

CITY OF DENTON CITY COUNCIL MINUTES

August 21, 2018

After determining that a quorum was present, the City Council convened in a Work Session on Tuesday, August 21, 2018 at 12:00 p.m. in the Council Work Session Room at City Hall.

PRESENT: Council Member Hudspeth, Council Member Briggs, Council Member Duff, Mayor Pro Tem Ryan, Council Member Armintor, and Council Member Meltzer

ABSENT: Mayor Watts

1. Citizen Comments on Consent Agenda Items

There were no citizen comments on Consent Agenda items.

2. Requests for clarification of agenda items listed on the agenda for August 21, 2018.

Staff responded to Council's requests for clarification on the following items:

Council Member Briggs - pull Consent Agenda Items B and G for separate consideration; Item I, Item Q; Item S

Council Member Armintor - pull Consent Agenda Items A and B for separate consideration

Council Member Meltzer – Item R

3. Work Session Reports

A. ID 18-1322 Presentation by George Morrow, DME General Manager, recognizing the outstanding accomplishments of Denton Municipal Electric's Lineman Rodeo Team at the 2018 Texas Lineman's Rodeo.

George Morrow, DME General Manager, presented the outstanding accomplishments of the Denton Municipal Electric's Lineman Rodeo Team at the 2018 Texas Lineman's Rodeo.

B. ID 18-1380 Receive a presentation from attorney Richard Hayes, hold a discussion and give Staff direction regarding the rules of parliamentary procedure for conducting City Council meetings.

Richard Hayes presented information on rules of parliamentary procedure for conducting City Council meetings. He noted the definition of parliamentary procedure; history of parliamentary procedure; rules of an assembly; participation in an effective meeting such as an organization notebook; definitions of various parts of the meeting; rules of speaking; how to handle a motion; obtaining the floor; bringing the motion before the Assembly; methods of voting; types of motions; and how to find out more information on parliamentary procedure.

Council discussed the uses of the various types of motions and types of unfinished business.

Mayor Pro Tem Ryan announced that Consent Agenda Item F would be postponed until the next meeting per a request from Mayor Watts who was not present at the meeting.

Council discussed the request to postpone the item with the consensus being to postpone the item to the August 28th meeting.

- C. ID 18-1111 Receive a report, hold a discussion, and give staff direction regarding the draft annual report of oil and gas well inspection activities conducted by Modern Geosciences.

Ken Tramm, Modern Geosciences, presented the draft annual report of oil and gas well inspection activities. He noted updates to the City program, near equipment criteria inspections; fence line criteria inspections; contingency sampling/monitoring; and a clear format report.

Council discussed the posting of the testing results on the city's website and ways citizens could file a complaint regarding a gas well concern.

Tramm continued with GIS database 2018 results for trend/tracking going forward; the summary report with noted action items; and next steps in the process.

Council discussed:

- The steps in the process for the inspections
- Consider having the firm inspect the DEC on a regular basis
- Magnitude of the leaks that were found
- Post-production inspections

- D. ID 18-1199 Receive a report; hold a discussion, and give staff direction regarding an overview of the Gas Well inspections division's goals and accomplishments, process improvements, and budget in preparation for the FY 2018-19 Proposed Budget.

Kenny Banks, General Manager of Utilities, presented the budget information for the gas well inspection division. He noted gas well inspections accomplishments; goals; revenues/expenditures; gas well inspections comparison of expenses with contract; inspection frequency comparison; costs to compete with near monitoring and fence line monitoring; contingency sampling; summary of initial and annual costs; and how Council wished to proceed with a future contract.

Council discussion included:

- Continue with both an external contract and internal employee
- Maintain the current contract
- Ways to address any concerns regarding wells in the vicinity of schools
- The internal employee could also work with community involvement
- Put information on the website detailing the outside contract for public information

- E. ID 18-1314 Receive a report, hold a discussion, and give staff direction regarding the FY 2018-19 City Manager's Proposed Budget, Capital Improvement Program, and Five-Year Financial Forecast.

Tony Puente, Director of Finance, presented the budget update for this item. He noted Electric GreenSense Incentive Program proposed changes, the Electric fund budget and forecast update

and next steps. In terms of the Electric GreenSense Incentive Program, he presented information on proposed changes for do-it-yourself weatherization supplies, a graduated rebate instead of the flat rebate; and other minor revisions.

