

CITY OF DENTON CITY COUNCIL MINUTES

September 18, 2012

After determining that a quorum was present, the City Council convened in a Work Session on Tuesday, September 18, 2012 at 3:00 p.m. in the Council Work Session Room at City Hall.

PRESENT: Council Member King, Council Member Watts, Council Member Gregory, Council Member Engelbrecht, Mayor Burroughs, and Council Member Roden.

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 September 18, 2012.

Council Member Engelbrecht asked about Consent Agenda Item J and the terms of the one-year contract with four renewals. He asked if the City would be getting a report from the first year on how the firm was accomplishing its goals.

Scott Fletcher, Captain-Denton Police Department, stated that the company would provide such a report as needed.

Council Member Engelbrecht stated that an annual report would be good.

Mayor Burroughs asked if the number of red light cameras was changing.

Fletcher stated that the numbers were not changing.

Council Member Gregory asked about Item I and if there were going to be any other changes to the facility.

Jon Fortune, Assistant City Manager, stated that when the facility was built, it had a truck wash facility and a separate bay for a vehicle wash which was not built at that time. This was for that facility.

3. Receive a report, hold a discussion, and provide staff with direction regarding a proposed ordinance which imposes liens on non-homestead and non-rental properties for the collection of delinquent municipal utility bills.

Ethan Cox, Customer Service Manager, stated that Ordinance 2010-292 was designed to reduce uncollectible debt and introduced debt prevention measures. Those measures included credit screening, risk assessment, and deposit. Remaining challenges included impact of debts greater than \$1,000, drainage and merchandise debts and debts incurred prior to the implementation of the ordinance.

Collection Tactics - current tactics included the utilization of a collection agency with a 21% recovery rate and 22% of the debt collected was paid to the agency. Proposed additional tactics included filing suit on debts exceeding \$5000 and imposing liens of debts exceeding \$1000.

Utility liens - state law allowed a municipality to impose a lien by ordinance for utility debt. Conditions for imposing the lien were (1) the debt was incurred after the ordinance effective date, (2) the property was non-homestead property, (3) the property was non-rental, and (4) excluded non-utility debts such as solid waste and contracted utility work.

Summary of proposed tactics – with new utility debts greater than \$1000, liens would be imposed using conditions outlined by the ordinance. A suit would be filed on select accounts that had debts excluded from the lien ordinance and greater than \$5000. With all other debts the outside collection agency would continue to be used.

Next steps - if Council agreed with the proposed strategy, an ordinance would be placed on the October 2, 2012 Consent Agenda for Council consideration. These were considered a last resort for the collection of the debts. A number of notifications and letters would be sent prior to these steps.

Council Member Roden stated that this had to be a new debt provision. He asked if this was new information from the Audit/Finance Committee.

Cox stated that this information had previously gone to the Audit/Finance Committee.

Council Member Roden questioned if with the current system in place, how difficult would it be for someone to get more than a \$1000 debt.

Cox stated that it came down to the kind of account. It was easier for commercial accounts to go over \$1000.

Council Member Gregory stated that if the ordinance did not affect homesteads and rental property, what it would affect.

Cox stated that the greater effect was on commercial property where the debt was of the property owner such as when rental property was in the property owner's name.

Council Member Gregory asked what happened if someone owned commercial property, leased it out to another business and that business did not pay the utilities. He questioned if that debt would be the owner's responsibility.

Cox replied no. If the property was leased, the provision would not apply in that condition. It must be the property owner responsible for the debt.

Mayor Burroughs stated that there should be less of an impact due to the other actions already taken. Because of the provision to connect the debt to the tenant's name, there might be times when a property owner created a separate entity with the utility in that entity's name. In that case there would be no lien on that property because the debt was created as an entity to be a tenant.

Cox stated that the ordinance was not concerned with the entity but rather the owner of the business.

Council Member Watts asked when a business was signing up for an account, did the City ask for a guarantor on that account or look to the business to pay the debt.

Cox stated that they would look to the business to pay the account. If there was a concern regarding the business, an irrevocable letter of credit would be requested.

Mayor Burroughs stated that there were statutes of limitations that applied generally to certain kinds of debts. If a lien were filed, would it extend those limitations?

City Attorney Burgess stated that once the lien was filed, the City would act and collect at the time the property was sold.

Mike Copeland, Assistant City Attorney, stated that there was no statute of limitations that ran against the City. A municipality did not have a statute of limitations.

Mayor Burroughs asked if there were other legal costs recoverable from the filing of the liens.

Copeland stated that if the City brought suit and was the prevailing party, it might be possible to recover the court costs. The lien could be concurrent on the property and the City could sue later if it got bigger.

Council Member King stated that he had a hard time with this not knowing how big it would be. Once empowered, it was hard to take that power away. There was a possibility that the problem was not as large as it was in the past. He felt this was heavy handed and might not be necessary.

Mayor Burroughs asked what the City would have been able to file if the ordinance had been in place for the current debt. He asked staff to have that information available for the next council meeting.

City Attorney Burgess stated if a lien was filed, the City would not move to foreclosure. It would wait until there was a sale of the property.

Council Member Gregory asked if a lien was filed, would the City still provide electricity.

Cox stated that if it was a standard utility account, service would be terminated until the situation got to these options except for accounts that were drainage only. In that case charges would continue to accrue.

Council Member Watts asked for an informal staff report regarding the legal process to sue current debt entities. One way to also curb the debt was to have additional credit underwriting criteria to personally guarantee the account. He suggested considering additional alternatives for getting the debt paid. In terms of the current debt he would like to know what the level to file suit was and where it would be filed, whether it would be done in-house and moving forward, alternatives that would provide additional incentives to pay the debt. If someone had to personally guarantee something, he might think differently about leaving a debt.

4. Receive a report, hold a discussion, and give staff direction regarding on-site recycling service for multi-family residential communities.

Shirlene Sitton, Recycling Division Manager, reviewed Denton's recycling goals which were set in the Strategic Plan and Sustainability Plan. Recycling was not the issue with multi-family properties. The problem was the location of the dumpsters. There were pre-2006 areas with no regulations where dumpsters could be located. Multi-family dumpster issues included (1) dumpsters in the right-of-way, (2) placement in parking or landscaped areas, (3) existing enclosures would not accommodate recycling, and (4) new enclosures might be required. Recycling was added (1) if the dumpster could go into an existing enclosure, (2) if the trash dumpsters were not enclosed but on the property or (3) if cart service was applicable. Recycling was not added if the dumpster could not go into an existing enclosure but were required, or if the trash dumpsters were not located on the property.

