

## CITY OF DENTON CITY COUNCIL MINUTES

September 6, 2011

After determining that a quorum was present, the City Council convened in a Work Session on Tuesday, September 6, 2011 at 3:30 p.m. in the Council Work Session Room at City Hall.

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

ABSENT: None.

### 1. Citizen Comments on Consent Agenda Items

There were no citizen comments submitted for this item.

### 2. Requests for clarification of agenda items listed on the agenda for September 6, 2011.

Council Member Watts stated that he was absent from the last council meeting and listened to the meeting on-line. He suggested member make sure their mikes were on as sometime it was hard to hear what was being said.

### 3. Receive a report, hold a discussion, and give staff direction on the FY 2011-12 Proposed Budget, Capital Improvement Program, and Five-Year Financial Forecast.

Bryan Langley, Chief Financial Officer, presented information on the process thus far and upcoming events. The staff had made adjustments to the budget as requested by Council.

General Fund – due to an increase in the sales tax forecast, staff increased the level of funding for Council initiatives to \$333,000. These funds were placed in a non-departmental budget and once additional details were known on the expenditures, the items would be brought back to Council for consideration. Possible uses of the funds included additional street maintenance, implementation of the bike plan, additional traffic signals, Denton County Transportation Authority Downtown shuttle operations costs, or any other Council priority.

Council also directed staff to increase the level of funding for street maintenance activities. Council directed staff to transfer 100% of the growth in franchise fees to the Street Improvement Fund. This would reduce the General Fund by \$439,827 and increase the street maintenance funding by the same amount in the Street Improvement Fund. The budget would be presented to Council on September 20<sup>th</sup> for consideration.

Mayor Burroughs stated that at an earlier meeting he had asked for information on what other taxing entities such as the DISD and the County was doing with employees in terms of compensation. He asked for an update on that prior information.

Council Member Roden asked if there was going to be a staff presentation before the public hearing on the budget.

Langley stated that there would be a brief presentation on the budget similar to what he had just done.

Council Member Roden stated that he knew of some people who were interested in the Council initiative fund and who wanted to comment on how to spend that money.

Council Member King stated that the budget was projected to be approximately \$700,000 over budget with that amount to be drawn out of the fund balance. If the \$300,000 was not spent, only half that amount would be over budget.

Council Member Watts asked how the process would work in terms of the money. He would like to be prudent with that additional money which was based on the sales tax forecast. He was interested in the process whereby a decision would be made on how to spend the money.

Langley stated that as staff received more information on the cost for a specific project the information would be presented to Council to see if they wanted to spend it on that project.

City Manager Campbell stated that Council would determine how to spend that money.

Council Member Watts stated that his preference would be to have individual council votes concerning the spending of that money.

4. Receive a report, hold a discussion and give staff direction regarding the Aesthetic Study that the Texas Department of Transportation (TxDOT) is preparing for the IH-35 expansion project.

Emerson Vorel, Director of Parks and Recreation, stated staff had been attending meetings since February regarding the aesthetics of I-35E when it was reconstructed. Patrick Owens of the consulting firm contracted by TxDOT to prepare an Aesthetics Master Plan was present to provide an overview of the information.

Patrick Owens, HNTB Corporation, stated that there were two areas for consideration – one was the technical guidelines and the other was the aesthetics master plan. The Master Plan would be done first followed by the technical guidelines. The project was kicked off in the December/January time frame with a discussion of the aesthetics from IH-635 to US Highway 380. TxDOT had requested input to establish what the design would look like before going to the design/build stage. They received input from groups along the corridor and divided the corridor into four different districts to manage all of the information. The goal set by TxDOT was to have two supplemental documents to be included in the procurement package so bidders would know what was expected. He noted that there were common elements which could and could not be touched in conjunction with the study. HNTB also looked at how to organize the aesthetics in terms of where particular community elements were located and where corridor-wide elements were located. The participants agreed with having a community specific look and feel in the corridor. Three general character zones were developed and implemented with some local specifics such as abutment walls allowing graphics or art work for a specific community.