Council discussed:

- Consider increasing the amount that was covered by the total project cost
- Consider solar rollover credits
- Any possible zoning issues that might prohibit the installation of solar panels
- Consider the use of the funding by commercial projects which could use all the funds in a large project

Council Member Hudspeth requested Council suggestions on proposals for funding homeless initiatives as part of the budget discussion instead of making proposals without consideration of funding.

Puente continued with the DME proforma for the proposed 2018-19 fiscal year with both the DEC and non-DEC revenues. He also presented information on DEC and non-DEC expenditures.

Council discussion included where in the budget the associated rate decrease was with the DEC coming into operation and possible energy cost adjustments.

Puente presented a DME proforma with no TMPA debt payoff in terms of non-DEC expenditures and with DEC expenditures. The next steps in the budget process were noted.

Council discussed the number of budget amendments made during a fiscal year and that the budget could be adjusted during the year for projects not initially included in the budget.

- F. ID 18-1352 Receive a report, hold a discussion, and give staff direction regarding homelessness initiatives and the proposed Denton Basic Services Center project made at the August 7, 2018 City Council meeting during Presentations from Members of the Public.

This item was not considered.

- G. ID 18-1343 Receive a report, hold a discussion, and give staff direction regarding the Board of Ethics' rules of procedure.

Alan Bojorquez reviewed the proposed Board of Ethics rules of procedures. He noted the sections of the procedures in terms of:

Confidentiality	Ex parte communications
Meetings	Advisory opinions
Preliminary assessments	Hearings in terms of preliminary hearings
Evidentiary hearings	Scheduling/calling a hearing
Deadlines in the schedule	Authority of the Chair
Situations for recusals	Evidence and witness procedures
Subpoena powers	Witness testimony
Legal representation	Executive Session
Determinations	Alternate members.

Council discussion included:

- Stamping documents as confidential
- How an advisory opinion would be presented
- Whether there was a discussion of providing the rules to the complainant
- Whether there was a discussion on rules of evidence and the applicability of that information
- Whether there was consideration of redactions of non-applicable information
- The Ethics Board should meet on a regular basis even if there were no complaints

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 18-1317 International Overdose Awareness Day

Mayor Pro Tem Ryan presented the proclamation for International Overdose Awareness Day.

B. ID 18-1318 Live United Month

Mayor Pro Tem Ryan presented the proclamation for Live United Month.

C. ID 18-1319 National Payroll Week

Mayor Pro Tem Ryan presented the proclamation for National Payroll Week.

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.

1. ID 18-1365 Anyah Martinez regarding an update for Explorium Denton Children's Museum.

Ms. Martinez presented an update on the Explorium Denton Children's Museum. She noted the background information on the Museum and the process of establishing the Museum as well as the on-location programs they provided.

Council discussed how the community could help and the needs for the Museum. It was also noted that the Museum started with the Denton Community Market.

C. Additional Citizen Reports

Willie Hudspeth noted the number of items on the Consent Agenda and the fact that the Council as a whole had not made a statement regarding the Confederate statue on the Square. He presented information regarding the Reggie Dee Foundation Walk for Unity.

4. CONSENT AGENDA

Council Member Briggs motioned, Council Member Meltzer seconded to approve the Consent Agenda and accompanying ordinances and resolutions with the exception of Item A, B and G to be considered individually. On roll call vote, Council Member Hudspeth "aye", Council Member Briggs "aye", Council Member Duff "aye", Mayor Pro Tem Ryan "aye", Council Member Armintor "aye", and Council Member Meltzer "aye". Motion carried unanimously.

Ordinance No. 18-1185

- C. ID 18-1185 Consider adoption of an ordinance of the City of Denton authorizing an agreement between the City of Denton, Texas and Cumberland Presbyterian Children's Home for expenses related to providing residential care; providing for the expenditure of funds therefor; and providing for an effective date. (\$100)

Ordinance No. 18-1186

- D. ID 18-1186 Consider adoption of an ordinance of the City of Denton authorizing an agreement between the City of Denton, Texas and Explorium Denton for expenses related to operating the museum; providing for the expenditure of funds therefor; and providing for an effective date. (\$100)

Ordinance No. 18-1187

- E. ID 18-1187 Consider adoption of an ordinance of the City of Denton authorizing an agreement between the City of Denton, Texas and Sasser Nation for Scholarships; providing for the expenditure of funds therefor; and providing for an effective date. (\$100)

Resolution No. R19-1189

- F. ID 18-1189 Consider approval of a resolution of the City Council of the City of Denton requesting the Texas Department of Transportation advance the construction of the north bound service road as the first phase of facilitating the West Loop 288 Project from Interstate 35W to Interstate 35N; and providing an effective date.

