

CITY OF DENTON CITY COUNCIL MINUTES

December 5, 2017

After determining that a quorum was present, the City Council convened in a Work Session on Tuesday, December 5, 2017 at 12:00 p.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 December 5, 2017.

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

Mayor Pro Tem Bagheri - pull Consent Agenda Item F for separate consideration
Council Member Briggs - pull Consent Agenda Items J and K for separate consideration.

Mayor Watts noted that Consent Agenda Item J would not be considered. He also noted that the letter of opposition to Item 7D had been rescinded by the opponent and that a single majority would now be needed for approval.

3. Work Session Reports

A. ID 17-1315 Receive a report, hold a discussion, and give staff direction regarding the assessment and use of park land dedication and park development fees.

Laura Behrens, Assistant Director of Parks and Recreation, presented an overview of the parks dedication and development fees. She reviewed the background information concerning associated ordinances and presented the specifics concerning park dedication and park development fees such as formula used, when the improvements were required and alternatives. Current funding for the programs were presented along with considerations for the programs. Staff recommended a comprehensive review and update of the current ordinances through a professional service contract.

Council discussed the use of the funds relative to specific specifications when received and that a study was not needed for the funding already in place rather use it for going forward. Council direction was to proceed as recommended by staff.

B. ID 17-1321 Receive a report, hold a discussion, and give staff direction regarding the status and funding of the Vela Athletic Complex and the potential sale of City property on Highway 77 adjacent to North Lakes Park.

Laura Behrens, Assistant Director for Parks and Recreation, presented an update on the status of the Vela Athletic Complex in terms of construction bids and bid schedule. She also presented information on the Council inquiry relative to the sale of a portion of that property. A schematic of the area and characteristics of the proposed sale tract was noted as well as considerations associated with the possible sale. Options for the property were presented.

Council discussed the usage of the property, size of proposed dog park for the area, and what might be other uses of the property.

- C. ID 17-1641 Receive a report, hold a discussion, and give staff direction regarding use of Tax Increment Reinvestment Zone No. 1 (Downtown TIF) funds for capital projects and the Downtown Reinvestment Grant Program.

Bryan Langley, Deputy City Manager, spoke to Council regarding the Downtown TIF funds in terms of recommendations from the TIF Board on proposed capital improvement projects. He reviewed the recommendation from the TIF Board for four projects.

Council discussed options for the street light poles, TIF Board analysis for funding, the options each were considering, and consider funding all of the project at the same time.

Langley continued with options for funding which included funding per the TIF Board recommendation, funding all projects in one year or considering different projects and timelines.

Consensus of the Council was to proceed with the four projects at the same time or staggering the projects over the next year for completion.

Council Member Hudspeth presented several options for Council consideration

Council direction was to receive additional information on a pocket park, address the grease traps in the sidewalks and move forward with timing of projects over two fiscal years.

- D. ID 17-1648 Receive a report, and hold a discussion, and give staff direction regarding the Credit and Collection Policy of the City Utility System.

Tiffany Thomson, Customer Service Manager, presented background information on the Credit and Collection Policy. Deposit requirements for new customers and existing customers were noted. Information on additional deposits for "D-F" accounts was presented along with additional deposits for disconnects.

Council discussed the deposit figures, the point system rating, and the number of months to require for a deposit.

Thomson continued with potential deposits change impact, the PUB recommendation and staff recommendation.

Council discussed the proposed recommendation in terms of number of months for deposits, interest added to outstanding accounts; whether a graduated tier of deposits would be a better

system, requirements for payment arrangements in terms of deposits; and a reduction of the number of categories in the rating system.

Consensus of the Council was to condense the number of categories from F to E, 1 month for D and 2 months for E and 0 points F or overdue interest. No additional deposit at the time of disconnect. Council requested additional data on deposit scenarios.

- E. ID 17-1664 Receive a report, hold a discussion and give staff direction regarding a Citizen Comment Pilot Program for Section 3.B. ("Receive Scheduled Citizen Reports from Members of the Public") items of the City Council's Regular Meeting Agenda.

