

CITY OF DENTON CITY COUNCIL MINUTES

June 4, 2013

After determining that a quorum was present, the City Council convened in a Work Session on Tuesday, June 4, 2013 at 3:00 p.m. in the Council Work Session Room.

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

ABSENT: Council Member King

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 June 4, 2013.

Council Member Roden asked what responsibility the City had in terms of the rates associated with Consent Agenda Item J.

John Knight, Deputy City Attorney, stated that the benefit of system was that it was better than the GRIP system and would provide some meaningful participation. The procedures would be the same with rate cases and allow the City to have input on the rate. The rate of return could not be negotiated below 10% but would still provide a \$3 million deduction.

Council Member Roden stated that Council was not approving a rate but rather approving a mechanism to use in the future.

Knight replied correct.

Mayor Burroughs asked about Consent Agenda Item I regarding the renewal and expansion of the red light camera program and any associated policy implications with the expansion.

Council Member King arrived at meeting

Scott Fletcher, Captain-Denton Police Department, stated that the expansion of the program was done in 2007. At that time, staff was directed to use the Traffic Safety Commission to vet any further expansions. There was no requirement for any additional voting under State law but merely provide information for expansion and for renewal. As the program was seem as controversial, staff felt Council needed to be aware of the expansion. It was at the direction of Council to have the Traffic Safety Commission review the expansion of the program.

3. Receive a report, hold a discussion, and give staff direction regarding adoption fees and subsidy funding for animal adoptions at the City of Denton Animal Shelter.

Scott Fletcher, Captain-Denton Police Department, presented information regarding the proposed fees. The current fees were \$110 for cats and \$120 for dogs. The fees were established in 2005 to assist with a one-stop adoption process where adopted animals were spayed/neutered, vaccinated, examined, and microchipped by a veterinarian under contract with the City. The goal was to have all animals seen by a veterinarian before leaving the shelter. There were pros

and cons in setting adoption prices for shelter animals. The City did not offer free animals as it was felt that if an individual could not afford the fee, he/she could not afford to maintain the animal. Staff surveyed 24 area cities and found that Denton had the second highest rates. Adoption subsidies had been in effect for several years which helped offset the cost of the adoption.

The Denton Animal Shelter Foundation paid for a portion of the adoption rates. From January through March of this year, 735 animals were adopted from the shelter. Just over 71% of those adoptions were subsidized by private donations through individual citizens or the Animal Shelter Foundation. The subsidizing of the adoption fees was a mixed blessing. While the subsidizing was effective, it caused confusion on which day it was effective and what was the price.

Recommended changes – staff was recommending to reduce the rate to \$60 for dogs and cats. That would put Denton's rate the second lowest compared to area cities. Barn cats would remain free as this was a valuable service for those cats which were not socialized or not a good fit as an in-house companion. Staff was suggesting formalizing the adoption subsidy program with a set adoption subsidy of \$30 per animal. Staff was also proposing to allow the Animal Services Supervisor, with the approval of the City Manager, the flexibility to further reduce the adoption fees for specific animals due to special circumstances when it was determined to be in the best interest of the animal and the shelter.

The reduction of the fees would result in a net reduction of projected revenue of approximately \$151,884. However, the current adoption fee did not cover the cost of housing the animals or the cost for putting down the animals. The opening of the new shelter would have on-site vet clinic which would provide services at a cheaper rate to alter the animals when adopted.

Mayor Pro Tem Kamp felt this was a good solution. There were many rescue groups and individuals who donated to the shelter. The funding needed to be in the hands of a professional to know what to do with the funding. She questioned the feeling of the Animal Shelter Advisory Committee.

Fletcher stated that the Committee felt it was a great step forward.

Council Member Roden asked about a possibly higher rate for pure breeds, puppies or kittens.

Fletcher stated that was considered but it was sometimes hard to figure out pure breeds. Their main focus was to trying to get the animals out of the shelter.

4. Receive a report, hold a discussion, and give staff direction on averaging density within Residential Land Use parcels in Planned Development Districts.

