

CITY OF DENTON CITY COUNCIL MINUTES

February 7, 2017

The City Council of the City of Denton, Texas had lunch on Tuesday, February 7, 2017 at 11:30 a.m. in the Council Work Session Room at City Hall, 215 E. McKinney Street, Denton, Texas.

After determining that a quorum was present, the City Council convened in a Work Session on Tuesday, February 7, 2017 at 12:00 noon in the Council Work Session Room.

PRESENT: Mayor Pro Tem Roden, Council Member Wazny, Council Member Briggs, Council Member Hawkins, Council Member Gregory, Council Member Bagheri, and Mayor Watts.

ABSENT: None.

1. Citizen Comments on Consent Agenda Items

Willie Hudspeth, 623 Newton, spoke on the Consent Agenda.

2. Requests for clarification of agenda items listed on the agenda for February 7, 2017.

Staff responded to Council's request for clarification of the following items:

Council Member Bagheri – Pull Consent Agenda Items F, J, N and R

Council Member Wazny – include property appraisals in backup for Consent Agenda Items

Council Member Hawkins – Consent Agenda Item B

Mayor Watts – Consent Agenda Item G

3. Work Session Reports

- A. ID 17-104 Receive a report, hold a discussion on the housing programs and other activities carried out by the Denton Housing Authority (DHA) and give staff direction regarding requests for resolutions from developers applying for state tax credit.

Ron Menguita introduced Sherri McDade with the Denton Housing Authority (DHA) and Ramon Guajardo, a consultant in a firm specializing in government relations and multi-family residential developments, who made presentations to the Council regarding the Housing Tax Credit program and its application in Denton.

Mayor Watts asked for more detail on the level of income stream that would be new to the Denton Housing Authority and asked for a discussion how the Council would direct the DHA to spend those funds.

Council Member Briggs asked what role the DHA played in the management of the project.

Guajardo explained that their role was in the review of applications and financial documents associated with the project.

Council Member Wazny asked about the process for approving resolutions in support of Housing Tax Credit (HTC) projects.

Guajardo stated that the resolutions for upcoming projects would not be considered until after the zoning changes had been considered by the Planning and Zoning Commission and Council.

Mayor Pro Tem Roden asked if consideration of the resolution and consideration of zoning were linked.

City Attorney Burgess clarified that the two were not related.

Mayor Pro Tem Roden asked if there was a path for projects to come forward outside of the DHA's review process.

Guajardo explained that there was a path, but they were asking the Council to consider a policy that would require DHA review of new HTC projects in Denton.

Mayor Pro Tem Roden asked the Council to consider the policy implications for locating HTC projects around the City.

Council Member Bagheri asked about the Council's authority for requiring developers to work with DHA and the benefit from a developer and the benefit to a developer of working with DHA.

Mayor Watts noted that the authority of the Council and benefit to developers was tied to the resolution sought by developers in order to receive HTC funding.

Guajardo reviewed current projects under application for 4% and 9% funding, and estimated revenue to the DHA over 15 years for each project.

Council Member Gregory asked how the DHA spent the revenue received from HTC projects.

Council Member Briggs asked about the tax-exempt status of projects that did not partner with DHA.

Guajardo explained that without the DHA partnership, projects were not tax-exempt.

Mayor Pro Tem Roden asked which taxing entities were included in the tax exempt status.

Guajardo explained that city, school, and county jurisdictions were included. The totals were around \$1,000 per door per year in exempted taxes.

Council Member Bagheri asked for an exact figure in taxes the City would forgo if it approved resolutions in support of HTC projects.

Guajardo stated that number may be difficult to get, but would provide some additional information. DHA was considering providing up to 5% of funds received to local agencies to provide services for DHA clients and the community, and could partner with United Way of

Denton County to distribute funds. DHA could negotiate the reservation of a specific number of units to address specific community needs, including homelessness or housing for veterans.

Council Member Bagheri asked if the Council could include provisions or requirements in the supporting resolution.

City Attorney Burgess advised that they could enter into an interlocal agreement with DHA to articulate the Council's policy direction.

Council Member Wazny asked if the units in the projects under application were all reserved for affordable housing.

Guajardo explained that in some all units were reserved and others were a mixed income project.

Council Member Wazny asked if the entire development was tax exempt, including any market-rate units.

Guajardo clarified that yes, the entire development was tax-exempt.

Council Member Wazny expressed that the City should restrict tax credits to projects with 100% affordable units. She asked that the Council include specific requirements in the resolution of support, and that consideration of affordable housing be included in the development of small area plans.

Mayor Pro Tem Roden commented that the City was limited in restrictions because HTC was a federal program. He suggested that DHA initiate partnerships and then come to the Council for consideration.

Guajardo requested that the Council require an executed Memorandum of Understanding with DHA before approving a resolution in support of an HTC project

Mayor Watts asked for more specific funding amounts for community services to make a decision on a policy change in requiring developers to work through DHA for an HTC project.

Council Member Gregory suggested that the Council may decide that it's worth it to lose tax revenue in support of affordable housing goals in the City. He asked to talk to other jurisdictions, specifically the school district, about the implications of tax exempt projects.

Council Member Hawkins noted that the City was currently paying, in a way, because there had been no new affordable housing projects in Denton in 6 years.

Mayor Watts asked if there had been a process to communicate with the school district and County about specific projects.

