

CITY OF DENTON CITY COUNCIL MINUTES

January 6, 2015

After determining that a quorum was present, the City Council convened in a Work Session on Tuesday, January 6, 2015 at 1:00 p.m. in the Council Work Session Room at City Hall.

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

ABSENT: Council Member Hawkins.

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 January 6, 2015.

Council Member Ryan questioned that the repealing ordinance for Consent Agenda Item I was not authorized to be put in place.

Brian Lockley, Director of Planning and Development, stated that in July when the ordinance was adopted there were questions as to what Council had adopted. Legal feedback indicated that the ordinance did not cover all of what was requested. That ordinance did not move forward and was not executed.

City Manager Campbell stated that the proposed ordinance cleaned up language that was intended in July and what was requested. It was correcting the prior ordinance to make sure all of what was requested was in the ordinance.

Council Member Gregory asked why the ordinance was on the Consent Agenda and requested more of an explanation.

Lockley stated that the initial purpose of the ordinance was to allow the applicant to clear and grade their property without platting which was required by Denton Development Code. The initial thought was that the developer would submit a phasing plan. Further discussions centered on whether that could be done only one time rather than in phases and questions came up on how that might be done in phases. Based on that discussion, criteria were developed to review the phasing plan, revisions and amendments which were not included in the ordinance in July. The actual criteria today would be required with a phasing plan that staff could review, approve, deny or suggest revisions. This would allow staff more flexibility for the phasing plan so that if changes came, it would not have to come back to Council for review and approval.

Council Member Gregory asked if the applicants were in favor of the proposed ordinance.

Lockley stated that the applicants were in agreement with the proposed ordinance.

Mayor Pro Tem Engelbrecht stated that Item J on the Consent Agenda did not indicate a dB level for the noise exception.

Emerson Vorel, Director of Parks and Recreation, stated that the applicant did not request a change in dB. The ordinance interpretation was 65 dB and that would be the required limit. Mayor Pro Tem Engelbrecht asked if the contractor expected to work the whole time.

Vorel stated that the contractor had requested to work all available time allowed in order to shorten the work time by 2- 2 ½ weeks.

Mayor Pro Tem Engelbrecht asked if there was an allowance for changes by the contractor if needed.

Vorel stated that had not been discussed.

Mayor Pro Tem Engelbrecht asked about posting contact information so people knew who to call with questions.

Vorel stated that staff would work with Public Communications to get that word out.

Mayor Pro Tem Engelbrecht suggested posting signs with email addresses and phone numbers for citizens to call for questions.

Mayor Watts stated that this request was to help mitigate the traffic problems on University. He questioned if the robocall system could be used to alert residents in the immediate area.

John Cabrales, Assistant City Manager, stated that the reverse 911 system could be used to call that area to inform them of the situation.

Mayor Watts questioned the replacement policy for the mowers and tractors listed in Consent Agenda Item B.

Terry Kader, Fleet Supervisor, stated that this was a similar type of replacement program as was used for vehicles except that it was based on hours instead of miles used.

Mayor Watts asked about the purchase of fuel noted in Consent Agenda Item C.

Vance Kemler, General Manager of Solid Waste, stated that the City continued to purchase CNG trucks which were the least fuel efficient due to the nature of their work. Because there were more vehicles there was a larger amount of gas to approve. The unit cost and the cost of natural gas had not changed. The cost of diesel was difficult to estimate over the next several years.

Mayor Watts asked about Consent Agenda Item A dealing with the airport grant and questioned what the increase cost was.

Quentin Hix, Airport Manager, stated that this was a project started in 2013 to add a meeting room to the Airport building and add a potential restaurant. The grant was for the meeting room portion of the terminal expansion but due to the two phases, the original concept plan of estimate of cost was less than what the detail included. As staff moved through the project, it was identified that the meeting room needed to be slightly enlarged and had additional infrastructure improvements on the outside of the terminal, parking and relocation of utilities which had the cost over the original concept estimate for the meeting room.

3. Work Session Reports

- A. SI14-0013 Receive a report, hold a discussion, and give staff direction regarding the proposed Rayzor Ranch Vision and proposed revision to the current Ordinance.

Brian Lockley, Director of Planning and Development, presented the details of the item. He reviewed a brief history of the project, the 2010-158 ordinance revisions, and RED Development's vision. Staff was requesting Council direction on RED Development's vision for Rayzor Ranch Town Center. The vision presented by the RED development was not captured in the current ordinance. Discussion was also needed on how to better facilitate the development. The overlay district was established in 2007 and amended in 2010 as a request by the applicant which removed the site plan, established a bubble plan, and revised architectural, landscape and signage guidelines.

Issues with Flexibility - Article 1 – this section indicated that the Rayzor Ranch Town Center was to have distinctive architectural theming, including common design elements and materials. The question was how apply the review of the building permits in terms of whether Building A was consistent with Building B. The common design elements and materials did not stipulate how much of what material was required and where it should be located on the structure.

Section B. 3 stated that the project was to have a complimentary building character. The buildings would be designed to enhance the community character and have features that provided visual interest. Large blank facades and wall surfaces would not be permitted. “Complimentary building character” was difficult to interpret, none of which were detailed in the Overlay District. A question was how to interpret that in terms of native stone and stone veneers. Staff was recommending that the gray areas be revisited to remove any uncertainty and aid in efficient project processing.

Council Member Gregory asked if the entire building had consistent elements.

Lockley stated that out parcels would have some elements consistent throughout such as color and materials. Store fronts would have similar architecture.

Council Member Gregory asked about the 2010 Article 1 wording and whether it was a whole revision done where the developer proposed a set of wording and staff modified it until they were comfortable with the proposal by the developer. He questioned the author.

Lockley stated that he was not sure how the language was developed that the Council adopted. The discussion was about the need to ensure that this was a consistently developed property but also allowed for flexibility when dealing with independent users. The language was to rely on the applicant to bring in the design and users that met the overall goal.

Council Member Gregory stated that he had some anxiety when the detailed plan was changed to the bubble plan because of a fear of losing some of the promised quality. There was an agreement that flexibility was important but everyone agreed that quality and upscale development was part of the agreement.