Brian Lockley, Director of Planning and Development, presented the information on the topic. The focus of his discussion was on what was a planned development, the planned development history in Denton, a brief history of PD-120, density, planned development density transfer, the Denton Development Code, and planned development compliance with the current Denton Development Code requirements and multi-family projects with density. He discussed the definition of a planned development plus the purpose and intent of a planned development. The history of planned developments in Denton was reviewed.

Reasons for discontinuing the planned development included below par guidelines, disparity in guidelines, it did not have timelines for development, were no longer compatible with surround areas, infrastructure below par but vested, a higher standard was not necessarily achieved, seen as a means to circumvent conventional code requirements, were not consistent with the Denton Plan, and provided great administrative difficulty.

Lockley reviewed the listing of the 15 approved planned developments that currently existed. In 2007 the master planned community district was adopted which took the place of the planned development. There were four master planned communities currently approved.

History of PD-120 – Lockley reviewed the history of when it was approved, where it was located and the requirement of a concept plan and detail plan. PD-120 was approved with a gross density of 18 units per acre and a maximum number of multi-family units at 800. Density was not a requirement but could not go over that. Phase 1 had 8 residential multi-family structures with 192 total units constructed. Density in Phase 1 was a net 16.5 and gross 11.98. Phase 2 proposed 3 residential multi-family structures with 192 units. It had a net density of 32.6 gross of 30.97.

Density was calculated as the number of dwelling units per acre and presented gross or net calculation. Lockley reviewed the definition of gross and net density. Net was the site less the right-of-way calculation divided by the number of dwelling units.

Council Member Roden stated that the master planned community with density averaging came well after PD-120.

Lockley stated that was correct. He reviewed the interpretation of the inclusion of the density sharing provision. The PD zoning became a zoning district. It was a major development with specific regulatory requirements

Council Member Gregory questioned if PD-120 stated that density averaging was allowed as part of the program.

Lockley stated that it was silent on the issue.

Council Member Gregory questioned that if it was silent, how did it mesh with the Development Code.

Lockley stated that they were two different documents. The PD stated there was an average density that could not exceed a figure that was interpreted that the density of the total multi-family area would not exceed that density.

Council Member Gregory stated that the only areas that were averaged were the ones in the multi-family area.

Lockley stated that it was designated to that specific use.

Council Member Roden stated that at one point it was noted that the PD was silent on density averaging; now it appeared that the PD indicated that averaging was allowed.

Lockley stated that it did not specifically say averaging but what was approved had the ability to be averaged.

Council Member Engelbrecht saw that ability with smaller movements. When PDs were considered there was not an establish threshold of how much could move.

Council discussed the quality of a development if density averaging was used; concerns that there were not limits on the averaging; the concept of the density; amendments to the PD; the concept of averaging and what could be averaged. Other areas of discussion included provisions of the old PD-120 in terms of averaging; density transfer in older PDs; phasing of the projects in terms of density and the amount of green space in the PD.

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

1. Closed Meeting:

A. Consultation with Attorneys - Under Texas Government Code Section 551.071.

1. Consult with City's attorneys with regard to Item # 5A of the June 4, 2013 Regular Meeting Agenda, as it concerns legal issues associated with that item where a public discussion of this legal matter would conflict with the duty of the City's attorneys under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas. (Masch Branch rezoning)
2. Consult with City's attorneys with regard to Item # 5B of the June 4, 2013 Regular Meeting Agenda, as it concerns legal issues associated with that item where a public discussion of this legal matter would conflict with the duty of the City's attorneys under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas. (Gardens of Denton Phase 2)
3. Consult with and provide direction to City's attorneys regarding legal issues and strategies associated with the implementation of a freshwater well sampling program and air monitoring program in connection with the Gas Well Ordinance and Fee Ordinance relating to gas well drilling and production within the City Limits, including constitutional limitations, statutory limitations upon municipal regulatory authority and claims associated therewith, statutory preemption and/or impacts of federal and state law and regulations, and whether testing results are confidential, as it concerns a freshwater well sampling program and an air quality monitoring program.

