

## CITY OF DENTON CITY COUNCIL MINUTES

September 20, 2011

After determining that a quorum was present, the City Council convened in a Work Session on Tuesday, September 20, 2011 at 3:00 p.m. in the Council Work Session Room at City Hall.

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

ABSENT: Council Member King

### 1. Citizen Comments on Consent Agenda Items

Bob Moses, 115-117 W. Hickory, Denton 76201, spoke regarding Consent Agenda Item 6G. He encouraged Council to approve the grant. An EPA inspection would be required when selling the property and it would be beneficial to know in advance the situation before the EPA requested it. He felt it was a very worthwhile project and encouraged Council to approve it.

### 2. Requests for clarification of agenda items listed on the agenda for September 20, 2011.

Council Member Roden asked about Item 6H concerning the map for the sex offender ordinance. One of the areas of prohibition for the offender was arcades but the one at the entrance to the Golden Triangle Mall was not included.

Captain Len Carter, Denton Police Department, stated that arcade was not included as it was part of the mall and not a separate facility.

Council Member Watts asked about Item 5C and questioned if this was for the annual maintenance.

Kevin Gunn, Director of Technology Services, stated that the item was for the annual maintenance for the software itself. It provided all software support and licensing support.

Council Member Watts asked about a "minute bank" mentioned in Item 5E.

Gunn stated that was associated with the Code Red system. One part of the system was for weather notifications and the other was for general notifications for any category. The bank of minutes allowed for the general notices.

Council Member Watts asked if all of the minutes were used last year.

Gunn stated that he would prepare an informal staff report on the usage for the past several years.

Council Member Watts asked about Item 5J concerning the recreation fund. He assumed that there would also be associated expenses with the program.

Bryan Langley, Chief Financial Officer, replied yes such as swimming classes and basketball.

Council Member Watts stated that the backup materials for Item 6G, the Brownfield Grant, talked about various Phase I and Phase II and was not restricted to the Downtown

Implementation Plan area. He asked how that would be administered at the staff level and which assessment to perform.

Ken Banks, Director of Environmental Services and Sustainability, stated that it would have to be derived from an analysis of the properties themselves. One concern was once the city received the grant was to spend the funds. While the focus was on the DTIP area, if there were not enough applicants the risk would be that the funding would not be completely used as it was not known at this point how many applications would be received. The expectation was to keep the focus in the DTIP area but staff did not want to limit it to the DTIP.

Council Member Watts asked about the time frame for funding.

Banks stated it was three years.

Council Member Watts asked if other areas in the community knew about this program.

Banks stated that an open meeting held which was focused on the DTIP but sent through other areas to make a broad area.

Council Member Watts questioned that after an application was received and an agreement was in place to perform an analysis did those reports become property of the city or of the property owner.

Banks stated that it was done for the property owner.

Council Member King arrived at the meeting.

Council Member Engelbrecht asked if staff expected to use the funds in the three year time frame or before.

Banks stated that they would like to do it as soon as possible.

Council Member Engelbrecht asked if it would be possible to hold back funds for someone later on in the program in order to do an assessment.

Banks stated that might be a possibility. At this point staff was just asking for approval to apply for the funding. There would be no notification on success of the grant until spring of next year and no funding until October 1<sup>st</sup> of the following year.

Item 6 was considered next.

6. Receive a report and hold a discussion regarding the Oncor Arco Substation to Krugerville Substation 138 kV Transmission line rebuild project located in east Denton.

Phil Williams, DME General Manager, stated that Council had asked for an update on the project from Oncor. Danny Hodges, Area Manager for Oncor was at the meeting to make a presentation to Council.

Danny Hodges, Area Manager for Oncor, presented information on the project. The proposed project was a rebuild of an existing transmission line from the southwest corner of the Arco substation. The existing H frame line needed to be upgraded in capacity for the entire length of the line. The southwest end of the line had upgrades of the system and also the northeast end of the line. The pipe was too small between the two upgraded areas so the proposal was to rebuild the existing line with a bigger line to increase the capacity of the line. It was anticipated that the project would be completed by the spring of next year. Another H frame structure would be built with a larger line and would be 100-115 feet tall. Oncor had communicated the plans to the general public including the City. The schedule called for working on the Corps of Engineer property as soon as possible while the weather was dry. As soon as that was completed, the project would move outside the Corps property and in the green belt areas early next year.

Council Member Gregory stated that he had recently been out to the green belt and where the current line stakes and flagging were it did not look like Oncor would be expanding the width of the area.

Robert Holt, Oncor, stated that the existing right-of-way would accommodate the increase in the line. There would be no changes in the existing easements.

Council Member Gregory asked if the distance between the H frame poles would be the same.

Holt stated that Oncor would have to put up the same type and number of structures and install them as close to the same places as they currently were now.

Council Member Gregory asked about the type of structure.

Holt stated that originally they were going to use a steel galvanized structure but revised the plan to use a concrete structure that could be tinted brown to match the vegetation.

Mayor Burroughs asked whether Oncor would have to go outside the easements for temporary construction sites and staging and what impact that would have on the vegetation.

Holt stated that all construction would be done in the right-of-way. The work completed thus far had used vegetation management access points through private property owners. There was an existing access road that they had used in the past for maintenance and they had permission from the Corps and the City to use that same access road.

Council Member Gregory stated that there had been concern expressed about the route from Hartley Field Road to the Arco Station.

Holt stated that Oncor would be using the TMPA line in that area.

Item #3 was considered.

3. Receive a report, hold a discussion, and give staff direction regarding mobile food trailers.

Kurt Hansen, Building Official, presented research information staff had gathered from cities which already had some of these trailers. Current Denton code allowed mobile food vendors to travel throughout the city and to prepare and sell food; however, they were not allowed to park or stay stationary for more than 15 minutes in one place. Another option was to get a temporary food permit which was good for 14 days but could only be issued 3 per year per applicant. He reviewed information from other cities including location; duration of stay; connection to utilities; fees, permits, certificates of occupancy and inspections; waste disposal; and restroom facilities. Staff was seeking direction on whether to continue with the current code with regard to mobile food cart/trailers or amend the code to permit mobile food vendors to stay in one location for an extended period of time.

