

CITY OF DENTON CITY COUNCIL MINUTES

April 3, 2018

After determining that a quorum was present, the City Council convened in a Work Session on Tuesday, April 3, 2018 at 11:30 a.m. in the Council Work Session Room at City Hall.

PRESENT: Council Member Hudspeth, Council Member Briggs, Council Member Duff, Council Member Ryan, Council Member Gregory, Mayor Pro Tem Bagheri, and Mayor Watts.

ABSENT: None.

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 April 3, 2018.

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

Council Member Gregory - Consent Agenda Item E
Council Member Briggs – Consent Agenda Item A
Mayor Watts – Consent Agenda Item A

Mayor Watts recognized Chief Robin Paulsgrove for his outstanding service to the City of Denton.

3. Citizen Comments on Ethics Related Work Session Report Items

There were no citizen comments on Ethics Related Work Session Report Items.

4. Work Session Reports

- A. DCA17-0011e Receive a report, hold a discussion, and provide staff direction concerning the proposed revisions to the Denton Development Code regarding environmentally sensitive areas (Subchapters 3, 17, and 23).

Deborah Viera, Assistant Director of Environmental Services, provided the staff report regarding proposed revisions for environmentally sensitive areas. She noted the types and functions of environmentally sensitive areas (ESAs), the reasons for the revisions and the public vetting of the proposed revisions. She detailed an overview of the February 7th and February 21st Planning and Zoning Commission meeting regarding the proposed revisions. The proposed changes included the development of an ESA Criteria Manual; credits for meeting multiple city requirements through the preservation of ESAs; and an appeal process for ESA field assessments through the Zoning Board of Adjustment.

Council discussed:

- Whether the proposal would allow for an appeal of the floodplain
- Total removal of the ESA would not be allowed
- Whether the appeal process would provide more of an avenue for developers to use

- The Zoning Board of Adjustment appeal process might allow them to act outside the recommendations of the experts
- It was important to have an appeal process in place
- Whether the Zoning Board of Adjustment would have the authority to determine if an ESA was necessary; whether they could overturn the field assessment need for an ESA
- Consider using the same process for an appeal as was currently in place for an appeal for an Alternate ESA

Viera continued with classification of flood ESAs, utility crossings, and mobility plan roadways.

Council discussed:

- The process of coordinating the mobility plan with proposed ESAs
- How the environmental clearance process coordinated with ESAs and roadways
- Consider adding alternate language that underground boring would be the preferred option for the installation of utility crossings

Viera continued with private driveways, preservation of Upland Habitat, criteria for approving Alternate ESA plans, and necessary next steps.

Consensus of the Council was to proceed with the discussed changes.

- B. ID 18-515 Receive a report, hold a discussion, and provide direction regarding current City of Denton facilities and how to proceed with planning for future needs.

Mark Nelson, Director of Transportation, presented the staff report regarding planning for future needs for City Hall facilities.

Kelly Morgan, Nelson Morgan Architects, presented the overview of his presentation which included issues; goals and objectives; concept implementation; parking; recommendations; and probable costs. He noted the Master Plan Vision, concept implementation challenges for City Hall East, City Hall, recommendation to a centralized facility, and a One Stop shop concept.

Council discussed not underbuilding a new facility in terms of future expansion and consider costs for adding floors to a building now instead of waiting until the need was there.

Morgan reviewed the presentation made to Council in November of 2016 as opposed to the current presentation, and the proposed 2026 concept implementation.

Council discussed concerns with disturbing the O'Neill Ford portions of the existing building, consider a separate facility instead of connecting to the current building, and consider a location at the corner of Bell and McKinney.

Morgan continued with proposed options for space implementation, existing parking and proposed parking.

Council discussed the various options presented, noting their preferences regarding the options.

Morgan concluded with Master Plan recommendations and visions in terms of transition of City Hall East to a centralized City Hall, relocation of Development Services to a central facility, and relocation of the Emergency Operations Center with associated costs.

Council discussed reconfiguring the proposed additional site so as to not hide the current site, think long term and larger for future growth. Consensus was to continue in terms of Council's suggestions noted during the presentation.

Morgan presented a preliminary schedule and next steps and goals with direction.

- C. ID 18-527 Receive a report, hold a discussion and give staff direction regarding a Citizen Comment Pilot Program for Section 3.B. items ("Receive Scheduled Citizen Reports from Members of the Public") of the City Council's Regular Meeting Agenda, which pilot program was enacted by Ordinance No. 2017-402.