- B. Deliberations regarding Real Property - Under Texas Government Code Section 551.072; 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 acquisition of real property interests located in the William Roark Survey, Abstract Number 1087, James L. Harris Survey, Abstract No. 555 and James Edmonson Survey, Abstract Number 400, Denton County, Texas (located generally in the 4500 block of South Bonnie Brae Street), in the City of Denton, Denton County, Texas. 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. (Bonnie Brae Widening and Improvements project)

- C. Deliberations regarding Personnel Matters - Under Texas Government Code Section 551.074.
 - 1. Review and discuss the duties and goals for the City Manager, City Attorney, and Municipal Judge.

This item was not considered.

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.

Following the Pledge of Allegiance, Council Member Gregory took his oath of office as administered by the City Secretary.

Council considered the election of a Mayor Pro Tem.

Council Member Gregory nominated Pete Kamp as Mayor Pro Tem.

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

2. PROCLAMATIONS/PRESENTATIONS

A. Proclamations/Awards

1. Steven Davidson Day

Mayor Burroughs presented the proclamation for Steven Davidson Day.

3. CITIZEN REPORTS

There were no citizen reports.

4. CONSENT AGENDA

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

Ordinance No. 2013-134

- A. Consider adoption of an ordinance of the City of Denton, Texas providing for, authorizing, and approving a three (3) year contract for a comprehensive service plan for an Elan 9000 Inductively Coupled Plasma Mass Spectrometer (ICPMS) located at the City of Denton Municipal Laboratory, which is available from only one source and in accordance with Chapter 252.022 of the Texas Local Government Code such purchases are exempt from the requirements of competitive bidding; and providing an effective date (File 3062 awarded to PerkinElmer Health Sciences, Inc. in the annual estimated amount of \$23,396 for a three (3) year not-to-exceed amount of \$70,188). The Public Utilities Board recommends approval (5-0).

Ordinance No. 2013-135

- B. Consider adoption of an ordinance of the City of Denton, Texas providing for, authorizing, and approving the expenditure of funds for the purchase of traffic signal hardware including pedestrian push button systems, illuminated street name signs, and emergency vehicle preemption devices, for the City of Denton Traffic Department, which is available from only one source and in accordance with Chapter 252.022 of the Texas Local Government Code such purchases are exempt from the requirements of competitive bidding; and providing an effective date (File 5263 awarded to Consolidated Traffic Controls, Inc. in the annual estimated amount of \$200,000 for a three (3) year not to exceed amount of \$600,000).

Ordinance No. 2013-136

- C. Consider adoption of an ordinance of the City of Denton, Texas providing for, authorizing, and approving the expenditure of funds for the purchase of traffic signal hardware including traffic signal controllers, video detection systems, battery backup systems, and network switches, for the City of Denton Traffic Department, which is available from only one source and in accordance with Chapter 252.022 of the Texas Local Government Code such purchases are exempt from the requirements of competitive bidding; and providing an effective date (File 5264 awarded to Paradigm Traffic Systems in the annual estimated amount of \$260,000 for a three (3) year not to exceed amount of \$780,000).

Ordinance No. 2013-137

- D. Consider adoption of an ordinance of the City of Denton, Texas providing for, authorizing, and approving the expenditure of funds for the purchase of traffic signal radar vehicle/pedestrian detection systems, for the City of Denton Traffic Department, which is available from only one source and in accordance with Chapter 252.022 of the Texas Local Government Code such purchases are exempt from the requirements of competitive bidding; and providing an effective date (File 5265 awarded to Twincrest Technologies in the annual estimated amount of \$400,000 for a three (3) year not to exceed amount of \$1,200,000).

Ordinance No. 2013-138

- E. Consider adoption of an ordinance of the City of Denton, Texas providing for, authorizing, and approving the expenditure of funds for the purchase of traffic signal head, light-emitting-diode (LED) indications and pedestrian LED indications, for the City of Denton Traffic Department, which is available from only one source and in accordance with Chapter 252.022 of the Texas Local Government Code such purchases are exempt from the requirements of competitive bidding; and providing an effective date (File 5266 awarded to Dynamic Vision in the annual estimated amount of \$125,000 for a three (3) year not to exceed amount of \$375,000).