Ordinance No. 18-1234

- H. ID 18-1234 Consider adoption of an ordinance of the City of Denton, Texas, a Texas home-rule municipal corporation, authorizing the City Manager to execute a Professional Services Agreement with Garver, LLC for design and bid phase services for the Lake Lewisville Water Treatment Plant filter backwash and sedimentation basin wash-down residuals dewatering facility as set forth in the agreement; providing for the expenditure of funds therefor; and providing an effective date (RFQ 6590-025- Professional Services Agreement for design and bid phase services awarded to

Garver, LLC, in the not-to-exceed amount of \$520,920). The Public Utilities Board recommends approval (6-0).

Ordinance No. Z17-0032c

- I. Z17-0032c Consider adoption of an ordinance of the City of Denton, Texas, Nunc Pro Tunc, correcting an inadvertent mistake in Ordinance No. Z17-0032b specifically its amendment of a rezoning from Neighborhood Residential 6 (NR-6) zoning district and land use classification to a Neighborhood Residential Mixed Use 12 (NRMU-12) zoning district and land use classification with a mixed use protection overlay on approximately 8.887 acres of land generally located on the southwest side of Colorado Boulevard, approx. 315 feet northwest of San Jacinto Boulevard in the City of Denton, Denton County, Texas; adopting an amendment to the City's official zoning map; providing for a severability clause; and providing an effective date. (Z17-0032, Colorado Townhouses, Cindy Jackson)

Ordinance No. 18-1274

- J. ID 18-1274 Consider adoption of an ordinance of the City of Denton, approving a City sponsorship for the 2018 Denton Community Market's Pawsitive Vibes event in Denton, TX on September 2, 2018, providing for the expenditure of funds in the total amount of \$3,000; and providing for an effective date.

Ordinance No. 18-1279

- K. ID 18-1279 Consider adoption of an ordinance of the City of Denton, approving a City sponsorship for the 2018 Denton Black Chamber of Commerce's Denton Blues Festival in Denton, TX from September 14, 2018 through September 16, 2018; providing for the expenditure of funds in the total amount of \$3,000; and providing for an effective date.

Resolution No. R18-1280

- L. ID 18-1280 Consider approval of a resolution allowing the Denton Black Chamber of Commerce to sell alcoholic beverages for the Denton Blues Festival, Saturday, September 15, through Sunday, September 16, 2018, at Quakertown Park upon certain conditions; authorizing the City Manager or his designee to execute an agreement in conformity with this resolution; and providing for an effective date. The Parks, Recreation and Beautification Board recommends approval (4 - 0).

Ordinance No. 18-1281

- M. ID 18-1281 Consider adoption of an ordinance of the City of Denton, Texas granting the Denton Blues Festival, pursuant to Section 17-20 of the Code of Ordinances, a noise exception Friday, September 14, from 8 a.m. to 11 p.m.; Saturday, September 15, from noon to 11 p.m.; and Sunday, September 16, 2018, from 10 a.m. to 10 p.m. at Quakertown Park; granting a variance in hours of operation for amplified sound levels for an outdoor music festival; and providing an effective date.

Ordinance No. 18-1282

- N. ID 18-1282 Consider adoption of an ordinance of the City of Denton, Texas, approving a City sponsorship in an amount not to exceed \$16,150 of in-kind services and resources for the Denton Blues Festival on Friday, September 14, through Sunday, September 16, 2018, at Quakertown Park; and providing an effective date.