In February staff performed a field assessment of dumpster locations. Categories included (1) dumpsters in the right-of-way, (2) parking space or landscape area, (3) designated area, (4) single enclosure, (5) dual enclosures, (6) compactor only, (7) alley collection with no enclosure and (8) dumpster/recycling cart combo. There were 185 dumpsters in the right-of-way. There were 203 in parking spaces or landscaped areas, 118 in designated areas, 92 in a single enclosure, 37 in a dual enclosure, 10 sites had a compactor only, 14 were in alleys, and 5 were trash dumpsters and recycling carts.

Staff was in the process of developing an on-site recycling requirement. The requirements would have site-specific considerations, stakeholder considerations, implementation timeline and screening requirements.

Options included (1) continue a voluntary recycling program with current container location limitations, (2) continue voluntary recycling at all multi-family locations; mirror current trash locations if needed, (3) develop a requirement for recycling at all multi-family locations; mirror current trash locations if needed, (4) develop a requirement for recycling at all multi-family locations to address container locations and screening and compliment new construction enclosure requirements.

Council Member King stated that he had concerns with infill lots, narrow lots, undeveloped lots and how to physically do the two receptacles for recycling/trash. To make it mandatory might be hard in some locations due to the difficulty for size of containers plus the screening. He questioned if a parking waiver would be required if parking spaces were used.

Sitton stated that this was a separate project for infill requirements. Staff was only asking to move forward to work on to how implement these types of services.

Mayor Burroughs stated that new developments would be a separate situation. This was looking at current multi-family locations. If this was done as a requirement there would be some places that could not have the containers due to space. He questioned what would happen if a location would not do a mandatory requirement

Sitton stated that staff would work all that out before coming back to Council with a plan to consider.

Mayor Burroughs stated that he had a lot of reservations about imposing regulations on pre-existing locations unless the City was paying for the improvements. He had reservations with making someone who built with the current regulations and then the City imposed different regulations.

Sitton stated that staff was looking for direction to move forward on how to address those issues and then bring solutions back to Council. They needed Council direction on how to proceed.

Council Member Engelbrecht stated that when the city went to residential recycling, solid waste went way down. He questioned if that same situation would happen with multi-family recycling and if so, would such a large trash dumpster be needed.

Sitton stated that was seen all the time, the waste was different but just the same amount. It was possible to change some of the sizes of the dumpsters to accommodate both trash and recycling.

Council Member Engelbrecht stated that a certain percent of waste was diverted from the waste stream and there would be savings for that. It might be possible to use that annual savings and put it back into the system to pay for this process. A single ordinance would not address the multitude of issues. However, if the City granted multi-family to take away a parking place to go to recycling or put a receptacle on the grass, it would be of great benefit to get that waste out of the waste stream.

Council Member Gregory asked how the shared trash dumpsters in the Downtown area were working.

Sitton stated that it was working well. One alternative was to create a special use district to share between locations.

Council Member Gregory stated he was in favor of moving forward with the stakeholders and come back to Council with the idea that Council might be willing to spend City money to make this happen rather than putting all the burden on property owners.

Council Member Roden stated that he was in favor of continuing the discussion. He questioned if staff needed direction today on screening requirements

Sitton stated no but staff was asking for direction on the current screening.

Council Member Roden suggested tolerance for location issues if taking a dumpster off the street.

Council Member Watts stated that he was open to the discussion on the issue but had concern with the wording of the requirement as placement in parking spaces or row were placed there by the City or development action many years ago. If the City had a requirement to take up parking spaces, it might be acceptable with the current owner but might change with a new owner. He felt the issue needed to include cart service and what to look for to expand that to a larger unit

rather than just fourplexes. He suggested looking at creative ways for places that have dumpsters and that needed dumpsters.

Sitton stated that as part of the other projects, a number of units were eliminated. The program would look at whether or not the development was served by dumpsters or carts with a number of criteria.

Mayor Burroughs suggested a voluntary program as those who use it were the ones who wanted to continue it. There might be a disconnect between management and ownership. One area of concern might be liability. Some places did not object to recycling but did not want to be liable for it. He felt the only way to expand the recycling program for multi-family would be through some type of requirement; however, he had a problem forcing people who did everything right, incurring a significant cost after the fact. He felt there needed to be a component for City participation on the cost.

Council Member Gregory suggested that another idea for an alternative to putting up enclosures was to make the trash cans look better such as doing art work on them.

Council Member Watts stated that another part of the discussion would be how to develop the property for correct dumpster placement.

Consensus of the Council was to move forward with the stakeholder groups.

5. Receive a report, hold a discussion, and give staff direction on the selection process and composition of the Citizen Advisory Committee to the update of the Denton Plan.

Bryan Lockley, Interim Director of Planning and Development, stated that Wallace, Roberts and Todd (WRT), the consultants hired to prepare the update to the Denton Plan recommended to Council the formation of a 20-30 member Citizen Advisory Committee (CAC). The primary responsibility of the CAC would be to provide feedback to WRT on the goals, recommendations, and strategies that would be developed through the updated process. WRT presented options for the composition of the group. Those options included (1) using existing boards and commissions to utilize their knowledge and experience, (2) appointing members from the public to introduce more of the community into the governmental process, or (3) use a combination of the public and boards and commission members.

Role of the committee – The expressed role of the CAC would be to (1) act in an advisory role to Council, (2) represent broad community interests, (3) model community consensus and encourage others to participate, (4) promote citizen ownership and endure buy-in, (5) guide development of the Vision Statement, Alternative Scenarios and Strategic Direction, and (6) champion the Comprehensive Plan.

Composition of the Committee – The committee should represent the diverse constituencies within the community and consist of a membership between 20-30 members. Areas from which to draw membership included (1) existing boards and commissions, (2) Denton Plan (1999) members, (3) the development community, (4) Chamber/Economic Development Partnership, (5) neighborhood associations, (6) environmental interests, (7) institutional uses such as DISD,

UNT or TWU, (8) Denton County Transportation Authority, (9) Denton County, (10) Lake Ray Roberts Planning Commission, (11) Sanger, (12) Krum, (13) large landowner, (14) small business interest, and (15) large business interest. Members identified from Group 1-6 and 13-15 should be a resident, business or land owner of the City or reside within the city. This committee could also serve in the review of recommendations of potential code amendments by Clarion and Associates in the review of the Denton Development Code.

Schedule for formation – Staff was proposing to utilize outreach activities to solicit potential members, create an on-line form on the Denton Plan website to accept applications, forward candidates to the Council members for review and selection. Upcoming events included a first meeting on November 6th. November 8-10 would be a three day community forum. December/January would be used to update Council on the Denton Plan update process. Staff's recommendation was to proceed with the formation of the committee

Council Member Roden asked what sort of commitment level would be involved for the members.