Council Member Johnson stated that for clarification he felt the applicant in 2010 inherited the original plan. If there were no incentives in place for reimbursement of streets, etc., the developer could build whatever he wanted if the overlay was removed. The interpretation did not feel like they were partners with the developer.

Council Member Gregory stated that he was under the impression that the incentives were for reimbursement of public infrastructure. However, the first paragraph stated that the road may be private or public at this time depending on final design. Public tax dollars should not be used to develop private roads. He felt the flexibility given to staff and provided for the developer had resulted in some confusion or disagreements.

Lockley stated that his purpose at this meeting was for Council direction on how to move forward. If the direction from Council was to follow established standards, then staff would go with that. If not the established standards but rather the vision submitted, staff would go with that.

Council Member Roden stated that it might helpful if there were clear case studies of what was being interpreted by Council and what staff was interpreting. Examples could be shown to help with decisions.

Mayor Pro Tem Engelbrecht felt that the comments by RED were descriptive enough to reflect in the presentation. He asked where staff stood on the prior presentation from RED.

Lockley stated that it went back to the comment on interpretation on quality. His position might be good to him but might not be important to others. He could offer a professional opinion but he had to balance those interests with Council and the applicant for the best development.

Mayor Pro Tem Engelbrecht stated that unifying architecture material just had a listing of stone but if that were changed to masonry it would open up a variety of materials.

Lockley stated that there was a set of parameters to operate in with an “up to” amount for any of these different elements to be incorporated. The developer could pick and choose from those to design elevation.

Mayor Watts stated the intent during the ordinance revision was very firm on the changes for incentives and multi-family changes. He wanted the same quality as everyone else did and felt that there appeared to be lack of confidence in the process with the developer.

Council discussed the process of how to meet a middle ground on the development of this project. The hope was that the direction given at this meeting would not delay the development.

Lockley stated that if Council was satisfied with elevations then that would be a start to the process.

Council Member Johnson stated that one important component was the tenant. If too much flexibility was a concern, the project made no sense if it could not attract national high quality brands to this market. The tenant would control the quality of the building.

Council Member Roden felt that it could not be assumed that quality would happen if the standards were loosened. He had a concern that staff had a problem that was not being articulated and questioned what the differences were between staff and the developer.

Lockley stated that one concern was the backs of buildings and the importance to have 360 degree architect on the buildings. The front had many differences to show different stores. However, the multi-family portion of the development would look down on the backs of the buildings. If in that multi-family all the residents saw were garages or deliveries for the stores, there would not be the impression of nice quality development. Screening the backs with a variation of materials near the top would add to the backs of the buildings and would be seen from all around the development. Something added to the walls to vary the surface area such as roof features, other materials to break up the blank features. It was not enough to put everything on the front and there was a need to be concerned on how people interacted with the entire area. Quality developments that were sustainable and places of continued interest had detail in layout and design.

Mayor Pro Tem Engelbrecht pointed out that none of the plantings were specified on the list and it was that kind of thing that bothered him. A picture was presented but was not exactly what was proposed.

Council Member Gregory felt that some of the buildings according to plan would be what people would see from the multi-family and some would be the first impression of what people saw when they came into the development. The back side of the development was unattractive and he understood why staff had suggested a percentage of masonry as that was a common way of HOAs to guarantee quality of development in a neighborhood. There needed to be a concern not only about building materials but also the landscape materials that helped invite people into the area. He liked having RED as a partner and liked what was done on the north side. He suggested letting RED build as proposed and change the ordinance in the future if the quality was not there. If later it was felt that RED was taking advantage of the flexibility, then the ordinance could be changed.

Lockley stated that his direction at this point was develop those structures with the vision documents and to look at that in concert with the language in the current ordinance to ensure the development was of the quality it was understood to be.

Lockley stated that the last piece was the pedestrian connectivity. The sidewalks did not appear to be designed for intuitive pedestrian use. If the area was walkable, the intent would be to park somewhere and walk somewhere without having to get back into a car. Staff was looking for connectivity from the outer parcels to the inner parcels. This was an area to revisit in the plan to understand how the photos incorporated into a more pedestrian intuitive plan.

Mayor Pro Tem Engelbrecht stated that it appeared to him that the RED was looking at the Town Center area with connectivity to the south and east but did not see the outer areas as being integral to the Town Center and to the walking area. He felt there was disconnect between what the staff was looking at and what RED was looking at in the pedestrian area. That tied into how to orient the buildings on I35 plus how to orient a drive through for the restaurants.

Council Member Roden questioned what the goal was for a walkable south side. No one walked on the north side. He questioned if the goal was to have all the acreage a walkable area or just a small area in a sea of urban environment. He was not sure if the vision was to try and connect the two.

Lockley stated that it was understood that the north side would not be walkable. It was also understood that the south side with the Town Center and out parcels would be pedestrian oriented. The developer clarified that it would not be pedestrian oriented but walkable and the question was how to make that happen. The current ordinance did not speak to the vision plan that was submitted. To incorporate that, an ordinance adopting that with those parameters would be needed. In the interim, staff would use the vision guide book as policy direction for plans as they came through.

City Attorney Burgess stated that staff could incorporate the vision in an ordinance as quickly as possible and do a case by case basis before the ordinance was passed.

Lockley stated that the City Manager could direct staff to use the vision book to move forward.

Mayor Watts stated that he would like staff to visit with RED on the pedestrian walkway to see what could be workable.

Mayor Pro Tem Engelbrecht suggested setting up a mechanism to help with concerns on what RED was proposing as he did not want all of it falling on staff for the final decisions.

Mayor Watts suggested that staff and the developer brain storm to find a structure acceptable for both consensus on how to do that.

City Manager Campbell stated that if there was a concern about the vision or the intent of the Council, staff and the developer would work on an agreement and if one could not be reached, then have a mechanism to address those concerns. The intent was to not have Council involved in every decision.

Mayor Pro Tem Engelbrecht stated that would address the Town Center but not the out parcels and questioned how those would treated and if they should be included in the process

Mayor Watts stated that whatever the theme or consistency in the Town Center would be applied to the out parcels with consideration for trade dress for some developments. The outside should reflect a common theme in the out parcels. He felt a message was being sent regarding no blank walls in high visible areas.