Victor Flores, Deputy City Attorney, presented a summary of the pilot program and questioned if Council would like to continue with the current program.

Council discussed removing the 2 minute council discussion and add back a minute to the citizen speaker resulting in a 4 minute scheduled citizen report.

Consensus of the Council was to proceed with making that change.

- D. ID 18-531 Receive a report and hold a discussion and provide direction regarding the appointment of an Alternate to the Board of Directors of the Denton County Transportation Authority.

Mark Nelson, Director of Transportation, provided the background information concerning the appointment of an alternate to the Board of Directors of the Denton County Transportation Authority. He noted the options available for Council consideration. Mayor Pro Tem Bagheri had recommended a new alternate, Donna Bloom, for Council consideration.

Council discussed the alternate recommendation and noted that the item would be considered at the evening meeting.

- E. ID 18-560 Receive a report, hold a discussion, and give staff direction regarding the G. Roland Vela Athletic Complex capital project.

Laura Behrens, Assistant Director for Parks and Recreation, made the staff presentation regarding the Vela Athletic Complex. She noted an overview of the funding history of the project, the evolutions of site selection, funding strategies, current funding status, construction options, and project options.

Council discussion included:

- The costs for the concession stand and restrooms
- The buildings would be constructed as safe zones in terms of weather related issues and in terms of durability over the years

- The bids received were consistent with all of the bidders in terms of price
- Provide a detailed analysis of the concession stand and bathroom costs
- Consider sponsorship of the concession stand
- Consider food trucks instead of a concession stand
- Consider mobile restrooms instead of a permanent facility
- Consider elimination of the concession stand as it would save costs and the food trucks would provide revenue to the city

Bryan Langley, Deputy City Manager, reviewed the use of the RTR funding for the project in terms of using interest earnings and not the actual CO obligation. Cash funding was also available through the Fund Balance.

Council continued discussion:

- Consider the use of the RTR funding and cash options (Option 2)
- Consider an alternate of just the restrooms and not the concession stand
- Consider a reduction in the playground amenities

Consensus of the Council was to proceed with a full build out with alternatives for the concession stand and consider changing the current ordinance to allow food trucks to sell in the area.

- F. ID 18-508 Receive a report, hold a discussion, and give staff direction on a draft ethics ordinance from attorney Alan Bojorquez.

Alan Bojorquez presented changes from Ordinance Draft B to Ordinance Draft C in terms of adding language regarding business partnerships.

Council discussed:

- Whether to have the report be on an annual basis
- Whether to include PUB and P&Z, but probably was not needed as it could be incorporated into the required disclosure form, use specifically when a business was coming before Council and not just a blanket disclosure
- Wording needed to be crafted to not have unintended consequences
- Consensus - if an applicant was before Council and had a business interest unrelated to that before Council, it would be disclosed

Bojorquez continued that subsequent work language had been added to clarify that a mere voting on the issue would not enable that provision. He suggested Council might also consider a one year rather than a two year prohibition.

Council discussed:

- The line of delineation might be discussions done in public rather than those done in private
- Whether meeting with a developer to obtain information on a project would evoke subsequent work provision
- If the time period for this provision was changed, change it throughout the entire ordinance

Bojorquez continued with proposed changes to sections 3-114 with allegations going through the Fraud, Waste and Abuse hotline and not create an investigation under the ethics ordinance; Boards of Ethics 3-117 with removal of member from the Board for cause by Council; and Nepotism 3-124 amended in terms of City Council, department supervisor, pre-existing employment.

Council discussed:

- Various scenarios regarding activity in businesses and disclosure of those activities and balancing those disclosures as well as representation of others in subsequent work
- Whether the provision for subsequent work prohibition should be included in the ordinance at all as it would limit those who might want to serve
- The effect on a small family owned business with these provisions
- Clarification of "coming before the City"
- Consider altering the wording to allow for public representation from a former city official
- Prohibit representation for one year coming before the Board on a discretionary issue
- An individual would be able to represent himself, just not another paid third party.

Bojorquez stated that standards of civility could be added.

Council discussed whether to include this provision due to definitions of the language and inability to enforce.

Bojorquez continued with whether the Board of Ethics members would require a criminal background check versus the language already proposed. He suggested adding but not replacing what currently had been decided.