Lockley stated that there would be 2-3 hour meetings twice a month.

Council Member Roden felt that including boards and commissions was a good idea but the '99 plan had specific areas of interest. He questioned if there was a plan beyond this committee for all of the boards and commissions having interests in the plan to go through the process.

Lockley stated that staff saw this as an opportunity to revisit that to see how it was being implemented.

Council Member Roden suggested letting boards and commissions weigh in more heavily on the different aspects.

Mayor Burroughs suggested considering the elements that were being developed. The sections that dealt with areas of expertise of the boards and commissions could be directed to those boards and commissions with a charge to look at them to assist with the development and offer suggestions. Board and commission members on the committee could take those suggestions back to the committee and the whole board/commission could weigh in on it through the individual member on the committee.

Mayor Burroughs suggested not limiting other communities to just Sanger and Krum but rather include those communities on the "edge" of Denton. Another suggestion would be property owners on the edge of the city, perhaps in the ETJ. He also suggested a person from the Downtown area or Mainstreet should be included.

Lockley suggested someone from the Downtown Task Force to fill such a spot.

Mayor Burroughs questioned why the Public Utilities Board was singled out for a single seat. He felt the Traffic Safety Commission should be included instead of the Public Utilities Board.

Lockley stated that the master plan dealt with proposed development and utility lines - how to manage growth through infrastructure and manage the growth with infrastructure.

Mayor Burroughs felt that traffic and safety was just as critical an issue.

Lockley stated that from a land use perspective, areas in the ETJ where changes were occurring from agriculture to business or residential needed planning for that infrastructure.

Council Member Gregory stated that he did not have a problem with the Public Utilities Board on the committee but suggested adding Traffic Safety as well. He felt it would not hurt if the committee were larger.

Mayor Burroughs felt that the Chamber of Commerce had a subcommittee to assist with the process and that the Economic Development Partnership Board had a different mission. He felt there should be one member from the Chamber and one member from the Economic Development Partnership Board but not one or the other.

Council Member Engelbrecht indicated that he had a problem with the Economic Development Partnership Board and the Chamber loading in one area and did not want to weight it one way or the other. He felt he would like the Public Utilities Board and Traffic Safety Commission to have members in order to provide input with neighborhood issues.

Lockley stated that these were examples for the makeup of the committee and were not set in stone. Traffic Safety could be added to increase the membership from boards and commission to eight.

Mayor Burroughs suggested taking off the Economic Development Partnership Board and leaving the Chamber as the Chamber was a mix of people.

Council Member Engelbrecht stated that he did not see any membership representing homeowners interests such as a long term multi-family resident. He would also like to see a specific target for bicycles and pedestrians.

Mayor Burroughs suggested that staff refashion the list and send it back out to Council.

Lockley stated that staff could recap the list and send out to Council in an informal staff report and Council could then provide any additional information. In terms of targeting a multi-family neighborhood interest, it might take a little longer to reach out to that community to see who might be interested in serving.

Mayor Burroughs noted that the key was to have weight in on the project. To have homeowner/neighborhood associations involved.

Lockley stated that staff would start reaching out to potential members and by the time Council was ready to appoint the committee, they would have names for consideration.

6. Receive a report, hold a discussion, and give staff direction regarding the creation of an ad-hoc citizen advisory committee to advise Council and staff on the development of an ordinance regulating smoking and the composition of such a citizen committee.

Lindsey Baker, Assistant to the City Manager, stated that the Council's agenda included a resolution for consideration to create an ad hoc citizen advisory committee to review the smoking ordinance and provide recommendations to Council. A second item on the agenda would make appointments to the committee. The Council's backup included a list of recommended members. These were individuals who expressed a desire to serve on the committee or a list of proposed members from staff. She asked Council if they wanted to add to the list or make changes to the committee.

Council Member Watts stated that he had been contacted by an interested individual. He questioned if there was room for members and when they could be added.

Baker suggested additional members be added when Council considered the item during Individual Items for Consideration.

City Manager Campbell stated that Council could add members to the list now and then any future members could be added at a future meeting.

Council Member Engelbrecht nominated Sarah Bagheri.

Council Member Watts stated that John Ryan would like to serve under the citizen category or local restaurant category.

Mayor Burroughs stated that Mayor Pro Tem Kamp had suggested Scott Campbell as a citizen/resident and Dan Mojica as a restaurant representative.

Council Member King suggested Phil Kregel as a resident representative.

Council Member Gregory suggested Jack Thomson as a resident representative.

Council Member Roden suggested Chris Flemmons as a local musician and Adam Briggie as a resident representative.

Mayor Burroughs suggested Pat Cheek as a resident representative.

Baker stated that the resolution would be changed to reflect the increased numbers.

7. Receive a report, hold a discussion and give staff direction regarding the CHP-Economic Development District business development plan. (DME)

Mike Grim, Executive Manager of Power, Regulatory & Legislative Affairs provided background information on this item. The City was seeking high valued jobs and tax revenue growth through attracting major industrial customers. This would be done through attracting major industrial customers, enhanced economic development opportunities, enabling major industrial retention, creating jobs and expanding the tax base. These could be accomplished by leveraging Denton's strengths to promote growth opportunities and by providing a reason for businesses to relocate to Denton through significant cost reduction. A Combined Heat and Power (CHP) facility provided a low-cost highly efficient and a proven form of green energy. A CHP

provided the benefits of efficient, reliable, economic, and environmentally sound energy. He presented CHP example applications in other areas of Texas and the nation. CHP currently provided 12% of the U. S. energy capacity. An Executive Order called for 50% more CHP development by 2020.

In order to develop an attractive industrial area utilities infrastructure in the form of high pressure natural gas supply and water supply plus land availability were needed. He noted that the State legislation did not authorize the building of a power plant. Any excess natural gas could be sold if the City wanted. If the City did not sell gas, it could sell gas to serve any type of power plant that was in the area. The selling of the gas was the issue.

Council Member Watts stated that other places that had CHP plants had them located near where the facility was going to use it. The location of a plant could limit where business could locate to use it.

Mayor Burroughs stated that was because the City could build a CHP plant anywhere but the problem was that there was no natural gas in the area. That was why the legislation was done in order to get the gas there.

Grim stated that this was planning for the future. Staff was looking at ERCOT resource scarcity; and cheap natural gas and was continually examining load growth and critical issues.

CHP project status – the environmental assessment was complete and the configuration feasibility continued to be studied. No plant design, configuration or cost had been determined at this time. The land acquisitions for the facility and thermal piping were nearly complete.