Council Member Watts asked if the food would be prepared somewhere else and sold in the trailer.

Hansen stated that most food would be prepared on site using propane or battery power. The cart/trailer would need to have everything a regular restaurant would have. Some preliminary preparation could be done in a commissary and brought with them.

Mayor Burroughs asked if grease from these vendors could be used for biodiesel.

Hansen stated yes as long as it was clean grease.

Council Member Roden asked if an existing restaurant could be classified as a commissary.

Hansen stated that it sounded like a good idea but as far as his research indicated it was not a commercial restaurant. He indicated that some businesses such as a donut business would be open early or a restaurant that was open at night might be able to coop the kitchen. Points of consideration included possible competition with brick and mortar restaurants; potential nuisances such as noise, odor and light; difficulty of enforcement or monitoring of potential food borne illness due to mobility; difficulty in determining place and condition of food preparation; and limit to the number of units. Potential benefits included sales tax revenue; bringing more people to town; and providing food options in areas of the city that had no or limited food choices.

Council Member Roden stated that there was no restriction in the current ordinance regarding a setback requirement from existing structures.

Hansen stated that the current ordinance only allowed the cart/trailer to stay 15 minutes in one location.

Council Member Roden expressed concern about competition and asked if any research had been done on the economic impact on brick and mortar restaurants.

Hansen stated one article he researched was in favor of the carts/trailers as they brought people into the area and then allowed a choice of where to eat.

Council Member Gregory asked about some cities having a background check.

Hansen stated he would check to see if cities other than San Antonio performed background checks.

Council Member Gregory asked about the current inspection process for mobile vendors.

Hansen stated that they went to City Hall West to get inspected.

Council Member Gregory suggested that not all the information in the surveys was accurate as he knew some trailers had utility hookups. He questioned those locations that had the cart/trailers and how they did their inspections compared to brick and mortar restaurants.

Hansen stated that a LA news report indicated that almost 27% of the mobile units failed inspection and had to close.

Laurie Pearson, Health Inspector, stated that the city of Austin did some mobile inspections on site and others were inspected when the health inspection saw them. Austin indicated that if a unit failed inspection the permit would be suspended and the operator would have to apply for a new permit. Current inspections were not as well as restaurants. The city of Dallas had considered pod locations in a lower Greenville park where groups would park in one location and be provided utilities. Private property could allow such units on that type of property.

Council Member King expressed concern for brick and mortar businesses as they had more expenses and a limited area where they could sell the food. They might benefit more economically from brick and mortar restaurants. The city of Denton did not have the same population base as the surveyed cities did.

Council Member Engelbrecht asked about distances from schools. If the city proceeded with this idea, he would like communication from the DISD on a distance that these units could be from schools. He questioned if these units received the same amount of health inspections as other restaurants.

Hansen that was there was some difference as some of the cities did an inspection on a risk assessment and did them more often.

Council Member Engelbrecht suggested more frequent inspections for these kinds of facilities. He asked if the zoning ordinances allowed these in any zoning district.

Hansen stated that they would be treated like a restaurant with appropriate zoning.

Mayor Burroughs stated that any definition of "restaurant" needed to be broad enough to accommodate the trailers.

Council Member Engelbrecht stated that if a unit did not have electricity it would use a generator. He was not in favor of the units having generators.

Hansen stated that option had not been considered yet. He did know that other cities allowed generators.

Council Member Engelbrecht asked staff to address the issue of generators due to a noise factor

Council Member Engelbrecht asked if the regulations would accommodate the community market. There were a few facilities selling some type of produce that did not have a cart. They used a tent. He questioned if there would be a difference in those.

Hansen stated that if the ordinance allowed mobile food vendors to remain longer than 15 minutes it would affect the community market.

Council Member Engelbrecht suggested developing a set of regulations just for the community market.

Hansen stated that if mobile food vendors could remain for an extended amount of time it would take care of the community market concerns. However, the tent locations would still have to be addressed.

Mayor Burroughs asked about a temporary situation in a park where there might not be a concessions stand.

Hansen stated that at least one city allowed for that but the vendor had to have permission from the Parks Department and a permit.

Mayor Burroughs suggested a separate category for that type of situation. There also was no zoning category for that so it would also have to be considered.

Hansen stated that could be done through an ordinance that would allow for the correct zoning and with permission of private property owners.

Council Member Gregory asked about the time period for the temporary permit and why it was only for 14 days.

Pearson stated that the definition of a temporary permit was from the State of Texas for a temporary event.

Council Member Gregory stated that he would like to see regulations to allow the community market to extend their activities. He felt that a food cart might be competition for a fast food restaurant but not for a regular restaurant. This proposal would allow a business to formulate a new venture and move forward later to a brick and mortar place.

Council Member Roden stated that the zoning issue would also have to be considered. A commercial area had to consider a site plan, setbacks, etc. and suggested that staff think about those issues for the food carts. He also suggested they consider how close they could be to a curb and how close they could be to each other. The market would determine whether or not they were successful.

Council Member Engelbrecht questioned if these would be limited to food only or include other items such as shoes or clothing.

Mayor Burroughs stated he would not be in favor of that option.

Consensus of the Council was to proceed with a draft ordinance for council consideration. The draft ordinance would have two sections, one for a private owner and one for a public area.

Council Member Engelbrecht also suggested that pods be considered in general locations for private locations as opposed to individual ones all over the city.