Council Member Gregory stated that he would like to see premium finishes in the mix. Staff and developer needed to come up with an agreement on those premium finishes with a reasonable selection for those types of finishes.

Mayor Watts requested an Informal Staff Report on 380 reimbursements for public infrastructure.

- B. ID 15-001 Receive a report, hold a discussion, and give staff direction regarding Smoking Ordinance No. 2012-367.

Lindsay Baker, IGR/PIO, stated that her presentation would be a review of what was included in the backup regarding the smoking ordinance. The ordinance was implemented in 2012 with no major issues or citations on the ordinance. Staff was asking Council if it wanted to expand or remove any issue from the ordinance. The issue of E-cigarettes might be a consideration, a discussion on bars not currently 100% smoke free or outdoor distances. Staff would like to include in a revised ordinance a 30 foot distance from libraries.

Council Member Roden asked if minors were able to purchase E-Cigs or E-juices. Baker stated yes. Council Member Roden stated that E-cigs was an unregulated market leaving cities in Texas to regulate it.

Mayor Watts stated that he would be in favor of a stipulation for an age for the purchase of E-cigs. He would also support a ban in bars that currently did not have a smoking ban plus a ban on E-cigs. There should be a distance requirement included for the recreation centers and some kind of setback from the entrance to establishments.

Council Member Ryan stated that the provision of not having setbacks dealt mainly with the downtown due to the close proximity of the buildings. In terms of the E-cigs he was in favor of no purchasing under 18 as well as the recreation center distances. He noted that one unintended consequence was the intention to allow smoking in an establishment if no one under the age of 18 went in. The establishment did not have to declare whether it was smoking or not and that caused confusion. He was not in favor of banning smoking altogether as bars were self-regulating. However, the establishments needed to set that they were either a smoking establishment or non-smoking establishment.

Council Member Gregory asked if there were comments from the businesses since the current ordinance went into effect or comments that revenues were harmed since the ban went into effect.

Baker stated that she had not received any negative feedback and the Council agreed that they had not received any negative feedback.

Council Member Gregory stated that Council was trying to protect the health and safety of people who worked in places from second hand smoke. He was in favor of a better setback for park facilities, to extend the ban to all bars, prohibiting the sale of E-cigs and vapor to anyone under 18 and to include E-cig use in the smoking ban.

Council Member Johnson agreed with the stipulations noted by Council Member Gregory. Smoking should be banned in all public places.

Council Member Roden encouraged staff to have a conversation with the County and smoking on the Courthouse grounds. He also questioned if there was a need reengage the original committee that worked on the smoking ordinance or to have input from citizens on these issues.

Council Member Gregory felt that there was no need to have a committee and that it might extend the process. At this point he was not concerned about outdoor patios but would like more information on that concern.

Council Member Ryan felt that rather than having a full ban in bars to not allow anyone under 18 in a bar with smoking.

Council Member Roden stated that he was uncomfortable with the exemption for bingo establishments.

Baker stated that those establishments had a three year exemption to come into compliance.

Mayor Pro Tem Engelbrecht suggested a specific period of time for public comment before drafting the ordinance.

Council Member Ryan stated that if a bingo establishment had already made the change over to a designated smoking area, smoking should not be banned in that facility. However, if a facility had not made the change, then consider a ban from that facility.

Baker suggested that Engage Denton be used for public comment.

Consensus of the Council was to have another work session on the proposed ordinance before actual consideration of an ordinance. Topics to consider included regulating the sale of E-cigs to those over 18, ban E-cigs in the same areas as smoking, banning smoking in all bars, outdoor distance settings and the health issue, include the recreation centers in the distance requirements, not reconvening the committee and holding discussions with the County.

- C. ID 15-008 Receive a report, hold a discussion, and give staff direction regarding the structure of the 2014 Bond Oversight Committee.

Bryan Langley, Assistant city Manager, reviewed the 2014 bond program which was passed in November 2014. Historically Council created oversight committees to provide guidance when potential changes or adjustments to the program might occur. The Oversight Committee had typically been composed of the chair and subcommittee chairs of the original advisory committee. Staff was recommending a five member oversight committee comprised of Randy Robinson, Tim Crouch, Janet Shelton, Sarah Hoffman and Brandon McCleskey. There was an existing 2012 bond committee just for streets and there was the possibility of coordination of the two committees. A joint meeting of the two committees could be held if needed.

Council Member Ryan asked if there were any cross over members.

Langley stated that Tim Crouch served on both committees.

Council Member Roden stated that there were several questions on the 2012 street bond with prioritizing the ones which needed the most work. The 2014 bond issuance provided more bonds for streets. He questioned how the two lists would be prioritized and suggested that two committees look at realigning the two lists.

Langley stated that staff could look internally on how that might be done and have a joint meeting if needed. A resolution would be brought back in February for Council consideration with a bond sale in late spring.

- D. ID 15-009 Receive a report, hold discussion and consider recommending approval of hiring a second construction crew and purchase of related construction equipment for the Wastewater Collection department.

PS Arora, Assistant Director of Water Utilities, stated that the Wastewater Collection Department was currently facing four major projects. Those projects included (1) EPA compliance, (2) Street bond program and additional funds dedicated for street reconstruction impacting sewer lines under the reconstruction designated streets, (3) coordination required with Water, Streets, and Drainage departments for street reconstruction projects, and (4) high contractor bid prices for sewer rehabilitation/reconstruction projects impacting wastewater department budget. Coordination was critical for the street reconstruction projects with a great deal of coordination required between Wastewater Collections, Water Distribution, Streets, and Drainage. Water Distribution had 2 in-house crews while Wastewater only had one crew which slowed the projects and resulted in longer timelines to complete a project. Projects were also coming in more costly. He showed a comparison of in-house construction costs as compared to outside contractor jobs.

The Wastewater Collections Department was proposing to add a new construction crew. The new positions and purchase of necessary construction equipment would be funded from the current approved budget for the Wastewater Collections Department budget.

Consensus of the Council was to proceed with the staff recommendation.