Aaron Leal, City Attorney, noted that the proposal was for a trial ordinance for a citizen comment pilot program. He reviewed the background information on the proposed program and the proposed changes for speaker comments. The ordinance would be effective January 1, 2018 for 90 days and would temporarily override Section 2-29 provisions. Changes would be made to Section 3B and the video script would be amended. At the end of the pilot program Council could make the changes permanent.

Consensus of the Council was to proceed with the proposed changes as noted.

Leal presented options for approval and consensus of the Council was to move forward with the options and approve the ordinance at the next meeting.

- F. ID 17-1667 Receive a report, hold a discussion, and receive a report from attorney Alan Bojorquez regarding information related to ethics, common characteristics of municipal ethics ordinances, and options for scheduling additional meetings to draft an ethics ordinance.

Alan Bojorquez presented information on the parameters for devising of a municipal ethics ordinance. He noted how the City got to the issue, where the City currently was with the issue, an introduction to Ethics, an overview of State law, L.A.R.I.A.T., common components of Codes of Ethics and the process moving forward. He noted the Charter Review Committee's letter concerning their recommendations for an ethics ordinance. He reviewed common definitions of ethics, constituents, virtues, and principles. Overcoming obstacles were noted along with three approaches which might be used with the proposed ordinance. The issue needed to be decided between an ethical issue versus a management issue. Bojorquez continued with the legal aspect of an ethics ordinance. Those included the Resign to Run provision, incompatibility, and public disclosures. Criminal provisions such as bribery, coercion, honorarium, misuse of information, abuse of office, conflict of interest, plat conflict of interest, and nepotism were discussed. Bojorquez next presented information on fostering integrity at City Hall. The fundamental of this included leadership, administration, regulation, instruction, accountability and transparency. The Municipal Code of Conduct common ordinance provisions were noted. Some of those provisions included standards, complaints, sanctions, and dismissals.

Council Member Duff left the meeting.

Bojorquez finished the discussion with items to consider moving forward that included initial feedback from Council, instructions from Council and a schedule for future meetings.

Council discussed a schedule for future meetings which included three options for the meetings. Consensus was to proceed with Option C; allow speakers at the meetings; consider a change of meeting from January 17th to January 20th and have the public portion determined by December 19th.

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 17-1615 Police Appreciation Day

Mayor Watts presented the proclamation for Police Appreciation Day.

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 17-1666 Robert Donnelly regarding City ethics.

Mr. Donnelly requested Council not confuse ethics with legality when considering the upcoming ethics ordinance. Recent events regarding the taking of two pieces of property were legal but one was not ethical.

C. Additional Citizen Reports

1. Willie Hudspeth spoke on African American firefighters in the city of Denton, the Confederate monument on the Square needed to be addressed, and that the Confederate monument was leaning toward the south and questioned who was responsible for its maintenance.

4. CONSENT AGENDA

Council Member Gregory motioned, Mayor Pro Tem Bagheri seconded to adopt the Consent Agenda and accompanying ordinances and resolutions with the exception of Items F and K to be considered separately and Item J not being considered. On roll call vote, Council Member Hudspeth "aye", Council Member Briggs "aye", Council Member Ryan "aye", Council Member

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

Ordinance No. 2017-374

- A. ID 17-1598 Consider approval of an ordinance of the City of Denton, Texas approving a consent to assignment of an Airport Lease between Mark Hicks Transport, LLC. and Polygon Enterprises. Inc. and providing an effective date. Council Airport Committee recommends approval (2-0).

Ordinance No. 2017-375

- B. ID 17-1599 Consider adoption of an ordinance of the City of Denton, Texas approving a consent to Collateral Assignment of an Airport Lease US Trinity Holdings, LLC and Guaranty Bank; and providing an effective date. The Council Airport Committee recommends adoption of the ordinance (2-0)

Ordinance No. 2017-376

- C. ID 17-1611 Consider adoption of an ordinance of the City of Denton, Texas, amending Ordinance No. 2016-421 to prescribe updated titles and number of positions for certain classifications of Fire Department personnel; providing repealer, cumulative and severability clauses; and declaring an effective date.