Guajardo responded that they had been in contact with the school district about a recent project application.

Council Member Bagheri suggested that the Council could require letters of support for projects from the district and the County before consideration of resolutions in support.

Council Member Gregory asked if the additional revenue to the DHA represented the taxes the City would be otherwise collecting. He felt he could be in support of that, because it would be similar to allocating tax revenue to support affordable housing.

Guajardo explained that was why they were asking for this policy change from the Council.

Mayor Watts asked for specific information regarding the tax revenue exempted for all entities for recent projects and for a more specific proposal for community services.

Council Member Bagheri requested a copy of financial information from DHA, a legal opinion of what council was authorized to do versus what they have to do with DHA, and further discussion of the financial implications of each project before Council was asked to vote on a resolution.

Council Member Briggs asked the Council to continue the discussion on tax credit housing.

Mayor Watts asked for an additional work session after the additional information was provided.

B.ID 17-153 Receive a report, hold a discussion, and give staff direction regarding the administration of elections.

Frank Phillips, Denton County Elections Administrator, took questions from the Council regarding the November election.

Alison Ream, Administrative Support Manager, presented information on possible additional polling locations in each Council district.

The Council expressed support for additional voting locations in each district, contingent on further discussion on the impact. Council directed staff to return with recommended locations overlaid with the County precinct map on February 14th for further discussion.

C. ID 17-152 Receive a report and hold a discussion on the proposed City of Denton Solid Waste & Recycling Department Strategic Plan which will provide long-term planning guidance for existing, expanded, and new operations and services for the next 15-20 years.

Vance Kemler, General Manager of Solid Waste & Recycling, introduced Scott Pasternak, a consultant with Burns & McDonnell to make a presentation regarding the department's strategic plan.

Pasternak presented the mission and vision statement for the Plan along with the five key focus areas of the Solid Waste Strategic Plan.

Council discussed if there was a way to quantify and report recycling goals in terms of weight, instead of percentage diverted; whether the Denton Development Code could more clearly state recycling requirements for multi-family developments and if so, move them forward before the comprehensive DDC amendments, unless there was a need for those to move forward together; and disaster preparations for the BMR facility. Council also discussed methane gas emissions and the flaring associated with excess methane as well as the composting programs at the Landfill.

D.ID 17-105 Receive a report, hold a discussion, and give staff direction regarding two potential involuntary annexations. The first property is located on the northeast corner of Fort Worth Drive and Brush Creek Road and the second property is generally located on the north side of Silver Dome Road, between Farris Road and Cooper Creek Road.

Ron Menguita, Long Range Planning Administrator, presented information regarding two potential involuntary annexations in Denton. The first property was on the northeast corner of Fort Worth Drive and Brush Creek Drive. The second property was on the north side of Silver Dome Road between Farris and Cooper Creek Road.

Council discussed the pros and cons related to the annexation of the properties and directed staff to move forward with involuntary annexation of both properties.

E.ID 17-158 The City Council requested the City Attorney's Office to brief the Council on the Texas Open Meetings Act.

Council Member Wazny requested a council discussion regarding which items could be discussed in open session, how the Council reached consensus and staff attendance in Closed Meetings in lieu of a staff presentation. She commented that although the City Council followed the posting of the council meeting, Council could vote during the meeting on whether or not to discuss specific items in Closed Session.

Deputy City Attorney Jennifer DeCurtis responded that there were two exceptions: personnel issues and HIPPA related items.

Council Member Wazny asked for a discussion on Closed Session items at the beginning of each meeting.

Council Member Bagheri asked for a structured way to discuss Closed Meetings and staff attendance in Closed Meetings.

Council Member Briggs asked who in the City made the decision on when to go into Closed Session.

City Attorney Burgess advised that the City Council was the final decision maker on when the Council goes into Closed Session.

Council Member Wazny asked about the prohibition of taking a "straw vote" in Closed Session.

City Attorney Burgess responded that in Closed Session, Council may give staff direction and articulate their position on an issue but that did not constitute a "straw vote".

Council Member Wazny suggested that in the Council's Friday packet, draft agendas for future meetings be provided to the Council. She also suggested Council consider taping Closed Sessions.

Council Member Gregory commented that the City currently used the request for clarification item to discuss the need for Closed Session items. He stated that the Council currently gave direction in Closed Meetings on items such as settlement authority for litigation.

Council Member Bagheri suggested that the Council could vote in open session on those types of items without disclosing the actual amount.

Mayor Pro Tem Roden asked the City Attorney if the Council had participated in a straw vote.

City Attorney Burgess stated that the Council had not done so.

Mayor Watts commented that the Council did not take straw votes and were all committed to following the law. He explained that the City Manager had taken steps to give additional information and a justification for Closed Session items in the legal status report that goes out on Fridays.

City Manager Hileman commented that he had been meeting with department directors and legal staff and was committed to providing justification for taking agenda items into Closed Session. Staff had implemented a new procedure to justify Closed Session items through both the City Manager's Office and City Attorney's Office. His commitment to the Council and the community was to limit Closed Session items and go into Closed Session only if discussion in open session would harm the City. He also was addressing staff attendance in Closed Session and that the fewer staff in Closed Session the better. However, there may be a time when he needed to include staff experts to answer the Council's questions.

Council Member Bagheri asked if DME would be at a competitive disadvantage to vote on an issue in open session, following a Closed Session meeting without revealing information.