4. Receive a report, hold a discussion and provide direction on the Hickory Street Sidewalk Enhancement project.

Mark Nelson, Transportation Director, stated that this project started in the fall of 2009. At that time the proposal was for eight foot sidewalks only on the south side of Hickory with limited streetscape enhancement (lighting and trees). The project design was delayed to complement the DTIP complete street concept of public street furniture, pedestrian street lighting, pedestrian bulb outs, traffic lanes and angle/parallel parking. In September, the consultant submitted 90% plans to the Planning Department. The scope of the project was to provide sidewalks on both the north and south sides of Hickory Street from the Downtown Denton Transit Center to Bell Avenue as well as appropriate pedestrian crossings across the Union Pacific Railroad and Bell Avenue. The proposed enhancements included 11.5' sidewalks on both the north and south side of Hickory, the sidewalks would include brick accents similar to the Square and Cedar Street, street trees, public street furniture, pedestrian bulb-outs, pedestrian lighting, establishment of crosswalks and ADA ramps at the Hickory Street/Bell Avenue intersection, pedestrian enhancements for the Hickory Street/Bell Avenue signal, parallel parking, relocation of railroad signals and gate arms, and extension of railroad street panels for pedestrian rail crossings.

Staff was continuing to work with the Union Pacific Railroad with the relocation of the railroad signals and gate arms. The Railroad had to approve and install any new gates.

Council Member Gregory asked if there was a problem with lighting in the area between the main line and the other railroad crossing as that was also Railroad property.

Nelson replied yes because there was a 25 foot setback.

Mayor Pro Tem Kamp asked if the crossing was designated as a quiet zone.

Nelson stated not at this time as the medians at the driveways would have to be done before that happened.

Council Member Watts asked if the construction costs were coming out of the grant funds.

Nelson stated that the design costs were out of the grant funds. The construction costs were from city bond funds and funds repaid from DCTA.

5. Receive a report, hold a discussion and give staff direction regarding redistricting of City Council districts as a result of the 2010 census.

Anita Burgess, City Attorney, stated that on April 19, 2011 Bickerstaff Heath Delgado Acosta presented their initial assessment for redistricting in terms of one person one vote. Their conclusion was that a population imbalance existed which required redistricting of the Council districts. Council moved forward with a number of plans, one of which addressed the concerns of the Denia neighborhood to preserve the Denia community of interest. That neighborhood wanted to remain in District 4. That plan, Illustrative Plan 1-Revised, was within the required deviation of 9.14% and did not produce any retrogression of the lines. When the plan was presented at a public hearing on August 15, 2011, concerns were expressed from residents in District Two about the "finger" what was carved in the district. There were also representatives from District One who wanted the Downtown Square area retained in the District. In view of those comments, the consultants were asked to prepare another map, Illustrative Plan 1-Revision 2, which removed a portion of District 2 finger and placed the downtown Courthouse Square back in District 1. The Illustrative Plan 1, Revision 2 adjustment improved the one person one-vote total maximum deviation to 6.81% from the Illustrative Plan 1 Revised map under which the total maximum deviation was 9.14%. Minority voting rights retrogression was minimal. The Revision 2 plan was supported by representatives of the minority community who spoke at the public hearing. There was still one split County precinct which the County will have to address. This process listened to Council, the public, citizens and produced a plan that appeared to be acceptable to the community. Staff was recommending approve of the plan as presented

Council Member Roden indicated that this was a great opportunity to determine a method to educate voters on which district they lived in. He felt some good procedures might be through the city's website or utility mailings to let people know in which district they resided.

Following the completion of the Work Session, the Council convened in a Closed Session at 4:45 p.m. to consider 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.

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

1. Consultation with City's attorneys with regard to any legal issues that could potentially result from the recent failure of what was referred to as a "Juliet balcony" at 701 Fort Worth Drive, Denton, Texas, and consider the potential

legal issues or consequences associated with any amendment of building standards, or the imposition or retrofit of further corrective measures.

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

**1. PLEDGE OF ALLEGIANCE**

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

**2. PROCLAMATIONS/PRESENTATIONS**

A. Proclamations/Awards

1. Presentation of the Government Finance Officers Association Distinguished Budget Award for the City of Denton FY 2010-11 Budget.

Bryan Langley, Chief Financial Officer, announced that the City had been awarded the Distinguished Budget award for the 25th year in a row.

**3. CITIZEN REPORTS**

A. Review of procedures for addressing the City Council.

B. Receive citizen reports from the following:

1. Pamela Mallory regarding traffic in the Wheeler Ridge community.

Ms. Mallory presented information concerning a major traffic problem in the Wheeler Ridge area. Nolan Road had been paved as residents in Oakmont had asked for an access to the new Kroger on Teasley. Vehicles were coming through her community on their way to the new Kroger which was causing safety problems.

2. Donna Woodfork regarding lack of follow-up to citizen reports.

Ms. Woodfork spoke on the lack of follow-up to citizen reports. She had spoken on various topics over the past several years and had not received any written response. She suggested a written response should be provided to citizens within 7 business days of a report.

**4. BUDGET ITEMS FOR INDIVIDUAL CONSIDERATION**

Bryan Langley, Chief Financial Officer, stated that he would be presenting information concerning Items 4A-D. Item A dealt with the tax rate which was \$0.68975 per \$100 valuation and was the same tax rate as the current rate. The budget included a gradual increase in the over

65 tax exemption which would be \$40,000 for next year. Item B was approval of the tax rolls which was required by the Property Tax Code. Item C was the budget for the next fiscal year which had been discussed over the past several months. He reviewed the budgets for the utility services. Adjustments made to the budget since the preliminary presentation in July included an increase in the sales tax forecast and increased level funding for council initiatives with \$333,676 for allocations. Council had directed staff to place an additional \$50,000 for the bike plan improvements for a total of \$100,000. That amount was going to be matched by Denton County for another \$100,000. The remaining balance would be incorporated into the General Fund budget and would be used as needed per Council. Other changes included an increase in street maintenance which was 100% of the growth of the franchise fees and added \$1 million in the non-airport gas well fund for a potential purchase of land. Item D was a requirement by the State Property Tax Code which was a ratification of the vote on the budget.