Council discussion included:

- What do with information from a criminal background check in terms of how long ago an incident occurred and the type of incident
- Whether to maintain the current preference language
- Consensus was that there was no need for a criminal background check and leave the preference language in the ordinance

Bojorquez continued the detailing the gift language in terms of attending an event if it was a charity or community happening and host was present. The \$600 gross annual income threshold applied to a business entity before the City or a client from that business entity. He noted that Council could add a W-2 of a 1099 income reporting.

Council discussion that the definition was sufficient and did not include clients. Consensus was to retain the current wording.

Bojorquez continued with the three member subpanel of the Board of Ethics and provided reasons why it was included.

Council discussion included:

- The need for a panel as it was a preliminary hearing to determine whether a complaint was valid

- How the rotation would be determined
- Who would be in charge of the rotation
- How long a member would serve on the panel
- Consensus was to determine those elements as part of the procedural rules subject to Council approval

Bojorquez discussed advisory opinions in terms of timing of the decisions as that could be critical and the possibility of providing for an alternate method due to the timing issue such as the use of an outside attorneys to render those opinions.

Consensus of the Council was to use the panel for advisory opinion and provide options for instances when an opinion was needed in a more timely manner.

Council Member Ryan questioned an instance when two members of Council might have a conflict of interest and a supermajority vote was needed. Further research would be done in this area but one possibility was to change the definition of a supermajority vote.

Mayor Pro Tem Bagheri suggested adding wording in the definition section when there was an actual knowledge needing disclosure.

Council discussed the definition of vendors in terms of a vendor contract relationship with the City and providing a service to the city as opposed to a partner with the City.

Mayor Pro Tem Bagheri questioned the type of nonprofit board to include and suggested using governing board in the wording.

- G. ID 18-516 Receive a report, hold a discussion, and give staff direction regarding the development of an ethics policy for all City of Denton employees.

This item was not discussed.

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 18-432 Deliberations regarding a Personnel Matter - Under Government Code Section 551.074

Deliberate and discuss the evaluation, duties, discipline, procedures, and contracts of the City Manager and City Attorney.

This item was not discussed.

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 18-499 Denton Arbor Day

Mayor Watts presented the proclamation for Denton Arbor Day.

- B. ID 18-500 University Day

Mayor Watts presented the proclamation for University Day.

- C. ID 18-501 Child Abuse Prevention Month

Mayor Watts presented the proclamation for Child Abuse Prevention Month.

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.

- C. Additional Citizen Reports – Open Mic

David Smith addressed the Council regarding the Denton County Transportation Authority in terms of loss of ridership and the growing cost of service. He also presented information on the Access system and demand response.

4. CONSENT AGENDA

Council Member Gregory motioned, Council Member Ryan seconded to approve the Consent Agenda and accompanying ordinances and resolutions. On roll call vote, Council Member Hudspeth "aye", Council Member Briggs "aye", Council Member Duff "aye", Council Member Ryan "aye", Council Member Gregory "aye", Mayor Pro Tem Bagheri "aye", and Mayor Watts "aye". Motion carried unanimously.

Ordinance No. 18-412

- A. ID 18-412 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 household hazardous disposal services with Green Planet Inc.; providing for the

expenditure of funds therefore; and providing an effective date (RFP 6618-awarded to Green Planet Inc., in the three (3) year not-to-exceed amount of \$216,350). The Public Utilities Board recommends approval (6-0).

Ordinance No. 18-416

- B. ID 18-416 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 purchase of substation Remote Terminal Unit (RTU) software and Human Machine Interface (HMI) software, with Subnet Solutions, Inc., which is the sole provider of this software. In accordance with Texas Local Government Code 252.022, provides that procurement of commodities and services that are available from one source are exempt from competitive bidding; and if over \$50,000 shall be awarded by the governing body; and providing an effective date (File 6500 awarded to Subnet Solutions, Inc. in the three (3) year not-to-exceed amount of \$307,980). The Public Utilities Board recommends approval (6-0).