The Master Plan documents provided a consensus on the concept and direction to move forward. That set the stage for more technical documents for contractors in the form of aesthetic design guidelines. Information was needed on where the accent graphics would be applied and if the intersection was a priority. TxDOT would eventually like to have specific feedback on what the

art work would be and identify where it would be located. Owens presented various options for wall accent panels, colors and texture patterns. He indicated that by September 15<sup>th</sup> they needed information on how the feedback would work but did not need specific artwork at that time.

Council Member Roden asked if there was a specific overlay and did the City need to provide a specific design for that. He questioned if once the artwork was chosen would it have to be the same for every overpass.

Owens replied that every intersection would have a specific design. Baseline aesthetics were established at specific intersections. They were requesting feedback on whether to have the same artwork or unique art work at the intersections which would be determined by the communities.

City Manager Campbell stated that suggestions were needed on which intersections the city would like to have treatments. Some of the intersections would have more visibility than others from the freeway and some would only be seen from the frontage roads.

Owens stated that all of the intersections were overpass scenarios which would put retaining walls visible from the community and not from the main corridor.

Council Member Gregory asked if there were any photos or if Owens could direct him to some to some that show the metal technique.

Owens indicated that he had a small sample to show to Council and could provide some photos of completed projects.

Mayor Burroughs asked at what point the City would have to tell TxDOT that it wanted some enhanced intersections and was willing to pay for them.

Owens stated that they would like to have those intersections identified by the 15th to complete the document. The city could ask TxDOT about a deadline as the information would not immediately go to a contractor to begin work.

Council Member Gregory suggested coordinating the intersections with the city's entrance signage. The Public Art Committee could review the graphics.

Mayor Burroughs clarified that the specific graphics were not due on the 15th.

Owens stated that was correct.

Council Member Watts questioned if the intersections labeled for graphics accents had to have the same graphics on each of the four corners.

Owens replied correct but if the City wanted to do two and two, it would not be out of the question and would not be any additional cost.

Council Member Watts asked that if there were four identified intersections with four corners each, what would be maximum number of different graphics on each intersection.

Owens stated that they were gearing the document that each intersection with four corners would have the same graphics. He indicated that if the City wanted concrete graphics that would be a different project and would be more expensive.

Council Member Watts asked what the baseline for landscaping at the intersections was and what would be enhanced.

Owens stated that everything was base lined with Bermuda grass but enhanced intersections would have basic shrubs. If a city wanted to go up from there, options were also available for that. A city could also suggest a plant palate if it wanted to enhance the site.

Mayor Burroughs asked about the timing on grass and shrub preferences.

Owens stated that they needed to know by the 15<sup>th</sup> but the City could ask TxDOT for an exact timeline.

Vorel stated that entities which requested enhanced landscaping also took on future maintenance of the plantings.

Mayor Pro Tem Kamp asked if plants native to Texas could be used instead of Bermuda which needed lots of maintenance.

Owens stated that anything above and beyond would be installed by TxDOT and maintained by the local community.

Mayor Pro Tem Kamp questioned that if this process had started in January and had to be completed by September 15<sup>th</sup>, why was Council just now discussing it.

Owens stated that Lewisville hired its own consultant to look at the border corridor and how it would have a ripple effect throughout the community. Elements specific to that study were no farther along than Denton. The Lewisville consultant, TxDOT and his firm had talked about ideas but where the lines would be drawn was still being worked out.

Mayor Pro Tem Kamp asked how Denton would do that process.

City Manager Campbell stated that he was not sure as the 15<sup>th</sup> was a short time frame. He suggested brainstorming on how to proceed such as referring it to the Mobility Committee, the Public Art Committee or form a council committee.

Mayor Pro Tem Kamp suggested a committee made up of three members of the Public Art Committee and three members from Council to meet on the issue.

Council Member Engelbrecht asked how the four intersections were selected and who selected them.

Owens stated that it was from feedback from the advisory committee meetings and their staff. However, that was not a final decision.

Council Member Engelbrecht stated that Highway 380 was not one of the intersections selected but was going to be a major cross thoroughfare throughout city. He also asked if thought had been given to having the graphic on just one side of an intersection where traffic would be and possibly be able to do eight intersections.