Phil Williams, General Manager of DME, responded that most of the real estate items were the same as others in the City and were not a competitive utility matter.

The City Attorney commented that any time the Council took a vote, the action taken was posted on the agenda with specificity.

The Council directed that staff provide draft agendas to the Council in the Friday packet after they were reviewed by the Agenda Committee, and that the Council use the item posted on agendas for clarification of agenda items to raise a question about Closed Session items or make a request to move an item from closed to open session.

Council Member Bagheri asked that the Council require Open Meetings training annually.

Following the completion of the Work Session, the City Council convened in a Closed Meeting to consider the specific items listed below under the Closed Meeting section of this agenda.

1. Closed Meeting:

A.ID 17-088 Deliberations regarding Real Property - Under Texas Government Code Section 551.072; Consultation with Attorneys - Under Texas Government Code Section 551.071.

Receive information from staff and discuss, deliberate, and provide staff with direction regarding the potential acquisition of real property interests related to the location and siting of electric transmission lines in an area bounded by Bernard Street (western boundary), Eagle Drive (northern boundary), S Locust Street and W Collins St. (eastern boundary), and W Collins Street (southern boundary) lying within the City of Denton, Denton County, Texas. Consultation with the City's attorneys regarding legal issues associated with the acquisition of the real property interests described above where a discussion of these legal matters in an open meeting would conflict with the duty of the City's attorneys to the City of Denton and the Denton City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas, or would jeopardize the City's legal position in any administrative proceeding or potential litigation, or where discussions had, deliberation, and direction given, by the Denton City Council in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third party. [Eagle to Locust TM Line Route]

B.ID 17-137 Deliberations Regarding Real Property - Under Texas Government Code, Sec. 551.072; Consultation with Attorneys - Under Texas Government Code, Sec. 551.071.

Discuss, deliberate and receive information from staff and provide staff with direction pertaining to the potential purchase of certain real property interests out of the Gideon Walker Survey, Abstract 1330, the Morreau Forrest Survey, Abstract 417, the David Hough Survey, Abstract 646 and Lot 1, Block 1, Tower Addition, an addition to the City of Denton, all in Denton County, Texas, and located generally in the 600, 900, 1900 and 2100 blocks of South Mayhill Road, Denton, Texas; discussions had, deliberation, and direction given by the Denton City Council in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third party. Consultation with the City's attorneys regarding legal issues associated with the potential acquisition or condemnation of the real property interests described above; discussion of these legal matters in an open meeting would conflict with the duty of the City's attorneys to the City of Denton and the Denton City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas, or would jeopardize the City's legal position in any administrative proceeding or potential litigation. (Solid Waste Department - Mayhill Road)

C.ID 17-141 Consultation with Attorneys - Under Texas Government Code Section 551.071.

Receive information from staff, discuss, deliberate and provide staff with direction pertaining to the status, strategy, and possible resolution of condemnation case styled City of Denton, Texas v. RTS&M, LLC, et al., Cause No. PR-2014-00492, currently pending in the Probate Court of Denton County, Texas; Consultation with the City's attorneys

regarding legal issues associated with the condemnation of the real property interests where a public discussion of these legal matters could jeopardize the City's legal position in any administrative proceeding or potential litigation.

- D. ID 17-154 Consultation with Attorneys - Under Texas Government Code Section 551.071 Consultation, discussion, and deliberation regarding legal matters associated with contracts and leases associated with Rail Yard Partners, Ltd. and the Dallas Entrepreneur Center where discussion of these legal matters in an open meeting would conflict with the duty of the City's attorneys to the City of Denton and the Denton City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas, or would jeopardize the City's legal position in any administrative proceeding or potential litigation.

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. ID 17-044 Myra Crownover Day

Mayor Watts presented the proclamation for Myra Crownover Day.

B. ID 17-067 30th Year Anniversary of Keep Denton Beautiful

Mayor Watts presented the proclamation for Keep Denton Beautiful anniversary.

C. ID 17-089 National Wear Red Day

Mayor Watts presented the proclamation for National Wear Red Day.

D. ID 17-148 Resolution of Appreciation for Anita Burgess

Mayor Watts presented the Resolution of Appreciation for Anita Burgess.

Council Member Gregory motioned, Mayor Pro Tem Roden seconded to approve the resolution. On roll call vote, Mayor Pro Tem Roden "aye", Council Member Wazny "aye", Council Member Briggs "aye", Council Member Hawkins "aye", Council Member Gregory "aye", Council Member Bagheri "aye", and Mayor Watts "aye". Motion carried unanimously.

3. PRESENTATION FROM MEMBERS OF THE PUBLIC

- A. Review of procedures for addressing the City Council. B. Receive Scheduled Citizen Reports from Members of the Public.

There were no scheduled citizen reports for this meeting.

C. Additional Citizen Reports

1. Bud Porter, 320 Fulton St., Apt. 8, regarding the protection of citizens against policies of the Federal government.
2. Deb Armintor, 2003 Mistywood Lane, regarding the protection of citizens against policies of the Federal government.

4. CONSENT AGENDA

Council Member Hawkins motioned, Mayor Pro Tem Roden seconded to approve the Consent Agenda and accompanying ordinances and resolutions with the exception of Item F, J, N and R which would be considered individually. On roll call vote, Mayor Pro Tem Roden "aye", Council Member Wazny "aye", Council Member Briggs "aye", Council Member Hawkins "aye", Council Member Gregory "aye", Council Member Bagheri "aye", and Mayor Watts "aye". Motion carried unanimously.

