

CITY OF DENTON CITY COUNCIL MINUTES

September 18, 2018

After determining that a quorum was present, the City Council convened in a Work Session on Tuesday, September 18, 2018 at 1:00 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, Council Member Meltzer 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 September 18, 2018.

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

Council Member Briggs - pull items C, Y, BB and CC for separate consideration; Y for questions at Work Session; W for questions at Work Session

Council Member Hudspeth - presentation in Work Session on Item J

3. Work Session Reports

A. ID 18-1361 Receive a report from Texas Woman's University regarding their Master Plan, hold a discussion, and give staff direction.

Chancellor Feyten presented an update on the TWU masterplan. She spoke on the use of the former golf course on the property and that the University had hired a consultant to look at the entire scope of service for the property.

Rob Ramirez, Associate VP for Facilities-TWU, presented information on the master plan that included three phases of analysis, exploration and plan. Key principles included an organizational framework, goals, campus zones, framework for "one campus", and design guidelines.

Council discussion included:

- Possible development across University Drive in District 2 was very confined on the property
- Concerns about the closing of Bell to vehicle traffic
- What were options for Mingo Road
- TWU's vision for acquiring property surrounding the campus

B. ID 18-1368 Receive a report, hold a discussion and give staff direction regarding alignment options for the Bonnie Brae Phase 4 Widening and Improvements project from IH 35 E to Scripture.

Todd Estes, City Engineer, presented an update on alignment alternatives for Bonnie Brae between I35E and Scripture. Background information was reviewed on prior alignment proposals. He noted that four additional alternatives were analyzed for corridor travel time, safety, right of way impacts

and construction costs. He presented the details of each of the alternatives in terms of right-of-way needed, parcels/acres and estimated construction amounts.

Council discussed the traffic flow of the various options and traffic flow of the roundabouts

Pritam Deshmukh, Traffic Engineer, reviewed the traffic analysis of the current conditions and traffic analysis for the alternatives in the 2040 time frame.

Estes continued with a cost comparison of the various alternatives. Staff's recommendation was alternative three.

Council discussed:

- Consider an alternative to protect the homes in the area
- Reduce the speed around McKenna Park

Consensus of the Council was to proceed with Option #3.

- C. ID 18-1450 Receive a report, hold a discussion, and provide staff direction regarding City Council priorities for upcoming work session report topics.

Bryan Langley, Deputy City Manager, presented information on a strategy session on upcoming work session topics. He noted the Council retreat priorities, prior feedback and recommendations from the August 28th Work Session discussion. Staff's recommendation was to start the Work Session at 1:00 or 2:00 p.m. with 3-4 presentations per meeting, hold a monthly strategy session to review, consider and prioritize requested Work Session requests. He reviewed scheduled operational and general consensus topics. He also noted early 2019 future Work Session topics and other requests which had Informal Staff Reports presented. Direction was needed on which items required a future Work Session presentation and the priority of those items.

Council discussion included:

- Whether Council was willing to meet longer/more often to cover more items
- First consider the items that came out of the Council retreat
- Priority items might include traffic calming with a presentation to the Traffic Safety Commission first; the establishment of a Committee on Disabilities
- Reviewing each of the items on the list with each member indicating what items they wanted in a Work Session was not going to reduce the amount of suggested Work Session items
- Consider having a consensus of Council to place items on the Work Session
- Individual Council Members noted their preference on the proposed list of Work Session items

Langley presented the list of requests scheduled for Informal Staff Reports and noted that the next strategy session was scheduled for October 16th.

Council discussed the list presented, noting their preferences on the need for an Informal Staff Report.

Consensus of the Council was to proceed with noted Informal Staff Reports and prioritize possible Work Session items at the October meeting.

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:

Council Member Hudspeth recused himself from deliberation on this item.

