



AGENDA INFORMATION SHEET

DEPARTMENT: City Manager's Office

CM: Sara Hensley

DATE: April 16, 2024

SUBJECT

Receive a report, hold a discussion, and give staff direction on pending City Council requests for:

- 1) Request for a Work Session to discuss establishing a Community Benefits Ordinance (CBO).
- 2) Request for a Work Session to discuss guidelines for individual Council Member discussions with developers and businesses.

BACKGROUND

On June 23 and 24, 2023, Council conducted its annual retreat where discussions focused on governance challenges and policy development. During the retreat, Council discussed options to improve the current 2-minute pitch process (as outlined in Section 2-30 of the Code of Ordinances), specifically focusing on the current allowance within the code for a policy recommendation to proceed directly from a pitch to consideration of a resolution or ordinance without first being discussed in a work session. Council gave direction to modify the pitch process so that a supermajority of the City Council must provide direction for any 2-minute policy pitch to proceed directly from a pitch to consideration of a resolution or ordinance. The attached ordinance reflects this change in Section 2-30(c)(3) (**Exhibit 2**).

Staff will review one outstanding request for information per elected official during each work session. The weekly work session process will include staff introducing the requested topic followed by the requesting elected official having up to two minutes to describe and justify their request. The remaining elected officials will then have up to one minute to provide feedback and indicate their support for the use of staff time to respond to the request. Staff will respond to all requests where a consensus of at least four elected officials is established. To the extent possible, responses will be provided in the requested format including Informal Staff Reports, Legal Status Reports, City Council work session topics, or ordinances and resolutions to be considered on future City Council agendas. The Agenda Committee will assist in scheduling items receiving consensus based upon priority offered by Council Members, work session availability, and readiness of the item depending upon the total number of staff hours needed to develop, and the departments involved.

As guidelines for Council Members to note and offer their priority while supporting an item, the following general categorization could indicate any Council Member's support to assist staff and the Agenda Committee. The following considers the item's perceived urgency, impact, and/or importance. It is a general framework only to help offer some prioritization, especially in consideration of other scheduled Council priorities, major goals and projects, and scheduled work.

- **High** – Time sensitivity of the item is significant; the item is critical to the community or organization; and/or the item is of such importance that it should take precedence over other scheduled priorities, projects, or items.
- **Moderate** – The item is somewhat time-sensitive; the item has a valuable impact to the community or organization; and/or the item is important but should be integrated into work plans accordingly.
- **Low** – The item is not time-sensitive; the item has an impact, but it is limited; and/or the item should be scheduled into work plans where possible but should not affect or delay other scheduled work.

The following items will be discussed during this work session:

1.) Request for a Work Session to discuss establishing a Community Benefits Ordinance.

a. Requestor: Council Member Paul Meltzer

b. Council Member Request: “What if more land use cases coming before council were like some in recent memory where neighborhood members showed up to thank council and praise the proposed development?”

One potential tool to encourage neighborhoods and incentivize developers to get on the same side could be an opt-in community benefits ordinance.

An opt-in CBO would offer developers a potentially faster approval process if they come to the table with a signed community benefits agreement.

To qualify, these private, civilly enforceable agreements between the parties would have to be with duly constituted HOAs or neighborhood associations. It would have to be inclusive: All residents within their jurisdictions would have to have been notified of the process and any proposed agreement, with an opportunity to give input. The benefits would truly have to be for the community in general—not payoffs to individual neighbors. The agreements would have to have durable “successors and assigns” language so the terms of the agreement go with the property if there’s a change in ownership. But if the agreement meets these requirements, that project would qualify for this potentially faster approval process.

This potentially faster approval process can be accomplished by allowing developers—if they choose—to submit their zoning compliance plans (what used to be called site plans) and their civil engineering plans simultaneously instead of in sequence, potentially saving as much as six months.

This approach wouldn’t be right for every area and every situation, but could having such a tool be a win-win for Denton? Intrigued but have lots of questions about how this would really work? Great! Let’s talk about it in a work session.”

c. Staff information: On February 2, 2024 staff issued a memorandum evaluating the feasibility of granting a “fast-track” for review of development applications to the Mayor and City Council (**Exhibit 4**). On January 12, 2024 an Informal Staff Report was issued on the practice of Community Benefit Agreements (**Exhibit 5**).

d. Date Requested: March 29, 2024

e. Format for response: Work session

2.) Request for a Work Session to discuss guidelines for individual Council Member discussions with developers and businesses.

a. Requestor: Council Member Chris Watts

b. Council Member Request: “I am requesting a two-minute pitch for a workshop to discuss guidelines for self-governing of council members who have one on one conversations with developers and economic development prospects.

On March 25, 2024, in a public political forum discussing food deserts and grocery stores, Council Member McGee reported he had talked with someone at HEB and was told they are not coming to Denton because of Council infighting.

On April 2, 2024 during Concluding Items of the regular City Council Meeting, I asked the City Manager to request from Council Member McGee the contact information of the individual he spoke with at HEB. Once obtained, city staff could contact said individual and assure them and the company that the city stands ready to welcome them to our community.

Pursuant to the Friday Status Report dated April 5, 2024, paragraph H, when the City Manager requested the contact information from Council Member McGee, his response was no comment.

Council Member McGee refused to provide information of a conversation he had with one of our city's most desired business prospects.

The City Council and professional city staff are a team working together for the betterment of our community. Responding with no comment to a reasonable request does not further this goal.”

c. Staff information: Staff provided the referenced response to Council Member Watts’ request in the April 5, 2024 Friday Staff Report (**Exhibit 6**).

d. Date Requested: April 5, 2024

e. Format for response: Work Session

EXHIBITS

Exhibit 1 – Agenda Information Sheet

Exhibit 2 – Ordinance No. 23-1431

Exhibit 3 – Presentation

Exhibit 4 – Memorandum on Community Benefits Ordinance and “fast-track” development application processing

Exhibit 5 – ISR 2024-002 Community Benefit Agreement and Ordinance

Exhibit 6 – April 5, 2024 Friday Staff Report

Respectfully Submitted:

Jesse Kent

Assistant to the City Manager