Ordinance No. 2017-026

- A. ID 16-1518 Consider adoption of an ordinance authorizing the City Manager to execute a Donation Agreement with the City of Múzquiz, a political subdivision of the Free and Sovereign State of Coahuila, Mexico in compliance with City of Denton Ordinance 2008-11; authorizing the donation of Police and Fire Equipment to the City of Múzquiz; authorizing the donation of the equipment with an estimated value greater than Five Hundred Dollars (\$500); and providing an effective date (File 5824-Donation Agreement with the City of Múzquiz).

Ordinance No. 2017-027

- B. ID 17-012 Consider adoption of an ordinance accepting competitive proposals and awarding a public works contract for the construction of the Denton Regional Fire Training Facility to be located at 4111 Vintage Boulevard, Denton, Texas; providing for the expenditure of funds therefor; and providing an effective date (RFP 6283-awarded to JC Commercial, Inc. in the amount of \$2,482,707).

Ordinance No. 2017-028

- C. ID 17-015 Consider adoption of an ordinance accepting competitive proposals and awarding a contract for the purchase of recreation software for the City of Denton Parks and Recreation Department (PARD) which will be used for program and class registrations and management, facility bookings, childcare registration, membership pass registration, point of sale, account management and other PARD administrative

functions; providing for the expenditure of funds therefor; and providing an effective date (RFP 6193-awarded to CivicPlus, Inc. dba REC1 in the three (3) year not-to-exceed amount of \$140,000).

Ordinance No. 2017-029

- D. ID 17-018 Consider adoption of an ordinance of the City of Denton authorizing the City Manager or his designee to execute a contract for the acquisition of one (1) boom mower attachment for the Drainage Department which is available from only one source and in accordance with Chapter 252.022 of the Texas Local Government Code, such purchases are exempt from requirements of competitive bidding; and providing an effective date (File 6337-awarded to Tiger Corporation in the amount of \$62,658). The Public Utilities Board recommends approval (6-0).

Ordinance No. 2017-030

- E. ID 17-098 Consider adoption of an ordinance ordering an election to be held in the City of Denton, Texas, on May 6, 2017 and, if a runoff election is required, on June 10, 2017, for the purpose of electing council members to Districts 1, 2, 3 and 4 of the City Council of the City of Denton, Texas; prescribing the time and manner of the conduct of the election to be in accordance with an agreement with the Election Administrator of Denton County; providing a severability clause; providing an open meetings clause; and providing an effective date.

Ordinance No. 2017-032

- G. ID 17-121 Consider adoption of an ordinance of the City of Denton, Texas authorizing the City Manager to execute an agreement by and between the City of Denton, Texas and Crawford Hospital Partners, LLC, for the provision of water and sanitary sewer facilities for Lots 1-8 of Ranch View Surgical Hospital; and providing an effective date.

Approved the minutes listed below.

- H. ID 17-123 Consider approval of the minutes of October 3, October 11, October 18, November 1, and November 7, 2016.

Resolution No. R2017-001

- I. ID 17-124 Consider approval of a resolution of the City Council of the City of Denton, Texas documenting the process for purchasing and managing the City's diverse vehicle fleet, which includes vehicles and heavy equipment, in a manner that minimizes greenhouse gas emissions and considers life-cycle economics of current and future fleet vehicles; and declaring an effective date. The Committee on the Environment recommends approval (3-0).

Ordinance No. 2017-034

- K. ID 17-127 Consider adoption of an ordinance of the City of Denton, Texas authorizing the approval of a second amendment to a Professional Services Agreement between the City of Denton and Hazen and Sawyer, P.C. for the design

of the Hickory Creek Basin Peak Flow Detention Facility; providing for the expenditure of funds therefor; and providing an effective date (File 5768-providing for an additional expenditure amount not-to-exceed \$192,239, with the total contract amount not-to-exceed \$732,365). The Public Utilities Board recommends approval (6-0).

Ordinance No. 2017-035

- L. ID 17-128 Consider adoption of an ordinance of the City of Denton authorizing the City Manager or his designee to execute a contract for the acquisition of one (1) Bobcat Model T650 Skidsteer Loader for the City of Denton Parks Department which is available from only one source and in accordance with Chapter 252.022 of the Texas Local Government Code, such purchases are exempt from requirements of competitive bidding; and providing an effective date (File 6349-awarded to Clark Equipment dba Bobcat Company in the amount of \$54,393.14).

Ordinance No. 2017-036

- M. ID 17-129 Consider adoption of an ordinance of the City of Denton authorizing the City Manager or his designee to execute a contract for the acquisition of one (1) Line Marking Machine for the City of Denton Traffic Department which is available from only one source and in accordance with Chapter 252.022 of the Texas Local Government Code, such purchases are exempt from requirements of competitive bidding; and providing an effective date (File 6266-awarded to Titan ASE, LLC in the amount of \$120,000).