- A. ID 18-1532 Deliberate regarding Real Property - Under Texas Government Code 551.072; Consultation with Attorneys - Under Texas Government Code Section 551.071

Discuss, deliberate, and receive information from staff and provide staff with direction pertaining to the potential purchase of certain real property interests out of the B.B.B. & C.R.R. Company Survey, Abstract No. 192 and the E. Puchalski Survey, Abstract No. 996, Denton County, Texas, and being generally located within the 300 through 600 block range of North Bonnie Brae Street, including a 0.8123 acre tract generally located in the 2300 block of Scripture Street, Denton, Texas. Consultation with the City's attorneys regarding legal issues associated with the potential acquisition or condemnation of the real property interests described above where a public discussion of these legal matters would conflict with the duty of the City's attorneys to the City of Denton and the Denton City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas, or would jeopardize the City's legal position in any administrative proceeding or potential litigation. (Bonnie Brae Street - Phase 4/5)

Council Member Hudspeth returned to the Closed Session.

- B. ID 18-1555 Consultation with Attorneys - Under Texas Government Code, Section 551.071

Receive information from, consult with, deliberate, and provide direction and/or recommendations to the City's attorneys regarding (i) a proposed negotiated settlement between the Atmos Cities Steering Committee ("ACSC"; of which the City is a member) and Atmos Energy Corp., Mid-Tex Division, regarding Atmos' 2018 rate review mechanism filings ("Atmos 2018 RRM Filings"); and, (ii) the City's options with respect to the Atmos 2018 RRM Filings. A public discussion of these legal matters would conflict with the duty of the City's attorneys to the City of Denton and the Denton City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas, or would jeopardize the City's legal position in any administrative proceeding or potential litigation.

Regular Meeting of the City of Denton City Council at 6:30 p.m. in the Council Chambers at City Hall.

1. PLEDGE OF ALLEGIANCE

The Council and members of the audience recited the Pledge of Allegiance to the U. S. and Texas flags.

2. BUDGET ITEMS FOR INDIVIDUAL CONSIDERATION

Ordinance 18-1453

- A. ID 18-1453 Consider adoption of an ordinance of the City of Denton, Texas, levying the ad valorem property tax of the City of Denton, Texas, for the year 2018, on all taxable property within the corporate limits of the city on January 1, 2018, and adopting a tax rate of \$0.620477 per \$100 of valuation for 2018; providing revenues for payment of current municipal maintenance and operation expenses and for payment of interest and principal on outstanding City of Denton debt; providing for limited exemptions of certain homesteads; providing for enforcement of collections; providing for a severability clause; and providing an effective date.

Tony Puente, Director of Finance, reviewed the ad valorem property tax rate to be considered.

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

Ordinance 18-1454

- B. ID 18-1454 Consider adoption of an ordinance of the City of Denton, Texas, approving the 2018 tax rolls; and providing an effective date.

Tony Puente, Director of Finance, stated that the approved tax rolls had been delivered to the City on July 25th. State law required those rolls to be formally adopted.

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", Council Member Meltzer "aye", and Mayor Watts "aye". Motion carried unanimously.

Ordinance 18-1456

- C. ID 18-1456 Consider adoption of an ordinance of the City of Denton, Texas, adopting the Fiscal Year 2018-2019 Annual Program of Services (Budget) and the Capital Improvement Program of the City of Denton, Texas, for the fiscal year beginning on October 1, 2018, and ending on September 30, 2019; and declaring an effective date.

Tony Puente, Director of Finance, stated that this ordinance would formally approve the fiscal year budget including the Capital Improvement Program for 2019.

Council Member Meltzer motioned, Mayor Pro Tem Ryan 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", Council Member Meltzer "aye", and Mayor Watts "aye". Motion carried unanimously.

Ordinance 18-1457

- D. ID 18-1457 Consider adoption of an ordinance of the City of Denton, Texas, ratifying the adoption of the Fiscal Year 2018-2019 Annual Program of Services (Budget) and the Capital Improvement Program of the City of Denton, Texas, for the fiscal year

beginning October 1, 2018, and ending on September 30, 2019 when the Budget will raise more revenue from property taxes than last year's budget; and providing an effective date.

Tony Puente, Director of Finance, stated that this item was a State requirement ratifying the prior action of the Council which adopted the budget.