Owens stated that could be an option if the City wanted.

Council Member Engelbrecht questioned if the City could purchase a set for future use, leaving some blank for the time being.

Owens felt that could be an option. The use of the applied metal would allow for such an option and could easily be refreshed with new graphics in the future.

Council Member Engelbrecht stated that it could be part of a master plan with a statement on how to change or add graphics in the future.

City Manager Campbell asked if the information requested was critical for September 15<sup>th</sup> or could it be moved to October 1<sup>st</sup>.

Owens stated that he would defer to TxDOT on when the information needed to be turned in for document review. TxDOT would set the date for feedback.

Mayor Burroughs noted that accents on Post Oak would face oncoming traffic and not from the community as that was an underpass. Post Oak was an entrance way and it would be critical for the artwork. He asked what it would take to add another intersection to the list of four as accents.

Owens stated that there was no magic to the number four of intersections. The City could make a case to TxDOT to have five because of specific reasons. He felt that would not be a problem.

Mayor Burroughs questioned if the number of intersections would have to have done by 15th.

Owens replied correct. He felt that TxDOT would consider anything brought forward to them.

Council Member Gregory indicated that Highway 380 was an important intersection which needed to be in the mix.

Council Member Roden asked about the possibility of leaving an overpass blank for a public art project.

Owens stated that public art was discussed early on in the process. A problem with public art was the factor of the unknown plus it would not have a consistent look and feel. It was not the direction that the committee went; however, Council could bring it up to TxDOT if it desired. The abutment face was not addressed but might be a consideration from a pedestrian standpoint.

5. Receive a report, hold a discussion and give staff direction regarding a proposed ordinance which establishes child safety zones within the City of Denton in which certain registered sex offenders may not legally reside.

Captain Len Carter, Denton Police Department, presented information on the proposal. The purpose of sex offender residency law was to create a child safety zone in which registered sex offenders did not live, thereby reducing the risk that they might have the opportunity to victimize children. Denton currently did not have an ordinance regulating the residency of sex offenders and when they were on parole, they could live anywhere in the city. Most area cities had adopted ordinances establishing child safety zones which prohibited sex offenders convicted of offenses against minors from residing within at least 1,500 feet of places where children gather such as schools, parks, recreation centers, video arcades and day care centers. State law already required offenders with children to register with the local police department but while on parole must maintain certain distance. Currently there were 138 registered sex offenders in Denton. The Police Department monitored the activity of these offenders by conducting monthly visits to confirm their residences.

Since 2007 Denton had experienced a steady increase in the number of registered sex offenders who chose to reside in Denton for personal reasons or after being paroled to Denton after release from incarceration. Other areas had reported a leveling out or decrease. There were no documented incidents of registered sex offenders reoffending and victimizing children in Denton. The city would maintain a map depicting the prohibited areas. The map would be reviewed annually and made available to juvenile offenders and exempted the permanent residences of those offenders who were registered prior to the date of the adoption of the ordinance.

Council Member Watts questioned why the ordinance did not apply to offenders who were minors.

Carter indicated that no other ordinance had that provision.

Council Member Roden asked for reasons why there might be more offenders in Denton.

Carter stated that when the offenders were released they had to have a place to live and family members here might take them in. It might also be because Denton did not have an ordinance on file while others cities did.

Council Member Gregory stated that he did not see any information on bus stops.

Carter indicated that there were legal and logistical issues with bus stops. Currently there were approximately 376 bus stops which would make it difficult to provide notice to offenders and bus stops frequently moved which would make difficult to make a prior notice to offenders.

Council Member Gregory stated that an offense might have been against an older person rather than just a child and questioned if that person would be prohibited from being around children.

Carter replied that it only applied to offences where the victims were under the age of 17.

Council Member King stated that these offenders had already paid their debt to society and questioned if they were more repetitious offenders than others.

Carter stated that there were several subgroups some of which fixated and targeted children. It was difficult to assess a risk level to humans as it was hard to predict what might happen. He stated that State law allowed for the County Sheriff to prevent an offender from being enrolled in his county. The purpose of that was to balance the load. A police department had to monitor the activities of these offenders which could be difficult if the numbers were high.

