

CITY OF DENTON CITY COUNCIL MINUTES

November 4, 2013

Joint meeting of the City of Denton City Council and the Planning and Zoning Commission on Monday, November 4, 2013 at 11:30 a.m. in the Council Work Session Room.

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

ABSENT: None

1. Call to order; announce quorum, introductions.

Mayor Burroughs called the meeting to order and announced that a quorum of the Council was present. Commissioner Chair Schaake called the Planning and Zoning Commission to order and announced that a quorum of the Commission was present. Introductions were made for both entities.

Mayor Burroughs stated that he was glad everyone could attend. The boards and commissions were outreaches of Council and help Council with their decisions. Council relied on their comments on the issues coming through Planning and Zoning. He encouraged the Commissioners to ask if they had elements of clarification they needed from Council.

2. Receive a report, hold a discussion, and give staff direction on the Prioritization of Strategic Initiatives for the Planning and Development Department.

Bryan Lockley, Director of Planning and Development, presented an overview of the topic. He stated that the agenda for the meeting would include the purpose of the meeting, an overview of Planning and Development activities, project inception, project prioritization criteria, project prioritization goals, project lists and staff recommended prioritization.

The purpose of the joint meeting was to receive input and request Planning and Zoning Commission and City Council direction on the Prioritization of Planning and Development Department projects.

Prioritization of Strategic Initiatives included restructuring of the department with the creation of two sections – development services and neighborhood services.

Goals of development services included the creation of a permit center, the goal of 80% online submittals of all building permits types by 2015, an expedited review process, and the implementation of a team approach to development.

Neighborhood services included the development of neighborhood programs, the establishment of goals, an annual program calendar, evaluation criteria, and reporting.

Development Review would be centered on the development of neighborhood programs with the establishment of goals, an annual program calendar, evaluation criteria and reporting. Development Review was comprised of representatives from several City departments. The key function of Development Review would be to review, evaluate, and analyze development applications. Other functions included ensuring consistency with the Denton Plan, the Denton

Development Code and all other applicable codes, regulations, state and city laws. On average, the Development Review Committee annually processed 444 development applications. This equated to approximately 836 hours of staff time annually dedicated to this function.

In the Neighborhood Planning area staff was in the initial process of developing annual neighborhood programs for implementation. Staff would be establishing goals, objectives, costs, marketing and outreach, and program frequency. A report regarding the results of the programs would be provided.

Neighborhood planning reviewed the development of neighborhood planning projects and acted as a conduit to connect neighborhoods with other city resources. It would involve the implementation of a neighborhood resource team program.

Project inception – included the City Council, City Manager's Office through Planning and Development, Council appointed boards and commissions, the Denton community through business, development, or neighborhood segments. The Planning and Development Department served as liaison to 6 council appointed boards and commissions. Those included the Planning and Zoning Commission, the Historic Landmark Commission, the Zoning Board of Adjustment, Human Services Advisory Committee, Community Development Advisory Committee and the Health and Building Standards Commission.

Lockley reviewed an example of a project working through the Planning and Development Department through various boards and commissions.

Mayor Burroughs questioned how staff viewed an initiative that was not vetted through Council or not given a policy direction from Council. Staff could spent a lot of time on a project but Council might not want to deal with it.

Lockley stated that staff was proposing a formal process for initiating projects that were requested by boards and commissions and the Denton community. It provided staff direction on the requests that should be researched and forwarded to Council for consideration. It also provided feedback to staff and a response to project requests.

Council Member Roden asked if requests coming via boards/commissions were random at this point.

Lockley stated yes, in some cases.

Council Member Roden stated that an annual report to Council from the Boards and Commissions was created several years ago. With an annual report, each board or commission that was generating such requests would have a time to consolidate their ideas and put them in perspective.

Lockley stated that part of the formal process could include how frequent to bring the ideas to Council and how the process would proceed.

Mayor Burroughs stated that depending on a project, some things were comprehensive like an overlay district which was a big concept with many moving parts. Others might be very specific

and not considered a project. If specific issues with codes or process were identified that might currently be frustrating, there would be flexibility to maneuver with those issues.