Ordinance No. 2017-038

- O. ID 17-132 Consider adoption of an ordinance approving the expenditure of funds for the purchase of annual maintenance for the City of Denton Cisco networked devices (SmartNet) including switches, routers, wireless and Cisco IP phone equipment including 24 hour/7 days per week Technical Assistance Center (TAC) support on all equipment located in City of Denton facilities as awarded by the State of Texas Department of Information Resources (DIR) through the Go DIRect Program, Contract Number DIR-TSO-2542; providing for the expenditure of funds therefor; and providing an effective date (File 6350-awarded to Presidio Networked Solutions Group, LLC. in the not-to-exceed amount of \$136,716.97).

Ordinance No. 2017-039

- P. ID 17-151 Consider adoption of an ordinance of the City of Denton authorizing an agreement between the City of Denton, Texas and the Denton African American Scholarship Foundation for the purpose of expenses for the Denton Black Film Festival; providing for the expenditure of funds therefor; and providing for an effective date. (\$2,050)

Resolution No. R2017-002

- Q. ID 17-156 Consider approval of a resolution waiving potential conflicts associated with the simultaneous legal representation by the law firm of Farella, Braun +

Martell, LLP, of both Trilliant, Inc. and the City of Denton, Texas; ratifying said engagement; and providing an effective date.

The items pulled for separate consideration were discussed.

Ordinance No. 2017-031

- F. ID 17-116 Consider adoption of an ordinance of the City of Denton, approving a Right-of-way Use and Encroachment Agreement between the City of Denton and the University of North Texas, granting permission to the University of North Texas to construct a raised crosswalk, with signage, marking and other appurtenances, within the right-of-way of Maple Street; and providing an effective date.

Willie Hudspeth suggested adding the corner of Jagoe and Oak going west and Carroll and Hickory going east for special consideration.

Council Member Gregory motioned, Council Member Hawkins seconded to adopt the ordinance. On roll call vote, Mayor Pro Tem Roden "aye", Council Member Wazny "aye", Council Member Briggs "aye", Council Member Hawkins "aye", Council Member Gregory "aye", Council Member Bagheri "aye", and Mayor Watts "aye". Motion carried unanimously.

Ordinance No. 2017-033

- J. ID 17-126 Consider adoption of an ordinance of the City of Denton, Texas authorizing the approval of a second amendment to a Professional Services Agreement between the City of Denton and GL Power Solutions, Inc. for Transmission Planning and NERC Transmission Planner Compliance Services including studies, modeling and other technical/professional services for Denton Municipal Electric; providing for the expenditure of funds therefor; and providing an effective date (File 5148-providing for an additional expenditure amount not-to-exceed \$1,012,440.08, with the total contract amount not-to-exceed \$1,969,409.14). The Public Utilities Board recommends approval (6-0).

Phil Williams, General Manager-DME, stated that Transmission Service Providers were responsible to the following agencies - FERC, NERC, TRE, and ERCOT. DME was such a provider. The advantage of PWR Solutions was that they had accrued knowledge and data since 2010 in this field. They could provide a range of services, had a level of respect in the industry, and changing consultants at this point would be costly. The contract requirement was billing on hourly basis for work performed.

Council discussed whether the increased funding included funding for the Denton Energy Center, how long the contract would cover and the amount of the hourly rate which included the software costs.

Willie Hudspeth felt that the amount of the contract was too high.

Council Member Hawkins motioned, Mayor Pro Tem Roden seconded to adopt the ordinance. On roll call vote, Mayor Pro Tem Roden "aye", Council Member Wazny "aye", Council Member

Hawkins "aye", Council Member Gregory "aye", Council Member Bagheri "aye", and Mayor Watts "aye". Council Member Briggs "nay". Motion carried with a 6-1 vote.

Ordinance No. 2017-037

- N. ID 17-130 Consider adoption of an ordinance of the City of Denton authorizing the City Manager or his designee to execute a contract with the Denton Parks Foundation for administrative and fund raising support of Denton Parks and Recreation projects and programs which is available from only one source and in accordance with Chapter 252.022 of the Texas Local Government Code, such purchases are exempt from requirements of competitive bidding; and providing an effective date (File 6348-awarded to Denton Parks Foundation in the amount of \$77,000).

Council Member Bagheri stated that during the budget process she had voted against the request and she wanted her vote on this item to be consistent with her vote at that time. She requested a discussion on how non-profits requested funding from the City which appeared to be varying among the organizations.

Willie Hudspeth did not speak to the issue but rather stated that there were no African American supervisors in the Parks Department or DME.

Council Member Gregory motioned, Mayor Pro Tem Roden seconded to adopt the ordinance. On roll call vote, Mayor Pro Tem Roden "aye", Council Member Wazny "aye", Council Member Briggs "aye", Council Member Hawkins "aye", Council Member Gregory "aye", and Mayor Watts "aye". Council Member Bagheri "nay". Motion carried with a 6-1 vote.

Ordinance No. 2017-040

- R. ID 17-157 Consider adoption of an ordinance accepting competitive proposals and awarding a public works contract for the construction of waterline improvements for Phase 1 of the Denton Municipal Electric Energy Center project; providing for the expenditure of funds therefor; and providing an effective date (RFP 6304-awarded to Wilson Contractor Services, LLC in the amount of \$530,485.15).

Phil Williams, General Manager-DME, stated that City water was not available west of the Airport. DME must extend a water line to the DEC site. Phase I of the water loop was needed by April 2017. This also involved a fire protection issue. The RFP evaluation criteria involved price, delivery, and probable evaluation. He displayed a location map which showed water and wastewater lines. Staff recommended approval of the contract for the DEC Phase 1.