Natural gas pipeline status - indicative pricing had been received, high-pressure and high-volume supply was noted, the environmental assessment was complete, and land acquisitions were nearly complete.

Driving industrial development – The process involved identifying targeted companies/ industries, developing corporate profiles, developing partnerships with the Chamber of Commerce, economic development, and site selectors. Prospecting materials included an introductory letter, business development website, business development brochure, a corporate presentation and “Doing Business in Denton” video.

Grim stated that the staff recommendation was to launch the business development campaign to prospective customers in the fourth quarter of 2012 and issue an RFP for a business development website.

Council Member Watts stated that combining the pipeline and CHP video presented that the natural gas pipeline was in a stand-a-lone capacity with the capability of a CHP. There had been a discussion if this was a new utility and if a vote by the citizens were needed when that was done. He asked about the TIRZ potential with the Rayzor Ranch representatives and how that was working.

Linda Ratliff, Director of Economic Development, stated that staff was just talking with the property owner to provide utility, water, sewer and drainage, and no natural gas. They have

talked about a high pressure gas line and they mentioned the possibility of including it in the TIRZ. Staff was in the process of developing the TIRZ documents and communicating with that with the property owner.

Mayor Burroughs stated that it was his opinion that the City could not build a pipeline unless a CHP was done.

Council Member Watts felt that according to the legislation that was passed, the City did not have the authority.

Grim stated that if a CHP pipeline was done, there could be three years or so to get a CHP customer. It also could be sold. He showed a video promoting Denton.

Mayor Burroughs felt that a discussion on whether to have a vote to establish a gas pipeline for the public was necessary.

Council Member Watts stated that the City might get a company that did not need a CHP but wanted gas. It would not be beneficial to center on a CHP to get a pipeline which really might hinder the City. He felt the video was good for soliciting business but felt it needed to be cleaned up. He did not want information out there that was incorrect.

Council Member Watts felt that the process had a lot of contingencies and ifs in it. He felt it would be ok to move forward but do so carefully.

Mayor Burroughs stated that the video not clear that a CHP would have to be used and not just obtain gas. For the City to have the ability that currently did not exist, the possibility of having a vote was a consideration.

Council Member Engelbrecht agreed that an industry would need electricity or gas but not necessarily a CHP. He felt a vote was needed.

Council Member Gregory liked the idea of marketing the City but felt the process was out of sequence. If the City represented that it had some items it currently did not have, it could frustrate some site locators. He would like to explore the possibility of the City building a gas line to a CHP and selling that capacity but would be more comfortable getting back in sequence. That would be done by looking at the district and a possible Charter election that would have voters authorizing the City to be a gas provider in that section of the city. He also expressed a concern that if the pipeline was built and there was not company, would the city legally sell the gas.

Grim stated that the goal was to get a letter of intent from current customers in the park and then proceed

Council Member King was in agreement with the marketing but felt that there needed to be an election to sell the gas.

Consensus of the Council was to proceed with the marketing but to get the sequencing correct and provide for the possibility of a vote for potential users.

8. Receive a report, hold a discussion and give staff direction regarding DME entering into a License Agreement with ECOtality, Inc., for the construction and placement of Electric Vehicle Charging Stations (EV) as part of the Department of Energy's (DOE) "The EV Project" (Project).

Lisa Lemons presented a briefing that was also presented to the Public Utilities Board and the Committee on the Environment. The DME research on electric vehicle resulted in a wait and see approach to see how the market would proceed with the electric vehicles. The scope of the project involved a \$1,000 grant to ECOtality per installation of a site. The average cost per station was \$3000. Up to 10 Level 2 Electric Vehicle Charging Stations (EV) at public facilities in Denton. DME would collaborate with the Environmental Services and Sustainability Department to utilize the existing internal sustainability committee to identify the appropriate city facilities to locate the EV. ECOtality billed subscribers and paid DME for the cost of the electricity. Example of possible sites would be libraries, city parks, the Medpark Station, etc.

Staff recommendation was for Council to approve of the EV charging station site selection process and the execution of a license agreement with ECOtality, Inc.

Council Member Watts asked how many vehicles could be charged at a station.

Lemons stated it would depend on which unit was chosen. A normal site could do one to four vehicles with a higher cost for sites with more vehicles.

Council Member Engelbrecht asked if the stations would only be on public property.

Lemons stated that they would be on city facilities.

Council Member Engelbrecht asked if the consultant would deal with the city on where to place the stations.

Lemons stated that presentations would be made to the internal committee on where to place them. The grant was also open to businesses.

Council Member Engelbrecht asked about talking with the Convention and Visitor Bureau to have some sites located on the interstate.

Lemons stated that private businesses putting in the stations without having to talk to them about it.

Consensus of the Council was to proceed with the proposal.

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

1. Closed Meeting:

- A. Consultation with Attorneys - Under Texas Government Code Section 551.071.
 - 1. Consult with City's attorneys regarding legal issues and strategies related to the demolition of substandard buildings, along with discussion of recommended code amendments to clarify and refine the procedures applicable to hearings and appeals of such cases.

- B. Deliberations Regarding Real Property - Under Texas Government Code Section 551.072; and Consultation with Attorneys - Under Texas Government Code Section 551.071.
 - 1. Discuss, deliberate and receive information from staff and provide staff with direction pertaining to the potential purchase of a tract of land, located in the M.E.P. & P.R.R. Company, Abstract Number 927, in the City of Denton, Denton County, Texas, and generally located on the southwest corner of north Loop 288 and Audra Lane. 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.

- C. Deliberations Regarding Certain Public Power Utilities Competitive Matters - Under Texas Government Code Section 551.086; and Consultation with Attorneys - Under Texas Government Code Section 551.071.
 - 1. Receive a presentation from Denton Municipal Electric ("DME") staff regarding public power competitive and financial matters pertaining to plans, strategies, opportunities, and developments for generation improvements to the DME system; discuss and deliberate strategies relating to selecting and acquiring generation resources for the City; discuss and deliberate opportunities and strategies for the City to acquire purchased power, enter into fuel transportation arrangements, and enter into agreements regarding the same in light of the possible resource shortage in ERCOT in order to meet its future energy needs. Discuss, deliberate and provide Staff with direction.
 - 2. Receive a presentation from DME staff regarding certain public power competitive and financial issues regarding purchased power pricing information including the First Amendment to Full Requirements Wholesale Electric Power Service Agreement between the City of Denton, Texas and NRG Power Marketing, LLC (First Amendment); discuss, deliberate, consider approval of and take final action on the said First Amendment.
 - 3. Receive a report and a presentation from Denton Municipal Electric staff

regarding certain public power competitive and financial matters regarding ongoing negotiations regarding the Request for Proposals No. 4859 issued by the City soliciting proposals for a solar-generated energy facility or facilities for the City of Denton, Texas, and a proposed Non-Binding Letter of Intent by and between the City of Denton, Texas and the proposed successful bidder; discuss, deliberate, provide staff with direction, consider and take final action regarding such matters. Consultation with the City's attorneys regarding legal advice regarding such matters referenced above. A public discussion of this legal matter would conflict with the duty of the City's Attorneys to the City of Denton, Texas under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.