Ordinance No. 18-1301

- O. ID 18-1301 Consider adoption of an ordinance of the City of Denton, Texas, a Texas home-rule municipal corporation, authorizing the approval of a third amendment to a Professional Services Agreement between the City of Denton and Hazen and Sawyer, P.C., amending the contract approved by City Council on January 6, 2015, in the not-to-exceed amount of \$136,017, amended by Amendments 1 and 2 approved by the Purchasing Manager and City Council, said third amendment to provide additional Pecan Creek Water Reclamation Plant process modeling to evaluate and model process upgrade technologies, and develop cost estimates for possible capacity expansion of the Pecan Creek Water Reclamation Plant; providing for the expenditure of funds therefor; and providing an effective date (File 5718 - providing for an additional third amendment expenditure amount not-to-exceed \$88,984, with a total contract amount not-to-exceed \$371,159). The Public Utilities Board recommends approval (6-0).

Ordinance No. 18-1307

- P. ID 18-1307 Consider adoption of an ordinance of the City of Denton, Texas, a Texas home-rule municipal corporation, authorizing the City Manager to execute a contract for the supply of electric utility tape for the City of Denton Distribution Center; providing for the expenditure of funds therefor; and providing an effective date (IFB 6768-awarded to Techline, Inc., for one (1) year, with the option for two (2) additional one (1) year extensions, in a total not-to-exceed amount of \$75,000 for all years).

Ordinance No. 18-1308

- Q. ID 18-1308 Consider adoption of an ordinance of the City of Denton, Texas, a Texas home-rule municipal corporation, authorizing the City Manager to execute a best value contract for the supply of private Property Maintenance with Weldon's Lawn and Tree, LLC, for the City of Denton; providing for the expenditure of funds therefor; and providing an effective date (IFBBV 6786- awarded to Weldon's Lawn and Tree, LLC, for one (1) year, with the option for two (2) additional one (1) year extensions not-to-exceed amount of \$165,000).

Ordinance No. 18-1355

- R. ID 18-1355 Consider adoption of an ordinance of the City of Denton, Texas, a Texas home-rule municipal corporation, authorizing the approval of a first amendment to a service contract between the City of Denton and Labor Finders, for temporary labor services for various City of Denton departments, amending the contract approved by Council on October 21, 2014, in the amount of \$1,400,000; providing for the expenditure of funds therefor; and providing an effective date (RFP 5556- providing for an additional expenditure amount of not-to-exceed \$350,000 for a total contract amount not-to-exceed \$1,750,000).

Ordinance No. 18-1364

- S. ID 18-1364 Consider adoption of an ordinance of the City of Denton, Texas, a Texas home-rule municipal corporation, authorizing the approval of a first amendment to a Professional Services Agreement between the City of Denton and Kimley-Horn and Associates, Inc., for engineering services related to the review of development projects for the City of Denton, amending the contract approved by the City Manager on June 7, 2018, in the amount of \$95,000; providing for the expenditure of funds therefor; and providing an effective date (RFQ 6590-020- providing for an additional expenditure amount not-to-exceed \$32,000 for a total contract amount not-to-exceed \$127,000).

Council considered the items pulled for separate consideration.

Ordinance No. 18-815

- A. ID 18-815 Consider adoption of an Ordinance of the City of Denton authorizing the City Manager, or his designee, to execute a Confidentiality Agreement between the City and TrailStone Power LLC. ("TrailStone"); providing for a severability clause; and providing for an effective date. The Public Utilities Board recommends approval (6-0).

George Morrow, DME General Manager, spoke regarding the confidentiality agreement with TrailStone Power noting the background information about the agreement. He explained the reason for the confidentiality agreement.

Council Member Hudspeth motioned, Council Member Briggs seconded to adopt the ordinance. On roll call vote, Council Member Hudspeth "aye", Council Member Briggs "aye", Council Member Duff "aye", Mayor Pro Tem Ryan "aye", Council Member Armintor "aye", and Council Member Meltzer "aye". Motion carried unanimously.

- B. ID 18-920 Consider adoption of an ordinance of the City Council of the City of Denton, a Texas home-rule municipal corporation, providing for, authorizing, and approving the execution by the City Manager or his designee, of a base contract for sale and purchase of natural gas between the City of Denton and Tenaska Marketing Ventures, a partnership; approving the execution of such other and further related documents deemed necessary to effectuate the transactions allowed under this agreement by the City Manager or his designee; determining that specific information contained in documents involved in this transaction pertain to a "competitive electric matter" as set forth under the provisions of §§551.086 and 552.133 of the Texas Government Code, as amended; allowing the public to inspect, but not reproduce, the base Contract as redacted; providing an effective date. The Public Utilities Board recommends approval (6-0).