Ordinance No. 2017-377

- D. ID 17-1616 Consider adoption of an ordinance accepting competitive bids and awarding a public works contract for the Cooper Creek Interceptor I and II project consisting of the replacement of approximately 7,000 feet of existing 21" and 24" clay sanitary sewer with new 84" Fiberglass Reinforced Pipe (FRP) and 30" Polymerized Vinyl Chloride (PVC) sanitary sewer along Cooper Creek between Prominence Parkway and Old North Road; providing for the expenditure of funds therefor; and providing an effective date (IFB 6576-awarded to Condie Construction Company, Inc., in the not-to-exceed amount of \$3,137,496). The Public Utilities Board recommends approval (7-0).

Ordinance No. 2017-378

- E. ID 17-1618 Consider adoption of an ordinance authorizing the City Manager to execute a Professional Services Agreement for engineering design services relating to the design, bid phase and construction services for the Lake Lewisville Water Treatment Plant Phase II Rehabilitation project which includes the design of a new main electrical control building, drainage improvements, zebra mussels control measures for both Lake Ray Roberts and Lake Lewisville raw water pump stations, and additional upgrades to improve operations of the water treatment plant; providing for the expenditure of funds therefor; and providing an effective date (RFQ 6305 awarded to Freese and Nichols, Inc. in the not-to-exceed amount of \$1,529,180). The Public Utilities Board recommends approval (7-0).

Ordinance No. 2017-380

- G. ID 17-1639 Consider adoption of an ordinance of the City of Denton authorizing an agreement between the City of Denton, Texas and Real Waves Radio Network for the purpose of expenses for KUZU 92.9 LP; providing for the expenditure of funds therefor; and providing for an effective date. (\$1,750)

Ordinance No. 2017-381

- H. ID 17-1640 Consider adoption of an ordinance of the City of Denton authorizing an agreement between the City of Denton, Texas and the Denton Black Film Festival, for the purpose of expenses for the 2018 Denton Black Film Festival; authorizing the expenditure of funds; and providing for an effective date. (\$1,500)

Ordinance No. 2017-382

- I. ID 17-1656 Consider adoption of an ordinance of the City of Denton, Texas determining compensation in the form of a monthly stipend for the Mayor and City Council Members; establishing miscellaneous parameters for the administration of such stipends; providing for severability; and establishing an effective date.

This item was not considered.

- J. ID 17-1663 Consider adoption of an ordinance of the City of Denton, Texas approving an Interlocal Agreement between the City of Denton and the City of Carrollton, Texas for internal auditing services; providing for an hourly rate for services; authorizing the expenditure of funds therefor; and providing an effective date (File 6648).

Ordinance No. 2017-384

- L. ID 17-1662 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 6645- awarded to Presidio Networked Solutions Group, LLC in the not-to-exceed amount of \$164,531.40).

Ordinance No. 2017-385

- M. ID 17-1678 Consider adoption of an ordinance of the City of Denton terminating the lease agreement as amended, to the extent the same was properly assigned, between the City and Opala, LLC, a Texas limited liability company; terminating Opala, LLC's tenancy, if any, in 1301 S. Mayhill Rd. and 1001 S. Mayhill Rd., Buildings 101 and 102, Denton, Texas; providing a severability clause; and providing an effective date.

The items pulled for separate consideration were considered.

Ordinance No. 2017-379

- F. ID 17-1638 Consider adoption of an ordinance amending Chapter 18 of the Code of Ordinances to revise the speed limits along on W. University Drive (US 380) from Bonnie Brae Street to Locust Street or US 77 at the expedited request of Texas Department of Transportation (TxDOT); providing a penalty of a fine not to exceed two hundred dollars (\$200.00); providing a severability clause, providing for publication; and declaring an effective date.

Pritem Deshmukh, Program Engineer, stated that the ordinance would revise the speed limit on University from Bonnie Brae to Locust or US 77 from 35 to 40.

Council Member Gregory motioned, Council Member Hudspeth seconded to adopt the ordinance. On roll call vote, Council Member Hudspeth "aye", Council Member Briggs "aye", Council Member Ryan "aye", Council Member Gregory "aye", and Mayor Watts "aye". Mayor Pro Tem Bagheri "nay". Motion carried with a 5-1 vote.