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. UNT Mean Green Pride Proclamation

Mayor Burroughs presented the proclamation for UNT Mean Green Pride Fridays.

2. Presentation of the Government Finance Officers Association Distinguished Budget Award

Bryan Langley, Assistant City Manager, presented the award to the City.

3. CITIZEN REPORTS

A. Review of procedures for addressing the City Council.

B. Receive citizen reports from the following:

1. Richard Rogers regarding Greenfest on the Greenbelt, Sept. 29, 2012.

Mr. Rogers presented information on the Greenfest project. It would take place on the Greenbelt and was designed to connect citizens with the outdoors. Family activities were planned. He encouraged everyone to attend.

Council Member Roden left the meeting.

4. CONSENT AGENDA

Council Member Gregory motioned, Council Member Engelbrecht seconded to approve the Consent Agenda and accompanying ordinances and resolutions with a replacement ordinance for Item A and a substitute resolution for Item N. On roll call vote, Council Member King "aye", Council Member Watts "aye", Council Member Gregory "aye", Council Member Engelbrecht "aye", and Mayor Burroughs "aye". Motion carried unanimously.

Ordinance 2012-234

- A. Consider adoption of an ordinance of the City of Denton, Texas authorizing the City Manager or his designee to execute a Contract of Sale (herein so called) between the City of Denton, as Buyer and G. Brad Grant, Becky J. Grant, and Charles A. Grant, Jr., collectively, as Seller, contemplating the sale and purchase of an approximate 26.464 acre tract of land, being located in the M.E.P. & P.R.R. Company Survey, Abstract Number 927, City and County of Denton, Texas, ("Real Property"), for a purchase price of Two Million and No/100 Dollars (\$2,000,000.00); authorizing the City Manager, or his designee, to execute and deliver the Contract of Sale, and all other documents necessary to accomplish closing of the transaction contemplated by the Contract of Sale; authorizing the expenditure of funds therefore; and providing an effective date. The Public Utilities Board recommends approval (5-0).

Ordinance No. 2012-235

- B. Consider adoption of an ordinance authorizing the City Manager, or his designee, to execute on behalf of the City of Denton a fifth Amendment to an Airport Lease Agreement approved by Ordinance 2009-018 dated January 6, 2009 and amended by Ordinance 2009-323 dated December 15, 2009 and amended by Ordinance 2010-193 dated August 7, 2010 and amended by Ordinance 2012-056 dated March 6, 2012 and amended by Ordinance 2012-057 dated March 6, 2012 between the City of Denton, Texas and Sykes-Vaughn Investments, LLC, which includes among other provisions the right to sell aviation fuel to the public for a fuel flowage fee and to provide commercial hanger and tie-down service at the Denton Municipal Airport for real property located at 4600 Taxilane "H"; and, providing an effective date. The Council Airport Committee recommends approval (3-0).

Ordinance No. 2012-236

- C. Consider adoption of an ordinance authorizing the City Manager, or his designee, to execute on behalf of the City of Denton a Commercial Operator Lease Agreement between the City of Denton, Texas and HTA Aviation for approximately 26,055 square feet of land located at 4910 Lockheed Lane at the Denton Airport; and, providing an effective date. The Council Airport Committee recommends approval (3-0).

Ordinance No. 2012-237

- D. Consider the adoption of an ordinance of the City of Denton, Texas, approving a Fourth Amendment to an Economic Development Program Grant Agreement dated

September 9, 2008 between the City of Denton and DCTIRZ, a Texas Limited Liability Company, to assign all rights and title, to and under the Agreement to Amarillo National Bank.

Ordinance No. 2012-238

- E. Consider adoption of an ordinance of the City of Denton, Texas, Nunc Pro Tunc, correcting an inadvertent mistake in Ordinance No. 2012-188, specifically its amendment of a rezoning from a Neighborhood Residential 3 (NR-3) zoning district and land use classification to a Neighborhood Residential Mixed Use 12 (NRMU-12) zoning district and land use classification with a restrictive overlay on 3.3 acres of land located east of Bell Avenue, approximately 500 feet north of the northeast intersection of Sherman Drive and Bell Avenue and is approximately 185 feet south of Sunrise Cove; providing for a penalty in the maximum amount of \$2,000.00 for violation thereof; providing for severability, savings and supersedure; and providing for an effective date.

Ordinance No. 2012-239

- F. Consider adoption of an ordinance of the City of Denton, Texas approving an Interagency Cooperation Contract by and between the University of Texas at Arlington and the City of Denton, Texas for a term of three years to provide landfill field testing and monitoring services, enhanced leachate recirculation modeling, efficiency analyses, research, development of a mining methodology and materials characterization in order to support ongoing studies of several landfill parameters for the City of Denton Landfill in an amount not-to-exceed \$344,415; providing for retroactive approval, confirmation and ratification thereof; authorizing the City Manager or his designee to execute said contract on behalf of the City of Denton; providing for the expenditure of funds; and providing an effective date (File 4816). The Public Utilities Board recommends approval (5-0).

Ordinance No. 2012-240

- G. Consider adoption of an ordinance of the City of Denton authorizing the City Manager or his designee to execute a Thirty-Six Month Lease Agreement with Ricoh USA, Inc. for production printing equipment for the City of Denton Reprographics Division through the Buy Board Cooperative Purchasing Network (Contract # 349-11); and providing an effective date. (File 5029-Lease of Production Printing Equipment awarded to Ricoh USA, Inc. in the annual lease amount of \$87,738.96 for a thirty-six month total of \$263,216.88).

Ordinance No. 2012-241

- H. Consider adoption of an ordinance accepting sealed proposals and awarding a Two Year Contract for Maintenance Services for the City of Denton Vehicle Wash Facility located at 1251 South Mayhill Road and providing an effective date (RFP 4837-Vehicle Wash Facility Services awarded to Pro-Tech Service Company, L.L.C. in the annual estimated amount of \$75,000 for a two year total of \$150,000). The Public Utilities Board recommends approval (5-0).

