

CITY OF DENTON CITY COUNCIL MINUTES

February 10, 2015

After determining that a quorum was present, the City Council convened in a Work Session on Tuesday, February 10, 2015 at 2:00 p.m. in the Council Work Session Room at City Hall.

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

ABSENT: None.

Work Session Reports

- A. SI15-0003 Receive a report; hold a discussion and give staff direction on the development review process and recommended solutions to improve the process, including the implementation of quarterly reports.

Brian Lockley, Director of Planning and Development, stated that the presentation was one of a series of presentations regarding development. This presentation would focus on the development process analysis and recommendations. Future meetings would focus on Planning and Development projects and priorities and update on Clarion Recommendations. The final presentation would be on Planning Division workload statistics. Topics for discussion included the DRC process review, findings, solution implementation and quarterly reports.

Development Review process - issues were outlined as expressed by the Development Community. Staff performed a comprehensive review of the DRC process and building permit and inspections process. The purpose was to determine workflow efficiencies and inefficiencies, improve operating interfaces and define the critical path needed to facilitate development.

DRC Team Review Findings - (1) unfamiliarity by all DRC Team members with the entire approval process, (2) incomplete submittals by applicants, (3) submittals that were not standardized, (4) lack of training, IT support and unfamiliarity with the functions of ProjectDox, and (5) Trak-It was not used to full potential.

Building Inspections review findings – (1) incomplete submittals by applicants, (2) submittals were not standardized, (3) manually (emailing) applicant if project upload was complete, (4) inconsistency in re-inspections by Building Inspectors, and (5) unfamiliarity with issuance of Temporary Certificate of Occupancy.

DRC Team Review Proposed Solutions – (1) Initiated DRC Team training, (2) initiated ProjectDox and Trak-It training, (3) initialing application submittal completeness check, (4) create standardized submittal templates, and (5) author a Developer Handbook which charted the process as well as Denton's development thresholds.

Building Inspections Review Proposed Solutions – (1) implemented Temporary Certificate of Occupancy procedures, (2) initiating application submittal completeness check, (3) create standardized submittal templates, (4) create standard operating procedures for re-inspections, and (5) initiating multidiscipline plans reviewers (cross train commercial and residential examiners)

Development Review Process - the purpose of the DRC and the goal of the DRC were reviewed. The reasons the City provided development review and building permit and inspection services

were detailed. The DRC team was composed of primary reviewers, secondary reviewers and stakeholders.

Development Processes - DRC managed multiple development processes. Each process consisted of different reviewers from several different departments. The Texas Local Government Code mandated certain requirements such as notices, public hearings and approvals. The processes may run concurrently depending on the nature of the application.

The procedures involved in the Pre-Application Conference Flowchart were presented. The Pre-application conference was held 10 days after the complete submittal. The Rezoning Flowchart was reviewed and noted that there was a 60-90 day completion in this process. Subdivision plats flowchart included a 60 day completion in this process. The Building Permit Flowchart included a 10-14 day completion process.

Council Member Gregory stated that he was expecting to see some kind of correlation that with more plans to review the longer the time frames to be done. He did not see that and in some cases, the ratios were off.

Rodney Patterson, Interim Building Official, stated that much of that had to do with the depth of the review that was done. Some cities only do a cursory review. Denton did a very comprehensive in-depth plan review.

Lockley stated that this was a first step in a number of amendments which were being done and was by no means a one size fits all procedure.

Council discussed how to tell if the plans submitted had changed, the number of commercial plans approved and length to get those plans approved, and the process for commercial plan approval.

Council Member Johnson felt that considering electronic uploads for developers made sense. However, tenant finish outs were different and in those cases an electronic system would be difficult. Think about the process in terms of building permits and what the process should be to fit the customers. He questioned how a temporary certificate of occupancy could be used as a tool for a business.

Lockley stated that there were situations where a temporary certificate of occupancy could be issued as long as it was not a health, safety or welfare situation.

Mayor Pro Tem Engelbrecht asked how long a temporary certificate of occupancy lasted and what happened when it expired.

Lockley stated that the temporary certificate of occupancy was for a 30 day period to complete the requirements and do re-inspection. It was likely that at the end of the 30 days, the business would already be opened and an extension would be provided. However, if it went on too long a citation would be issued.

Mayor Pro Tem Engelbrecht requested a report on the number of temporary certificates of occupancy, how long it took to complete and the amount of staff time used to get it completed.

Mayor Watts stated that what the City sometimes received was not a high quality submittal. He would encourage staff to find a way to define some line that represented a strong set of submittals. He requested an Informal Staff Report that summarized what the Government Code indicated for time frame and if City didn't have anything, think about instituting some.