Council discussed cost of the water line being in line with the estimate; the upsizing of the water line in both phases; and that both the Water Department and DME were sharing in the cost of the water line.

Willie Hudspeth did not speak to the item but rather spoke on the start time of the meeting again and that there were no African Americans working in DME.

Mayor Pro Tem Roden motioned, Council Member Wazny seconded to adopt the ordinance. On roll call vote, Mayor Pro Tem Roden "aye", Council Member Wazny "aye", Council Member Hawkins "aye", Council Member Gregory "aye", and Mayor Watts "aye". Council Member Briggs "nay", and Council Member Bagheri "nay". Motion carried with a 5-2 vote.

5. ITEMS FOR INDIVIDUAL CONSIDERATION

Resolution No. R2017-003

- A. ID 17-155 Consider approval of a resolution of the City Council of the City of Denton, Texas, appointing an Interim City Attorney; setting forth the terms of the appointment; setting forth the Interim City Attorney's salary; and providing an effective date.

City Attorney Burgess stated that the resolution proposed that Aaron Leal be appointed as the Interim City Attorney.

Willie Hudspeth did not speak on the item but rather on the Work Session item regarding open meetings and how those were conducted.

Mayor Pro Tem Roden motioned, Council Member Hawkins seconded to approve the resolution. On roll call vote, Mayor Pro Tem Roden "aye", Council Member Wazny "aye", Council Member Briggs "aye", Council Member Hawkins "aye", Council Member Gregory "aye", Council Member Bagheri "aye", and Mayor Watts "aye". Motion carried unanimously.

6. PUBLIC HEARINGS

Ordinance No. 2017-041

- A. HL15-0005c Hold a public hearing and consider adoption of an ordinance designating the property located at 1120 North Locust Street, legally known as A0185A BBB & CRR, TR 99, .287 acres, OLD DCAD TR 69, a historic landmark under Section 35.7.6 of the Denton Development Code; providing for a penalty in the maximum amount of \$2,000.00 for violations thereof; providing a severability clause and an effective date. The Historic Landmark Commission recommends approval 7-0. The Planning and Zoning Commission recommends approval 7-0.

The Mayor opened the public hearing for Items A, B, C, and D.

Roman McAllen, Historic Preservation Officer, briefed the Council on Items A, B, C, and D. He noted that there were 13 criteria established to qualify properties for designation as historic landmarks. The four properties had met the necessary criteria. He reviewed the public notification that was provided. The Historic Landmark Commission and the Planning and Zoning Commission recommended approval.

The following individuals spoke during the public hearing:

Gary Hayden and Deb Conte, 2106 N. Bell – spoke in support

Rachel Meyer, 717 W. Oak Street – spoke in support
John Morris, 918 W. Oak Street – spoke in support
Jonathan Meyer, 717 W. Oak Street spoke in support
Deb Armintor, 2003 Mistywood Lane – spoke in support

Comment cards were submitted by the following:

Donna Morris, 918 W. Oak Street - in support
Jennifer Meyer, 717 W. Oak Street - in support

The Mayor closed the public hearing for Items A, B, C and D.

Mayor Pro Tem Roden motioned, Council Member Gregory seconded to adopt the ordinance. On roll call vote, Mayor Pro Tem Roden "aye", Council Member Wazny "aye", Council Member Briggs "aye", Council Member Hawkins "aye", Council Member Gregory "aye", Council Member Bagheri "aye", and Mayor Watts "aye". Motion carried unanimously.

Ordinance No. 2017-042

- B. HL16-0005a Hold a public hearing and consider adoption of an ordinance designating the property located at 717 West Oak Street, legally known as McKennon Lot 6(NW PT) 3/329///Neill AB 971), a historic landmark under Section 35.7.6 of the Denton Development Code; providing for a penalty in the maximum amount of \$2,000.00 for violations thereof; providing a severability clause and an effective date. The Historic Landmark Commission recommends approval 6-0. The Planning and Zoning Commission recommends approval 6-0.

The public hearing for this item was held with Item A.

Council Member Hawkins motioned, Council Member Bagheri seconded to adopt the ordinance. On roll call vote, Mayor Pro Tem Roden "aye", Council Member Wazny "aye", Council Member Briggs "aye", Council Member Hawkins "aye", Council Member Gregory "aye", Council Member Bagheri "aye", and Mayor Watts "aye". Motion carried unanimously.

Ordinance No. 2017-043

- C. HL16-0006a Hold a public hearing and consider adoption of an ordinance designating the property located at 2106 North Bell Avenue, legally known as College Heights Addition Block 1 Lot 4, a historic landmark under Section 35.7.6 of the Denton Development Code; providing for a penalty in the maximum amount of \$2,000.00 for violations thereof; providing a severability clause and an effective date. The Historic Landmark Commission recommends approval 7-0. The Planning and Zoning Commission recommends approval 6-0.

The public hearing for this item was held with Item A.

Council Member Wazny motioned, Council Member Hawkins seconded to adopt the ordinance. On roll call vote, Mayor Pro Tem Roden "aye", Council Member Wazny "aye", Council Member

Briggs "aye", Council Member Hawkins "aye", Council Member Gregory "aye", Council Member Bagheri "aye", and Mayor Watts "aye". Motion carried unanimously.