Ordinance No. 2017-383

- K. ID 17-1657 Consider adoption of an ordinance authorizing the City Manager to execute a Professional Services Agreement for contract administration services; providing for the expenditure of funds therefor; and providing an effective date (File 6644 awarded to Crawford and Associates, P.C. in the not-to-exceed amount of \$40,000).

Bryan Langley, Deputy City Manager, stated that the ordinance would hire the firm of Crawford and Associates to perform a contract audit.

Willie Hudspeth expressed concern on how the firm was selected for the contract audit.

Langley noted that the individual would not be a City employee. This was a firm that did this type of work. Staff had contacted area cities who used this firm.

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

5. ITEMS FOR INDIVIDUAL CONSIDERATION - CONSIDERATION OF THE USE OF EMINENT DOMAIN TO CONDEMN REAL PROPERTY INTERESTS

Ordinance No. 2017-386

- A. ID 17-1621 Consider adoption of an ordinance of the City of Denton finding that a public use and necessity exists to acquire a permanent easement covering a 0.023 acre tract of land situated in the Eugene Puchalski Survey, Abstract No. 996, City of Denton, Denton County, Texas (the "Property Interests"), for the public use of, expansion, construction, maintenance, and operation of an electric transmission line, ancillary facilities, and structures; authorizing the City Manager, or his designee, to acquire the property interests by agreement including making all offers required by

law; authorizing the use of the power of eminent domain to condemn the property interests if an agreement cannot be reached; authorizing the City Attorney or his designee to file eminent domain proceedings if necessary; authorizing the expenditure of funds; making findings; providing a savings clause; and providing an effective date. [Hickory to Locust TM Line - Tract 76]

Brent Heath, Executive Manager for Energy Delivery, presented information concerning the Hickory to Locust transmission line. He reviewed the Executive Summary for the project and external agencies dealing with the transmission line. He noted the system map and location of the project and presented the history of the project. He noted that as the motion was being read he would display the legal description of the property and the property plat.

Mayor Pro Tem Bagheri motioned "I move that the City of Denton, after having made the offers required by State Law, use the power of eminent domain, if needed, to acquire a permanent electric utility easement on a 0.023 acre tract of land, as situated in the Eugene Puchalski Survey, Abstract No. 996, City of Denton, Denton County, Texas, and now being displayed on the overhead screen and being described in Exhibits "A" and "B" to the ordinance under consideration, all of which is for a valid public use, necessary to provide the expansion, construction, maintenance, operation, and improvement of electric transmission lines relating to the Hickory to Locust Transmission Line, a project to serve the public and citizens of the City of Denton, Texas.: Council Member Gregory seconded the motion. On roll call vote, Council Member Hudspeth "aye", Council Member Briggs "aye", Council Member Ryan "aye", Council Member Gregory "aye", Mayor Pro Tem Bagheri "aye", and Mayor Watts "aye". Motion carried unanimously.

6. ITEMS FOR INDIVIDUAL CONSIDERATION

Resolution No. R2017-051

- A. ID 17-1637 Consider approval of resolution casting votes for membership to the Board of Directors of the Denton Central Appraisal District; and declaring an effective date.

Chuck Springer, Director of Finance, summarized the appointment process for the Board of Directors of the Denton Central Appraisal District

Willie Hudspeth hoped that the individuals chosen were sensitive to the plight of the less fortunate. George Pryor indicated that he would like to serve on the Board.

Mayor Pro Tem Bagheri motioned, Council Member Briggs seconded that Denton cast all of their votes for George Pryor and approve the resolution. On roll call vote, Council Member Hudspeth "aye", Council Member Briggs "aye", Council Member Ryan "aye", Council Member Gregory "aye", Mayor Pro Tem Bagheri "aye", and Mayor Watts "aye". Motion carried unanimously.

- B. ID 17-1642 Consider appointment of three members to the Tax Increment Reinvestment Zone No. 1 (Downtown TIF) Board and appoint a Chairperson of the Board.

Bryan Langley, Deputy City Manager, presented information on appointments to the Downtown TIF Board. The recommended appointments were Melissa Lenaburg, Alex Payne and John Lenz with Melissa Lenaburg appointed as chair.

Willie Hudspeth suggested that Pat Smith might be included on the Board when a vacancy occurred.