Council Member Gregory suggested considering an express lane for small projects.

Lockley stated that was one of the items looked at when preparing the report. It was still on the table for further consideration. Staff was discussing the types of reviews from cursory to in-depth reviews, when they were done and why.

Council Member Hawkins suggested a tenant finish out handbook to help with those types of projects.

Council Member Johnson felt it was important to not get mired down in data so that the process does not suit the developer.

- B. ID 15-144 Hold a discussion and provide staff direction with regard to possible amendments to the City Council Rules of Procedure.

City Manager Campbell stated that Council had redlined versions of the revision of the rules and that this meeting would focus on the number of meetings with more details at the March 3rd meeting. He noted that the section on meeting could be changed to streamline meetings or add additional meetings. The first and third meetings were televised while the 2nd Tuesday meetings were not. A suggestion was to make the first, third and fourth Tuesday meetings regular meetings with all three meeting being televised.

Council Member Johnson stated that he would rather meet every Tuesday starting at 3:00 p.m. rather than at 1:00 and have more shorter meetings more times.

City Manager Campbell stated that the goal was to make the meetings more productive. The fourth Tuesday meeting could be more specialized meetings such as public hearings.

Mayor Watts felt that the meeting were too long when starting at 1:00 and ending at 10:00. He suggested a trial basis for the fourth Tuesday meeting and not amend the ordinance at this time. See if the 4th Tuesday helped with the times and televise all the meetings.

Council Member Ryan suggested meeting every Tuesday. The fourth Tuesday could be similar to a 2nd Tuesday work session. Business could be done on the first and fourth Tuesdays with the fourth Tuesday becoming a regular meeting if one of the others was canceled.

Council Member Hawkins stated that there would be no personal time to take time off if every Tuesday was a meeting.

Council Member Gregory agreed that the meetings should not go past 10:00 p.m. if started at 1:00 p.m. in the afternoon. A fourth Tuesday meeting would time away from work for those who were still working and noted that he tried to schedule outings on 4th Tuesday. He

suggested a cutoff time for meetings and would be in favor if items then had to go to fourth meeting.

Council Member Roden stated that there was a benefit to have off weeks and also saw all the staff that had to attend meetings at all of these weeks. He felt the meetings needed to be more efficient rather than adding meetings.

City Manager Campbell suggested adding the fourth Tuesday meeting for next 90 days and treat them as special meetings to see how it would work and then Council could decide if it wanted to change the ordinance. He stated that staff would include the power points in the backup so Council had the information before the meeting. He suggested Council let staff know before the meetings about questions on current agenda items.

Council Member Hawkins stated that he send emails about questions on the Consent Agenda but that sometimes he wanted to say his comments in public.

City Manager Campbell stated that if staff had the questions beforehand, the right person to answer them would be at the meeting.

Council Member Ryan suggested that Council listen to a whole staff presentation before asking questions.

Mayor Watts suggested that if the meeting were in the Work Session Room it should be televised or at least recorded.

City Manager Campbell stated that everything in the Work Session Room would be televised.

Council Member Gregory stated that the bulk of the work was done in work sessions and it showed the public how much of the discussion happened in the work sessions if they were televised.

Consensus of the Council was to start with the March meetings to have the fourth Tuesdays for work session/closed meetings. The start time could be flexible but not start earlier than 2:00 p.m.

- C. 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 Hawkins requested a staff report on towing.

Council Member Johnson stated that Council had received an Informal Staff Report on tree landscaping requirements. It was his desire to not slow down the process to plant trees this year.

Council Member Ryan requested a work session on the decision and policy making process used when to making street repairs for street reconstruction and how the list was made based on the OCI.

Council Member Roden requested a work session on the taxi ordinance.

Council Member Roden stated that the emergency shelter no longer had a home and questioned what the City could do to help.

Council Member Johnson asked about the type and size for the trees for the Hickory Street Grand Project and if they were not going to be 15-20 feet tall take the money out of the tree fund to put in that size.

Mayor Watts also requested a work session on the towing issue and what other cities doing.

Mayor Watts asked about the public art master plan and a time frame for executing a contract.

Council Member Ryan suggested posting the Informal Staff Report on line for citizens to read.

Following the completion of the 2nd Tuesday Session, the City Council convened in a Closed Meeting at 5:00 p.m. to consider the specific items listed below under the Closed Meeting section of this agenda.

Closed Meeting

- A. ID 15-145 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.

The Council reconvened in Open Session and with no further business adjourned at 6:00 p.m.

CHRIS WATTS
MAYOR
CITY OF DENTON, TEXAS

JENNIFER WALTERS
CITY SECRETARY
CITY OF DENTON, TEXAS