Ordinance No. 2013-139

- F. Consider adoption of an ordinance awarding a contract for the purchase of security products and related services for the City of Denton Networked Video Surveillance Camera System as awarded by the State of Texas Department of Information Resources (DIR) through the Go DIRect Program, Contract Number DIR-SDD-1722; providing for the expenditure of funds therefor and providing an effective date (File 5233 awarded to STS 360, LLC in a not to exceed amount of \$332,756).

Ordinance No. 2013-140

- G. Consider adoption of an ordinance accepting competitive proposals and awarding a contract for the purchase of thirteen (13) vehicles for the City of Denton Parks, Building Inspections and Police Departments; providing for the expenditure of funds therefor; and providing an effective date (RFP 5183-awarded to James Wood Auto Park in the amount of \$361,478.17).

Ordinance No. 2013-141

- H. Consider adoption of an ordinance of the City of Denton, Texas authorizing the expenditure of funds for payments by the City of Denton for Electrical Energy Transmission Fees to Lone Star Transmission; and providing an effective date (File 5260-Electrical Energy Transmission Fees for Fiscal Year 2012-2013 to Lone Star Transmission in the amount of \$158,605.44). The Public Utilities Board recommends approval (6-0).

Ordinance No. 2013-142

- I. Consider adoption of an ordinance authorizing the City Manager to execute an amendment to the contract between the City of Denton and Redflex Traffic Systems USA for operation of an Automated Traffic Signal Enforcement Program; providing for the expenditure of funds therefor; and providing an effective date.

Resolution No. R2013-014

- J. Consider approval of a resolution of the City of Denton, Texas, approving and adopting Rate Schedule "RRM - Rate Review Mechanism" for Atmos Energy Corporation, Mid-Tex Division, to be in force in the City for a period of time as specified in the Rate Schedule; adopting a savings clause; determining that this resolution was passed in accordance with the requirements of the Texas Open Meetings Act; making other findings and provisions related to the subject; requiring delivery of this resolution to the company; and providing an effective date.

Ordinance No. 2013-143

- K. Consider adoption of an ordinance approving a Lease Agreement to be executed by the City Manager, by and between the City of Denton, Texas and Master Recycling of Texas, Inc., a Corporation, for a certain 3.5 acre tract of land situated in the Gideon Walker Survey, Abstract Number 1330, in the City of Denton, Denton County, Texas, commonly known as 1301 South Mayhill Road; and providing an effective date.

Ordinance No. 2013-144

- L. Consider adoption of an ordinance authorizing the City Manager to execute an Interlocal Cooperative Purchasing Program Agreement with the County of Dallas, Texas under Section 271.102 of the Local Government Code, to authorize City of Denton contracts for the purchase of various goods and services; authorizing the expenditure of funds therefor; and declaring an effective date (File 5279-Interlocal Agreement with the County of Dallas).

Ordinance No. 2013-1454

- M. Consider adoption of an ordinance of the City of Denton, Texas authorizing the City Manager, or his designee, to execute a Purchase Agreement (herein so called), as attached hereto and made a part hereof as Exhibit "A", by and between Richard A. Gray, Jr., as Owner (herein so called), and the City of Denton, Texas, as Buyer, regarding the sale and purchase of fee simple to a 26.41 acre tract, more or less, situated in the William Roark Survey, Abstract No. 1087, James L. Harris

Survey, Abstract No. 555 and the James Edmonson Survey, Abstract No. 400, located in the City of Denton, Denton County, Texas, as more particularly described in the Purchase Agreement, located generally in the 4500 block of South Bonnie Brae Street (the "Property Interests"), for the purchase price of Six Hundred and Fifty Thousand Dollars and No Cents (\$650,000.00), and other consideration, as prescribed in the Purchase Agreement; authorizing the City Manager, or his designee, to execute and deliver any and all other documents necessary to accomplish closing of the transaction contemplated by the Purchase Agreement; authorizing the expenditure of funds therefor; and providing an effective date. (Bonnie Brae Widening and Improvements project - Parcel 39)