Ordinance No. 18-425

- C. ID 18-425 Consider adoption of an ordinance of the City of Denton authorizing an agreement between the City of Denton, Texas and the United Way of Denton County for the purpose of expenses for Denton County Barriers Fund; providing for the expenditure of funds therefor; and providing for an effective date. (\$200)

Ordinance No. 18-426

- D. ID 18-426 Consider adoption of an ordinance of the City of Denton authorizing an agreement between the City of Denton, Texas and The University of North Texas for the purpose of hosting the African Cultural Festival; providing for the expenditure of funds therefor; and providing for an effective date. (\$350)

Resolution No. 18-467

- E. ID 18-467 Consider approval of a resolution authorizing the city manager to execute a Memorandum of Understanding on behalf of the City of Denton with the Denton Independent School District, relating to the School Resource Officer program; increasing the DISD reimbursement from \$199,085 to \$404,390; and providing an effective date.

Ordinance No. 18-488

- F. ID 18-488 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager, or his designee, to execute a contract through the Buy Board Cooperative Purchasing Network Contract # 515-16 for the acquisition of one (1) replacement 2018 Case model 590SN Extended Reach Backhoe for \$92,897.24 for the Denton Municipal Electric Distribution Department; providing for the expenditure of funds therefor; and providing an effective date (File 6763 - awarded to Associated Supply Company, Inc., in the amount of \$92,897.24). The Public Utilities Board recommends approval (6-0).

Ordinance No. 18-489

- G. ID 18-489 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager, or his designee, to execute a contract through the Buy Board Cooperative Purchasing Network Contract# 515-16 for the acquisition of one (1) replacement Kubota model SVL95-2SHFC compact track loader for \$63,497.59 for the Water Distribution Department; providing for the expenditure of funds therefor; and providing an effective date (File 6764 - awarded to Zimmerer Kubota & Equipment, Inc., in the amount of \$63,497.59). The Public Utilities Board recommends approval (6-0).

Ordinance No. 18-492

- H. ID 18-492 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 Maintenance and Repairs of TXDOT Street Lights with Standard Utility Construction, Inc.; providing for the expenditure of funds therefore; and providing an effective date (RFP 6640 awarded to Standard Utility Construction, Inc. in the three (3) year not-to-exceed amount of \$300,000). The Public Utilities Board recommends approval (6-0).

Ordinance No. 18-496

- I. ID 18-496 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 Distribution Gang Operated Air Break ("GOAB") Switches for Denton Municipal Electric to be stocked in the City of Denton Distribution Center; providing for the expenditure of funds therefor; and providing an effective date (RFP 6623-awarded to Techline, Inc., in the three (3) year not-to-exceed amount of \$166,000).

Ordinance No. 18-497

- J. ID 18-497 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 Veterinary Services for the Linda McNatt Animal Care and Adoption Center with RSVP Services, Inc.; providing for the expenditure of funds therefore; and providing an effective date (RFP 6624 awarded to RSVP Services, Inc. in the four (4) year not-to-exceed amount of \$1,180,000).

Resolution No. 18-530

- K. ID 18-530 Consider approval of a resolution confirming the appointment of Kenneth W. Hedges, by the City Manager, as Fire Chief for the City of Denton Fire Department, and declaring an effective date.

Ordinance No. 18-545

- L. ID 18-545 Consider adoption of an ordinance of the City of Denton, Texas, a Texas home-rule municipal corporation, authorizing the City Manager to execute a three (3) year Professional Services Agreement with Sawko and Burroughs, P.C., for

Professional Services related to collection of delinquent taxes on behalf of the City of Denton; and establishing an effective date. (File 6770)

Resolution No. 18-590

M. ID 18-590 Consider approval of a resolution of the City Council of the City of Denton, Texas, nominating Council Member Ryan and Council Member Briggs to the National Environmental Justice Advisory Council; and providing an effective date.

5. ITEMS FOR INDIVIDUAL CONSIDERATION

Ordinance No. 18-494

A. ID 18-494 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 a utility assistance program supporting low-income households; providing for the expenditure of funds therefore; and providing an effective date (RFP 6669- awarded to Interfaith Ministries of Denton Inc. in the three (3) year not-to-exceed amount of \$375,000). The Public Utilities Board recommends approval (6-0).

Tiffany Thomson, Customer Service Manager, presented the staff report regarding the utility assistance program. She noted the background of the request for proposal, new criteria for clients, reporting criteria, takeaways and recommendations.

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

Resolution No. 18-533

B. ID 18-533 Consider approval of a resolution of the City Council of the City of Denton, Texas, appointing an alternate representative to the Board of Directors of the Denton County Transportation Authority; providing a repealer; and providing an effective date.

