

CITY OF DENTON CITY COUNCIL MINUTES

January 5, 2016

After determining that a quorum was present, the City Council convened in a Work Session on Tuesday, January 5, 2016 at 2:00 p.m. in the Council Work Session Room at City Hall.

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

ABSENT: Council Member Roden.

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 January 5, 2016.

City Manager Campbell stated that the Closed Session item on the leased property would be considered but the action item 4B on the property would not be considered. Item 4C dealing with a contingency fund issue now had a revised agreement that increased the amount. The revised agreement needed to be mentioned when making a motion. For Item 5C, the correct backup was sent out to Council yesterday.

3. Work Session Reports

- A. ID 16-005 Receive a report, hold a discussion, and give staff direction regarding policies related to the Economic Development Investment Fund and the Downtown Reinvestment Grant Fund.

Aimee Bissett, Director of Development Services, stated that this discussion would look at two separate economic development funds. She discussed the history of the two funds, policies for administering both funds, requested direction from Council on how to integrate policy direction into future discussion and an update in the spring of 2016 of the Incentive Policy. She noted that the two separate funds were intended to stimulate economic development and reviewed the authority to provide for economic development funds. Regarding the Economic Development Investment Fund, she presented information on the purpose, the fact that Denton was in competition with state-wide incentive programs, and examples of case studies of projects for incentive grants. The basics of Chapter 380 incentives and the Economic Development Strategic Acton Agenda were presented.

Council discussed whether to leave the eligibility a little vague in order to define it as conditions changed such as a percentage over the median. The fund was meant to go above and beyond what a normal incentive package could be provided.

Caroline Booth, Assistant Director of Economic Development, provided information on the Downtown Reinvestment Grant Program. The purpose of the grant was reviewed along with the history of the grant program. The staff recommendation was to continue the program with consideration of broadening the purpose.

Council discussed the reasons for a slow down for applications for the grant, how the Downtown Incentive Grant amount was determined, considered an expansion of the definition "downtown", considered expanding the program throughout the City or combining the funds with another grant program and deciding what would be accomplished and then determine where to place the funds.

Consensus of the Council was to hold another work session dealing with how to deal with the two funds, DTIP funding, etc. Staff could proceed to process the two applications that were already submitted.

- B. ID 16-041 Receive a report, hold a discussion, and give staff direction on the Denton Renewable plan and activities related to the future power supply plans to meet the City's growth and needs.

Phil Williams, General Manager-DME, presented an Executive Summary of Council directions/questions on the Renewable Denton Plan. His current presentation would include utility scale battery update, size of proposed quick start facilities, and community emissions impact. Reasons for the need for 220MW of Quick-Start Units were discussed.

Council discussion included (1) Denton was not getting 100 MW of generation from Gibbons Creek so how could the calculations be made how much was needed, (2) whether the 220 MW of quick start was needed, (3) problems expressed with the timing and math for the plants, (4) ERCOT sales and how to differentiate whether it was for Denton or other usages, and (5) procedures on how ERCOT requested energy.

Williams continued with information on 12 units versus 6 units of service in terms of cost, emissions reduction, 20 year savings, market risk, and options to replace Gibbons Creek. The 2019 projected emissions and gas usage reduction amounts were reviewed.

Council follow-up discussion included storage capacity of southern California, full delivery capacity time, duration demand side management issues and what that would do for the City in terms of peak loads. In terms of the proposed location on the west side of the City, information was requested from the Airport staff or FAA regrading thermal pollution and problems with Airport operations. Other topics included an update on Austin's request for information for ancillary services for battery storage units, how to fund the plants in terms of the kinds of bonds, and the basis for the projections for cost of renewables increase in costs of the quick start.