Following the completion of the Work Session, the City Council convened in a Closed Meeting to consider the specific items listed below under the Closed Meeting section of this agenda.

1. Closed Meeting:

- A. ID 15-017 Deliberations regarding Real Property - Under Texas Government Code Section 551.072; Consultation with Attorneys - Under Texas Government Code Section 551.071.

Discuss, deliberate, and receive information from staff and provide staff with direction pertaining to the potential purchase of certain real property interests located in the T. Toby Survey, Abstract No. 1285, City of Denton, Denton County, Texas, and generally located north of Airport Road and east of Masch Branch Road. Consultation with the City's attorneys regarding legal issues associated with the potential acquisition and condemnation of the real property described above where a public discussion of these legal matters would conflict with the duty of the City's attorneys to the City of Denton and the Denton City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas, or would jeopardize the City's legal position in any administrative proceeding or potential litigation. (Denton Enterprise Airport: Cook-McDuff tract - 10.154 acres [ID 15-015] & Cook-Walters tract - 5.89 acres [ID 15-016])

- B. ID 15-023 Deliberations regarding Real Property - Under Texas Government Code Section 551.072; Consultation with Attorneys - Under Texas Government Code Section 551.071.

Discuss, deliberate, receive information from staff and provide staff with direction pertaining to the acquisition of real property interests in the in the Alexander Hill Survey, Abstract No. 623, City of Denton, Denton County, Texas, generally located in the 200 block of Collins St.. Consultation with the City's attorneys regarding legal issues associated with the acquisition or condemnation of the real property interests referenced above where a public discussion of these legal matters would conflict with the duty of the City's attorneys to the City of Denton and Denton City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas, or would jeopardize the City's legal position in any administrative proceedings or potential litigation. (South Locust DME Substation Expansion) [File ID 15-020]

- C. ID 15-039 Consultation with Attorneys - Under Texas Government Code, Section 551.071.

Consult with and provide direction to City's attorneys regarding potential litigation and legal issues and strategies associated with the City's sign code and sign regulations, where a public discussion of such matters would conflict with the duty of the City's attorneys under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas. [File ID 15-038]

- D. ID 15-004 Certain Public Power Utilities: Competitive Matters - Under Texas Government Code, Section 551.086.

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 and enter into agreements regarding the same, in order to meet its future energy needs. Discuss, deliberate and provide staff with direction.

- E. ID 15-028 Consultation with Attorneys - Under Texas Government Code, Section 551.071.

Consult with and provide direction to City's attorneys regarding legal issues and strategies associated with the current Gas Well Ordinance, and proposed Gas Well Ordinance amendment, regulation of gas well drilling and production within the City Limits and the extraterritorial jurisdiction, including: Constitutional limitations, statutory limitations upon municipal regulatory authority; statutory preemption and vested rights; impacts of federal and state law and regulations; impacts of gas well drilling upon protected uses and vice-versa; current and proposed extension to, moratorium on drilling and production; other concerns about municipal regulatory authority or matters relating to enforcement of the Gas Well Ordinance, both current

and proposed; settlement matters concerning gas well drilling in the City; surface development issues involving surface and mineral estates; and legal matters associated with a citizen's initiative ordinance and pending litigation styled Jerry Patterson, Commissioner, Texas General Land Office v. City of Denton Texas, Cause No. D-1-GN-14-004628 currently pending in the 53rd District Court of Travis County and Texas Oil and Gas Association v. City of Denton, Cause No. 14-09833-431 currently pending in the 431st District Court of Denton County regarding hydraulic fracturing where a public discussion of these legal matters would conflict with the duty of the City's attorneys under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.

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. CONSENT AGENDA

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

Resolution No. R2015-001

A. ID 15-002 Consider approval of a resolution of the City of Denton, Texas authorizing the City Manager, or his designee, to expend Two hundred thirty-five thousand two hundred seventeen dollars and fifty cents (\$235,217.50) of Airport funds to supplement a grant supported improvement to the Denton Enterprise Airport terminal; and providing an effective date. The Council Airport Committee recommends approval (3-0).

Ordinance No. 2015-001

B. ID 15-003 Consider adoption of an ordinance accepting competitive proposals and awarding a contract for mowers and tractors for the City of Denton; and providing an effective date (RFP 5699-awarded to Ag-Power Inc. in the three (3) year not-to-exceed amount of \$1,211,622).

Ordinance No. 2015-002

C. ID 15-007 Consider adoption of an ordinance of the City of Denton, Texas authorizing the approval of a First Amendment to a contract with Ultimate CNG, LLC. for the purchase of temporary mobile compressed natural gas (CNG); providing for the expenditure of funds therefor; and providing an effective date (File 5424-

providing for an additional expenditure amount of \$450,000 with the total contract amount not-to-exceed \$595,000).

Ordinance No. 2015-003

D. ID 15-011 Consider adoption of an ordinance of the City of Denton, Texas authorizing the City Manager to execute a Professional Services Agreement for engineering and consulting services for the development and implementation of a computer model to optimize chemical usage for phosphorous removal, energy efficiency, methane generation, and optimization of the processes during dry and wet weather at the Pecan Creek Water Reclamation Plant; providing for the expenditure of funds therefor; and providing an effective date (File 5718-awarded to Hazen and Sawyer, P.C. in the not-to-exceed amount of \$136,017). The Public Utilities Board recommends approval (7-0).

Ordinance No. 2015-004

E. ID 15-012 Consider adoption of an ordinance of the City of Denton authorizing the City Manager or his designee to execute a contract through the State of Texas Smart Buy Program for the purchase of ammunition for the City of Denton Police Department as awarded by the State of Texas Contract 680-A1; and providing an effective date (File 5721-awarded to Precision Delta Corporation, Inc. in the three (3) year not-to-exceed amount of \$120,000).