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

3. PROCLAMATIONS/PRESENTATIONS

A. ID 18-1512 Effie Ruth Webb McQueen Day

Mayor Watts presented the proclamation for Effie Ruth Webb McQueen Day.

B. ID 18-1513 Barney Cosimo Day

Mayor Watts presented the proclamation for Barney Cosimo Day.

4. 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 18-1415 Henry Jason regarding a committee for the handicapped.

Mr. Jason presented information concerning his interest in the handicapped and the various committees he had served on concerning the rights of the handicapped. He encouraged the Council to develop a committee for the handicapped.

C. Additional Citizen Reports

Craig Clifton spoke on a proposed development on Normal Street.

Item 7A was considered.

7. PUBLIC HEARINGS

Ordinance PDA18-0004b

A. PDA18-0004b Hold a public hearing and reconsider the August 21, 2018 adoption of an ordinance approving a Detail Plan for Planned Development 176 (PD-176) District

depicting 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.)

The Mayor opened the public hearing.

Haley Zagurski, Development Services, presented details on the reconsideration of the ordinance for the detailed plan on August 21, 2018. She noted the analysis of the zoning and the detailed plan in terms of site plan and the conditions of the approval.

The following individuals spoke during the public hearing:

Kimberly Hurst, 3301 Highpoint Drive, Denton, 76210 – opposed
David Furr, 6500 Longleaf Lane, Denton, 76210 – opposed
Tom Brandt, 6600 Hayley Way, Denton, 76210 – opposed
Joshua Boschee, applicant – favor

Council discussed:

- Location of the dumpsters and whether they could be moved to the other side of the property away from the residences
- Location of the vacuum motor
- Elevation of the property
- Consideration of inverting the site plan with the vacuum and dumpster away from the residences
- Consideration of reducing the size of the tower
- The number of car washes in the area
- Visibility of the development from the roadway

Michael Otis, 6700 Hayley Way, Denton, 76210 - spoke in opposition

The Mayor closed the public hearing.

Council Member Hudspeth motioned, Council Member Duff seconded to approve with the conditions of no exterior lighting towards the neighborhood, the sign ordinance requirements had to be met, a six foot high retaining wall and the centralized vacuum component of the design.

Council Member Briggs noted that the hours of operation had been left out of the motion. She stated that she had requested the reconsideration due to questions that occurred during the prior meeting. She felt that the actual code of the Planned Development gave Council several options to consider including compatibility of land uses. She did not feel the proposed development was compatible with the neighborhood.

Council Member Ryan suggested a friendly amendment for the developer to work with staff to relocate the dumpsters to the other side of the property.

Council Members Hudspeth and Duff were in agreement with that friendly amendment to their motion and second.

Council Member Meltzer motioned to amend the original motion that the height of the tallest elevation would be 25 feet with some discretion for technical specifications.

Council Member Briggs noted that the hours of operation would revert back to a 24 hour time use.

Motion died for lack of a second.

Council Member Meltzer motioned, Council Member Briggs seconded to restore the condition that the hours of operation would be from 7:00 a.m. – 9:00 p.m.

After further discussion of the motion and proposed amendment plus a suggestion to invert the site plan, Council Members Meltzer and Briggs withdrew their motion and second.

Council Member Meltzer motioned, Council Member Briggs seconded to amend to the hours of operation to 7:00 a.m. – 9:00 p.m. and to invert the site plan.

After discussion Council Members Hudspeth and Duff accepted that amendment as a friendly amendment to their motion and second.

Mayor Watts restated the motion was to approve with the conditions that the hours of operation would be from 7:00 a.m. – 9:00 p.m., the site plan would be inverted so that the dumpsters and vacuums were on the other side of the property; no exterior lighting towards the neighborhood, the sign requirements made by the Planning and Zoning Commission, a six foot high retaining wall, and vacuum compartment in separate insulated room.

On roll call vote of the motion with the conditions noted above by the Mayor, Council Member Hudspeth "aye", Council Member Duff "aye", Mayor Pro Tem Ryan "aye", and Mayor Watts "aye". Council Member Briggs "nay", Council Member Armintor "nay", and Council Member Meltzer "nay". Motion carried with a 4-3 vote.

