Harbor subdivision and west of Southlake Drive, 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 areas of land to be annexed pursuant to the City's 3-Year Annexation Plan; excluding properties within DH-7 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. (First of two readings.)

This item was considered with Item E.

## **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 Member Roden requested a return to the discussion of predatory lending and a possible ordinance at the earliest possibility.

City Attorney Burgess stated that there had been a request for a regulatory ordinance and a zoning portion. She questioned if Council wanted those in the same ordinance or split them into two ordinances. She would recommend that the issues be in two separate ordinances.

Council Member Roden felt they should be in two ordinances.

Council Member Watts stated that the pedestrian crossing at Welch was completed.

Council Member Watts thanked citizens for their information regarding bills in the Legislature regarding oil and gas.

Council Member Watts asked for an update on the air and water quality monitoring with a proposed timeline.

Council Member Engelbrecht stated that the Property Maintenance Code indicated that a retaining wall leaning on a sidewalk was not an intrusion but a fence leaning on a sidewalk was an intrusion. He requested a report on what the Code was and how staff was implementing those types of issues.

Council Member Gregory stated that he would like the text of the Dallas ordinance included with the information for a proposed ordinance.

Council Member Gregory noted that the Texas Storytelling Festival was this weekend.

Mayor Burroughs noted that 35 Denton was also this weekend.

Council Member Engelbrecht noted that Dentonradio.com was also having an event this weekend.

- 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 8:32 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