Ordinance No. 2015-005

F. ID 15-015 Consider adoption of an ordinance authorizing the City Manager or his designee to execute a Written Notice of Termination thereby terminating the Contract of Sale between the City of Denton, Texas ("City") and Dorothy Nell Cook N/K/A Dorothy Nell McDuff ("Seller") for the sale and purchase of a 10.154 acre tract situated in the T. Toby survey, Abstract No. 1285, located in the City of Denton, Denton County, Texas; and providing for an effective date. (Denton Enterprise Airport: Cook-McDuff tract - 10.154 acres)

Ordinance No. 2015-006

G. ID 15-016 Consider adoption of an ordinance authorizing the City Manager or his designee to execute a Written Notice of Termination thereby terminating the Contract of Sale between the City of Denton, Texas ("City") and Everett F. Cook and Joy L. Walters ("Seller") for the sale and purchase of a 5.89 acre tract situated in the T. Toby survey, Abstract No. 1285, located in the City of Denton, Denton County, Texas; and providing for an effective date. (Denton Enterprise Airport: Cook-Walters tract - 5.89 acres)

Approved the minutes listed below.

H. ID 15-019 Consider approval of the minutes of November 3, November 4, November 11, and November 18, 2014.

Ordinance No. 2015-007

- I. Z13-0013B Consider adoption of an ordinance, amending approved Ordinance No. 2014-193, relating to approximately 99 acres within the southern tract of the Rayzor Ranch Overlay District, located at the southeast corner of U.S. Highway 380 and Interstate Highway 35, and described as Lot 1, Block 5 Rayzor Ranch South Conveyance Plat (document number 2010-119), which exempted from Denton Development Code, Section 35.18.2.A.1 relative to approval of a final plat and construction plans, subject to certain prescribed restrictions, prior to release of a clearing and grading permit, accepting applicant's withdrawal of the request to create a new RR-2A subdistrict and extending the applicability of existing stormwater quality standards for the district

Approved the noise exception requested below.

- J. ID 15-037 Consider a request for an exception to the Noise Ordinance from Jagoe-Public to reconstruct U.S. 380 from Bonnie Brae to Hinkle. If approved, work will take place from January 7, 2015, through January 30, 2015, 7:00 p.m. to 6:00 a.m. Texas Department of Transportation regulations allow for work to be completed from Sunday through Friday. As such, related work would begin Sunday evening and end Friday morning and will consist of milling the existing roadway, loading millings onto trucks, and hauling them away.

Ordinance No. 2015-008

- K. ID 15-038 Consider adoption of an ordinance of the City of Denton, Texas repealing §§33.10.6 and 33.18.8 of the Code of Ordinances of the City of Denton, Texas; providing for severability; providing a savings clause; and providing an effective date.

3. ITEMS FOR INDIVIDUAL CONSIDERATION - CONSIDERATION OF THE USE OF EMINENT DOMAIN TO CONDEMN REAL PROPERTY INTERESTS

Ordinance No. 2015-009

- A. ID 15-020 Consider adoption of an ordinance finding that a public use and necessity exists to acquire fee simple title to a 2.484 acre tract located in the Alexander Hill Survey, Abstract No. 623, City of Denton, Denton County, Texas, as more particularly described and depicted on the Exhibits "A" and "B" attachments to the ordinance and located generally in the 200 block of Collins St. ("Property Interests"), for the public use of expansion, construction, maintenance, operation, and improvement of electric transmission and distribution lines, facilities, and structures, including substations and switch stations; authorizing the City Manager, or his designee, to make a final offer to Tomasa L. Garcia ("Owner") to purchase the Property Interests for the price of Three Hundred Seventy Eight Thousand Seven Hundred and Eleven Dollars and 00/100 dollars (\$378,711.00), and other consideration, as set forth in the Contract of Sale attached as Exhibit "C" to the ordinance; authorizing the filing of eminent domain proceedings to acquire the Property Interests if the final offer is not accepted; authorizing the expenditure of funds; and providing an effective date. (South Locust DME Substation Expansion)

Galen Gillum, Executive Manager of DME Administrative Services, stated that this project involved the current DME Electric Substation Re-build project initiative. DME staff identified this property as necessary to accommodate the construction and operation of improvements to the electric transmission and distribution systems. This was one of three tracts that were needed for the future Locust Substation. An initial offer to purchase the property was extended to owner; however, the owner rejected the initial offer. Council will need to find that this property was needed for public use and that the necessity for the property was for the DME Substation Expansion.

Council Member Gregory motioned "I move that the City Manager, or his designee, is authorized to make a written final offer to the Owner, any and all of Owner's successors in interest to the Property Interest, or any other parties who may own any interest in the Property Interest to purchase a 2.484 acre tract situated in the Alexander Hill Survey, Abstract No. 623, located in the City of Denton, Denton County, Texas and located generally in the 200 block of Collins Street, (the "Property Interest") and is more particularly described on Exhibit "A" to the ordinance now under consideration and on the overhead screen being now displayed to the audience, for the public use for the expansion, construction, maintenance, operation, and improvement of the City's electric transmission and distribution lines, facilities, and structures, including substations and switch stations, and, if the terms of the written final offer are not agreed to by the Owner, any and all of Owner's successors in interests to the Property Interest, or any other parties who may own an interest in the Property Interest, to then use the power of eminent domain to acquire fee simple title to the Property Interest. Mayor Pro Tem Engelbrecht seconded the motion.

On roll call vote, Mayor Pro Tem Engelbrecht "aye", Council Member Gregory "aye", Council Member Johnson "aye", Council Member Roden "aye", Council Member Ryan "aye", and Mayor Watts "aye". Motion carried unanimously.

4. PUBLIC HEARINGS

- A. CA11-0004d Hold a public hearing and consider an ordinance of the City of Denton, Texas, adopting the update to the City of Denton's Comprehensive Plan; and providing an effective date. (CA11-0004) The Planning and Zoning Commission recommends approval of this request with conditions (5-2).

Ron Menguita, DRC Administrator, presented the details of the proposal to update the Comprehensive Plan. He reviewed the prior meetings and phases completed regarding the proposed plan.

The Community Vision Statement was presented in terms of character of Denton, people, institutions and government, and strength of the economy. It included strengthening the City's form and function.

The second component was the preferred growth concept which was the form, character and general location of development in the city that reflected input. The Plan also addressed present issues identified by stakeholders and the community. New opportunities and challenges such as

sustainability by promoting compact and purposeful growth in the center and along corridors, shifting demographics, and the influence of gas wells was also identified.