Council Member Engelbrecht asked if neighborhood day cares in homes registered with the State were included in the protected areas.

Carter stated that only public day care centers were included.

Consensus of the Council was to proceed with the ordinance.

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

1. Closed Meeting:

A. Deliberations Regarding Certain Public Power Utilities: Competitive Matters - Under Texas Government Code Section 551.086.

1. Receive competitive public power information from staff in the form of a proposed operating budget for Denton Municipal Electric ("DME") for the upcoming fiscal year, including without limitation, revenues, expenses, commodity volumes, and commitments, and the direction of DME; and discuss, deliberate, consider adoption of the budget and other matters, and provide staff with direction regarding such matters.

This item was not considered in Closed Session.

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

1. Receive a status report regarding the litigation entitled: The University of North Texas, Appellant v. The City of Denton, Texas, Appellee, Cause No. 02-09-00395-CV, now pending before the Fort Worth Court of Appeals; and discuss, deliberate and provide the City's attorneys with direction and any recommendations regarding such legal matter. A public discussion of this legal matter would conflict with the duty of the City's Attorneys to the City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.

- C. 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 or the condemnation of fee simple tracts, permanent drainage easement tracts and temporary construction easement tracts for the Mayhill Road Widening and Improvements project, affecting real property tracts in the D. Hough Survey, Abstract No. 646, the M.E.P. & P.R.R. Surveys, Abstract Nos. 927 and 950, the D. Lambert Survey, Abstract No. 784, the G. Walker Survey, Abstract 1330, and the J. Brandon Survey, Abstract No. 1515, in the City and County of Denton, Texas. Consultation with the City's attorneys regarding legal issues associated with the acquisition or condemnation of the tracts referenced above where a public discussion of these legal matters would conflict with the duty of the City's attorneys to the Denton City Council and the City of Denton, Texas under the Texas Rules of Disciplinary Conduct of the State Bar of Texas, or would jeopardize the City's legal position in any administrative proceedings or potential litigation.

This item was not considered in Closed Session.

Council convened in a Regular Meeting of the City of Denton City Council at 6:30 p.m. in the Council Chambers at City Hall.

**1. POSTING OF COLORS**

The Fire Department Honor Guard posted the colors in remembrance of the 10th anniversary of the 911 attacks.

**2. PLEDGE OF ALLEGIANCE**

The Council and members of the audience recited the Pledge of Allegiance to the U. S. and Texas flags.

**3. PROCLAMATIONS/PRESENTATIONS**

A. Proclamations/Awards

1. Constitution Week

Mayor Burroughs presented the proclamation for Constitution Week.

2. Friday is UNT Pride Day 2011

Mayor Burroughs presented the proclamation for UNT Pride Day.



3. Leukemia, Lymphoma & Myeloma Awareness Month

Mayor Burroughs presented the proclamation for the Leukemia, Lymphoma & Myeloma Awareness Month.

4. National Moment of Remembrance of the 10th Anniversary of September 11th

Mayor Burroughs presented the proclamation for National Moment of Remembrance of the 10th Anniversary of September 11.

**4. CITIZEN REPORTS**

A. Review of procedures for addressing the City Council.

B. Receive citizen reports from the following:

1. Rebecca Smith-Murdock regarding a Denton Smoke-Free city ordinance.

Ms. Smith-Murdock asked for a comprehensive smoke free ordinance in Denton. All public places would be smoke free including offices, restaurants, and bars. Data indicated that smoke free restaurants and bars were not adversely economically affected by such an ordinance. She asked Council to pass a comprehensive ordinance to make Denton smoke free.

2. Hannah Murdock regarding a comprehensive smoke-free ordinance for Denton.

Ms. Murdock asked Council to consider a smoke free ordinance for the city of Denton. Citizens had the right to clean air but had a limited selection of work sites, restaurants and bars to go to. She requested Council consider this issue now instead of waiting for state-wide action.

3. Bob Clifton regarding the proposed budget.

Mr. Clifton spoke regarding the proposed budget. He presented a comparison between the County budget and the City proposed budget. He detailed the number and amount of salaries for city employees.