Ordinance No. 2011-142

- A. Consider adoption of an ordinance of the City of Denton, Texas, levying the ad valorem property tax of the City of Denton, Texas, for the year 2011, on all taxable property within the corporate limits of the city on January 1, 2011, and adopting a tax rate of \$0.68975 per \$100 of valuation for 2011; providing revenues for payment of current municipal maintenance and operation expenses and for payment of interest and principal on outstanding City of Denton debt; providing for limited exemptions of certain homesteads; providing for enforcement of collections; providing for a severability clause; and providing an effective date.

Council Member Gregory motioned, Mayor Pro Tem Kamp seconded to adopt the ordinance. 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. 2011-143

- B. Consider adoption of an ordinance of the City of Denton, Texas, approving the 2011 tax rolls; and providing an effective date.

Council Member King motioned, Council Member Roden seconded to adopt the ordinance. 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. 2011-144

- C. Consider adoption of an ordinance of the City of Denton, Texas, adopting the Fiscal Year 2011-2012 Annual Program of Services (Budget) and the Capital Improvement Program of the City of Denton, Texas, for the fiscal year beginning on October 1, 2011, and ending on September 30, 2012; and declaring an effective date.

Council Member Watts motioned, Council Member Gregory seconded to adopt the ordinance. 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 2011-145

- D. Consider adoption of an ordinance of the City of Denton, Texas, ratifying the adoption of the Fiscal Year 2011-12 Annual Program of Services (Budget) and the Capital Improvement Program of the City of Denton, Texas, for the fiscal year beginning October 1, 2011, and ending on September 30, 2012 when the Budget will raise more revenue from property taxes than last year's budget; and providing an effective date.

Mayor Pro Tem Kamp motioned, Council Member King seconded to adopt the ordinance. 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.

**5. BUDGET CONSENT AGENDA**

Council Member Gregory motioned, Council Member Engelbrecht seconded to approve the Budget 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. 2011-146

- A. Consider adoption of an ordinance approving an Agreement between the City of Denton, Texas, and the Denton Chamber of Commerce regarding an Economic Development Partnership; and providing an effective date. (\$255,193)

Ordinance No. 2011-147

- B. Consider adoption of an ordinance approving the expenditure of funds for the purchase of Annual Maintenance for Harris Public Utility Billing System and associated Software Modules available from only one source in accordance with the provision for State Law exempting such purchases from requirements of competitive bids; providing for the expenditure of funds therefor; and providing an effective date (File 4770-Purchase of Annual Maintenance for Harris Public Utility Billing awarded to Harris Computer Systems, Inc. in the amount of \$102,642.68).

Ordinance No. 2011-148

- C. Consider adoption of an ordinance approving the expenditure of funds for the purchase of Annual Maintenance for continued vendor support of the Oracle EnterpriseOne (formerly PeopleSoft EnterpriseOne (formerly JD Edwards OneWorld)) from only one source in accordance with the provision for State Law exempting such purchases from requirements of competitive bids; providing for the expenditure of funds therefor; and providing an effective date (File 4773-Purchase of Annual Maintenance for Oracle EnterpriseOne Software Package awarded to Oracle USA, Inc. in the amount of \$128,814.36).

Ordinance No. 2011-149

- D. Consider adoption of an ordinance approving the expenditure of funds for the purchase of Annual Maintenance for Interactive Voice Response and Outage Management System and associated Software Modules for Denton Municipal Electric (DME) utility available from only one source in accordance with the provision for State Law exempting such purchases from requirements of competitive bids; providing for the expenditure of funds therefor; and providing an effective date (File 4774-Purchase of Annual Maintenance for Milsoft Utility Systems awarded to Milsoft Utility Solutions in the amount of \$62,282.53).

Ordinance No. 2011-150

- E. Consider adoption of an ordinance approving the expenditure of funds for the purchase of Annual Service for CodeRED Emergency Notification System and CodeRED Weather Warning Service available from only one source in accordance with the provision for State Law exempting such purchases from requirements of competitive bids; providing for expenditure of funds therefor; and providing an effective date (File 4776-Purchase of Annual Service for CodeRED Emergency Notification and CodeRED Weather Warning Service awarded to Emergency Communications Network, Inc. in the amount of \$56,250.00).

Ordinance No. 2011-151

- F. Consider adoption of an ordinance awarding a contract for the purchase of continued Software Maintenance and Services for the Laserfiche-DocuNav Document Imaging System currently being used by the City of Denton from VP Imaging, Inc., dba DocuNav Solutions available from only one source in accordance with the provision for State Law exempting such purchases from requirements of competitive bids; providing for the expenditure of funds therefor; and providing an effective date (File 4777-Purchase of Annual Maintenance for Laserfiche-DocuNav Document Imaging System awarded to VP Imaging, Inc. dba DocuNav Solutions, in the amount of \$57,977.53, the first of three payments, for a total three-year maintenance agreement in the amount of \$173,932.59).

Ordinance No. 2011-152

- G. Consider adoption of an ordinance approving the expenditure of funds for the purchase of Annual Maintenance for VisionAir Public Safety Software System and Associated Modules used for Police and Fire Department dispatching and records management available from only one source in accordance with the provision for State Law exempting such purchases from requirements of competitive bids; providing for the expenditure of funds therefor; and providing an effective date (File 4781-Purchase of Annual Maintenance for VisionAir Public Safety Software System awarded to VisionAir, Inc. in the amount of \$205,381.50).

Ordinance No. 2011-153

- H. Consider adoption of an ordinance approving the expenditure of funds for the purchase of Annual Service Access and Support for Enhanced Data rates for GSM Evolution (EDGE) and 3G (third-generation) wireless computer network from the Texas Department of Information Resources contract (DIR-SDD-597) for the Public Safety mobile computers used by City of Denton Police, Fire and EMS personnel available from only one source in accordance with the provision for State Law exempting such purchases from requirements

of competitive bids; providing for the expenditure of funds therefor; and providing an effective date (File 4782-Purchase of Annual Service Access and Support for Enhanced Data rates for GSM Evolution (EDGE), and 3G (third-generation) awarded to AT&T Mobility (DIR-SDD-597) in the amount of \$129,073.00).