There were a number of outreach activities conducted to solicit input from the community. The first community forum dealt with issues and aspirations. The second forum dealt with selecting the future in terms of a preferred growth concept and the third reviewed the draft comprehensive plan. He illustrated the existing 1999 Denton Plan and the updated Plan for 2030.

The Implementation and Monitoring component included principles to guide future development and decision making, procedures, guidelines and an action plan for short-term, mid-term and long-term and ongoing actions. The Action Plan had different types of actions and various timeframes and included responsible departments for these actions and partners associated with the plan. Staff recommended approval as did the Planning and Zoning Commission with conditions.

Conditions 1-37 were amendments that were being proposed by staff for clarification purposes. Conditions 38-46 were based on discussions held during multiple Planning and Zoning Commission workshops and work sessions. These were conditions that the Commission would like changed to the draft plan and what they would like to see accomplished as part of the Plan. He reviewed the details of conditions 38-46.

Council discussed the various conditions with related explanations on how the conditions would be implemented. Condition 46 was discussed in terms of whether to continue meeting with the Citizens Committee and whether it would add another layer to the process which might not be needed. Once enacted, it was questioned if there would be standing committees to vet the Plan policies, actions and priorities.

Julie Donofrio, Wallace Robertson and Todd Consultant, stated that continuing with the Citizen Committee offered the opportunity to engage with those community members who helped develop the plan. It was more of an option to use the committee if there was a major issue to consider.

Menguita stated that Condition 47 was added by one Commission member stating that the Council should work to do away with the concept that Denton was difficult to do business with.

Council Member Roden stated that whether that condition was included or not included, it did not have any effect on the Plan. This was more of a statement of a value.

Council Member Gregory felt that several of the conditions were revising the wording, adding wording or amending the wording but some of the conditions did not seem to fit into a section. He questioned how those would be memorized if they were not specific revisions to parts of the plan presented.

Menguita suggested that when Council made a motion, it should identify which conditions it wanted to bring forward. It would not hamper the plan if they were not included.

Council Member Gregory felt that a motion might be one to approve the conditions or certain conditions. Those conditions would be incorporated into the Plan but some of the conditions

would just be listed and memorialized in the Plan so that they stayed with the plan. Those would be incorporated into the document but not the ordinance.

Council Member Gregory asked if the Council was in agreement with Conditions 1-46.

Menguita stated that Conditions 38, 39 40, 41 42, 43, 44, and 45 were action conditions which needed to be included in the plan.

Council Member Engelbrecht stated that he did not know that Council would be voting on this at this meeting. He would like time to review the conditions and give thought on how to include some of the statements into the ordinance. He suggested continuing the item to the next council meeting.

Mayor Watts asked if there was a sense on what conditions Council would like included in the Plan. If there was something the Council did not want, then it should be removed.

Menguita noted that Conditions 48-57 were items discussed during a Council Work Session discussion. He review those conditions and the revised action that would be included in the Plan.

Council Member Gregory stated that he was not sure that a monitoring and evaluation report reviewed by a citizen's advisory committee needed to be in that language. He asked the City Manager that since this was a big plan and city operation how he envisioned dividing these tasks out.

City Manager Campbell stated that the Comprehensive Plan effected every department but implementation and management would be done by Planning. Everyone would be brought into the process from time to time as this was a comprehensive planning document.

Menguita stated that the Planning Department would be in charge of monitoring but supported by technical advisory departments which consisted of various departments of the city.

The Mayor opened the public hearing.

The following individuals spoke during the public hearing:

Michelle Lynn, 1401 Egan, Denton, 76201 - spoke in favor

Comment cards were submitted by the following:

David Mollen, 701 Chisholm Trail, Denton, 76209 - in support

Jim Owen, no address given – in support

The Mayor closed the public hearing.

Mayor Pro Tem Engelbrecht motioned, Council Member Ryan seconded to closed the public hearing and continue the item to the February 3, 2015 meeting. On roll call vote, Mayor Pro Tem Engelbrecht "aye", Council Member Gregory "aye", Council Member Johnson "aye",

Council Member Roden "aye", Council Member Ryan "aye", and Mayor Watts "aye". Motion carried unanimously.

Ordinance No. 2015-010

- B. DCA14-0007 Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, regarding amending Section 35.5 of the Denton Development Code to add "Bar" to the schedule of uses and amend Section 35.23 to define the use of "Bar" providing for a penalty in the maximum amount of \$2,000 for violations thereof, severability, and an effective date (DCA14-0007). The Planning and Zoning Commission recommends approval of this request (7-0).

Ron Menguita, Development Review Administrator, stated that this proposed ordinance dealt with the definition of a bar and land use. He reviewed the background of the issue since the passage of the local option election. Currently there was no definition of a bar in the Development Code. The use and definition of a private club would remain in the Development Code as it did not exclusively apply to alcohol sales. However, a definition would have to be created for those establishments that no longer meet the definition of a private club and derived the majority of their sales from alcohol. The proposed definition of "bar" was an establishment whose primary activity was the sale of alcoholic beverages for on premise consumption. The proposed use table was shown which would be the same as the private club use. Staff recommended approval as did the Planning and Zoning Commission.

Council Member Roden asked about the changing of Certificates of Occupancy.

Menguita stated that there would be an opportunity for someone with private club to change to a bar which could be done administratively with a waiver of the fee. Staff was strongly encouraging owners to follow that procedure.

The Mayor opened the public hearing.

No one spoke during the public hearing.

The Mayor closed the public hearing.

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

Ordinance No. 2015-011

- C. PDA14-0008 Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, amending lot coverage, landscaping and elevations to the approved Detail Plan of Planned Development 12 (PD-12); and providing for a penalty in the maximum amount of \$2,000 for violations thereof, severability, and an effective date (PDA14-0008). The Planning and Zoning Commission recommends approval of this request (7-0).

Ron Menguita, Development Review Administrator, stated that this was a proposal from the Toyota dealership for an amendment to their landscape plan. He presented the future land use map, location map, and background of the approval of PD-12. Staff felt that there was a significant amount of change to require Planning and Zoning Commission and Council consideration. The dealership was proposing an accommodation in the landscape plan for an upgrade to their facade and an expansion of a portion of the building. This would result in the relocation of two existing trees and the removal of 382 square feet of landscaping. The proposal would reduce the landscaping area and increase the building site plan area. The staff recommended approval as did the Planning and Zoning Commission.