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 16-007 Deliberations Regarding Real Property - Under Texas Government Code Section 551.072; Consultation with Attorneys - Under Texas Government Code Section 551.071. Receive information from staff, discuss, deliberate and provide staff with direction regarding the potential acquisition, exchange, lease or value of real property located generally in the 200 block of West Hickory in the City of Denton, Denton County, Texas. Consultation with the City's attorneys regarding legal issues

associated with the potential real property matter 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. [ID 16-008]

- B. ID 16-044 Deliberations regarding Real Property - Under Texas Government Code Section 551.072; Consultation with Attorneys - Under Texas Government Code Section 551.071. Receive information from staff, discuss, deliberate, and provide staff with direction regarding real estate matters related to DME Hickory substation, located at the intersection of West Hickory and South Bonnie Brae in the City of Denton, Texas, and specifically concerning certain real property located at 1224 N. Bonnie Brae; where discussions had, deliberation, and direction given, by the Denton City Council in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third party. Consultation with the City's attorneys regarding legal issues associated with the condemnation or acquisition of the real property interests 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. [Hickory Substation] [ID 16-031]

- C. ID 16-043 Deliberations regarding Real Property - Under Texas Government Code Section 551.072; Consultation with Attorneys - Under Texas Government Code Section 551.071. Receive information from staff, discuss, deliberate, and provide staff with direction regarding the potential acquisition of real property interests located along both the east and west sides of South Mayhill Road between Spencer Road to the north and Pockrus Page Road to the south; where discussions had, deliberation, and direction given, by the Denton City Council in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third party. Consultation with the City's attorneys regarding legal issues associated with the acquisition of the real property interests described above; discussion of these legal matters in an open meeting would conflict with the duty of the City's attorneys to the City of Denton and the Denton City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas, or would jeopardize the City's legal position in any administrative proceeding or potential litigation.[Pockrus-Spencer/Mayhill Substation] [ID 16-040]

- D. ID 16-042 Deliberations Regarding Certain Public Power Utilities: Competitive Matters - Under Texas Government Code Section 551.086. Receive a presentation from Denton Municipal Electric staff ("DME") regarding public power competitive and financial matters pertaining to plans, strategies, opportunities, and developments for generation improvements to the DME system; discuss and deliberate strategies regarding same; discuss and deliberate opportunities and strategies for the City to acquire purchased power and enter into agreements regarding the same, in order to meet its future energy needs. Discuss, deliberate and provide Staff with direction.

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 16-009 Irma P. Hall Day

Mayor Watts presented the proclamation for Irma P. Hall 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.
C. Additional Citizen Reports
1. Jennifer Lane spoke regarding the need for an independent analysis for the Renewable Denton Plan and not vote until the analysis was completed.
 2. Zack Youngblood spoke on the report from Citigroup regarding battery storage. He felt that DME's plan was not open to anything new other than what they had proposed and that DME had not given the full report on the project proposal.
 3. Debra Armintor spoke regarding residents living near the proposed gas plant near Shepherd who actually lived in Aubrey and not in Denton.
 4. Jodi Ismert spoke regarding inconsistencies in some of the data that was presented in graphs from DME. The analysis was strictly cost benefit analysis and not emissions. The public was concerned with emissions.

4. CONSENT AGENDA

Council Member Johnson motioned, Council Member Hawkins seconded to approve the Consent Agenda and accompanying ordinance and resolutions with the exception of Item B and include the amended agreement for Item C. On roll call vote, Council Member Johnson "aye", Mayor Watts "aye", Council Member Hawkins "aye", Council Member Briggs "aye", Mayor Pro Tem Gregory "aye", and Council Member Wazny "aye". Motion carried unanimously.

Ordinance No. 2016-001

- A. ID 16-004 Consider adoption of an ordinance accepting competitive proposals and awarding a contract for fraud prevention, credit risk assessment, and debit recovery services for the City of Denton Customer Service department; providing for the expenditure of funds therefor; and providing an effective date (RFP 5890-awarded to ONLINE Information Services, Inc., dba the ONLINE Utility Exchange, in the three

(3) year not-to-exceed amount of \$250,000). The Public Utilities Board recommends approval (6-0).

- B. ID 16-008 Consider adoption of an ordinance of the City of Denton, Texas approving an Office Lease and Right of First Refusal between the City of Denton and 4SR Mulberry, LLC, and a Subordination, Non-Disturbance and Attornment Agreement between the City of Denton, 4SR Mulberry, LLC, and the National Bank of Texas at Fort Worth, all related to the properties located at 215 West Hickory Street and 216 West Mulberry Street, Denton, Texas, 76201; providing authority for the City Manager to execute the agreements subject to final language approval by the City Attorney; and providing an effective date.

This item was not considered.