Ordinance No. 2011-154

- I. Consider adoption of an ordinance of the City Council of the City of Denton, Texas, establishing a Street Improvement Fund; defining and committing certain fees and other revenues of the City; providing a severability clause; and providing an effective date. The Audit/Finance Committee recommends approval (3-0).

Ordinance No. 2011-155

- J. Consider adoption of an ordinance of the City Council of the City of Denton, Texas, defining the scope, funding source and purpose of the Recreation Fund; providing a severability clause; and providing an effective date. The Audit/Finance Committee recommends approval (3-0).

Ordinance No. 2011-156

- K. Consider adoption of an ordinance of the City Council of the City of Denton, Texas, defining the scope, funding source and purpose of the Non-Airport Gas Well Fund; providing a severability clause; and providing an effective date. The Audit/Finance Committee recommends approval (3-0).

Ordinance No. 2011-157

- L. Consider adoption of an ordinance of the City Council of the City of Denton, Texas, adopting Governmental Accounting Standards Board ("GASB") Statement 54; establishing a fund balance policy; and providing an effective date. The Audit/Finance Committee recommends approval (3-0).

Ordinance No. 2011-158

- M. Consider adoption of an ordinance of the City of Denton, Texas amending the schedule of rates contained in Ordinance No. 2010-288 for electric service; deleting interruptible power supply (Schedule UPS); amend commercial renewable energy service rider (Schedule CGR) to increase term of agreement and to define participation requirement; amend residential renewable energy service rider (Schedule RG) to define participation requirement; amend general service time of use (Schedule TGS) to define participation requirement; amend economic growth rider (Schedule EGR) to define participation requirement; amend greensense energy efficiency rebate program (Schedule GRP) to define participation requirement; amend distributed generation from renewable sources rider (Schedule DGR) to define participation requirement; providing for a repealer; providing for a severability clause; and providing for an effective date. The Public Utilities Board recommends approval (5-0).

Ordinance No. 2011-159

- N. Consider adoption of an ordinance amending the schedule of engineering fees contained in Ordinance No. 2010-233; providing an amendment to the right-of-way inspection fee and the right-of-way overtime inspection fee; providing a repealer; providing for a severability clause; providing for an effective date. The Public Utilities Board recommends approval (5-0).

Ordinance No. 2011-160

- O. Consider adoption of an ordinance of the City of Denton, Texas providing for the schedule of miscellaneous fees, deposits, billings and procedures for administrative services to city utilities customers contained in Ordinance No. 2010-232; amending account and reconnection charges; amending meter charges; amending miscellaneous fees, charges and deposits; providing for a repealer; providing for a severability clause; and providing for an effective date. The Public Utilities Board recommends approval (5-0).

Ordinance No. 2011-161

- P. Consider adoption of an ordinance of the City of Denton, Texas amending the schedule of rates for solid waste service contained in Ordinance No. 2010-231 as authorized by Chapter 24 of the Code of Ordinances of the City of Denton, Texas; providing that the provisions of Sections 26-3, 26-4, 26-5, 26-7, 26-8(a), and 26-9 of the Code of Ordinances of the City of Denton, Texas shall expressly apply to City of Denton solid waste service; providing for the amendment to the residential refuse and recycling collection services rates and clarification thereof (Schedule SWR); amending the residential multi-family household furniture collection services rate (Schedule SWMFS); amendment to the multi-family chemical collection/recycling rate (Schedule MFR); amendment to the commercial solid waste collection services dumpster rates (Schedule SWC); amendment to the commercial recycling services rate to reflect an increase to the small business recycling cart rate (Schedule SWCR); amendment to the collection and transportation services permit and clarifications (Schedule SWP); amendment to the sanitary landfill services rates (Schedule SWL); providing for a repealer; providing for a severability clause; and providing an effective date. The Public Utilities Board recommends approval (5-0).

Ordinance No. 2011-162

- Q. Consider adoption of an ordinance amending the schedule of wastewater rates contained in Ordinance No. 2010-230; providing for an amendment in the rates for residential wastewater service (Schedule SR); amending the mobile home park wastewater service (Schedule SMH); amending the commercial and industrial wastewater service (Schedule SC); amending the commercial/industrial wastewater service which measures with dedicated water meters (sub-meters) (Schedule SCD); amending the commercial /industrial wastewater service which measures with dedicated water meters (sub-meters) (Schedule SCS); amending the septage & chemical toilet disposal at the Pecan Creek Water Reclamation Plant septage transfer station (Schedule SCH); amending the equipment services facilities and restaurant & food service establishments wastewater service (Schedule SEE); amending the metered wastewater inside and outside corporate limits (Schedule SM); amending the sale of treated wastewater effluent (Schedule SGE); amending the wholesale wastewater treatment service for a governmental agency, division

or subdivision (Schedule SSC); amending the wastewater tap fees (Schedule ST); amending the on-site sewage facility permit fees (Schedule OSSF); providing for a repealer; providing for a severability clause; and providing for an effective date. The Public Utilities Board recommends approval (5-0).

Ordinance No. 2011-163

R. Consider adoption of an ordinance an ordinance amending the schedule of water rates contained in Ordinance No. 2010-229 for water service rates and water rates; amending the residential water service rate (Schedule WR); amending the commercial/industrial water service rate (Schedule WC); amending the metered water from fire hydrant rate (Schedule WFH); amending the wholesale treated water service rate to the Upper Trinity Regional Water District (Schedule WW); amending the wholesale raw water service rate to Upper Trinity Regional Water District (Schedule WRW); amending the wholesale raw water pass-through rate to Upper Trinity Regional Water District from Lake Chapman into Lake Lewisville (Schedule WC1); amending the water tap and meter fees, amending the water laboratory testing fees; providing for a repealer; providing for a severability clause; and providing for an effective date. The Public Utilities Board recommends approval (5-0).