Mayor Watts questioned what triggered the process so that it had to go to DRC, the Planning and Zoning Commission and Council for a small removal of landscaping instead of being administratively done.

Menguita stated that the removing of the landscaping triggered the significant process.

The Mayor opened the public hearing.

No one spoke during the public hearing.

The Mayor closed the public hearing.

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

Ordinance No.2015-012

- D. Z14-0021 Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, regarding rezoning from a Neighborhood Residential 4 (NR-4) zoning district and use classification to a Neighborhood Residential Mixed Use 12 (NRMU-12) zoning district and use classification with Mixed Use Residential Protection Overlay restrictions on approximately 2.195 acres of land generally located at the northeast corner of McKinney Street and Bellaire Drive; and providing for a penalty in the maximum amount of \$2,000.00 for violations, thereof, severability, and an effective date. (Z14-0021). The Planning and Zoning Commission recommends approval (6-1).

Ron Menguita, Development Review Administrator, stated that this was the McKinney Street Housing Development which was a proposed elderly housing project. He presented information on the location map, existing zoning, future land use, proposed zoning map, adjacent uses, site photos, and land use analysis. The criteria for approval of the zoning change was reviewed which staff recommended denial as the NRMU-12 zoning was too intense for the area. That zoning classification permitted more commercial uses and higher intensities. It also did not comply with the future land use element. The Planning and Zoning Commission recommended approval with mixed use residential protection overlay restrictions.

Council Member Johnson stated that there were other sites of NRMU nearby this proposal on the proposed zoning map. He questioned if the staff opinion was that the other potential uses in the classification were too intense for the area or if the elderly housing was too intense as addressed in the Commission overlay.

Menguita stated that concern was the other uses which were addressed in the Commission overlay. He presented the overlay restrictions. Those restrictions included (1) all uses except for elderly housing would be restricted to uses permitted within the NR-4 zoning district, (2) the use of elderly housing was limited to a maximum of 25,000 total square feet or gross air conditioned floor area, (3) a privacy fence would be required on the north and east property lines, (3) tree canopy coverage would be 50% of the lot area (4) required parking lot tree canopy would be 20% of the required parking area, (5) the tree canopy must be evenly distributed throughout the parking area and the perimeter, (6) an interior planting island must be provided at an average of every 10 spaces and shall include one large tree per island, and (7) a large tree shall be a tree that would produce a mature canopy of 1,256 square feet (this would be in addition to any tree preservation requirements).

Council Member Gregory asked for a definition of elderly housing. Menguita stated it was a facility where 80% of the occupants were 55 or older.

Council Member Gregory stated that the minutes of the Planning and Zoning Commission showed that a concern expressed by the Commission was that rather than changing the zoning to NRMU-12, to leave it as NR-4 with an overlay district which would allow that one particular use and accomplish the same purpose.

Menguita stated that when these restrictions were done as NR-4, allowances were being made for something that was not legal. But if the zoning were changed, the potential uses would be reduced. An allowance could not be done but restrictions could be done.

Council Member Roden stated that there was a whole lot of discussion regarding mixed uses. The staff recommendation was for a certain type of housing such as single-family residential which was a bit different sort of mixed use.

Menguita stated that the future land use map was considered but was not approved. If that map was looked at, the area was low residential. This was not one of the areas for higher density and mixed use developments.

Council Member Gregory asked about the additional 5% landscaping requirement as those were items that increased costs that might otherwise be put into the building. Based on the land size and the size of the building there was still a lot of green space. He questioned if the applicant was in favor of those numbers.

Menguita stated that had been discussed with the applicant and he was in favor of the conditions.

The Mayor opened the public hearing.

The following individuals spoke during the public hearing:

Lee Allison, applicant, 4401 N. I35, Denton, 76207 - spoke in favor.

Kimberly Truax, Denton - spoke in favor

Geri Sams, 2611 Crestwood Place, Denton, 76209 - spoke in favor.

A comment card was submitted by Diane Brown, 4607 Baytree, Denton, 76208, in favor of the proposal.

The Mayor closed public hearing.

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

This Item was tabled to the January 13, 2015 Council Meeting

E. DCA14-0009A Continue a public hearing on Tuesday, January 6, 2015, and consider an ordinance amending Subchapters 5, 7, 16 and 22 of the Denton Development Code, relating to Gas Well Drilling and Production, Definitions and Procedures; amending Ordinance No. 2013-248, relating to planning and development fees and road damage remediation fees relating to gas well drilling and production activities; adding new Subchapter 22A to the Denton Development Code, relating to Oil and Gas Pipelines, Definitions, Procedures; providing a cumulative clause; providing a severability clause; providing for a penalty; and providing for an effective date (DCA14-0009A)

Mayor Watts stated that this was a continuation of the public hearing from the December 16, 2014 meeting. As no recommendation had been received yet from the Planning and Zoning Commission, there would be no action from Council at this meeting. Council needed a recommendation from the Commission before it could take any action. He also noted that since this was a continuation of a public hearing, only new speakers would be allowed to speak at this meeting.

The following individuals spoke during the public hearing:

Gilbert Horton, Devon Energy - spoke in favor of the extension of moratorium.

Linda Cole, 6376 Jim Christal Road, Denton, 76207 – spoke in opposition

Mark Curwin, 2501 Cedar Springs, Dallas - spoke in opposition

Matthew Fry, 1600 Highland Park Road, Denton, 76205 – spoke in opposition

Comment cards were submitted by the following:

Ken Gold, 2512 Natchez Trace, Denton, 76210 - support of the revisions

Sandy Mattox, 4008 Vineyard, Denton, 76226 – spoke in support

Council Member Ryan motioned, Council Member Gregory seconded to continue the public hearing to the January 13, 2015 Council meeting. On roll call vote, Mayor Pro Tem Engelbrecht

"aye", Council Member Gregory "aye", Council Member Johnson "aye", Council Member Roden "aye", Council Member Ryan "aye", and Mayor Watts "aye". Motion carried unanimously.