This item was not considered.

Ordinance No. 18-1218

- G. ID 18-1218 Consider adoption of an ordinance authorizing the City Manager, or his designee, to execute an amendment to the Transmission Operator, Maintenance, and

Construction Services Agreement ("Agreement") between the City of Denton ("City") and the Texas Municipal Power Agency ("TMPA") that extends the term of the existing agreement by two years to September 1, 2020; authorizing the expenditure of funds; and providing an effective date. The Public Utilities Board recommends approval (6-0).

George Morrow, DME General Manager, presented the information on the amendment agreement. He noted the background information which was a two year extension amendment to the agreement. The Public Utilities Board recommended approval as well as staff.

Council Member Hudspeth motioned, Council Member Meltzer seconded to adopt the ordinance. On roll call vote, Council Member Hudspeth "aye", Council Member Briggs "aye", Council Member Duff "aye", Mayor Pro Tem Ryan "aye", Council Member Armintor "aye", and Council Member Meltzer "aye". Motion carried unanimously.

5. ITEMS FOR INDIVIDUAL CONSIDERATION

Ordinance No. A18-001e

- A. A18-0001e Conduct the second of two readings, and consider adoption of an ordinance of the City of Denton for a voluntary annexation of approximately 47.466 acres of land generally located on the south side of E. Ryan Road, east of the intersection of E. Ryan Road and Andrew Avenue by the City of Denton, Texas.

Cindy Jackson, Development Services, presented the staff report on the voluntary annexation. She noted this was the second of two public hearings and consideration of the ordinance approving the voluntary annexation. She indicated the background information for the proposal and read the ordinance caption into the record.

Council Member Briggs motioned, Council Member Hudspeth seconded to adopt the ordinance. On roll call vote, Council Member Hudspeth "aye", Council Member Briggs "aye", Council Member Duff "aye", Mayor Pro Tem Ryan "aye", Council Member Armintor "aye", and Council Member Meltzer "aye". Motion carried unanimously.

- B. ID 18-1158 Consider nominations/appointments to the City's Economic Development Partnership Board.

Caroline Booth, Director of Economic Development, presented the slate of nominees for Council consideration. She noted the background information concerning the categories for the nominees, terms of office, the nominating process, and the slate of nominees.

Council Member Meltzer motioned, Council Member Briggs seconded to approve the slate of nominees as presented. On roll call vote, Council Member Hudspeth "aye", Council Member Briggs "aye", Council Member Duff "aye", Mayor Pro Tem Ryan "aye", Council Member Armintor "aye", and Council Member Meltzer "aye". Motion carried unanimously.

- C. ID 18-1177 Consider approval of a resolution for the appointment of one member to the Board of Managers of the Denco Area 9-1-1 District; and declaring an effective date.

Rachel Wood, Assistant to the City Manager, presented the information concerning the appointment of a member to the Board of Managers for Denco Area 9-1-1. The term for the current member, Jim Carter, was up for renewal. Council had previously nominated Linda Hapeman; however, Ms. Hapeman had withdrawn her name from consideration.

Council Member Hudspeth motioned, Council Member Briggs seconded to approve the appointment of Jim Carter. On roll call vote, Council Member Hudspeth "aye", Council Member Briggs "aye", Council Member Duff "aye", Mayor Pro Tem Ryan "aye", Council Member Armintor "aye", and Council Member Meltzer "aye". Motion carried unanimously.

Ordinance No. 18-1231

- D. ID 18-1231 Consider adoption of an ordinance of the City of Denton, Texas, a Texas home-rule municipal corporation, authorizing the City Manager or his designee to execute a contract for the purchase of Radio System hardware, to include products and services, and support and maintenance for the City of Denton, which is available from Houston-Galveston Area Council of Governments (H-GAC) Cooperative Purchasing Contract # RA05-18 and in accordance with the provisions of Texas Local Government Code 271.083, providing the statutory authority for the city to participate in the Cooperative Purchasing Program; providing for the expenditure of funds therefor; and providing an effective date (File 6832- awarded to Motorola Solutions, Inc., in the five (5) year not-to-exceed amount of \$7,713,284).