Council Member Meltzer left the meeting.

5. CONSENT AGENDA

Mayor Pro Tem Ryan motioned, Council Member Briggs seconded to approve the Consent Agenda and accompanying ordinances and resolutions with the exception of Items C, Y, BB and CC which would be considered separately. 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 Mayor Watts "aye". Motion carried unanimously.

Ordinance 18-1238

- A. ID 18-1238 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 Pike Engineering, LLC., for electric

engineering services to provide distribution design, construction and standards; distribution system planning services; new distribution customer project designs; project quality control services; and perform distribution system studies for Denton Municipal Electric distribution engineering; providing for the expenditure of funds therefor; and providing an effective date (RFQ 6566 - awarded to Pike Engineering, LLC., in a total not-to-exceed amount of \$900,000). The Public Utilities Board recommends approval (6-0).

Ordinance 18-1321

- B. ID 18-1321 Consider adoption of an ordinance amending ordinance No. 2012-001 of the City Council of the City of Denton, Texas, regarding changes to funding source, policy, and procedures for the Downtown Reinvestment Grant Program; and providing an effective date.

Ordinance 18-1395

- D. ID 18-1395 Consider adoption of an ordinance of the City of Denton, Texas establishing the schedule of rates for electric service; providing for a repealer; providing for a severability clause; and providing for an effective date. The Public Utilities Board recommends approval (6-0).

Ordinance 18-1402

- E. ID 18-1402 Consider adoption of an ordinance of the City of Denton authorizing an agreement between the City of Denton, Texas and Giving Hope, Incorporation for Homeless Prevention Assistance; providing for the expenditure of funds in the total amount of Four Hundred Dollars (\$400); and providing an effective date.

Ordinance 18-1423

- F. ID 18-1423 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 distribution hardware, connectors, arms, and accessories for the City of Denton Distribution Center; providing for the expenditure of funds therefor; and providing an effective date (IFB 6653 - awarded to the lowest responsive bidder for each line item, Stuart C. Irby Company, for one (1) year, with the option for three (3) additional one (1) year extensions, in a total not-to-exceed amount of \$500,000 for all years, and Techline, Inc., for one (1) year, with the option for three (3) additional one (1) year extensions, in a total not-to-exceed amount of \$4,000,000 for all years, in a total not-to-exceed amount of \$4,500,000 for all years).

Ordinance 18-1426

- G. ID 18-1426 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 through the State of Texas Smart Buy Program for the purchase of Library Print Materials: Publications, Audiovisual Materials, Books, and Cataloging Services (prepared materials only) as awarded by the State of Texas Contract Number 715-M2; authorizing the expenditure of funds therefor; and declaring an effective date

(File 6886 - awarded to Baker & Taylor, LLC, in the not-to-exceed amount of \$350,000).

Ordinance 18-1427

H. ID 18-1427 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 through the State of Texas Smart Buy Program for the purchase of Library Audiovisual Materials: Publications, Audiovisual Materials, Books, and Cataloging Services (prepared materials only) as awarded by the State of Texas contract number 715-M2; authorizing the expenditure of funds therefor; and declaring an effective date (File 6887 - awarded to Midwest Tape, LLC, for a term ending on August 31, 2019, in the not-to-exceed amount of \$150,000).

Ordinance 18-1429

I. ID 18-1429 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 RPS Infrastructure, Inc., for design services for the Bonnie Brae Phase 6 ~ University (US 380) to Loop 288 street improvement project as set forth in the agreement; providing for the expenditure of funds therefor; and providing an effective date (RFQ 6590-032 - Professional Services Agreement for design services awarded to RPS Infrastructure, Inc., in the not-to-exceed amount of \$2,031,479.50). The Public Utilities Board recommends approval (6-0).