**5. CONSENT AGENDA**

Council Member Gregory motioned, Council Member King seconded to approve the Consent Agenda and accompanying ordinances. On roll call vote, Council Member King "aye", Council Member Watts "aye", Council Member Gregory "aye", Council Member Engelbrecht "aye", Mayor Pro Tem Kamp "aye", Mayor Burroughs "aye", and Council Member Roden "aye". Motion carried unanimously.

Ordinance No. 2011-139

- A. Consider adoption of an ordinance of the City of Denton authorizing the City Manager to enter into a development agreement between the City of Denton and ULE, L.L.C. for the dedication of park land and construction of trails at a neighborhood park at the Unicorn Lake Estates Subdivision; authorizing acceptance of land and improvements; and providing an effective date. The Parks, Recreation and Beautification Board recommends approval (5-0).

The minutes below were approved.

- B. Consider approval of the minutes of: July 12, 2011 July 19, 2011

Ordinance No. 2011-140

- C. Consider adoption of an ordinance authorizing the City Manager to execute a Professional Services Agreement with CP&Y, Inc. of Dallas, Texas for engineering services and consulting services associated with Tasks 2 through 4 of the City of Denton's Municipal Solid Waste (MSW) Facility Permit# 1590A, and providing an effective date (File 4683 - in an amount not to exceed \$865,880.00.) The Public Utilities Board recommends approval (5-0).

**6. ITEMS FOR INDIVIDUAL CONSIDERATION**

- A. Consider nominations/appointments to the City's boards and commissions.
1. Animal Shelter Advisory Committee
  2. Health & Building Standards Commission
  3. Historic Landmark Commission
  4. Public Art Committee
  5. Traffic Safety Commission
  6. Zoning Board of Adjustment

Mayor Burroughs nominated Sally Cavness to the Animal Shelter Advisory Committee, Mayor Pro Tem Kamp nominated Pati Haworth to the Historic Landmark Commission and Council Member Roden nominated John Murphy to the Traffic Safety Commission.

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

## 7. PUBLIC HEARINGS

### Ordinance No. 2011-141

- A. Hold a public hearing and consider adoption of an ordinance of the City of Denton Texas, providing for a zoning change from Downtown Residential 1 (DR-1) zoning district classification and use designation to Downtown Commercial General (DC-G) zoning district classification and use designation, on 2.5 acres, legally described as Lots 2-9, Block B, Paul Hamilton Addition, in the City of Denton, Denton County, Texas; providing for penalty in the maximum amount of \$2,000.00 for violations thereof; providing a severability clause and an effective date. (Z11-0006) The Planning and Zoning Commission recommends approval (7-0.) DUE TO THE OPPOSITION OF MORE THAN 20% OF THE LAND AREA WITHIN 200 FEET OF THE SUBJECT PROPERTY, A SUPER MAJORITY VOTE OF THE CITY COUNCIL WILL BE REQUIRED TO APPROVE THIS REQUEST.

Mark Cunningham, Director of Planning and Development, presented the details regarding the proposal. The applicant was requesting a zoning change from DR-1 to DC-G in order to expand the Midtown student housing project which was just completing construction. The property was currently developed with eight single family lots that the developer had acquired that would be an extension of the Midtown Student Housing Complex. The proposed zoning was consistent with the existing Denton Development Code; however, opposition exceeded 20% which would require a super majority vote by Council. The Planning and Zoning Commission and staff recommended approval.

Mayor Pro Tem Kamp stated that the picture of the site did not show the new development. There were four story structures in the area.

Cunningham stated that the structures were already built but were not facing Cleveland Street.

Mayor Pro Tem Kamp asked about the opposition to the proposal.

Cunningham stated that it was one property owner who owned or managed the lots in question.

Council Member Watts asked about the single lot to the south that was not part of the rezoning.

Cunningham stated that the zoning was for multi-family and the other areas were for the club house for the new apartments.

Council Member Watts stated that the requested change was to not restrict the property to multi-family and that the zoning change would allow for other uses as submitted.