**6. CONSENT AGENDA**

Mayor Pro Tem Kamp motioned, Council Member King seconded to approve the Consent Agenda and accompanying ordinances and resolutions. 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.

Approved the requested noise exception.

A. Consider a request for an exception to the Noise Ordinance for an increase in amplified sound from 70 decibels to 75 decibels and for an increase in hours of operation from 10:00 p.m. to 12:30 a.m. on Friday, October 28, 2011, for the Sigma Chi Fraternity's "Fight Night" amateur boxing match that will take place in the parking lot behind Lucky Lou's, located at 1209 West Prairie Street. The exception is requested for an increase in amplified sound to 75 decibels from noon to 2:00 p.m. for a sound check and from 7:00 p.m. until 12:30 a.m. for the event. Staff recommends approving the request.

Ordinance No. 2011-164

B. Consider adoption of an ordinance accepting competitive bids and awarding a public works contract for the construction of the cast in place concrete portions of the Paisley Street Paving and Drainage Improvements project for the extension and connection of Paisley Street, near Lee Elementary School; providing for the expenditure of funds therefor; and providing an effective date (Bid 3516-awarded to the lowest responsible bidder meeting specification, Floyd Smith Concrete, Inc. in the amount of \$165,190.88).

Ordinance No. 2011-165

- 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 Two LifePak 15 Defibrillators from Physio Control, Inc., which is available from only one source in accordance with the pertinent provisions of Chapter 252 of the Texas Local Government Code exempting such purchases from the requirements of competitive bidding; and providing an effective date (File 4822-Purchase of Two Defibrillators for the City of Denton Fire Department in the amount of \$75,383.60).

Ordinance No. 2011-166

- D. Consider adoption of an ordinance of the City Council of the City of Denton, Texas, approving a grant application from Martha Jensen, proprietor of Mellow Mushroom Pizza Bakery, 217 E. Hickory Street, from the Downtown Incentive Grant Program not to exceed \$7,235; and providing for an effective date. The Economic Development Partnership Board recommends approval (8-0-1).

Ordinance No. 2011-167

- E. Consider adoption of an ordinance of the City Council of the City of Denton, Texas, approving a grant application from John Cartwright, owner of 111 N. Elm Street, from the Downtown Incentive Grant Program not to exceed \$5,700; and providing for an effective date. The Economic Development Partnership Board recommends approval (8-0-1).

Approved the minutes listed below.

- F. Consider approval of the minutes of: August 2, 2011 August 4, 2011 August 9, 2011 August 16, 2011 August 25, 2011

Resolution No. R2011-033

- G. Consider approval of a resolution of the City Council of the City of Denton, Texas authorizing the filing of a grant application with the United States Environmental Protection Agency for a Brownfield Assessment Grant in the amount of \$200,000; and providing for an effective date.

Ordinance No. 2011-168

- H. Consider adoption of an ordinance of the City of Denton, Texas, amending Chapter 21 of the Code of Ordinances by adding Article IV, Sections 21-60 through 21-65, making it unlawful for certain sex offenders to reside within 1,500 feet of premises where children gather; providing that a culpable mental state is not required for committing an offense under this article of the City of Denton Code of Ordinances; providing for affirmative defenses; providing a repealing clause; providing a savings clause; providing a severability clause; providing for penalty of fine not to exceed five hundred dollars (\$500.00); and providing for an effective date.

Resolution No. R2011-034

- I. Consider approval of a resolution of the City of Denton, Texas, in support of the passage of legislation during the 83rd State Legislative Session that will revise the current interpretation of the Texas Administrative Code, such that staff of municipal governments

and non-profit housing organizations are not designated as mortgage loan originators and are therefore not required to meet state licensing requirements; and providing for an effective date.

Resolution No. R2011-035

- J. Consider approval of a resolution of the City of Denton, Texas, in support of the passage of legislation during the 83rd State Legislative Session that will allow the release of information to the public prior to action by the governing body, and allow the discussion and presentation concerning requests for proposals in an open meeting; and providing for an effective date.

**7. ITEMS FOR INDIVIDUAL CONSIDERATION**

Ordinance No. 2011-169

- A. Consider adoption of an ordinance of the City Council of the City of Denton, Texas, approving the redistricting of the city's single-member council districts and establishing new district boundary lines based on 2010 Census data for Denton city council elections; directing the city's redistricting consultant to submit the adopted plan for preclearance under Section 5 of the Federal Voting Rights Act; and providing for an effective date.

Anita Burgess, City Attorney, stated that she would provide any information Council desired regarding this item. She had presented an update to Council during the Work Session.

Mayor Burroughs indicated there was a Speaker Card submitted for this item.

Danna Zoltner, 610 Emery, Denton, 76201, spoke in opposition. She felt the lines for District Two were breaking up the neighborhood in which she resided.

Charlye Heggins, 1606 E. McKinney, Denton, 76209, spoke in support. As a former Council Member for District One, she was appreciative of the fact that the revised map placed the Downtown Square area back in District One. She expressed thanks to the staff and Council for listening and agreeing to have the lines redrawn.

Mayor Pro Tem Kamp asked the City Attorney to explain the new areas of map.

City Attorney Burgess stated that after the public hearing in August, several citizens were concerned about the District Two "finger" and concerns from District One about taking the Courthouse Square area out of District One. Staff and the consultants looked at the map to try and redo those areas. In doing that, they had to adhere to the one person, one vote principle as they tried to balance with those concepts to redraw the map. The District Two finger was shortened and moved a little to the west which did not split that county precinct. The area to the south was returned to District One which contained the Downtown Square. Because of this change, the deviation numbers were substantially improved and the maximum deviation was now only 6.81% while it was over 9% with the last plan.

Council Member Engelbrecht asked about the streets in District to the west.

Burgess indicated that was Fulton Street

Council Member Engelbrecht asked about the street to the south.

Burgess indicated it was West Oak. She stated that the new map was posted on the city's website so citizens could view it and review it to determine which district they would be in.