Ordinance No. 2016-002

- C. ID 16-029 Consider adoption of an ordinance of the City of Denton authorizing an agreement between the City of Denton, Texas and the Denton African American Scholarship Foundation; providing for the expenditure of funds therefor; and providing for an effective date.

Ordinance No. 2016-003

- D. ID 16-030 Consider adoption of an ordinance of the City of Denton authorizing the City Manager or his designee to execute a purchase order through The Interlocal Purchasing System (TIPS) Cooperative Purchasing Program Contract #02042315 for the replacement of the roof at the City of Denton Fleet Services building by way of an Interlocal Agreement with the City of Denton; and providing an effective date (File 6027-awarded to CBS Mechanical, Inc. in the amount of \$445,810).

Ordinance No. 2016-004

- E. ID 16-031 Consider adoption of an ordinance ratifying the expenditure of funds by the City Manager for the emergency purchase and installation of electrical wiring, fixtures, appliances, drywall and associated repairs for the Denton Municipal Electric and Facilities Management project located at 1224 North Bonnie Brae Street, Denton, Texas and in accordance with provisions of Section 252.022 of the Local Government Code exempting such purchases from requirements of competitive bidding; and providing an effective date (File 6023-awarded to Harvest Construction Team, Inc. in the amount of \$58,175).

Ordinance No. 2016-005

- F. ID 16-032 Consider adoption of an ordinance of the City of Denton, Texas authorizing the City Manager to execute a Professional Services Agreement for professional engineering and consulting services related to the City of Denton Municipal Solid Waste Landfill and Recycling Facilities; providing for the expenditure of funds therefor; and providing an effective date (File 6014-awarded to Parkhill Smith and Cooper in the annual amount of \$150,000 for a three (3) year not-to-exceed amount of \$450,000). The Public Utilities Board recommends approval (7-0).

Ordinance No. 2016-006

- G. ID 16-033 Consider adoption of an ordinance approving a "Third Amendment to Professional Services Agreement for Architect or Engineer" by and between the City of Denton, Texas and Malcolm Pirnie, Inc., now known as Arcadis US, Inc., to provide engineering services for the design of the Lake Lewisville Water Treatment Plant Rehabilitation and Process Upgrade; authorizing the expenditure of funds therefor; and providing an effective date (File 4399-providing for an additional \$146,823 for additional services on the project-aggregating to \$3,850,233). The Public Utilities Board recommends approval (7-0).

Ordinance No. 2016-007

- H. ID 16-034 Consider adoption of an ordinance of the City of Denton, Texas providing for, authorizing, and approving the expenditure of funds for the purchase of certified softball officiating services from the North Texas Umpires Association (NTUA), which are available from only one source and in accordance with Chapter 252.022 of the Texas Local Government Code such purchases are exempt from the requirements of competitive bidding; and providing an effective date (File 6017-Agreement with NTUA in the amount per game as specified in the agreement in the estimated annual award of \$85,000 for a three (3) year estimated expenditure of \$255,000).

Ordinance No. 2016-008

- I. ID 16-035 Consider adoption of an ordinance accepting competitive proposals and awarding a contract for the purchase of electric utility aluminum swage connectors to be stocked in the City of Denton Distribution Center; providing for the expenditure of funds therefor; and providing an effective date (RFP 5861-awarded to Irby Utilities in the three (3) year not-to-exceed amount of \$660,000).

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

Ordinance No. 2016-009

- A. ID 16-026 Consider adoption of an ordinance of the City of Denton determining the public use, need, and necessity for the acquisition of fee simple title to the surface estate, including a waiver of surface use to the mineral estate, of a tract of land ("Property Interests") generally located in the 1200 block of North Interstate Highway 35 East and being a portion of Lot 1, Block 1, Royal Inn Addition, an addition to the City of Denton, Denton County, Texas according to the Plat recorded in Cabinet D, Page 329, Plat Records, Denton County, Texas, and more particularly described in the attached Exhibit "A"; authorizing the City Manager and City Attorney, or their respective designees, to acquire the property interests by agreement including making initial and final offers; authorizing the use of the power of eminent domain to condemn the property interests if an agreement cannot be reached; and authorizing the City Attorney, or her designee, to file eminent domain proceedings if necessary; authorizing the expenditure of funding; making findings; providing a savings clause; and providing an effective date. (Fire Station No. 3 Rebuild)

Paul Williamson, Real Estate and Capital Support Manager, presented the details of the proposal which would authorize staff to make offers and if necessary use eminent domain for the Fire Station 3 rebuild. He displayed the property description on the overhead screen as the motion was read.