Melissa Kraft, Chief Technology Officer, presented the background information on the purchase of the radio system hardware including the present issues with the system, key points, benefits of the new system, projected cost estimates, and financial information.

Council discussed:

- The projected cost estimates
- Warranty updates after the initial warranty period
- Funding plan for the issuance of the COs for the system
- Background on the selection of Motorola as the vendor
- The system was more modern than the current system

Council Member Armintor motioned, Council Member Briggs seconded to adopt the ordinance. On roll call vote, Council Member Hudspeth "aye", Council Member Briggs "aye", Council Member Duff "aye", Mayor Pro Tem Ryan "aye", Council Member Armintor "aye", and Council Member Meltzer "aye". Motion carried unanimously.

- E. ID 18-1305 Consider nominations/appointments to the City's Boards and Commissions: Health & Building Standards Commission; Historic Landmark Commission; Library Board; Traffic Safety Commission; Zoning Board of Adjustment; City Hall West Steering Committee; Oak Gateway Area Plan Steering Committee; and Downtown Denton TIF Reinvestment Zone No. 1 Board.

Jennifer Walters, City Secretary, presented the proposed nominees for the general boards and commissions.

Council Member Hudspeth motioned, Council Member Meltzer seconded to approve those nominations. On roll call vote, Council Member Hudspeth "aye", Council Member Briggs "aye", Council Member Duff "aye", Mayor Pro Tem Ryan "aye", Council Member Armintor "aye", and Council Member Meltzer "aye". Motion carried unanimously.

Jennifer Walters, City Secretary, reviewed the nominations to the City Hall West Steering Committee.

Council Member Hudspeth motioned, Council Member Armintor seconded to approve the nominations to the City Hall West Steering Committee. On roll call vote, Council Member Hudspeth "aye", Council Member Briggs "aye", Council Member Duff "aye", Mayor Pro Tem Ryan "aye", Council Member Armintor "aye", and Council Member Meltzer "aye". Motion carried unanimously.

Jennifer Walters, City Secretary, presented the proposed nominations for the Oak Gateway Area Plan Steering Committee.

Council discussed the makeup of the committee and the reasoning for a position of someone from the development community on the committee.

Willie Hudspeth spoke regarding the makeup of the committee in terms of the development community position.

Mayor Pro Tem Ryan expressed a concern for placing an individual on a board who was currently on the ballot for the November election.

Council discussed the issue for appointing an individual to a board when currently running for office.

Council Member Hudspeth motioned, Council Member Armintor seconded to approve the nominations as noted. On roll call vote, Council Member Hudspeth "aye", Council Member Briggs "aye", Council Member Duff "aye", Council Member Armintor "aye", and Council Member Meltzer "aye". Mayor Pro Tem Ryan "nay". Motion carried with a 5-1 vote.

Jennifer Walters, City Secretary, presented the list of nominations for the Downtown Denton TIF Reinvestment Zone No. One Board.

Council Member Meltzer questioned the membership for one of the positions which he felt should be a council member.

After discussion regarding the makeup of the Board, Council Member Meltzer motioned, Council Member Briggs seconded to postpone consideration of the item to the August 28th Council meeting. On roll call vote, Council Member Hudspeth "aye", Council Member Briggs "aye", Council Member Duff "aye", Mayor Pro Tem Ryan "aye", Council Member Armintor "aye", and Council Member Meltzer "aye". Motion carried unanimously.

6. PUBLIC HEARINGS

Ordinance No. PDA18-0004a

- A. PDA18-0004a Hold a public hearing and consider adoption of an ordinance regarding a Detail Plan for Planned Development 176 (PD-176) District to depict an auto laundry facility on approximately 2.13 acres. The property is generally located on the west side of North FM 2499, approximately 760 feet north of Hickory Creek Road 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. (PDA18-0004a, Clean and Green Car Wash, Hayley Zagurski).

Hayley Zagurski, Development Services, presented the staff information for the proposal. She noted the zoning analysis, concept plan, detail plan for setbacks, landscape, elevations, criteria analysis for approval, notification of area residents, and the Planning and Zoning Commission recommendation with conditions. She indicated that the Council would be only considering the site design, landscape plan and elevation of the proposal.