5. ITEMS FOR INDIVIDUAL CONSIDERATION

Ordinance No. 2013-146

- A. Consider adoption of an ordinance of the City of Denton, Texas, providing for a zoning change from a Rural Residential (RD-5) zoning district classification and use designation to an Employment Center Industrial (EC-I) zoning district classification and use designation for approximately 27.76 acres of land, generally located north of University Drive and west of Masch Branch Road, legally described as Lot 2, Block 1 of the Marriott Gardens Addition, in the City of Denton, Denton County, Texas; providing for a penalty in the maximum amount of \$2,000.00 for violations thereof; and providing a severability clause and an effective date. The Planning and Zoning Commission recommends approval (7-0). (Z12-0014, Masch Branch rezoning) The City Council postponed this item to the June 4, 2013 Council meeting (4-2).

Brian Lockley, Director of Planning and Development, presented the details of the proposal. The request was for a zoning change from Rural Residential – 5 to Employment Center Industrial. The purpose was to bring the existing uses into conformance with the Denton Development Code. The location map, future land use designation, current zoning, proposed zoning and the development chronology was presented. Lockley displayed the pre-2001 development versus the existing development. He reviewed the permit/review and inspection procedures and the infrastructure improvements. The Planning and Zoning Commission and the Development Review Committee recommended approval.

Mayor Burroughs noted that a speaker card had been submitted.

Don Fraizer spoke in favor. He stated that they would continue with inspections with the non-conforming language in the Development Code. Twenty six certificates of occupancy had been granted since the development of the property. The property was in compliance with safety issues with continued inspections. Nowhere in the agreement did it indicate that zoning was not allowed. It just stated the property would be annexed. He noted that there was similar property on Corbin Road. That property was annexed in 2010 as part of an annexation process. In 2011 the property was zoned with no issues. It was the same type of property, the same type of businesses, and the same type of tenants. They were asking for similar consideration.

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

Ordinance No. 2013-147

- B. Consider adoption of an ordinance of the City of Denton, Texas, providing for approval of a detailed plan for 6.199 acres located within Planned Development 120 (PD-120) zoning district; generally located on the south side of Loop 288, west of the intersection of F.M. 2164/Locust Street and Loop 288, in the City of Denton, Denton County, Texas; providing for a penalty in the maximum amount of \$2,000.00 for violations thereof; providing a severability clause and an effective date. The Planning and Zoning Commission recommends approval (5-1). (PDA12-0006, Gardens of Denton Phase 2) The City Council postponed this item to the June 4, 2013 Council meeting (7-0).

Brian Lockley, Director of Planning and Development, presented the details of the proposal. The applicant was proposing to construct Phase II of the Gardens of Denton apartment development that would consist of 192 multi-family residential units. The proposed development was located within PD- 120. Concerns regarding proposed density, averaging of density across the entire area design of the site and tree preservation had been expressed.

Lockley displayed the location map, zoning map, and proposed detailed plan. He stated that the combined density of 17.13 dwelling units per acre was less than what was approved by the PD of 18 units per acre. Ordinance 98-324 allowed for a maximum of 800 units for both areas. The concept plan for the adjacent property to the east was displayed. Since the last meeting, the applicant had added carports to the proposal. Lockley reviewed proposed building elevations and noted that the adjoining property owner was in favor of the proposal. The Planning and Zoning Commission recommended approval as did the Development Review Committee.

One Planning and Zoning Commission member had voted against the proposal. The reasons for his denial were the proposed density, the quality of the development, and a feeling that the courtyard plan would be conducive to criminal activity. The applicant had indicated that he was increasing the quality of the proposal to be comparable to Phase 1 with similar masonry exterior and covered parking stalls similar to Phase 1. The criminal element was something that staff considered in the review of development proposals based on the principles of Crime Prevention through Environmental Design. Natural surveillance was the overall goal for this type of crime prevention. The layout of the plan contained interior access to the units with defined entryways.