Ordinance No. 2017-044

- D. HL16-0007a Hold a public hearing and consider adoption of an ordinance designating the property located at 619 Pearl Street, legally known as Carroll Park Block 1 Lot 9, a historic landmark under Section 35.7.6 of the Denton Development Code; providing for a penalty in the maximum amount of \$2,000.00 for violations thereof; providing a severability clause and an effective date. The Historic Landmark Commission recommends approval 7-0. The Planning and Zoning Commission recommends approval 6-0.

The public hearing for this item was held with Item A.

Council Member Gregory motioned, Council Member Wazny seconded to adopt the ordinance. On roll call vote, Mayor Pro Tem Roden "aye", Council Member Wazny "aye", Council Member Briggs "aye", Council Member Hawkins "aye", Council Member Gregory "aye", Council Member Bagheri "aye", and Mayor Watts "aye". Motion carried unanimously.

Item F was considered.

Ordinance No. 2017-046

- F. Z16-0021a Hold a public hearing and consider adoption of an ordinance to rezone approximately 12.97 acres from a Regional Center Commercial Downtown (RCC-D) District to a Neighborhood Residential Mixed Use (NRMU) District. The property is generally located on the northwest side of the intersection of Riney Road and North Elm Street, approximately 1,900 feet east of North Bonnie Brae Street. The Planning and Zoning Commission recommends approval (6-0).

The Mayor opened the public hearing.

Munal Mauladad, Director of Development Services, presented the location of the property, the current and proposed zoning in the area, future land use along with considerations for approval. Rezoning the property to NRMU district was a logical extension of the NR district to the south and east. The Planning and Zoning Commission as well as staff recommended approval.

The following individuals spoke during the public hearing:

Willie Hudspeth, 623 Newton, stated that he was not notified about the public hearing.
Paul Meltzer, 1914 W. Oak Street, questioned the impact on North Lakes Park.

The Mayor closed the public hearing.

Council Member Bagheri motioned, Council Member Wazny seconded to adopt the ordinance. On roll call vote, Mayor Pro Tem Roden "aye", Council Member Wazny "aye", Council Member

Briggs "aye", Council Member Hawkins "aye", Council Member Gregory "aye", Council Member Bagheri "aye", and Mayor Watts "aye". Motion carried unanimously.

Council considered Item E.

Ordinance No. 2017-045

- E. S16-0005a Hold a public hearing and consider adoption of an ordinance for a Specific Use Permit to allow multifamily development on approximately 12.97 acres. The property is generally located on the northwest side of the intersection of Riney Road and North Elm Street, approximately 1,900 feet east of North Bonnie Brae Street. The Planning and Zoning Commission recommends approval with conditions (6-0).

The Mayor opened the public hearing.

Munal Mauladad, Director of Development Services, stated that pending approval of the rezoning to NRMU, the applicant was proposing a multi-family development that was not part of a mixed-use development. A Specific Use Permit was required for this zoning designation. Multi-family was consistent with the Future Land Use designation of Neighborhood Mixed Use, which included a mixture of residential development types and densities. The proposed site plan complied with the Denton Development Code site design standards and was generally compatible with other uses and development patterns in the area.

Council discussed what tools were available to encourage more of this type of development in the area; height requirements of the proposed district; incorporation of trails in the development; the area was well served with bus service; and whether a small area plan would be beneficial for this area.

The following individuals spoke during the public hearing:

Paul Meltzer, 1914 W. Oak Street, spoke in opposition
Curt Stogsdill, 2103 Riney Road, spoke in opposition
Willie Hudspeth, 623 Newton, spoke in opposition.

The Mayor closed the public hearing.

Council Member Bagheri motioned, Council Member Gregory seconded to adopt the ordinance with conditions approved by the P&Z Commission. On roll call vote, Mayor Pro Tem Roden "aye", Council Member Wazny "aye", Council Member Hawkins "aye", Council Member Gregory "aye", Council Member Bagheri "aye", and Mayor Watts "aye". Council Member Briggs "nay". Motion carried with a 6-1 vote.

Ordinance No. 2017-047

- G. Z16-0025a Hold a public hearing and consider adoption of an ordinance to rezone approximately 15.5 acres from a Neighborhood Residential 2 (NR-2) District to a Neighborhood Residential 3 (NR-3) District, and approximately 20.16 acres from a

Neighborhood Residential 4 (NR-4) District to a NR-3 District. The subject property is generally located on the east side of Country Club Road, approximately 265 feet south of Regency Court in the City of Denton, Denton County, Texas. The Planning and Zoning Commission recommends approval (6-0).

The Mayor opened the public hearing.

Munal Mauladad, Director of Development Services, stated that the request was to rezone four parcels of land on the east side of Country Club Road. She reviewed the current and proposed zoning, Denton Plan compatibility and considerations for approval along with the public notifications. The Planning and Zoning Commission recommended approval as did staff.

Council discussed the future alternative ESA which was not under consideration at this meeting but which was important for the development of the area and that the NR-3 was being requested due to the ESA and the need for smaller lot sizes.

The following individuals spoke during the public hearing:

Lee Allison, 4401 N. I-35, Suite 102, representing applicant spoke in favor
Donna McLaughlin, 3300 Belmont Street – spoke in opposition
Don McLaughlin, 3300 Belmont Street – spoke in opposition

The Mayor closed the public hearing.