Commissioner Schaake stated that the Planning and Zoning Commission had done that frequently and had a section on their agenda. The Commission had asked staff to return information to them regarding the issues they forwarded to Council.

Mayor Pro Tem Kamp asked what the process was if the Commission had a question or wanted feedback on an issue.

Lockley stated that staff was given direction during a Planning and Zoning Commission meeting regarding questions or clarification. Staff then returned with the information at a subsequent meeting or sent out the information in a memo.

Mayor Pro Tem Kamp stated that Council wanted feedback from boards and commissions and questioned why quarterly reports were not presented.

City Manager Campbell stated that each of the boards and commissions could send a report if it had something to present. However, the report was not mandatory. A reminder could be sent out regarding whether they wanted to send a report or not.

Commissioner Schaake stated that the Commission had recently asked to have more work sessions on issues.

Council Member Gregory suggested that in accordance with the April/May budget cycle, every board or commission could be asked if they had any initiatives for Council to consider. They could provide a report by May if they had anything for Council.

Commissioner Reece asked about where to go to create more flexibility in the process if needed.

Mayor Burroughs suggested identifying examples of what was being asked for and could not be given and thoughts of what the flexibility would look like.

Council Member Roden suggested asking citizens to help with research on projects they presented.

Lockley stated that a subcommittee could be formed to help fine tune requests. He continued that staff proposed a formal process for initiating projects that were requested by Boards and Commissions and the Denton community. This process would provide staff direction on the requests that should be researched and forwarded to City Council for consideration and provided feedback to staff and response to project requests.

Project Prioritization Criteria - staff had initiated eleven Council directed projects. Staff also discussed other projects with Council that had not been initiated. As projects had been discussed, staff had shifted focus and reallocated resources to reflect what staff had interpreted as Council wishes. All projects would impact the organization and community in some way. Staff developed criteria that included various factors to assist in the prioritization of projects and had initiated projects that had yet to be presented to the Planning and Zoning Commission and

Council for consideration. A list of other projects that had been discussed but were not included in the prioritization was included. Staff provided a recommended prioritization for Planning and Zoning Commission and City Council consideration.

Project prioritization criteria included projects that had made considerable progress towards completion; projects that had been committed to the Denton community; projects that were funded; and projects that had an influence on other aspects of the organization.

Project Prioritization Goals were to (1) keep pace with the growth in development and population anticipated to occur in the coming years, (2) allow for the implementation of processes and procedures for Development and Neighborhood Services sections, and (3) provide staff with clear direction on priorities to complete in the coming years. The goals also included proper allocation of resources, maintaining and in certain instances improving service delivery to the customer base and achieving the goals of the City Council and the Planning and Zoning Commission.

Project lists - staff divided the projects into Tiers and ranked the projects in the order of completion. Each Tier spanned one year and began this fiscal year. Staff proposed completion of the 11 identified projects by 2016. Tier 1 contained projects already initiated that could be completed in 2014; Tier 2 projects were those that had been initiated that could be completed in 2015 and Tier 3 were projects that may be completed in 2016. Tier 1 included a comprehensive plan update, the establishment of infill and redevelopment standards, tree trusts and tree code amendments and the DTIP/form based code.

Tier 2 included 2010 annexations, a mobility plan update for infill and redevelopment, the sign code ordinance, wayfinding sign program, and the Central Business District/DTIP boundary adjustment.

Tier 3 projects that may be completed in 2016 included the Downtown parking standards.

Mayor Pro Tem Kamp asked where highway billboards fit in.

Lockley stated that this was not a City issue yet but would have to be addressed.

Council Member Engelbrecht asked for an update on the billboard issue.

Commissioner Bentley stated that the City was already getting applications for downtown development and he hated to do those developments with no parking standards in place.

Lockley stated that in reviewing all of the projects in Tier 1 and Tier 2, some of those projects could be moved forward to one of the other tiers. However, in doing so, other projects would have to have an adjusted time frame.

Council Member Gregory stated that he understand the time constraints. He felt it would be appropriate to have more in-depth parking discussions with discussions of form based code.

Commissioner Schaake felt that there might be some benefit to package all of this together. She questioned if they were all separate pieces or did they integrate together. She questioned if it would be better to do them all at once rather than in pieces.