Cunningham stated that the proposed zoning was for straight zoning to DC-G and that all uses would be allowed that were in DC-G

Council Member Roden asked about the traffic flow from the new apartments.

Cunningham stated that the access would be on Cleveland Street.

Council Member Roden asked if that would be the only access or would that change with the new zoning.

Cunningham stated that parking would be adjacent to the existing parking. Currently there was no official site plan.

Council Member Roden stated that there were a large number of large trees on the property and questioned what the process was to save those trees.

Cunningham stated that the developer would have to meet the current tree ordinance as noted in the Development Code or do mitigation as noted in the Development Code.

Council Member Gregory asked about the site plan review process.

Cunningham stated that the site plan would be submitted to the City for review but that there would be no public hearing.

The Mayor opened the public hearing.

The following individuals spoke during the public hearing:

Mac Jones, applicant, spoke in support.

Council Member Gregory stated that the proposal was designed as student housing and asked Mr. Jones to describe the units.

Jones stated that they would be 2-4 bedroom units with amenities already in place with the other complex. Each bedroom would have its own bathroom and would be blocked off from the common area of the apartment. The apartments would be listed by the bedroom. Only one additional building would be constructed on the property. He was proposing forty units and 150 beds with no more than one tenant per bedroom.

Council Member Gregory asked how parking would be allocated.

Jones stated that there would be enough parking for each bedroom to have a parking space. His policy was to not have spill over parking outside of the complex.

Council Member Gregory asked if there was any retail space included within the development.

Jones stated that he had done one development in Arlington with retail but that was generally not his practice.

Council Member Watts stated that with the forty units and 150 beds the apartments would be a mix of two, three and four bedrooms.

Jones stated that the majority would be four bedrooms.

Council Member Watts stated that with no site plan, the density could be 150 units per acre so to zone with the requested zoning it was only constricted by the size of the site for the number of units. He questioned if the site plan would be able to accommodate 150 cars on site.

Jones indicated that it could.

Council Member Watts asked Mr. Jones if he would agree to put a restriction to have only multi-family on the property.

Jones stated he would agree to that.

Council Member Watts expressed a concern regarding the height of the buildings. In the past, there were some presentations made of what was going to be built but that might have changed in the process. He was uncomfortable with not having a site plan to look at. He asked about the ingress/egress and whether the property would be replated into one large development.

Jones stated that the property would be replated.

Council Member Watts asked about the access and the fact that there was only one access.

Jones stated that was correct as that was what was required. They would like another point of egress but that was dependent on City code.

Council Member Watts asked if the parking would be in the back.

Jones stated that was what was being considered.

Council Member Watts asked Mr. Jones if he would agree to restrict the buildings to be similar in nature to the ones already there.

Jones replied that was what they were going to do. They were going to make it identical to the other buildings.

Mayor Pro Tem Kamp asked Mr. Jones to address the tree issue.

Jones stated that they were going to save as many trees as they could as they were an amenity to the site.

Council Member Roden asked if the resident's cars were staying in the parking lot or how were the students getting to the university.

Jones indicated that a lot of the students rode the bus or bikes.

Council Member Roden asked what the complex did for bike riders.

Jones stated that they had just purchased two additional bike racks for all the bikes used on site. He felt that most of the cars stayed put and were not driven to campus. They had applied to the university to add a bus stop at the club house.

Council Member Engelbrecht asked if there would be retail on the lower floor on the Cleveland Street side.

Jones stated that it was not considered as visibility there was not high enough.

Council Member Watts asked if Jones had sold any units to a tax exempt entity.

Jones replied no. They had built seven projects and still owned and managed six of them.

James Lockridge, 917 Cleveland, Denton, 76201 - spoke in favor.

David Shelton, 919 Cleveland, Denton, 76201 – spoke in favor.

Ivan Goddard, 1017 Cleveland, Denton, 76201 – spoke in favor.

Robert Detaneglo, owner of 1001 Cleveland, Denton 76201 - spoke in favor.

Devin Taylor, 2710 Hinkle, Denton, 76201 – request retail not be restricted.

The Mayor closed public hearing.