Ordinance 18-1431

J. ID 18-1431 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 Kimley-Horn and Associates, Inc. for an Americans with Disabilities (ADA) Act Compliance Review and Transition Plan as set forth in the agreement; providing for the expenditure of funds therefor; and providing an effective date (RFQ 6590-033 - Professional Services Agreement for Design Services awarded to Kimley-Horn and Associates Inc., in the not-to-exceed amount of \$239,850).

Ordinance 18-1448

K. ID 18-1448 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation authorizing the City Manager, or designee, to execute an agreement with the United States Department of Justice, Drug Enforcement Administration (DEA) for participation in the Dallas Field Division Area Task Force Group 1 for Fiscal Year 2019; and providing an effective date.

Ordinance 18-1449

L. ID 18-1449 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation authorizing the City Manager, or designee, to execute an agreement with the United States Department of Justice for participation in the Federal Equitable Sharing Program for Fiscal Year 2019; and providing an effective date.

Ordinance 18-1460

- M. ID 18-1460 Consider adoption of an ordinance of the City of Denton, Texas amending the Fiscal Year 2017-18 Budget and Annual Program of Services of the City of Denton to allow for increases to: (A) the General Fund of \$828,191 for the purpose of funding equipment, two master plans, and Park improvements; (B) the General Debt Service Fund of \$20,000 for the purpose of funding fees; (C) the Risk Retention Fund of \$600,000 for the purpose of funding increases in claims; (D) Park Land Dedication Trust Fund of \$100,000 for the purpose of funding additional park land; (E) Park Development Trust Fund of \$100,000 for the purpose of funding additional park development; declaring a municipal purpose; providing a severability clause; providing an open meetings clause; and providing for an effective date.

Ordinance 18-1464

- N. ID 18-1464 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 Freese and Nichols, Inc., to conduct condition assessment, provide preliminary design and regulatory and performance upgrades for the facilities at the Lake Ray Roberts water treatment plant (RRWTP) as set forth in the contract; providing for the expenditure of funds therefor; and providing an effective date (RFQ 6700 - Professional Services Agreement awarded to Freese and Nichols, Inc., in the not-to-exceed amount of \$224,411). The Public Utilities Board recommends approval (6-0).

Ordinance 18-1465

- O. ID 18-1465 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 with SigmaFlow, LLC, for NERC compliance software services for the City of Denton; providing for the expenditure of funds therefor; and providing an effective date. (RFP 6704-awarded to SigmaFlow, LLC, for one (1) year, with the option for four (4) additional one (1) year extensions, in a total not-to-exceed amount of \$311,250 for all years). The Public Utilities Board recommends approval (6-0).

Ordinance 18-1466

- P. ID 18-1466 Consider adoption of an ordinance of the City of Denton authorizing the City Manager, or his designee, to execute a Memorandum of Understanding by and between United Way of Denton County, Inc., and the City of Denton and providing for the expenditure of funds for Homelessness Initiatives in the amount of \$107,748.00 for the partial funding for a Homelessness Coordinator, Coordinated Entry Coordinator, and Housing Navigator in furtherance of the coordinated system homeless assistance programs; authorizing the expenditure of funds therefor; and providing an effective date.

Ordinance 18-1472

- Q. ID 18-1472 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 Adams Consulting Engineers, Inc., a Texas Corporation, for design and construction plan set for 17,200 linear feet of sidewalk

segments throughout the city as set forth in the agreement; providing for the expenditure of funds therefor; and providing an effective date (File # 6590-035 - Professional Services Agreement for design services awarded to Adams Consulting Engineers, Inc., a Texas Corporation, in the not-to-exceed amount of \$223,800).

Ordinance 18-1474

- R. ID 18-1474 Consider adoption of an ordinance releasing, abandoning, and vacating a 3.625 acre portion of a 5.886 acre electric utility and hike and bike trail easement granted to the City of Denton by Holigan Land Development, Ltd., a Texas limited partnership, recorded as Instrument No. 2005-140655, Real Property Records, Denton County, Texas; Providing for severability and an effective date. (Carmel Villas - Phase I subdivision development)

Ordinance 18-1477

- S. ID 18-1477 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 Freese and Nichols, Inc. (FNI), for Airport Road Analysis, Design, and Construction Administration Services as set forth in the contract; providing for the expenditure of funds therefor; and providing an effective date (RFQ 6590-038 - Professional Services Agreement for Pre-Qualified Engineering Services awarded to Freese and Nichols, Inc., in the not-to-exceed amount of \$168,300).