Ordinance No. 2012-242

- I. Consider adoption of an ordinance accepting sealed proposals and awarding a Public Works Contract for the Installation of a Belanger Condor Vehicle Wash System at the City of Denton's Vehicle Wash Facility; providing for the expenditure of funds therefor; and providing an effective date (RFP 4837-awarded to Pro Tech Service Company, L.L.C. in the amount of \$86,590.04). The Public Utilities Board recommends approval (5-0).

Ordinance No. 2012-243

- J. Consider adoption of an ordinance approving the expenditure of funds for Red Light Citation Verification Services for the City of Denton Automated Traffic Signal Enforcement program available from only one source in accordance with Texas Local Government Code 252.022, exempting such purchases from requirements of competitive bids; providing for the expenditure of funds therefor; and providing an effective date (File 4984-Red Light Citation Collection Contract awarded to Redflex Traffic Systems, Inc., in the five year not to exceed amount of \$150,000).

Ordinance No. 2012-244

- K. Consider adoption of an ordinance accepting competitive proposals and awarding a Two Year Contract for Administrative Services Only (ASO) for Medical and Pharmacy Benefits and Employee Assistance Program (EAP) for the City of Denton; providing for the expenditure of funds therefor; and providing an effective date (RFP 4956-Administrative Services Only (ASO) for Medical and Pharmacy Benefits and Employee Assistance Program (EAP) awarded to United Healthcare Services, Inc. in the annual estimated amount of \$601,779.36 for ASO and \$27,074.40 for the EAP for a total annual estimated amount of \$628,853.76 and for a two year estimated expenditure of \$1,257,707.52).

Ordinance No. 2012-245

- L. Consider adoption of an ordinance of the City Council of the City of Denton, Texas authorizing the City Manager to execute a License Agreement by and between the City of Denton, Texas, as Licensee and Electric Transportation Engineering Corporation d/b/a/ ECOTality North America, a Corporation, as Licensor, for Electric Vehicle Supply Equipment and Software for the ECOTality Project for Electric Vehicle Refueling Stations; approving the expenditure of funds therefore; and providing an effective date. (DME)

Ordinance No. 2012-246

- M. Consider adoption of an ordinance approving the "National Highway System (NHS) program project agreement for state-contracted traffic signal construction (with municipality providing limited materials or labor)" regarding the City's participation in the procurement and installation of traffic signals on roadways within the city limits of the City of Denton, Texas by and between the City of Denton, Texas and the State of Texas, acting by and through its agency, the Texas Department of Transportation; providing the City Manager with authority to carry out the rights and duties of the city regarding said agreement; and providing an effective date.

Ordinance No. 2012-247

- N. Consider approval of a resolution creating an ad-hoc citizen advisory committee to advise Council and staff on the development of an ordinance regulating smoking and the composition of such a citizen committee.

Approved the minutes listed below

- O. Consider approval of the minutes of:
August 6, 2012
August 7, 2012
August 14, 2012

Approved the request below for public art.

- P. Consider approval of the Parks, Recreation and Beautification Board's recommendation to select artist Michael Boyett's sculpture, The Legacy, as public art for the City of Denton. The sculpture, which will cost \$31,911, is pursuant to the City of Denton Public Art policy approved by Resolution R2006-014 and will be funded with Hotel Tax revenues previously authorized and encumbered for expenditure to such purposes; and declaring an effective date. The Parks, Recreation and Beautification Board recommends approval (5-0).

Resolution No. R2012-030

- Q. Consider approval of a resolution amending Resolution No. R2011-036 regarding the Denton Handbook for Boards, Commissions, and Council Committees to add a process by which Boards and Commissions may communicate with the City Council.

Ordinance No. 2012-247

- R. Consider adoption of an ordinance accepting competitive proposals and awarding a Two Year Contract for Property, Boiler and Machinery Insurance Coverage for the City of Denton; providing for the expenditure of funds therefor; and providing an effective date (RFP 5017-Property, Boiler and Machinery Insurance Coverage for the City of Denton awarded to Affiliated FM Insurance Company at a rate of \$0.0655 per \$100 of insurable value).

Ordinance No. 2012-248

- S. Consider adoption of an ordinance for the City of Denton, Texas authorizing the City Manager to execute a professional service agreement with Focused Advocacy, LLC to assist the City in advancing its State Legislative Program, assist council and staff in addressing proposed legislation, and make the City aware of any legislative or administrative initiatives believed to be detrimental to the interests of the City; authorizing the expenditure of funds therefore; and providing an effective date (amount not to exceed \$137,500 annually, or \$275,000 for the total two-year contract).

Resolution No. R2012-031

- T. Consider approval of a resolution expressing the intent of the City Council of the City of Denton, Texas to seek reimbursement for the purchase price and any remediation costs under certain circumstances for the property acquired pursuant to Ordinance No. 2012-187, consisting of a 2.0 acre tract, more or less, and located in the Hiram Sisco Survey, Abstract No. 1184, Denton County, Texas, and located generally at the southeast corner of the intersection of East McKinney Street and Oakland Street, as more particularly described therein, and providing an effective date.

5. ITEMS FOR INDIVIDUAL CONSIDERATION

- A. Consider appointments to the Ad-hoc Citizen Advisory Committee on the Smoking Regulations.

Lindsey Baker, Assistant to the City Manager, presented information on the members to be considered and noted that the membership had been updated since the Council Work Session.

Council Member King motioned, Council Member Engelbrecht seconded to approve the revised membership. On roll call vote, Council Member King "aye", Council Member Watts "aye", Council Member Gregory "aye", Council Member Engelbrecht "aye", and Mayor Burroughs "aye". Motion carried unanimously.

- B. Consider nominations/appointments to the City's Boards & Commissions.

1. Community Development Advisory Committee
2. Health & Building Standards Commission
3. Human Services Advisory Committee
4. Parks, Recreation and Beautification Board
5. Public Utilities Board

Council Member Watts nominated Larry Varnes to the Community Development Advisory Committee, Mayor Pro Tem Kamp nominated Greg Coward to the Health & Building Standards Commission and Council Member Roden had previously nominated Lilia Bynum to the Public Utilities Board.

Council Member Watts motioned, Council Member King seconded to approve the nominations. On roll call vote, Council Member King "aye", Council Member Watts "aye", Council Member Gregory "aye", Council Member Engelbrecht "aye", and Mayor Burroughs "aye". Motion carried unanimously.

Resolution No. R2012-032

- C. Consider approval of a resolution of the City Council of the City of Denton, Texas receiving and accepting the City of Denton, Texas capacity, management, operation and maintenance ("CMOM") self-audit report conducted by Pipeline Analysis,

L.L.C. dated July, 2012, regarding the Denton wastewater collection system utilizing the Environmental Protection Agency's "Region IV CMOM self-audit/self disclosure program" and components of the Environmental Protection Agency's sanitary sewer overflow ("SSO") draft rule, including the CMOM and asset management ("AM") business practices; and providing an effective date.