Council Member King motioned, Council Member Watts seconded to adopt the ordinance with the conditions that the use be limited to multi-family and with similar construction as those building around it. On roll call vote, Council Member King "aye", Council Member Watts "aye", Council Member Gregory "aye", Council Member Engelbrecht "aye", Council Member Roden "aye", Mayor Pro Tem Kamp "aye", and Mayor Burroughs "aye". Motion carried unanimously.

B. Hold a public hearing and receive citizen input on the FY 2011-12 Proposed Budget.

Bryan Langley, Chief Financial Officer, presented an overview of the budget process to date. The proposed budget was presented to Council on July 29 with detailed discussions during August. The current tax rate was maintained with no base rate increase for electric customers. There was an increase proposed in water and solid waste. The budget also created a street improvement fund with \$3.5 million to be placed in that fund for street maintenance. Following the August 16th meeting staff made changes in the budget following Council direction. The projected sales tax increase which increased the Council's initiative funding would be part of the budget but no specifics at this time for the uses of that money. Detailed costs for projects would be presented to Council at the appropriate time. The amount of transfer to the Street Improvement Fund would be increased by using the franchise fees. An additional work session on would be held on September 13<sup>th</sup> regarding the budget with budget approval scheduled for September 20<sup>th</sup>.

Mayor Pro Tem Kamp stated that the total budget was approximately \$587 million and asked how much of that was the DME budget.

Langley stated that \$140.4 million was Electric Fund expenditures.

Mayor Pro Tem Kamp stated that it was not an equal comparison when Denton's budget was compared to cities with no utility company.

Mayor Burroughs asked how much was the General Fund budget.

Langley replied it was \$88.5 million for tax supported services such as police, fire and libraries.

The Mayor opened the public hearing.

The following individuals spoke during the public hearing:

Jeffrey Rasch, 301 Bradley, Denton, 76201 – more money for bike lanes  
Devin Taylor, 2710 Hinkle, Denton, 76201 – support for the budget  
Amaya Herrington-Alexander, 2043 Scripture, Denton, 76201 – support for bike lanes  
Vicki Oppenheim, 600 Windfield, Denton, 76209 – more money for bike lanes  
Christopher Walker, 1310 Scripture, Denton, 76201 – more money for bike lanes  
Jennifer Lane, 2024 Bowling Green, Denton, 76201 – support for the budget  
Laurent Provost, 1301 Sena Street, Denton, 76201 – in support of bike lanes  
Amber Briggie, 1315 Dartmouth, Denton, 76201 – in support of bike lanes  
Elma Walker, 9805 Grandview, Denton, 76207 – support for the budget  
Ian Veteto, 2006 Camellia Street, Denton, 76205 – support for bike lanes  
Alena Veteto, 2006 Camellia Street, Denton, 76205 – support for bike lanes  
Cooper Barner, 1701 Wisteria, Denton, 76205 – support for bike lanes  
Zarian Peresly-Boone, 601 Crescent, Denton, 76201 – support for bike lanes  
Lydia Alexander, 2043 Scripture, Denton, 76201 – support for bike lanes  
Clinton McBride, 1400 N. Elm, Denton, 76201 – support for bike lanes  
Howard Draper, 919 W. Hickory, Denton, 76201 – support for bike plan  
Kris Ohlinger, 1121 Bernard, Denton – support for bike infrastructure  
Raina Joines, 801 Greenwood, Denton, 87208 – support for bike lanes  
Joseph Kinrad, 65 W. Sycamore, Denton, 76201 - support for bike lanes  
Kevin Marshall, 530 S. Locust, Denton - support for bike lanes  
Hatice Salih, 300 Northridge, Denton, 76207 – opposed to budget  
Bob Clifton, 1800 Morse, Denton, 76205 – opposed to budget

The following individuals submitted comment cards all in support of bike lanes:

Will Frenkel, 1704 Westchester, Denton, 76201  
Jeremiah Trinidad, 1220 Crescent, Denton, 76201  
Dylan Thomas Dunn, Denton, 76201  
Tyler Reinhold, 516 W. Oak, Denton, 76201  
Chris Thrasher, 409 Janie Street, Denton, 76209  
Jennifer Bailey, 1003 Avenue A, Denton, 76201  
Allison Gilmer, 400 Jagoe, Denton, 76201  
Remington Pohlmeier, 1417 Anna Street, Denton, 76201  
Antonio Mondrayer-Becher, 409 Janie, Denton, 76209  
Pauline Farrestin, 2015 Bowling Green, Denton, 76201  
Desiree Chuskul, 316 Fry Street, Denton, 76201  
Nathaniel Lightfoot, 111 Lane Street, Denton, 76209  
Jessica Menth, 816 N. Bell, Denton, 76209  
Chris Flesher, 816 N. Bell, Denton, 76209  
Agatha Beins, 2421 N. Bell, Denton, 76209  
Rhonda Love, 1921 Hollyhill, Denton, 76205

Justin Stewart, 1808 Panhandle, Denton, 76201  
Julie Stebbins, 1220 Crescent, Denton, 76201  
Chris Oller, 514 N. Austin, Denton, 76201  
Nicholas Magruder, 425 Normal, Denton, 76201  
Cayla Bramlett, 716 W. Sycamore, Denton, 76201  
Lily Sloan, 1104 Manhattan, Denton, 76209  
Brian Bartels, 716 W. Sycamore, Denton, 76201

The Mayor closed the public hearing.

Council Member Engelbrecht thanked the citizens for coming to Council as a group for a particular effort.

Mayor closed public hearing

No action was required by Council on this item.

## **8. CITIZEN REPORTS**

- A. Review of procedures for addressing the City Council.
- B. Receive citizen reports from the following:

- 1. Hatice Salih regarding the proposed budget.

Ms. Salih presented her views on the city's proposed budget.

- 2. Melissa Rodriguez concerning a smoke free Denton.

Ms. Rodriguez presented her views on a smoke free ordinance for the city of Denton.

## **9. 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.



Mayor Pro Tem Kamp invited Council and citizens to a city-wide commemoration of 9/11 at the First United Methodist Church on Sunday at 6:00 p.m.

Council Member Gregory requested that the Agenda Committee work on a time to have a work session on a smoke free ordinance and would like to see the proposed legislation by Myra Crownover. He would also like to see ordinance in this area that had been implemented by neighboring cities as a model.

Council Member Roden asked for a history of the bike plan and reasons why items in the plan were not in effect.

Council Member Watts asked for a work session regarding an apartment policy for Denton.

Council Member Watts asked for recommendations from the TIF Board for financing options for the County property.

Mayor Burroughs asked that it also include what was the best possible type of development for the property per the Board and what kind of zoning should be on the property.

Council Member Engelbrecht agreed with the smoking and apartment policy suggestions. He also asked that staff be able to talk about money for the bike plan at the next budget discussion.

Mayor Burroughs asked for suggestions on where in the increased funding for road maintenance prioritization of bike traffic would be located. He suggested looking at that when prioritizing a street for maintenance and make it one of the factors if it currently was not one.

Mayor Burroughs asked about traffic light functioning so that it recognized a bike there instead of car.

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

Mayor Burroughs indicated that Council would be returning to the Closed Session.

- C. Official Action on Closed Meeting Item(s) under Sections 551.071-551.086 of the Texas Open Meetings Act.

There was no official action on Closed Meeting items.

Council returned to Closed Session at 9:00 p.m. to consider the following:

- A. Deliberations Regarding Certain Public Power Utilities: Competitive Matters - Under Texas Government Code Section 551.086.
  - 2. Receive a status report and further presentation from staff regarding public power competitive and financial matters regarding the possible construction

and installation of a state-of-the-art combined heat and power (CHP) tri-generation station, and associated structures including a proposed natural gas pipeline, for the City to be located in the industrial district in the City of Denton, Texas; discuss, deliberate, consider and provide staff with direction regarding same.

The Council returned to Open Session and with no further business adjourned at 9:15 p.m.

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MARK A. BURROUGHS  
MAYOR  
CITY OF DENTON, TEXAS

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JENNIFER WALTERS  
CITY SECRETARY  
CITY OF DENTON, TEXAS