Council Member Engelbrecht motioned, Mayor Pro Tem Kamp seconded to adopt the ordinance. 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. Consider nominations/appointments to the City's boards and commissions.
  - 1. Health & Building Standards Commission
  - 2. Public Art Committee
  - 3. Zoning Board of Adjustment

Council Member Gregory nominated Greg Johnson from the Alternate position to a full position on the Zoning Board of Adjustment. He also nominated Cecile Carson to an alternate position.

Council Member Gregory motioned, Council Member King 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.

## **8. PUBLIC HEARINGS**

### Ordinance No. 2011-170

- A. Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, providing for a zoning change from a Regional Center Commercial Neighborhood (RCC-N) zoning district classification and use designation to a Regional Center Commercial Downtown (RCC-D) zoning district classification and use designation, on 1.441 acres of land located on the north side of Schuyler Road, northeast of Worthington Drive and known as Lot 6, Block A of the Hull Addition, 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. (Z11-0010, 3412 Schuyler Street) The Planning and Zoning Commission recommends approval (7-0).

Mark Cunningham, Director of Planning and Community Services, stated that the applicant was proposing to rezone the property with the intent to develop a vehicle repair use for the customization of commercial vehicles. The current zoning did not permit vehicle repair while the proposed zoning district would allow that type of use. The Planning and Zoning Commission and the Development Review Committee recommended approval.

Council Member Watts asked about screening requirements for the outside of the facility.

Cunningham stated that there were buffer requirements between the uses but not between zoning districts.

The Mayor opened the public hearing.

Larry Reichhart, applicant, spoke in favor.

The Mayor closed the public hearing.

Council Member Watts motioned, Council Member King seconded to adopt the ordinance. 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. 2011-171

- B. Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, amending an overlay district and approving an amendment to the Quail Creek Special Sign District for 3.5 acres of land within the 35.5 acre district located at the northeast corner of Brinker Road and Quail Creek Boulevard and also known as Lot 1, Block A of the Biolife Plasma Addition, 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. (SD11-0004, BioLife Plasma Center) The Planning and Zoning Commission recommends approval with conditions (7-0).

Mark Cunningham, Director of Planning and Community Services, presented the details regarding this proposal. He stated that the request was an amendment to a special sign district. The amendment would eliminate one Type B sign and relocate a small type A sign on the property. There were no responses to the notices sent regarding the proposal. The Planning and Zoning Commission and the Development Review Committee recommended approval with the conditions stating that Sign A was moving and Sign B was being removed.

The Mayor opened the public hearing.

No one spoke during the public hearing.

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 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. 2011-173

- C. Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, providing for a zoning change from a Downtown Residential 1 (DR-1) zoning

district classification and use designation to a Downtown Residential 2 (DR-2) zoning district classification and use designation; on approximately 0.51 acres of land located on the north side of Fannin Street and east of Avenue A, 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. (Z11-0009, 1118 & 1120 Fannin St.) The Planning and Zoning Commission recommends approval (7-0).

Mark Cunningham, Director of Planning and Community Services, stated that the request was to rezone the property for its proposed sale and redevelopment with a multi-family development. There currently were two structures on the property. The change in the zoning to DR-2 would match the surrounding properties. It would allow for some uses currently not allowed in the DR-1 zoning category. The Planning and Zoning Commission and the Development Review Committee recommended approval of the request.

The Mayor opened the public hearing.

Larry Reichhart, applicant, spoke in favor.

The Mayor closed the public hearing.

Council Member Gregory motioned, Council Member King seconded to adopt the ordinance. 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. 2011-173

- D. Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, providing for a zoning change from a Downtown Residential 2 (DR-2) zoning district classification and use designation to a Downtown Commercial General (DC-G) zoning district classification and use designation on approximately 2.083 acres of land located south of Eagle Drive, west of Bernard Street, east of Beatty Street and north of Fannin Street, 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. (Z11-0016, Crosswind Village) The Planning and Zoning Commission recommends approval, subject to a restrictive overlay district (6-1).

Mark Cunningham, Director of Planning and Community Services, presented the details of the proposal. The property currently had 7 single family residential dwellings. If the property was rezoned it would be developed as student housing. The zoning designation sought would permit up to 150 units per acre with the applicant proposing 209 single family units, associated structured parking and some space at ground level for leasing and administration for the buildings. There were significant differences in use of the two categories of zoning designations. Three notices had been received in opposition and one in favor. The opposition was more than 20% of the property within 200 feet thus triggering the supermajority vote. The Planning and Zoning Commission had recommended approval with the condition that the buildings would not be higher than 65 feet.

Council Member Gregory stated that the Planning and Zoning Commission had only placed a height restriction on the proposal. The proposed zoning had many more uses allowed than the current zoning. He asked if there was any effort to limit the other uses.

Cunningham stated that there was some discussion but no action to restrict uses.

Council Member Gregory noted that in the Planning and Zoning Commission minutes one of the Commissioners had made motion to table. The Chair and staff indicated that the original motion had to be considered and the motion to table was not considered. He asked if there was a legal problem with that procedure.

Aaron Leal, Deputy City Attorney, stated that one Commissioner made a motion to approve which was seconded. Right after that another Commissioner made a motion to table. At that point there was no second to the motion to table. The Chair then asked for legal advice on the two motions. At that time, the Chair was told that one Commissioner made a motion that was seconded and another motion was made but with no second. The motion to table was a superior motion and should have been considered.

Council Member Gregory asked if there was a long pause so no motion was made to second to table.

Leal stated there was a long pause with no action to make a second.

City Attorney Burgess stated that the rules were just that and were not law. The process was not defective or fatal and was not a defect under the law.

Mayor Burroughs stated that an announcement should have been made indicating that the motion died for the lack of second rather than an amendment of the first motion. There was an opportunity to second but it was not used.

Council Member Gregory stated that the intent of the developer was to build apartments and a multilevel parking. If the zoning change was approved, was there anything to compel it to be developed as it was currently being proposed.

Cunningham replied there was not.