Mayor Burroughs stated that the detailed plan showed a maximum of three stories and noticed that the site photos showed the multi-family to the south as three stories.

Lockley replied that was correct.

Mayor Burroughs stated that in photos of similar concepts in Frisco the building was four stories but that would not be the case for this proposal.

Lockley stated that was correct.

Council Member Roden asked if the retail portion was the same ownership as the applicant and if there had been any applications for retail development.

Lockley replied that the property was under the same ownership and that there had not been any applications for retail development.

Council Member Roden asked if there was any ordering required for which phase was developed first.

Lockley stated that was up to the developer.

Council Member Gregory asked if there was anything in PD-120 that would prohibit density averaging.

Lockley stated there was no mention in the PD.

Council Member Gregory asked if the Development Review Committee would have approved Phase 2 if it had been developed first as proposed.

Lockley replied that the amount of density would have exceeded the allowed maximum.

Council Member Gregory asked if staff was now more comfortable with the proposal.

Lockley stated that because Phase 1 had a lower density, the developer was trying to make up density due to the physical characteristics of Phase 1.

Mayor Pro Tem Kamp asked what had been added to the proposal since the Planning and Zoning Commission meeting.

Lockley stated that the covered parking was added after the meeting. The landscaping plan staff received showed better landscaping and the entrances were also in.

Mayor Burroughs indicated that Speaker Cards had been submitted for this item.

Wayne Lewis, developer, spoke in support. He indicated that in terms of the security aspect, there were three security officers residing in Phase 1 and Phase 2 would have the same. The demographics of the proposal was for the young family. Commercial would be included in the overall development with two grocery stores indicating they might want to relocate to the proposal. Residents would be able to walk to shopping.

Kori Haug spoke in favor. He was the project landscape architect and would answer any of Council's questions.

Council Member Engelbrecht questioned if there was landscaping between the building and the parking spaces as it appeared that the parking spaced abutted the buildings.

Haug indicated that the entire building was densely planted.

Grace Jones, architect for the project, spoke in favor.

Josh Jezek, project engineer, spoke in favor.

Council Member Roden asked at what point were they confident that the concept of density averaging was getting the green light to do this.

Jezek stated that they had coordinated early on with the City before they began any design which was about a year ago.

Brian Bentley spoke in opposition.

Mayor Burroughs asked how long a detailed plan was good for once it was approved.

Lockley stated that once it was approved it was in effect unless amended. It would become part of the zoning.

Council Member Gregory asked if the density averaging on this proposal was between Phase 1 and Phase 2 or another set of land.

Lockley stated that it was between Phase 1 and Phase 2 but this not the only property that was part of the multi-family section. There was additional property to the west.

Council Member Gregory asked about that density limitation.

Lockley stated that it was up to 16 units per acre.

Council Member King stated that the neighboring property was not opposed to the proposal and was not opposed to using part of this density. Some people felt that large residential before the retail might be confusing. However, Unicorn Lake needed the residential before the commercial to keep the commercial going.

Council Member Hawkins asked about the density of the Fry Street project and the number of stories.

Lockley stated that it was 44 units per acre and the residential was three stories.

Council Member Engelbrecht stated that the professional planner indicated that one of the goals of the planned development was to offer better quality. He questioned how this proposal went above and beyond with the location and landscaping.

Lockley stated that the property was limited in size of what could be developed. Multi-family was better development for the site. The exterior materials, landscaping and amount of landscaping added to the quality of the development. Another factor was how the property was accessed with the adjacent property. It also provided another housing type attractive to another segment of the community. As retail came in, it would need the residential to keep retail in business. Some of the issues from the Planning and Zoning Commission could be mitigated

through design. Considering all of the factors, it was felt that the proposal met the needs of the developer and the community.

Council Member Engelbrecht asked if there was only one entrance into the facility and if so, were there plans to have another.