Ordinance 18-1478

- T. ID 18-1478 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, accepting competitive bids and awarding a contract for the supply of Electric Utility Overhead and Underground Distribution Transformers for the City of Denton Distribution Center; providing for the expenditure of funds therefor; and providing an effective date (IFB 6778 - awarded to Techline, Inc. in the five (5) year not-to-exceed amount of \$11,000,000). The Public Utilities Board recommends approval (6-0).

Ordinance 18-1480

- U. ID 18-1480 Consider adoption of an ordinance of the City of Denton, Texas, a Texas home-rule municipal corporation, accepting competitive bids and awarding a contract for the supply of precast concrete pull boxes for the City of Denton Distribution Center to Techline, Inc.; providing for the expenditure of funds therefor; and providing an effective date (IFB 6812 - awarded to Techline, Inc., in the five (5) year not-to-exceed amount of \$2,500,000).

Ordinance 18-1481

- V. ID 18-1481 Consider adoption of an ordinance of the City of Denton, Texas, a Texas home-rule municipal corporation, accepting competitive bids and awarding a contract for Wood Utility Poles for the City of Denton Distribution Center to McFarland Cascade Holdings, Inc.; providing for the expenditure of funds therefor; and

providing an effective date (IFB 6813 - awarded to McFarland Cascade Holdings, Inc., in the five (5) year not-to-exceed amount of \$2,500,000).

Ordinance 18-1486

W. ID 18-1486 Consider adoption of an ordinance of the City of Denton, adopting a schedule of fees for services and fees of the Denton Fire Department; superseding all prior fees in conflict with such schedule; providing for severability; and providing for an effective date.

Ordinance 18-1488

X. ID 18-1488 Consider adoption of an ordinance adopting a schedule of fees for cemeteries and use of certain park facilities; superseding all prior fees and discounts in conflict with such schedule; and providing for severability and an effective date.

Ordinance 18-1492

Z. ID 18-1492 Consider adoption of an ordinance of the City of Denton, Texas establishing the schedule of rates for Wastewater service; providing for a repealer; providing for a severability clause; and providing for an effective date. The Public Utilities Board recommends approval (6-0).

Ordinance 18-1493

AA. ID 18-1493 Consider adoption of an ordinance of the City of Denton, Texas establishing the rates for solid waste and recycling collection service; providing for a repealer; providing for a severability clause; and, providing an effective date. The Public Utilities Board recommends approval (6-0).

Ordinance 18-1530

DD. ID 18-1530 Consider adoption of an ordinance of the City of Denton authorizing the City Manager, or his designee, to execute a landscape maintenance agreement with the Texas Department of Transportation for the purpose of providing all required maintenance of certain landscape improvements located within the right of way of state highway routes; and, providing an effective date.

Ordinance 18-1550

EE. ID 18-1550 Consider adoption of an Ordinance of the City of Denton authorizing the City Manager, or his designee, to execute a Nondisclosure Agreement between the City and NewGen Strategies and Solutions, LLC. ("NewGen"); for the purpose of conducting a management study of City of Denton Utilities as required by the section 12.08(f) of the City Charter providing for a severability clause; and providing for an effective date.

The items pulled for individual consideration were considered.

Resolution 18-1383

C. ID 18-1383 Consider approval of a resolution approving the City of Denton's GreenSense Incentive Program Manual, and Distributed Generation Manual for FY

2018-19; providing for an effective date. The Public Utilities Board recommends approval (7-0).

George Morrow, DME General Manager, stated that the updated resolution clarified that the provisions were applicable to multifamily developers including solar.

Council Member Briggs motioned, Mayor Pro Tem Ryan seconded to approve the resolution. 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 Mayor Watts "aye". Motion carried unanimously.