Council Member Gregory asked that once the zoning was changed, would the developer have to submit a site plan to Council.

Cunningham stated that the plans would be submitted to staff to review in accordance with Denton Development Code. There would be no approval from the Planning and Zoning Commission or the City Council.

Council Member Roden asked if the site plan could be tied to the zoning approval and if not, why.

Cunningham stated that if the rezoning were tied to the site plan and the site was not developed in that manner, staff could not take that zoning away.

Council Member Watts questioned if the proposal was approved based on what was presented and if the development deviated from that, would it then have to come back to Council.

Cunningham stated that once the rezoning had taken place, the zoning then was there.

The Mayor opened the public hearing.

The following individuals spoke during the public hearing:

Todd Thomas, applicant, spoke in favor.

Council Member Gregory asked if the contracts would be per bedroom.

Thomas replied correct.

Council Member Gregory asked how many people per bedroom.

Thomas stated that the lease would be one person per bedroom.

Council Member Gregory asked how the provision to not have more than the required number of people in apartment would be enforced.

Thomas stated that the residents would report to management that provision in the lease on how long guests could stay.

Council Member Roden asked about retail on the site.

Thomas stated that it was being considered and that they had looked at property on Eagle. Retail to the east of the property would be a prime location. He felt retail needed to be redevelop in a space other than their location.

Council Member Gregory stated that there was a current ordinance indicating no more than four unrelated persons in a dwelling. This proposal would be for one, two, three and four bedrooms. He questioned about placing a restriction on no more than four bedrooms in the development.

Thomas stated that the four bedroom unit would be the largest apartment they would have. He stated that he would not object to a restriction to four bedrooms.

Alex Payne, representing the current owners of the property, spoke in favor and wanted to make sure the conditions were not too onerous so as to not be able to sell the property.

The Mayor closed the public hearing.

Council Member Watts stated that he was concerned with the high density without regulations. He also understood that if the proposal was less dense, it would be not be economical. He had difficulty approving the request with just a height restriction. He liked the concept but struggled with the density.

Mayor Burroughs stated that density was always a problem in Denton and was seen as an enemy to keeping things the same in a small town nature. One problem on Council was coping with the explosive growth of the two universities. Too often massive student complexes were away from the universities which forced students to drive to school. He was a strong proponent to increase density around the university for student housing. This area was student related and felt it was the highest density that wasn't offensive to surrounding properties. The area was surrounded by older multifamily units which in the future would need redeveloping. He agreed with no more than 4 bedrooms per unit. There were only two letters in opposition received with one person of those in opposition having a majority of the property and who was a competitor to the proposal. He felt this was the highest and best use of the property along this drive.

Council Member Gregory stated that there were places for density and this was one location as it related to the university campus. He felt the development raised questions regarding the redevelopment of a property done by the same developer. He questioned how to word a restriction of no more than 4 bedrooms per unit.

Cunningham stated that the wording could be "no more than 4 bedrooms per apartment".

Council Member King motioned, Mayor Pro Tem Kamp seconded to adopt the ordinance with a 65 foot height limitation and no more than four bedrooms per apartment. On roll call vote, Council Member King "aye", Council Member Gregory "aye", Council Member Engelbrecht "aye", Council Member Watts "nay", Mayor Pro Tem Kamp "aye", Mayor Burroughs "aye", and Council Member Roden "aye". Motion carried with a 6-1 vote.

Ordinance No. 2011-174

- E. Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, providing for a zoning change from Rural Residential 5 (RD-5) zoning district classification and use designation to Industrial Center General (IC-G) zoning district classification and use designation, on 10.49 acres, located on the east side of South Mayhill Road, approximately 468 feet south of Morse Street, 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. (Z11-0011, Pecan Orchard) The Planning and Zoning Commission recommends approval (7-0).

Mark Cunningham, Director of Planning and Community Services, stated that the applicant was requesting to rezone the property to Industrial Center General in order to bring the current uses onto conformance with the Denton Development Code. The site consisted of three tracts of land which were a part of DH-11, an area which was recently annexed into the city. The present uses on the site included office/warehouse facility, self serve storage units and storage/parking for RVs. The zoning request was consistent for the current use of the property and was consistent with the Denton Development Code. No responses were received in regard to the notices that

were sent out regarding the proposed rezoning. The Planning and Zoning Commission and staff recommended approval.

The Mayor opened the public hearing.

No one spoke during the public hearing.

The Mayor closed the public hearing.

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

## **9. CITIZEN REPORTS**

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

- 1. Bob Clifton regarding the proposed budget.

Mr. Clifton was not present at the meeting.

- 2. Hatice Salih regarding protocol, decorum and common courtesy during citizen reports; and the proposed budget.

Ms. Salih was not present at the meeting.

## **10. 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 Watts asked if there was a method or a survey to find out where riders on the DCTA train were going, what they were using the train for, and how they were getting to their destinations once in Denton.

Mayor Burroughs suggested also communicating with the Main Street people and Industrial Street people regarding advertising for cooperative ventures for ticket availability.

Council Member Roden requested a work session relating to the food ordinance and the community market.

Council Member Roden requested a status update on the citizen committee technical portion of the gas well ordinance.

Council Member Gregory asked for a discussion or work session on redevelopment of old properties coming up to current code and the financial feasibility of that type of redevelopment.

Council Member Engelbrecht asked that the Planning Department look at a basic 4-5 block along Eagle from Carroll to Avenue A and south 4-5 blocks to determine how many bedrooms were there now, what was needed, and what the market thought might be needed for redevelopment in the area. He questioned what could be done to encourage the redevelopment of that area.

Mayor Pro Tem Kamp stated that there were many events taking place in Denton this weekend including the Susan B. Komen Race for the Cure; Denton Public Safety Appreciation Day, the Wild Beast Feast and a home UNT football game.

Mayor Burroughs requested a status on water resources in Denton.

- 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 Meeting.

- 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 taken on Closed Meeting items.

With no further business, the meeting was adjourned at 8:55 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