Lockley stated that currently there was only one access off Bill Street. There was only one entrance into the second phase.

Jezeq stated that up to 200 units only needed one access point. If there was more than 200 units, two point of access were needed.

Council Member Roden agreed that place was an issue. This was a planned development that approved multi-family in that area back in 1986. Multi-family was not part of the discussion. The question was the density and who would be harmed by that increase in density. He questioned the high crime in these types of developments and the factual basis.

Lockley stated that the research very old and dated. The concentration and layout of older buildings contributed to the crime ratio. Today crime prevention was looked at in terms of the actual layout and how to mitigate any potential problems.

Mayor Burroughs stated that in the past planned developments were the primary method the City had prior to the current codes and the Denton Plan to accomplish objectives starting to form for sustainable growth and creativity to growth. Other zoning classifications did not provide flexibility of uses, transitions of property uses or buffering. Planned development quality was not having to get in a car to have services. The desire was to have a transition from single-family lesser density to multi-family higher density next to major thoroughfares. That helped with noise abatement having commercial nearby and keeping cars off the road.

Council Member Roden motioned, Mayor Pro Tem Kamp seconded to approve the proposal.

Council Member Engelbrecht stated that he was against the motion as he did not believe in that location it was quality development.

On roll call vote: Mayor Pro Tem Kamp, Council Member King, Council Member Hawkins, Council Member Gregory, Council Member Roden, and Mayor Burroughs – “aye”; Council Member Engelbrecht “nay”. Motion carried with a 6-1 vote.

6. PUBLIC HEARINGS

Ordinance No. 2013-148

- A. Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, providing for a zoning change from Regional Center Residential 1 (RCR-1) zoning district and use classification to a Regional Center Commercial Downtown (RRC-D) zoning district and use classification on approximately 10.56 acres. The subject property is generally located east of I-35 and north of Shady Shores within the City of Denton, Denton County, Texas; providing for a penalty in the maximum amount of \$2,000.00 for violations

thereof, severability and an effective date. (Z13-0002, Classic Used Cars) The Planning and Zoning Commission recommends approval (7-0).

Brian Lockley, Director of Planning and Development, presented the details of the proposal in terms of location, zoning map, proposed zoning, and existing future land use map. The proposal was to provide convenience and comparative shopping for goods and services to an individual neighborhood. The Planning and Zoning Commission and the Development Review Committee recommended approval.

The Mayor opened the public hearing.

Ron Ham, representing the owner, spoke in favor.

The Mayor closed the public hearing.

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

7. CITIZEN REPORTS

- A. Review of procedures for addressing the City Council.
- B. Receive citizen reports from the following:
 - 1) Robert Donnelly regarding Mayhill Road.

Mr. Donnelly was not present at the meeting.

8. CONCLUDING ITEMS

- A. Under Section 551.042 of the Texas Open Meetings Act, respond to inquiries from the City Council or the public with specific factual information or recitation of policy, or accept a proposal to place the matter on the agenda for an upcoming meeting

AND

Under Section 551.0415 of the Texas Open Meetings Act, provide reports about items of community interest regarding which no action will be taken, to include: expressions of thanks, congratulations, or condolence; information regarding holiday schedules; an honorary or salutary recognition of a public official, public employee, or other citizen; a reminder about an upcoming event organized or sponsored by the governing body; information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official or employee of the municipality; or an announcement involving an imminent threat to the public health and safety of

people in the municipality that has arisen after the posting of the agenda.

Council Member Roden referenced the Subway sign on the Texas Building on the Square and requested an update on sign provisions in the Downtown area.

Council Member Engelbrecht mentioned the pedestrian bridge dedication on June 14th.

Council Member Engelbrecht asked for a periodic report on the impact of placement of the red light cameras and the reduction of accidents associated with the cameras.

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

There was no continuation of the Closed Session.

With no further business, the meeting was adjourned at 8:10 p.m.

MARK A. BURROUGHS
MAYOR
CITY OF DENTON, TEXAS

JENNIFER WALTERS
CITY SECRETARY
CITY OF DENTON, TEXAS