Commissioner Connor stated that there already were some of those issues in progress.

Mayor Burroughs stated that it might be hard to do with individual projects coming through the process. Consolidating might drag down the process. His sense was to move as quickly as possible where it was possible.

Other projects discussed with Council included: (1) Better Block program with a suggestion to hire a consultant to coordinate a site; (2) Downtown open space to be coordinated with Parks and Recreation for locations for public space; (3) Planned Development ordinance which would amend the Denton Development Code to allow for various acreages and options for planned development; and (4) neighborhood planning program to develop programs targeted for neighborhood improvement.

Commissioner Taylor suggested having a set of programs such as a Downtown program that had all of the Downtown projects incorporated into it. Organize a set of programs instead of distinct projects.

Commissioner Reece felt that there needed to be a level of flexibility for staff or the Commission to work with the projects coming before the Commission. He would like to know what could be done in terms of flexibility.

Council and the Commission discussed the flexibility of projects and the proposed projects listed on the three tiers.

Council Member King asked about a mechanism for staff to suggest ideas to developers.

Commissioner Connor suggested having developers or engineers come first and give a presentation to the Commission for advanced information. This would be done before final approval in order to be able to adjust the proposal.

Mayor Burroughs stated that there were legal issues involved for some of those processes. Staff presenting a proposal without all of the complete information could be a legal problem. He suggested subcommittees for neighborhood services and one for development services to talk about these kinds of issues. That would avoid staff having another whole level of preparation which might add weeks to a project. This process would be as informal as possible and would be a goal that would allow a vetting in an informal manner but still remain in proper legal status.

Commissioner Schaake suggested an expanded work session which would help for everyone to know about a proposal and not just part of the commission information.

Lockley asked about feedback regarding Tier 1.

Consensus of the Council was to proceed and they would process the procedures.

Lockley stated that Tier 2 would be revisited at a following meeting.

Commissioner Schaake suggested getting in touch with the people who sent in emails regarding the Better Block program and use them to form a Better Block task force to help move the project along.

Lockley stated that staff could move forward with Tier 1 and bring forward the Better Block program for consideration,

Council Member Engelbrecht felt that the Downtown open space was an issue for the neighborhood group rather than the development side.

Lockley stated that staff would consider that change.

Commissioner Connor suggested moving parking standards to Tier 2 as it was an important issue at this time.

Mayor Pro Tem Kamp stated that several things had to happen before the Bond Committee considered a parking garage as that might change the dynamics of parking in the area.

Commissioner Briggles brought up the issue of gas wells on Bonnie Brae. She suggested finding time to tie up loose ends and loop holes in the gas well ordinance. She felt they should be addressed sooner than later.

Mayor Pro Tem Kamp felt more information on the enforcement portion of the ordinance was in order.

Mayor Burroughs stated that Council was receiving updates on the legal process. A possibility was to have staff present a summary to the Planning and Zoning Commission so they could understand what the situation was in terms of ongoing legal issues.

- 3 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.

Commissioner Strange suggested considering putting the I35 widening on a priority list. Areas to consider would be how the City planned on how the design would take place, how that would impact businesses, etc. plus include an update on the status of the progress and the items being worked on.

With no further business, the joint meeting was adjourned at 1:30 p.m.

Following the completion of the Joint Meeting, the City Council convened in a Closed Meeting at 1:40 p.m. to consider the specific items listed below under the Closed Meeting section of this agenda.

1. Closed Meeting:

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

1. Consult with the City's attorneys regarding the present status of settlement negotiations regarding pending litigation styled: The City of Denton, Texas v. The University of North Texas, Cause No. 2008-20043-158, now pending before the 158th Judicial District Court of Denton County, Texas, having been remanded to the trial court by the Fort Worth Court of Appeals for further proceedings; 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 Public Utilities Board under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.

With no further business, the Council reconvened in Open Session and adjourned at 2:10 p.m.

MARK A. BURROUGHS
MAYOR
CITY OF DENTON, TEXAS

JENNIFER WALTERS
CITY SECRETARY
CITY OF DENTON, TEXAS