PS Arora, Wastewater Division Manager, presented the details on the resolution. He stated that the Wastewater Department had retained Pipeline Analysis to audit and prepare a report for the wastewater collection system using the EPA's Region IV CMOM Self-Audit/Self-Disclosure program.

Jim Forbes, Pipeline Analysis, stated that the CMOM audit was a recommendation from the EPA to see where the system was today and where would be in the future. The audit was only done on the wastewater collection process. Critical needs identified during the CMOM included (1) construction inspection, (2) warranty tracking, (3) hydraulic cleaning and others. The CMOM addressed current practices, sustainability, and prioritized program needs. System inventory and information management found that the city collection system assets were in GIS and updated continually. Attribute data was populated in the GIS database and procedures were in place to update as changes were made to the collection system. The audit showed that 45% of the City was clay pipe that would not last very long and was already deteriorating. Maintenance Management showed that the system software was up to date and asset numbering procedures were in place to assess asset numbers to new assets as they were added. It was suggested going wireless to maintain the information. Safety and training showed a successful safety program as evidenced by a good safety record. A recommendation was to have written safety policies and overflow emergency response plan continued to be reviewed and updated to assist in the safety efforts. The audit of the Overflow Emergency Response Plan showed that staff was well versed in TCEQ and EPA rules and regulations and did reporting as required. The Collection System Maintenance audit showed that preventative maintenance cleaning was being undertaken on an aggressive schedule. He recommended adding one or two more crews to help maintain clay pipes. In terms of Source Control, the Sewer Use Ordinance was reviewed annually by staff and updated as needed to address infiltration/inflow illicit connections and grease. His suggestion would be to develop an ordinance that would require retrofitting inadequately sized grease interceptors when a new building permit was issued, new occupancy permits was applied for or when violations exceeded a certain threshold.

Council Member Roden returned to the meeting.

Forbes continued with Standard Design, Construction and Inspection. He stated that the City had standard design specifications, detailed drawings, approved materials lists and design criteria to standardize the design of gravity sewer and force main projects. Communication and Outreach showed an excellent outreach for residents in terms of the city's website, newsletters, cable access, auto-dialing by area, newspaper, door hangers and billing inserts. Monitoring, Measurement and Program Modification showed that annual monitoring of CMOM by staff with performance indicators would determine how the City was doing with the program and how to optimize the system. In the area of adequate funding, the needs far exceeded funding sources. Staff had prioritized the CIP program to minimize the impact on rates. Human Resource support showed that the overall current system strove to develop career ladders to keep specialization

where needed. His only suggestion was that certain skilled operators should have production standards. The audit of the Purchasing area resulted in a recommendation to develop a list of critical spare parts that might require a sole source purchase when no suitable alternative was available. The use of the Buy Board was encouraged.

His overall score for the audit was an "A". He noted that no other city was doing the amount of work that Denton was doing and this was the only city he had ever given an "A" to on the audit.

Council Member Watts stated that there had been a few sanitary sewer overflows that had occurred in the past several years and appreciated the staff's efforts in this regard.

Council Member King motioned, Council Member Gregory seconded to approve the resolution. On roll call vote, Council Member King "aye", Council Member Watts "aye", Council Member Gregory "aye", Council Member Engelbrecht "aye", Mayor Burroughs "aye", and Council Member Roden "aye". Motion carried unanimously.

6. PUBLIC HEARINGS

Ordinance No. 2012-249

- A. Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, providing for a Comprehensive Plan amendment from an Existing Land Use/Infill Compatibility future land use designation to a Downtown University Core future land use designation for approximately 13.31 acres, generally located on the south side of I-35E, approximately 500 feet west of North Texas Boulevard and legally described as a tract of land situated in the Eugene Puchalski Survey, Abstract No. 996, Denton County, Texas, and being a portion of that certain tract of land as described in deed to the State of Texas, recorded in Volume 294, Page 121, and Volume 291, Page 82 of the deed records of Denton County, Texas, and being all of Lot 1, Block 1 of the Final Plat of Sheraton North Texas Addition, an addition to the City of Denton, Denton County, Texas, recorded in Cabinet C, Page 400, of the plat records of Denton County, Texas; providing for a penalty in the maximum amount of \$2,000.00 for violations thereof; and providing for severability and an effective date. (CA12-0001) The Planning and Zoning Commission recommends approval (6-0).

Mayor Burroughs noted that Item 6A and 6B would be presented together.

Ron Menguita, Planning Supervisor, stated that Item 6A was an ordinance amending the Comprehensive Plan for a future land use designation to Downtown University Core for approximately 13.31 acres on the south side of I-35E, west of North Texas Boulevard. UNT was working in partnership with Denton and a private developer to develop the property into a full-service hotel conference/convention center and restaurant. In conjunction with the Comprehensive Plan amendment, staff was proposing to rezone the property to DC-G. This was Item 6B on the Council agenda. If approved the DC-G would allow for the convention center and restaurant without any limitations. He reviewed the Eagle Point campus development site which was also in the Denia neighborhood. Staff met with residents who expressed concerns about access and traffic from the convention center. Staff concluded the criteria for the Denia plan would be met. The Comprehensive Plan amendment must first be approved by Council

before the proposed rezoning request could be considered. All criteria for the amendment had been met per staff analysis. The Planning and Zoning Commission and Development Review Committee recommended approval of the Comprehensive Plan amendment as well as the rezoning request.

The Mayor opened the public hearing for Item 6A.

Judy VanLoan, 2006 Wisteria, Denton, 76201 spoke in opposition.

The Mayor closed the public hearing for 6A.

Mayor opened the public hearing for 6B.

No one spoke during the public hearing.

The Mayor closed the public hearing.

Council Member Gregory motioned, Council Member King seconded to adopt the ordinance for 6A. On roll call vote, Council Member King "aye", Council Member Watts "aye", Council Member Gregory "aye", Council Member Engelbrecht "aye", Mayor Burroughs "aye", and Council Member Roden "aye". Motion carried unanimously.

Ordinance No. 212-250

- B. Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, providing for a zoning change from a Neighborhood Residential 2 (NR-2) and Neighborhood Residential Mixed Use (NRMU) to a Downtown Commercial General (DC-G) zoning district classification and use designation for approximately 13.31 acres, generally located on the south side of I-35E, approximately 500 feet west of North Texas Boulevard and legally described as a tract of land situated in the Eugene Puchalski Survey, Abstract No. 996, Denton County, Texas, and being a portion of that certain tract of land as described in deed to the State of Texas, recorded in Volume 294, Page 121, and Volume 291, Page 82 of the deed records of Denton County, Texas, and being all of Lot 1, Block 1 of the Final Plat of Sheraton North Texas Addition, an addition to the City of Denton, Denton County, Texas, recorded in Cabinet C, Page 400, of the plat records of Denton County, Texas; providing for a penalty in the maximum amount of \$2,000.00 for violations thereof; and providing for severability and an effective date. (Z12-0002) The Planning and Zoning Commission recommends approval (6-0).