Mark Nelson, Director of Transportation, provided the staff report on the resolution to appoint an alternate representative to the Board of Directors of the DCTA. He noted that a nomination had been made for Donna Bloom with a draft resolution for consideration.

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

6. PUBLIC HEARINGS

A. ID 18-524 Hold a public hearing regarding a draft ethics ordinance from attorney Alan Bojorquez.

Alan Bojorquez presented the update on the draft "C" of the proposed Ethics ordinance. He listed the priorities for the ordinance, methodology for drafting the ordinance, purpose, applicability, expectations, prohibitions, and key ingredients.

The Mayor opened the public hearing.

The following individuals spoke during the public hearing:

Monica Glen spoke in support with a question regarding \$600 income limit
Erik Clark spoke in support with specific questions concerning serving on non-profit boards, frivolous complaints and clarification of the term vendor
Gary Henderson spoke in support with a comment concerning non-profit organizations
Ken Gold spoke in support with a comment on full disclosure
Jill Jester expressed concern regarding service business in the community when serving in a public fashion

The Mayor closed the public hearing.

Bojorquez responded to the citizen questions provided during the public hearing.

Council discussed:

- Whether the language for governing/advisory board was included in the next draft
- Disclosure definitions in terms of actual knowledge to be disclosed
- The definition for vendors
- Whether subsequent work only applied to contracts
- Former city officials representing someone for compensation - modified language for a third party in front of a board/commission such as the Public Utilities Board, Planning and Zoning Commission or Council.

No action was required on this item at this time.

Ordinance No. Z18-0003a

- B. Z18-0003a Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, regarding a zoning change from Neighborhood Residential 2 (NR-2) to a Community Mixed Use General (CM-G) District on approximately 3.11 acres and an initial zoning to a CM-G District on approximately 3.26 acres, the subject site is generally located north of Teasley Lane, approximately 300 feet east of Old Alton 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 recommended 6-0 to approve the request.

Ron Menguita, Long Range Planning Administrator, presented the staff report on this proposed zoning change on West University Drive/U.S. 380. He noted the details of the request for Community Mixed use zoning, compatibility of surrounding zoning, rezoning analysis, mobility

in the area, notification of the proposal, and recommendation of approval by staff and the Planning and Zoning Commission.

The Mayor opened the public hearing.

No one spoke during the public hearing.

The Mayor closed the public hearing.

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

Item E was considered.

Ordinance No. DCA17-0011d

- E. DCA17-0011d Hold a public hearing and consider adoption of an ordinance regarding proposed revisions to the Denton Development Code, specifically to repeal and replace Subchapter 17 Environmentally Sensitive Areas (ESAs), amend Subchapter 3 Procedures related to appeals, and amend Subchapter 23 Definitions by adding new and replacing definitions. The Planning and Zoning Commission voted 4-2 to approve the revisions with conditions. The Committee on the Environment recommended approval 3-0. (DCA17-0011, Environmentally Sensitive Areas, Deborah Viera)

Deborah Viera, Environmental Services, presented the staff report regarding the proposed changes to the environmental sensitive areas (ESAs). She noted the types of ESAs, functions of the ESAs, reasons for the revisions, public vetting, and overview of consideration by the Planning and Zoning Commission. She detailed the key revisions which included the creation of a criteria manual, establishment of credits for preservation of the ESAs, appeals to follow procedures for alternate ESA, classification of floodplain ESAs, utilities crossings, Mobility Plan roadways, private driveway, preservation of Upland Habitat, criteria for approving Alternative ESA plans and necessary steps. The Planning and Zoning Commission, Committee on the Environment and staff recommended approval.

The Mayor opened the public hearing.

No one spoke during the public hearing.

The Mayor closed the public hearing.

Mayor Pro Tem Bagheri 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", Council Member Ryan "aye", Council Member Gregory "aye", Mayor Pro Tem Bagheri "aye", and Mayor Watts "aye". Motion carried unanimously.

Council returned to the regular agenda order.

- C. Z17-0029a Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, regarding a change in zoning classification from Neighborhood Residential 2 (NR-2) district and use classification to an Employment Center Commercial Downtown (EC-C) district and use classification on approximately 1.79 acres of land located on the south side of West University Drive/U.S. 380 approximately 820 feet west of the intersection of West University and Thomas J. Egan 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 recommended 5-1 to approve the request. A supermajority vote by Council is required for approval.