Ordinance 18-1490

Y. ID 18-1490 Consider adoption of an ordinance of the City of Denton, Texas establishing the rates for water and water service; providing for a repealer; providing for a severability clause; and, providing for an effective date. The Public Utilities Board recommends approval (6-0).

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

Ordinance 18-1494

BB. ID 18-1494 Consider adoption of an ordinance of the City of Denton, Texas providing for the schedule of miscellaneous fees, deposits, billings and procedures for administrative services to city utilities customers; providing for a repealer; providing for a severability clause; and, providing for an effective date. The Public Utilities Board recommends approval (6-0).

Mayor Pro Tem Ryan motioned, Council Member Duff seconded to adopt the ordinance. On roll call vote, Council Member Hudspeth "aye", Council Member Duff "aye", Mayor Pro Tem Ryan "aye", and Mayor Watts "aye". Council Member Briggs "nay", and Council Member Armintor "nay". Motion carried with a 4-2 vote.

Resolution 18-1515

CC. ID 18-1515 Consider approval of a resolution confirming the appointment of Frank Dixon, by the City Manager, as Police Chief for the City of Denton Police Department; and declaring an effective date.

Council Member Briggs motioned, Council Member Armintor seconded to approve the resolution. 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 Mayor Watts "aye". Motion carried unanimously.

6. ITEMS FOR INDIVIDUAL CONSIDERATION

Ordinance 18-1459

- A. ID 18-1459 Consider approval of a resolution of the City Council of the City of Denton, Texas, approving a negotiated settlement between the Atmos Cities Steering Committee ("ACSC") and Atmos Energy Corp., Mid-Tex division regarding the company's 2018 rate review mechanism filings; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement; finding the rates to be set by the attached settlement tariffs to be just and reasonable and in the public interest; approving an attached exhibit establishing a benchmark for pensions and retiree medical benefits; approving an attached exhibit regarding amortization of regulatory liability; requiring the company to reimburse ACSC's reasonable ratemaking expenses; determining that this resolution was passed in accordance with the requirements of the Texas open meetings act; adopting a savings clause; declaring an effective date; and requiring delivery of this resolution to the company and the ACSC's legal counsel.

Mario Canizares, Assistant City Manager, presented the details on the proposed resolution. He noted the background with the City's involvement in the Atmos Cities Steering Committee. Options for consideration included approving the recommendation, denying the resolution or taking no action. Staff was recommending Option 1 – approval of the recommendation.

Council discussed the consequences if the resolution and the settlement were denied.

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

Ordinance 18-1470

- B. ID 18-1470 Consider adoption of an ordinance of the City of Denton authorizing a memorandum of understanding between the city of Denton, Texas, the Denton Parks Foundation, and Douglas Elliott relating to improvements to the I.O.O.F. and Oakwood Cemetery; accepting a \$100,000 donation for improvements to the I.O.O.F. Cemetery; approving a Denton Cemetery Improvement Plan and authorizing expenditures in furtherance of the plan; providing for an effective date.

Gary Packan, Director of Parks and Recreation, presented the details on Cemetery Improvement Plan implementation for 2019-2020. The donation was for \$100,000. He noted the improvements done to the cemetery thus far.

Council discussed continuing the wrought iron fence around the cemeteries.

Council Member Briggs motioned, Mayor Pro Tem Ryan 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 Mayor Watts "aye". Motion carried unanimously.

7. PUBLIC HEARINGS

- B. S17-0007a Hold a public hearing and consider adoption of an ordinance for a Specific Use Permit to allow for a multi-family use. The 12.37-acre site is generally located on the east side of Brinker Road, approximately 990 feet south of South Loop 288 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. (S17-0007, Enclave at Denton, Hayley Zagurski).

Mayor Watts noted that there were specific reasons to deny a specific use permit and cautioned Council to be careful of their discussion. If Council needed guidance on deliberation and what fell within legal confines, they might want to ask for a Closed Session.

Haley Zagurski, Development Services, presented the request for a specific use permit and the location of the property. She provided the definition of a specific use permit, noted the zoning of the property, compatibility analysis with the surrounding property, proposed site plan, landscape plan, elevations, zoning analysis, public notification, and recommendations.