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

Ordinance No. 2017-387

- C. ID 17-1665 Consider adoption of an ordinance of the City of Denton, Texas approving an agreed amendment to Article 12 of the existing meet and confer agreement between the City of Denton and the Denton Fire Fighters Association, relating to the funding of fire pensions; and providing an effective date.

Bryan Langley, Deputy City Manager, presented the background information on the Fire Pension Fund. The recommendation was to decouple the plan from TMRS and provide a contribution rate to pay off the liability over a 25 year period. He reviewed the key details of the agreement.

Willie Hudspeth did not speak on topic but spoke again on why only two African American firefighters were on staff and why there were none in the Parks Department.

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 Ryan "aye", Council Member Gregory "aye", Mayor Pro Tem Bagheri "nay", and Mayor Watts "aye". Motion carried with a 5-1 vote.

Ordinance No. 2017-388

- D. ID 17-1677 Continue to consider adoption of an ordinance authorizing a development agreement between the City of Denton and DW Carmel, LLC (the "Developer"); providing for the payment by the Developer to the City of Four Hundred Thousand Dollars and No Cents (\$400,000.00) for the City to construct the balance of the Edwards Road perimeter paving improvements required by Phase 5A and 5B of the Villages of Carmel addition(s) to the City of Denton, as Developer's contribution; authorizing the City Manager to execute the agreement; and providing for an effective date. (Edwards Road paving improvements - Villages of Carmel subdivision) [Originally posted as File ID 17-1402 and considered on November 7, 2017]

Paul Williamson, Real Estate Manager, stated that Council had originally considered this item on November 7, 2017. The agreement indicated that the City would receive \$400,000 from the developer and would take responsibility for the paving of a section of Edwards Road frontage. He reviewed the terms of the agreement for the City and developer.

Rod Zielke, representing the developer, spoke in favor.

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

7. PUBLIC HEARINGS

- A. Z17-0025a 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) district and use classification to a Regional Center Commercial Downtown (RCC-D) district and use classification on approximately 88.725 acres of land generally located south of University Drive (US 380), approximately 1,500 feet west of Interstate 35 (I-35), 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 applicant has requested that the item be postponed to the February 6, 2018 meeting.

This item was not considered.

Ordinance No. 2017-389

- B. Z17-0024a Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, to rezone approximately 7.14 acres from a Neighborhood Residential 2 (NR-2) District to a Neighborhood Residential 6 (NR-6) District. The property is generally located on the south side of Audra Lane approximately 265 feet east of Nottingham Drive. The Planning and Zoning Commission voted 4-0 to approve the request. (Z17-0024, Yale Development).

The Mayor opened the public hearing.

Hayley Zagurski, Senior Planner, presented what was being requested and site data, criteria for approval, future land use map, public facilities, compatibility, and public notification. Staff was recommending denial with the Planning and Zoning Commission recommending approval.

The following individuals spoke during the public hearing:

Kim McKibben spoke in opposition
Kenneth Koleber spoke in opposition
Elliott Townsend, applicant, spoke in favor
Roger Yale, applicant, spoke in favor
Jerry Steger spoke in opposition
Prudence Sanchez spoke in favor
John Whithers spoke in favor
Nancy Carson spoke in opposition
Bruce Woehl spoke in opposition
Barney Cosimo spoke in favor

Marc Moffitt spoke in favor
David Zoltner spoke in opposition

Comment Cards were submitted by:
Barbara Rodman was in favor

The Mayor closed the public hearing.

Council discussed the consideration of the width of street; consideration of no townhomes or duplexes and five units per acre with a limitation not to exceed 33 units on the property; and that the proposal was consistent with the neighborhood across the street;

Mayor Pro Tem Bagheri motioned, Council Member Ryan seconded to adopt the ordinance with the conditions that there only be single family uses not to exceed 33 units on the property. On roll call vote, Council Member Hudspeth "aye", Council Member Briggs "aye", Council Member Ryan "aye", Council Member Gregory "aye", Mayor Pro Tem Bagheri "aye", and Mayor Watts "aye". Motion carried unanimously.