The Mayor Pro Tem opened the public hearing.

Council Member Armintor noted that she was not in favor of the proposal.

Council Member Hudspeth noted that the Council's consideration at this meeting was the site design, landscape and elevation and not the use of the property.

Council Member Meltzer noted that the future land use map did not show commercial in this area.

Zagurski stated that it was not a consideration for this case as the use was already approved at this location.

The following individuals spoke during the public hearing:

Josh Boscher-applicant-spoke in favor and asked Council to consider amending the height of the retaining wall from 8 feet to 6 feet and to remove the noted hours of operation.

Council discussed:

- The number of estimated cars through a similar facility
- Possible alternatives for the 8 foot retaining wall or alternative materials for the wall
- Purpose of the retaining wall
- Consideration of a variance for the retaining wall

Tom Brandt, 6600 Hayling Way, Denton – opposed

Council Member Meltzer questioned if the Council could only consider those aspects as noted for site design, landscape and elevation.

City Attorney Leal noted that the criteria in the Development Code allowed for Council to impose certain conditions such as added setbacks, etc. However, the Planned Development controlled the zoning.

Council discussed the four criteria of analysis of the proposal.

Stephen Shannon, 319 W. Oak, Denton – spoke in favor
David Furr, 6500 Longleaf Lane, Denton, 76210 – spoke in opposition
Rose Brandt, 6600 Hayling Way, Denton – spoke in opposition
Nathan Toone – spoke in favor
Willie Hudspeth, 623 Newton, Denton – spoke in favor

Council discussion included:

- Compatibility of the proposal with the neighborhood
- Height of the tower of the proposal and whether the height could be lowered
- Placement of the vacuums
- Hours of operation
- Consequences of a tie vote

The Mayor Pro Tem closed the public hearing.

Council Member Hudspeth felt that the proposed site plan was compatible with the land uses and did not adversely affect the neighborhood. The Council's consideration of this item was not whether the car wash should be an allowed use but rather the compatibility of the site plan in the neighborhood, the landscape plan and the elevation.

Council Member Hudspeth motioned to adopt the ordinance with the following changes: include conditions #1 and #2, amend the 8 foot high wall to 6 feet; strike masonry from the materials for the wall; eliminate #4 and include #5. Council Member Duff seconded the motion.

Council Member Armintor stated that she was able to vote on the compatibility of the proposal and felt it was not compatible with the neighborhood.

Council Member Meltzer stated that it was not a traffic issue and not a crime concern. Commercial was allowed by law at the site but his objection was compatibility.

Council Member Briggs stated that she was not comfortable with the motion as made due to the elimination of the hours of operation and felt that the 8 foot fence was necessary which was also a problem with the motion.

Mayor Pro Tem Ryan felt that the noise was not an issue nor the height of the wall. He expressed a desire to have the hours of operation included as a condition.

Council Member Hudspeth amended his motion to include the hours of operation. Council Member Duff approved that amendment to his second.

Council Member Briggs noted that she still had a concern regarding the height of the wall.

Council Member Hudspeth amended his motion a second time to include all five conditions as noted. Council Member Duff approved that second amendment to his second of the motion.

On roll call vote, Council Member Hudspeth "aye", Council Member Briggs "aye", Council Member Duff "aye", and Mayor Pro Tem Ryan "aye". Council Member Armintor "nay", and Council Member Meltzer "nay". Motion carried with 4-2 vote.

Ordinance No. Z18-0009a

- B. Z18-0009a Hold a public hearing and consider adoption of an ordinance for an initial zoning of Regional Center Residential 1 (RCR-1) District on approximately 15.06 acres. The property is generally located on the north side of Edwards Road, approximately 850 feet east of South Mayhill Road, in the City of Denton, Denton County, Texas; adopting an amendment to the City's official zoning map; providing for a penalty in the maximum amount of \$2,000.00 for violations thereof; providing a severability clause and an effective date. The Planning and Zoning Commission voted 4-0 to approve the request. (Z18-0009a, Mayhill-Edwards, Julie Wyatt).

The Mayor Pro Tem opened the public hearing.

Julie Wyatt, Development Services, presented background information on the proposed request, location of the proposal, criteria for approval, mobility, analysis of compatibility, public notification and recommendation from the Planning and Zoning Commission as well as staff.