Cindy Jackson, Senior Planner, presented the staff report for the rezoning request on West University/U.S. 380. Her report included the proposed and current zoning on the property, the analysis of the proposal per the Denton Plan 2030, compatibility with surrounding zoning, access and mobility of the property, public notification and recommendation by the Planning and Zoning Commission and staff recommendation.

The Mayor opened the public hearing.

Les Shacker - applicant, spoke in favor

Council discussed uses by right for EC-C.

The Mayor closed the public hearing.

Council Member Gregory motioned, Mayor Pro Tem Bagheri seconded to adopt the ordinance. On roll call vote, Council Member Duff "aye", Council Member Gregory "aye", and Mayor Pro Tem Bagheri "aye". Council Member Hudspeth "nay", Council Member Briggs "nay", Council Member Ryan "nay", and Mayor Watts "nay". Motion failed with a 4-3 vote.

- D. Z17-0032a Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, regarding a change in zoning classification from Neighborhood Residential 6 (NR-6) district and use classification to a Neighborhood Residential 12 (NRMU-12) district and use classification with an 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 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 the request with conditions.

Cindy Jackson, Senior Planning, presented the staff report on the rezoning request on property located on San Jacinto Blvd and Colorado Blvd. Her report included an analysis on the proposal in relation to the Denton Plan 2030, recommendation for an overlay district to limit to residential

uses, mobility in the proposed location, public notification, and recommendation by the Planning and Zoning Commission with conditions. Staff also recommended approval with conditions.

Council discussed that some of the notifications lacked reasons, the number of curb cuts in the area, and standards for the proposed gated access.

The Mayor opened the public hearing.

The following individuals spoke during the public hearing:

Nancy Barnard – opposed
Doug McLaughlin – opposed
Rick Adams – favor
Linda Dudley – opposed
Sandra Mann – opposed
Glenda Breeding – opposed
Marvin Wells – opposed
Mike Lambert – favor
Martha Henderson – opposed

Mayor Watts noted that Comment Cards were submitted by:

Sunita Naragana – favor
Cynthia Lebel – favor
Gudrun Jeffries – favor
Marvin Jeffries – favor
Sharon Jeffries-favor
David Summerlin – favor
Josh Griffin – favor
John Whaley – favor
Ken Fallin – favor
Alfred Balstion – opposed
Oscar Mason – opposed
Gerad Roland – opposed
Eric Schmitz, applicant, favor
June Wells – opposed

The Mayor closed the public hearing.

Council discussed:

- The use would be attached single family dwellings
- Consideration of the crash gate if there were not two access points and if not, the buildings would have to be sprinkled
- Mayor Pro Tem Bagheri read comments into the record from a person in favor of the proposal
- The reasoning why a second curb cut was not allowed on Colorado and the fact that the crash gate would be opening into private property
- A concern regarding the notification process

- The proposed zoning was not appropriate and the stakeholders had indicated they did not want the development as proposed
- Consider allowing 8.5 units per acre instead of 10 units per acre due to the lot width
- Access, as currently proposed, was a tremendous issue and more information was needed concerning the number of access points
- Council debated the pros and cons of the second access point, the gate for a limited second access, and the legal position regarding the gate for a second emergency access

Mayor Pro Bagheri motioned, Council Member Duff seconded to adopt the ordinance with the conditions of no crash gate be installed, 8.5 units per acre and the recommendations from the Planning and Zoning Commission and staff.

Council Member Gregory motioned, Council Member Ryan seconded to postpone consideration until answers were known about the second access point and the legal questions regarding the crash gate. On roll call vote, Council Member Hudspeth "aye", Council Member Briggs "aye", Council Member Ryan "aye", Council Member Gregory "aye", and Mayor Watts "aye". Council Member Duff "nay", and Mayor Pro Tem Bagheri "nay". Motion carried with a 5-2 vote to postpone.

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 requested a Work Session on the City's industrial park.

Mayor Pro Tem Bagheri requested formal Council action on the Department of Motor Vehicles parking situation and the need for a larger facility.

- 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 10:25 p.m.

CHRIS WATTS
MAYOR
CITY OF DENTON, TEXAS

JENNIFER WALTERS
CITY SECRETARY
CITY OF DENTON, TEXAS