Ordinance No. 2017-390

C. Z17-0023b Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, regarding an initial zoning classification of Neighborhood Residential 6 (NR-6) District on approximately 16.39 acres. The property is generally located at the northeast corner of Mayhill Road and Mills Road. The Planning and Zoning Commission voted 7-0 to approve the request. (Z17-0023, Cope Addition).

The Mayor opened the public hearing

Hayley Zagurski, Senior Planner, presented what was being requested and the site data, criteria for approval, future land use map, public facilities, public notification, and staff recommendation for approval as well as the Planning and Zoning Commission.

The following individuals submitted Speaker Cards:

Mark Cope, applicant, spoke in favor.
Bill Butler spoke in opposition
George Carroll spoke in opposition
Kenneth Stout spoke in opposition
David Shelton spoke in opposition
Jimmy Brown spoke in opposition

The Mayor closed the public hearing.

Council discussed the traffic light at Mayhill and Mills; a possible non-voluntary annexation of associated properties; ingress and egress on Mills Road; traffic related issues on Mills Road due to the proximity to Ryan High School; and a consideration of an overlay district on the property to limit the density.

Council Member Gregory motioned, Council Member Ryan seconded to adopt the ordinance with a restriction of a maximum of 86 lots for single family homes. On roll call vote, Council Member Hudspeth "aye", Council Member Briggs "aye", Council Member Ryan "aye", Council Member Gregory "aye", and Mayor Watts "aye". Mayor Pro Tem Bagheri "nay". Motion carried with a 5-1 vote.

Council Member Gregory left the meeting.

Ordinance No. 2017-391

- D. Z17-0016a Hold a public hearing and consider adoption of an ordinance to rezone approximately 71.76 acres from an Industrial Center Employment (IC-E) District to a Neighborhood Residential Mixed-Use (NRMU) District. The property is generally located on the south side of West Oak Street approximately 290 feet west of the Interstate Highway 35 service road in the City of Denton, Denton County, Texas. The Planning and Zoning Commission recommended approval of the request (4-3). (Z17-0016, Retreat at Denton).

The Mayor opened the public hearing.

Hayley Zagurski, Senior Planner, stated that she would combine the presentation for the zoning request and specific use permit request. She noted the two requests and the site data, criteria for approval, future land use map, available public facilities; compatibility, and recommendation from staff for denial with the Planning and Zoning Commission recommending approval. In terms of the specific use permit, there would be a recreational use for ball fields.

The following individuals spoke during the public hearing:

Lance VanZant, applicant, spoke in favor
Phil Baker spoke in favor
David Graham spoke in favor
Dan Grant spoke in favor'
Kim McKibben spoke in opposition

Council discussed whether this would be a single room occupancy type of construction and the reasoning for the outdoor sports use on the property.

A Comment Card was submitted by Selwyn Rayzor in favor.

The Mayor closed the public hearing.

Council discussed the lake area on the property; masonry requirements; security measures for the lake; and topography of the property.

Mayor Pro Tem Bagheri motioned, Council Member Ryan seconded to adopt the ordinance. On roll call vote, Council Member Hudspeth "aye", Council Member Ryan "aye", Mayor Pro Tem Bagheri "aye", and Mayor Watts "aye". Council Member Briggs "nay". Motion carried with a 4-1 vote.

Ordinance No. 2017-392

- E. S17-0009a Hold a public hearing and consider adoption of an ordinance for a Specific Use Permit for 71.76 acres of land, specifically to allow for a multi-family residential use on approximately 32.60 acres and to allow for an outdoor recreation use on approximately 19.90 acres. The property is generally located on the south side of West Oak Street approximately 290 feet west of the Interstate Highway 35 service road in the City of Denton, Denton County, Texas. The Planning and Zoning Commission recommended approval with conditions (4-3). (S17-0009, Retreat at Denton).

This item was discussed with Item D.

Council Member Ryan motioned, Mayor Pro Tem Bagheri seconded to adopt the ordinance. On roll call vote, Council Member Hudspeth "aye", Council Member Ryan "aye", Mayor Pro Tem Bagheri "aye", and Mayor Watts "aye". Council Member Briggs "nay". Motion carried with a 4-1 vote.