The Mayor opened public hearing.

Council Member Armintor questioned the applicant regarding the affordable housing aspect of the development.

Kenneth Fambro, applicant, stated that the development would be four stories with at least one elevator in each building. He noted that the development had a component of affordability with 49% of the development at market rate rents and 51% of the units would be set aside for incomes at 80% or below of the area median income.

Council discussion included:

- Whether the development would be near DCTA bus routes
- What the commercial uses would be associated with the development
- Commercial uses in conjunction with another entity in terms of the housing tax credit program
- Taxing implications on the commercial portion of the property
- Whether the commercial portion of the development would be open to the public
- The development would be under public facility corporation regulations
- The number of units that would be available under the affordable housing regulations and the number at market rate
- The percentage range of the units based on average median income
- Whether the site was compatible with surrounding property
- Whether a TIA was required for the property
- Whether parking requirements for commercial would be separate from residential parking requirements

The Mayor closed the public hearing.

Council Member Armintor motioned, Council Member Duff seconded to adopt the ordinance with the conditions noted by the Planning and Zoning Commission.

Mayor Watts noted that there had been a representation that 13 units or 10% of the reserved units would be reserved for 60% of median income. He questioned if that was prohibited from being in a motion because the item was a consideration of a specific use permit. If it was prohibited then there was no legal obligation for that condition.

City Attorney Legal stated correct that it would be outside the planning item before Council.

On roll call vote of the motion to approve with the conditions from the Planning and Zoning Commission, Council Member Hudspeth "aye", Council Member Duff "aye", and Council Member Armintor "aye". Council Member Briggs "nay", Mayor Pro Tem Ryan "nay", and Mayor Watts "nay". Motion failed with a 3-3 tie vote.

Ordinance Z18-0020b

- C. Z18-0020b Hold a public hearing and consider adopting an ordinance of the City of Denton, Texas, regarding assignment of an initial zoning classification of Neighborhood Residential 3 (NR-3) zoning district and use classification on 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, 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 6-0 to approve the request (Z18-0020, Creekside, Cindy Jackson).

Richard Cannone, Development Services, presented the details of the proposed development. He noted the pre-annexation development agreement, the final plat, Ryan Road analysis, roadway improvements/construction; tree preservation; legal notifications, and recommendation from Planning and Zoning Commission and staff.

The Mayor opened the public hearing.

John Dickerson, applicant, spoke in favor.

Council discussed:

- Whether trees would be replaced that were damaged due to the cutting of a road in the area
- Access points to the development
- Potential date for start of the development
- Monitoring of the plugged well

The Mayor closed the public hearing.

Mayor Pro Tem Ryan motioned, Council Member Duff 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 Mayor Watts "aye". Motion carried unanimously.

Ordinance Z18-0016a

- D. Z18-0016a Hold a public hearing and consider adoption of an ordinance of an initial zoning of Neighborhood Residential 1 (NR-1) District on approximately one acre. The property is generally located on the north side of Shiloh Lane, approximately 910 feet east of Swisher 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 7-0 to approve the request. (Z18-0016, Burling Kuhn Addition, Julie Wyatt).

Richard Cannone, Development Services, presented the details regarding the proposed initial zoning. He noted the criteria for approval, analysis with Denton Plan 2030, zoning compatibility, public facilities, public notification and recommendations.

The Mayor opened the public hearing.

No one spoke during the public hearing.

The Mayor closed the public hearing

Council Member Briggs motioned, Mayor Pro Tem Ryan 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 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 Hudspeth

- Proclamation request for UNT football team's recent win
- Research whether the libraries could inventory or provide some type of in-kind donation for university textbooks due to the high cost of the books

Council Member Armintor:

- Have the gas well inspector check on plugged wells

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 11:04 p.m.

CHRIS WATTS
MAYOR
CITY OF DENTON, TEXAS

JENNIFER WALTERS
CITY SECRETARY
CITY OF DENTON, TEXAS