The public hearing for this item was considered with 6A.

Council Member Gregory motioned, Council Member King seconded to adopt the ordinance for 6B. On roll call vote, Council Member King "aye", Council Member Watts "aye", Council Member Gregory "aye", Council Member Engelbrecht "aye", Mayor Burroughs "aye", and Council Member Roden "aye". Motion carried unanimously.

Ordinance No. 2012-251

- C. Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, providing for an initial zoning district and use classification of Regional Center Commercial Downtown (RCC-D) on approximately 9.5 acres and the rezoning of approximately 3.6 acres from Regional Center Residential 1 (RCR-1) zoning district and use classification to a RCC-D zoning district and use classification; located on the west side of North I-35, south of Ganzer Road and north of Barthold Road; and providing for a penalty in the maximum amount of \$2,000.00 for violations thereof, severability and an effective date. (Z12-0004) The Planning and Zoning Commission recommends approval (7-0).

Brian Lockley, Interim Director of Planning and Development, presented the details on the proposal. The request was for initial zoning of Regional Center Commercial Downtown and rezoning of a portion of the tract to Regional Center Residential 1. The purpose of the rezoning request was to permit the existing use of RV sales and service to be operated legally. The use was currently considered non-conforming. The Planning and Zoning Commission and the Development Review Committee recommended approval.

Council Member Watts asked about the improvements on the property.

Lockley stated that the improvements were on site but not developed.

Council Member Watts stated that the shop building and other buildings were already there when the property was annexed.

Lockley stated that was correct.

The Mayor opened the public hearing.

Rick Baria, 5138 Edwards Road, Denton, 76201 spoke in favor.

The Mayor closed the public hearing

Council Member Watts motioned, Council Member Engelbrecht seconded to adopt the ordinance. On roll call vote, Council Member King "aye", Council Member Watts "aye", Council Member Gregory "aye", Council Member Engelbrecht "aye", Mayor Burroughs "aye", and Council Member Roden "aye". Motion carried unanimously.

Ordinance No. 2012-252

- D. Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, providing for a zoning change from a Neighborhood Residential 2 (NR-2) zoning district to a Neighborhood Residential 6 (NR-6) zoning district on approximately 23.9 acres. The property is located south of Pockrus Page Road, east of the Interstate 35 frontage road and west of Cattail Lane, within the City of Denton, Denton County, Texas; providing for a penalty in the maximum of \$2,000.00 for violations thereof, severability and an effective date. (Z12-0006) The Planning and Zoning Commission recommends approval (6-0).

Erica Marohnic, Senior Planner, stated that the proposal was to develop 116 single family detached homes on the property. The proposed zoning was NR-6 with the lot sizes consistent with the lots in the Villages of Carmel. The zoning was also consistent with the Villages of Carmel. The applicant had a neighborhood meeting to work on neighborhood concerns. The Development Review Committee found the request consistent with surrounding land uses and along with the Planning and Zoning Commission recommended approval.

Mayor Burroughs stated that the property was zoned NR-3 due to the prior city-wide rezoning. The property was previously agriculture. He asked if there was an NR-2 use on any of the property.

Marohnic stated that Phase I was originally NR-2 but the property had been rezoned to NR-6. The Mayor opened the public hearing.

The following individuals spoke during the public hearing:

Mark Allen, future property owner, would answer any Council questions.

Council Member Watts asked if the lot sizes would be the same as an average adjacent lot size.

Marohnic stated correct.

Bob Shelton stated that he was available to answer any questions.

The Mayor closed the public hearing.

Council Member Roden motioned, Council Member Watts seconded to adopt the ordinance. On roll call vote, Council Member King "aye", Council Member Watts "aye", Council Member Gregory "aye", Council Member Engelbrecht "aye", Mayor Burroughs "aye", and Council Member Roden "aye". Motion carried unanimously.

Ordinance No. 2012-253

- E. Hold a public hearing and consider adoption of an ordinance of the City of Denton regarding a Specific Use Permit to allow a beauty shop as a home occupation within a single-family residence on a 0.137 acre property located within a Neighborhood Residential 4 (NR-4) zoning district. The subject property is generally located north of Terry Court and west of Mockingbird Lane, within the City of Denton, Denton County, Texas; providing for a penalty in the maximum of \$2,000.00 for violations thereof, severability and an effective date. (S12-0002) The Planning and Zoning Commission recommends approval (7-0).

Bryan Lockley, Interim Director of Planning and Development, presented the details of the request. He indicated that the specific use request would allow a beauty shop as a home occupation within a single family residence. Neighborhood opposition was based on traffic and safety. There was a concern that children walked in front of the property going to and from school but it appeared that traffic was at a minimum with the business. The Planning and Zoning Commission recommended approval as did the Development Review Committee. The

Commission recommended the following conditions for approval: (1) there would be no outside employees, (2) there would be no more than one chair, (3) there would be no more than two customers at one time and (4) hours of operation would be between 8:00 a.m. and 8:00 p.m.

The Mayor opened the public hearing.

No one spoke during the public hearing.

The Mayor closed the public hearing.

Council Member King motioned, Council Member Watts seconded to adopt the ordinance. On roll call vote, Council Member King "aye", Council Member Watts "aye", Council Member Gregory "aye", Council Member Engelbrecht "aye", Mayor Burroughs "aye", and Council Member Roden "aye". Motion carried unanimously.

7. CITIZEN REPORTS

A. Review of procedures for addressing the City Council.

B. Receive citizen reports from the following:

1. Nell Yeldell regarding the Denton County Tax Office.

Ms. Yeldell spoke regarding the Denton County Tax office. She had a letter concerning issues with her property and activities occurring on that property. She presented the letter to the City Secretary. She presented details regarding a problem she had with the Denton County Tax Office regarding tags for her vehicle.

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.

Council did not have any items for consideration.

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

Council returned to Closed Session at 8:15 p.m. with no official action taken.

With no further business, the meeting returned to Open Session at 8:25 p.m. and the meeting was adjourned.

MARK A. BURROUGHS
MAYOR
CITY OF DENTON, TEXAS

JENNIFER WALTERS
CITY SECRETARY
CITY OF DENTON, TEXAS