5. 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 Ryan requested a staff report or Work Session on the taxi ordinance and what could be done to better facilitate other taxi services.

Mayor Watts questioned when the Council Rules and Procedures would be considered for a work session.

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

There was no continuation of the Closed Meeting.

Mayor Watts announced that the Council would be going into a recess to allow the Planning and Zoning Commission to convene and deliberate their portion of the joint public hearing.

Special Called Session of the City of Denton City Council on January 6, 2015 in the City Council Chambers.

1. PUBLIC HEARING

Ordinance No. 2015-013

- A. SI14-0012 Hold a Joint City Council and Planning and Zoning Commission public hearing and consider adoption of an ordinance amending Ordinance No. 2014-137, as amended by Ordinance Nos. 2014-192 and 2014-276, to extend for an additional ninety-one (91) days, or such other reasonable date, the moratorium on the acceptance, processing, and approval of certain applications for gas well permits within the corporate limits of the City of Denton, Texas, and on applications for specific use permits, site plans, development plans of any nature or type, including applications for amendments to approved or pending gas well development plats, and

on applications for Fire Code operational permits, as they relate to gas well drilling and production activities, subject to certain exemptions; providing a cumulative clause; providing a severability clause; and providing an effective date.

Commissioner Reece called the Planning and Zoning Commission to order with all commissioners present. He announced that the Commission would recess into a Closed Meeting at 9:35 p.m. to consider the item below:

A. ID 15-056 Consultation with Attorneys - Texas Government Code Section 551.071.

Hold a Joint City Council and Planning and Zoning Commission Closed Meeting to consult with and provide direction to City's attorneys regarding legal issues and strategies associated with the current Gas Well Ordinance, and proposed Gas Well Ordinance amendment, regulation of gas well drilling and production within the City Limits and the extraterritorial jurisdiction, including: Constitutional limitations, statutory limitations upon municipal regulatory authority; statutory preemption and vested rights; impacts on federal and state law and regulations; impacts of gas well drilling upon protected uses and vice-versa; current and proposed moratorium on drilling and production; other concerns about municipal regulatory authority or matters relating to enforcement of the Gas Well Ordinance, both current and proposed; settlement matters concerning gas well drilling in the City; surface development issues involving surface and mineral estates; and legal matters associated with a citizen's initiative ordinance and pending litigation styled Jerry Patterson, Commissioner, Texas General Land Office v. City of Denton, Texas, Cause No. D-1-GN-14-004628 currently pending in the 53rd District Court of Travis County and Texas Oil and Gas Association v. City of Denton, Cause No. 14-09833-431 currently pending in the 431st District Court of Denton County regarding hydraulic fracturing where a public discussion of these legal matters would conflict with the duty of the City's attorneys under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.

Following the completion of the Closed Meeting, the Planning and Zoning Commission returned to the Council Chambers and reopened their joint public hearing.

Mayor Watts opened the Council portion of the joint public hearing.

Darren Groth, Gas Well Administrator, stated that this public hearing involved the extension of the gas well moratorium ordinance. He reviewed the information on the initial moratorium which was amended on June 17, 2014. On September 9, 2014 the moratorium was again extended. The background information on the draft set of regulations covering gas well drilling and production activities was reviewed. The proposal was for a 91 day moratorium extension or another reasonable date.

Council Member Gregory asked about the procedures following the closing of the public hearing and any opportunity for action. He questioned if any action would first be taken by the Planning and Zoning Commission and then by Council.

City Attorney Burgess stated that was correct. Council needed a recommendation from the Commission prior to taking action on the extension ordinance.

Council Member Engelbrecht clarified that the 91 day extension would be from the January 20th date which was the current expiration date.

Groth replied that was correct.

Commissioner Conner asked Mr. Horton why the industry was just now asking for an extension and why it had not happened before this time.

Horton stated that they had just seen the revisions to the ordinance in December.

Commissioner Bentley stated that there were pros and cons to extending the moratorium. He motioned for a 64 day extension to March 24, 2015. Commissioner Briggie seconded the motion stating that she was not sure 90 days was necessary. She wanted to adopt the ordinance but also wanted time for industry and citizens to review it.

On roll call vote to extend the moratorium 64 days to March 24, 2015, Commissioners Taylor, Bentley, Briggie, Reece, and Dudowicz "aye"; Commissioners Strange and Conner "nay". Motion passed with a 5-2 vote. Commissioner Reece stated that the Commission recommended to Council an extension until March 24, 2015.

With no other items to consider, the Planning and Zoning Commission adjourned their portion of the joint meeting.

Council returned from recess to consider the Planning and Zoning Commission recommendation.

Darren Groth, Gas Well Administrator, announced that the Planning and Zoning Commission had voted 5-2 to recommend an extension of the moratorium for 64 days to a date of March 24, 2015.

Council Member Ryan asked if the Council could extend the moratorium 91 days without a supermajority vote based on the recommendation for 64 days from the Commission.

City Attorney Burgess stated that Council could adjust their recommendation without a supermajority vote.

Mayor Watts stated that if Council set a certain number of days for the extension, Council could then choose let it expire or repeal it.

City Attorney Burgess stated that was correct and when the Council approved the gas well ordinance revision, it could then repeal the moratorium.

Council Member Roden felt that the consensus of the stakeholders was a 91 day of extension instead of the Commission's recommendation.

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City Attorney Burgess stated that the 91 extension date would be April 21, 2015 as written in the ordinance.

Council Member Roden motioned, Mayor Pro Tem Engelbrecht seconded to adopt the ordinance with a 91 day extension to April 21, 2015. On roll call vote, Mayor Pro Tem Engelbrecht "aye", Council Member Gregory "aye", Council Member Johnson "aye", Council Member Roden "aye", Council Member Ryan "aye", and Mayor Watts "aye". Motion carried unanimously.

With no further business, the meeting was adjourned at 10:30 p.m.

CHRIS WATTS
MAYOR
CITY OF DENTON, TEXAS

JENNIFER WALTERS
CITY SECRETARY
CITY OF DENTON, TEXAS