Mayor Watts asked staff to get with the McLaughlin's regarding rules and regulations for water and drainage.

Council Member Bagheri motioned, Council Member Hawkins seconded to adopt the ordinance. On roll call vote, Mayor Pro Tem Roden "aye", Council Member Wazny "aye", Council Member Briggs "aye", Council Member Hawkins "aye", Council Member Gregory "aye", Council Member Bagheri "aye", and Mayor Watts "aye". Motion carried unanimously.

Council Member Bagheri left the meeting.

Ordinance No. 2017-048

- H. Z16-0026a Hold a public hearing and consider adoption of an ordinance to rezone approximately 7.95 acres from a Regional Center Commercial Neighborhood (RCC-N) District to a Regional Center Commercial Downtown (RCC-D) District. The subject property is generally located on the west side of North Interstate 35, approximately 455 feet north of Schuyler Street, in the City of Denton, Denton County, Texas. The Planning and Zoning Commission recommends approval (6-0).

The Mayor opened the public hearing.

Munal Mauladad, Director of Development Services, stated that this was a request to rezone from a Regional Center Commercial Neighborhood (RCC-N) Rezoning to RCC-D District. This

was a logical rezoning for this site as it belonged to the Regional Mixed Use Centers family of zoning districts. She reviewed the current and proposed zoning, the future land use and considerations for approval with the public notifications. The Planning and Zoning Commission recommended approval as did staff.

No one spoke during the public hearing.

The Mayor closed the public hearing.

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

Ordinance No. 2017-049

- I. S16-0006a Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, amending Specific Use Permit approved by Ordinance No. 2002-260, in a Downtown Commercial General zoning district and use classification on approximately 2.2 acres of land generally located at the southeast corner South Carroll Boulevard and West Eagle Drive in the City of Denton, Denton County, Texas; providing for conditions and a penalty in the maximum amount of \$2,000.00 for violations thereof; providing a severability clause and an effective date. (S16-0006) The Planning and Zoning Commission recommends approval, subject to conditions (6-0).

The Mayor opened the public hearing.

Munal Mauladad stated that the proposal was for a Specific Use Permit to add 16 parking spaces to the site which would amend the current site plan and Specific Use Permit. She reviewed the current and proposed zoning in addition to the history of the property in terms of tree canopy. The proposed development must conform to the Site Plan, Landscape Plan, and Grading Plan as submitted including a marked pedestrian applicant is amenable to all conditions. Public notification and considerations for approval were presented. The Planning and Zoning Commission recommended approval as did staff with associated recommendations.

Council discussed the proposal for the tree mitigation.

The following individuals spoke during the public hearing:

John Pimentel, Project Manager for Quiktrip, spoke in favor. He indicated that the applicant was in favor of the tree mitigation proposal.

Willie Hudspeth, 623 Newton, did not speak to the issue but rather asked questions regarding the proposal.

The Mayor closed the public hearing.

Council Member Wazny motioned, Council Member Hawkins seconded to adopt the ordinance with all proposed conditions. On roll call vote, Mayor Pro Tem Roden "aye", Council Member Wazny "aye", Council Member Briggs "aye", Council Member Hawkins "aye", and Council Member Gregory "aye". Mayor Watts "nay". Motion carried with a 5-1 vote.

7. CONCLUDING ITEMS

- A. Under Section 551.042 of the Texas Open Meetings Act, respond to inquiries from the City Council or the public with specific factual information or recitation of policy, or accept a proposal to place the matter on the agenda for an upcoming meeting AND Under Section 551.0415 of the Texas Open Meetings Act, provide reports about items of community interest regarding which no action will be taken, to include: expressions of thanks, congratulations, or condolence; information regarding holiday schedules; an honorary or salutary recognition of a public official, public employee, or other citizen; a reminder about an upcoming event organized or sponsored by the governing body; information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official or employee of the municipality; or an announcement involving an imminent threat to the public health and safety of people in the municipality that has arisen after the posting of the agenda.

Mayor Pro Tem Roden suggested holding an upcoming discussion relating to Stoke on site at the Stoke.

Mayor Pro Tem Roden requested an update on the Internet digital divide in Denton.

Mayor Pro Tem Roden requested a discussion on economic development strategies.

Council Member Gregory requested a work session and action item regarding an ordinance authorizing duties of the City Auditor.

Council Member Briggs requested an evaluation of street repairs/resurfacing in terms of life of the street.

Council Member Briggs requested a staff report on establishing an arts district.

Council Member Briggs requested an update on the paid maternity leave discussion held earlier.

Council Member Briggs requested a report on 2016 for outside consultants and professional services.

Council Member Briggs requested a resolution recognizing diversity and welcoming all forms of religion in Denton.

Mayor Watts requested a work session or informal staff report on who was sent to attend the discussions regarding the international building codes that the City approved, particularly the Energy Code.

Mayor Watts requested that the configuration of Eagle Drive in terms of the layout of the bike lanes be revisited.

B. Possible Continuation of Closed Meeting topics, above posted.

There was no continuation of the Closed Meeting.

With no further business, the meeting was adjourned at 10:19 p.m.

CHRIS WATTS
MAYOR
CITY OF DENTON, TEXAS

JANE RICHARDSON
ASSISTANT CITY SECRETARY
CITY OF DENTON, TEXAS