Ordinance No. 2017-393

- F. Z17-0008a Hold a public hearing and consider adoption of an ordinance to rezone approximately 7.5 acres from a Community Mixed Use General (CM-G) District to a Neighborhood Residential Mixed-Use (NRMU) District. The property is generally located on the northeast corner of East Sherman Drive and Poinsettia Boulevard in the City of Denton, Denton County, Texas. The Planning and Zoning Commission recommended approval of the request (4-0). (Z17-0008, Palladium Denton, Julie Wyatt).

The Mayor opened the public hearing

Julie Wyatt, Senior Planner, presented the information for Items F and G. She noted the requests and site data, background on the former Planned Development 90, criteria for approval, future land use map element; public facilities; current zoning; compatibility; and staff recommendation of approval along with the Planning and Zoning Commission recommendation of approval. Wyatt continued with the provisions for the SUP which included criteria for approval; neighborhood concerns; specific use permit conditions; analysis of the plan consistent with the Denton Plan 2030; public notification; Planning and Zoning Commission recommendation with 2 conditions.

The following individuals spoke during the public hearing:

Ryan Combs, applicant, spoke in favor
Lance VanZant, applicant, spoke in favor
Jeanmarie Goff spoke in favor
Rebecca Garcia spoke in favor
Sharon Herman spoke in favor

The Mayor closed the public hearing.

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

Ordinance No. 2017-394

- G. S17-0010a Hold a public hearing and consider adoption of an ordinance for a Specific Use Permit for 7.5 acres of land, specifically to allow for a multi-family residential use. The property is generally located on the northeast corner of East Sherman Drive and Poinsettia Boulevard in the City of Denton, Denton County, Texas. The Planning and Zoning Commission recommended approval of the request, subject to conditions (4-0). (S17-0010, Palladium, Julie Wyatt).

This item was discussed with Item F.

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

Ordinance No. 2017-395

- H. PDA17-0006a Hold a public hearing and consider approval of an ordinance regarding a Detail Plan for Planned Development 12 (PD-12) District to depict a new or used car sales lot on approximately 7.11 acres out of a 34.40-acre tract. The property is generally located on the west side of I-35E, approximately 3,200 feet southeast of State School Road. The Planning and Zoning Commission voted to approve the request (7-0). (PDA17-0006, CarMax).

The Mayor opened the public hearing.

Julie Wyatt, Senior Planner, stated that the request for was a detail plan for Planned Development 12 for a new or used car sales lot. She reviewed the approval criteria, analysis with the future land use plan and the concept plan, site plan, landscape plan, public notification, and recommendation by the Planning and Zoning Commission and staff.

John Asher, applicant, spoke in favor.

The Mayor closed the public hearing.

Mayor Pro Tem Bagheri motioned, Council Member Hudspeth seconded to adopt the ordinance. On roll call vote, Council Member Hudspeth "aye", Council Member Ryan "aye", Mayor Pro Tem Bagheri "aye", and Mayor Watts "aye". Council Member Briggs "nay". Motion carried with a 5-1 vote.

Ordinance No. 2017-396

- I. Z17-0022b Hold a public hearing and consider adoption of an ordinance for an initial zoning of Neighborhood Residential Mixed Use (NRMU) District on approximately

6 acres. The property is generally located on the east side of the future FM 2499 alignment, approximately 1,400 feet south of Robinson Road. The Planning and Zoning Commission recommended approval with a Mixed Use Residential Protection Overlay (7-0) (Z17-0022, Eastside at Oakmont, Julie Wyatt).

Julie Wyatt, Senior Planner, presented the details of the request, criteria for approval, public facilities, mobility, compatibility, public notification, and the recommendation by the Planning and Zoning Commission as well as staff.

The Mayor opened the public hearing.

Greg Johnson, applicant, spoke in favor.

The Mayor closed the public hearing.

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

8. 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 review of the Park Master Plan.

Council Member Briggs noted that there was storage of radioactive materials on Shady Oaks and questioned if there was anything the City could do.

- 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 12:50 a.m.

CHRIS WATTS
MAYOR
CITY OF DENTON, TEXAS

JENNIFER WALTERS
CITY SECRETARY
CITY OF DENTON, TEXAS