No one spoke during the public hearing.

The Mayor Pro Tem closed the public hearing.

Council Member Meltzer motioned, Council Member Armintor seconded to adopt the ordinance. On roll call vote, Council Member Hudspeth "aye", Council Member Briggs "aye", Council Member Duff "aye", Mayor Pro Tem Ryan "aye", Council Member Armintor "aye", and Council Member Meltzer "aye". Motion carried unanimously.

Ordinance No. Z18-0012b

- C. Z18-0012b Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, regarding a zoning change from Neighborhood Residential Mixed Use (NRMU) to Community Mixed Use General (CM-G) District on an approximately 0.744 acre lot, the subject site is generally located on the southwest corner of the intersection of E. University Drive and Loop 288, in the City of Denton, Denton County, Texas; adopting an amendment to the City's official zoning map; providing for a penalty in the maximum amount of \$2,000.00 for violations thereof; providing a severability clause and an effective date. The Planning and Zoning Commission recommended 6-0 to approve this request. (Z18-0012, Victory Addition, Sean Jacobson)

The Mayor Pro Tem opened the public hearing.

Richard Cannone, Development Services, presented the staff report for the rezoning of the property for a convenience store and gas station. He reviewed the criteria for approval, public facilities in the area, public notification, and the recommendation from the Planning and Zoning Commission.

No one spoke during the public hearing.

The Mayor Pro Tem closed the public hearing.

Council Member Briggs motioned, Council Member Meltzer seconded to adopt the ordinance On roll call vote, Council Member Hudspeth "aye", Council Member Briggs "aye", Council Member Duff "aye", Mayor Pro Tem Ryan "aye", Council Member Armintor "aye", and Council Member Meltzer "aye". Motion carried unanimously.

Ordinance No. Z18-0007c

- D. Z18-0007c Hold a public hearing and consider an ordinance of the City of Denton, Texas, regarding the assignment of an initial zoning classification of Neighborhood Residential 2 (NR-2) zoning district and use classification on a parcel of land containing approximately 1.0 acre of land generally located on the north side of Miller Road, approximately 460 feet east of the intersection of N. Masch Branch Road and Miller Road, in the City of Denton, Denton County, Texas; adopting an amendment to the city's official zoning map; providing for a penalty in the maximum amount of \$2,000.00 for violations thereof; providing a severability clause and an effective date. The Planning and Zoning Commission recommends approval (4-0). (Z18-0007, Little Brook Estates, Cindy Jackson)

The Mayor Pro Tem opened the public hearing.

Richard Cannone, Development Services, presented the staff report for the proposed zoning. He reviewed the background of the proposal, criteria for approval, public facilities, public notifications and recommendation from the Planning and Zoning Commission and staff.

No one spoke during the public hearing.

The Mayor Pro Tem closed the public hearing.

Council Member Briggs motioned, Council Member Armintor seconded to adopt the ordinance. On roll call vote, Council Member Hudspeth "aye", Council Member Briggs "aye", Council Member Duff "aye", Mayor Pro Tem Ryan "aye", Council Member Armintor "aye", and Council Member Meltzer "aye". Motion carried unanimously.

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.

Council Member Briggs

- Report on hands free citations including the demographics of citations
- Work Session the types of traffic calming devices
- Report from the Interim Police Chief regarding drug use and types of drugs in the city
- Consider providing a list of background friendly and rent friendly residences on the city's webpage
- DEC emissions report did not include CO2 or the equivalent-add that to the next report and provide a reason why it was left off the last report
- Discussion on the bulk item fee

Council Member Armintor

- Work Session discussion on a Council statement regarding the Confederate monument on the Square
- Reconsideration of the Top 20 tax payer category on EDP Board

Council Member Meltzer

- Work Session on an update on the Shelter Task Force progress

Council Member Hudspeth

- Include in the Friday report a reminder of the schedule for the new police chief selection
- Include in the Friday report the process of bringing up employee issues
- Make available a video copy of Mr. Hayes' presentation

With no further business, the meeting was adjourned at 10:35 p.m.

CHRIS WATTS
MAYOR
CITY OF DENTON, TEXAS

JENNIFER WALTERS
CITY SECRETARY
CITY OF DENTON, TEXAS