A Speaker Card was submitted by Willie Hudspeth, 623 Newton, Denton who spoke against the use of eminent domain.

Council Member Hawkins motioned, "I move that the City of Denton, after having made the offers required by State law, authorize the use of the power of eminent domain to acquire fee simple to the surface estate, including waiver of surface use to the mineral estate, of a tract of land generally located in the 1200 block of north Interstate Highway 35 East and being a portion of Lot 1, Block 1, Royal Inn Addition, an addition to the City of Denton, Denton County, Texas according to the Plat recorded in Cabinet D, Page 329, Plat Records, Denton County, Texas, and more particularly described on "Exhibit A" to the ordinance now under consideration and on the overhead screen being now displayed to the audience, all of which is for a valid public use necessary to provide fire and emergency medical services to serve the public and the citizens of the City of Denton, Texas". Mayor Pro Tem Gregory seconded the motion.

On roll call vote, Council Member Johnson "aye", Mayor Watts "aye", Council Member Hawkins "aye", Council Member Briggs "aye", Mayor Pro Tem Gregory "aye", and Council Member Wazny "aye". Motion carried unanimously.

Ordinance No. 2016-010

- B. ID 16-052 Consider adoption of an ordinance of the City of Denton, Texas determining the public use, need, and necessity for the acquisition of fee simple title to the surface estate, including a waiver of surface use to the mineral estate, of a 25.63 acre property tract ("property interests") described in the attached exhibit "a", generally located on the north side of Tom Cole Road and being west of and adjacent to City of Denton Enterprise Airport property and being situated in the Wm. Wilburn Survey, Abstract 1419, Denton County, Texas, and more particularly described in the attached Exhibit "A"; authorizing the City Manager and City Attorney, or their respective designees, to acquire the property interests by agreement including making initial and final offers; authorizing the use of the power of eminent domain to condemn the property interests if an agreement cannot be reached; and authorizing the City Attorney, or her designee, to file eminent domain proceedings if necessary; authorizing the expenditure of funding; makings findings; providing a savings clause; and providing an effective date. (Denton Enterprise Airport: West Parallel Runway Project (Eagle Farms/Porter))

Paul Williamson, Real State and Capital Support Manager, presented the details of the proposal. He noted that a public use for the property was needed which necessitated offers to purchase and if necessary use eminent domain. He displayed the property details on the overhead projector as the motion was read.

Mayor Pro Tem Gregory motioned, "I move that the City of Denton, after having made the offers required by State law, use of the power of eminent domain, if needed, to acquire fee simple to the

surface estate, including waiver of surface use to the mineral estate, of a 25.63 acre tract generally located on the north side of Tom Cole Road and being west of and adjacent to City of Denton Enterprise Airport property and being situated in the Wm. Wilburn Survey, Abstract 1419, Denton, Denton County, Texas, and more particularly described on "Exhibit A" to the ordinance now under consideration and on the overhead screen being now displayed to the audience, all of which is for a valid public use necessary to provide the expansion of aviation infrastructure and facilities to serve the public and the citizens of the City of Denton, Texas". Council Member Hawkins seconded the motion.

On roll call vote, Council Member Johnson "aye", Mayor Watts "aye", Council Member Hawkins "aye", Council Member Briggs "aye", Mayor Pro Tem Gregory "aye", and Council Member Wazny "aye". Motion carried unanimously.

Ordinance No. 2016-011

- C. ID 16-053 Consider adoption of an ordinance of the City of Denton, Texas determining the public use, need, and necessity for the acquisition of fee simple title to the surface estate, including a waiver of surface use to the mineral estate, of a 29.444 acre tract ("property interests") described in the attached Exhibit "A", generally located and adjacent to the southwest boundaries of the City Of Denton Enterprise Airport property and being situated in the J. McDonald Survey, Abstract 873, Denton County, Texas, and more particularly described in the attached Exhibit "A"; authorizing the City Manager and City Attorney, or their respective designees, to acquire the property interests by agreement including making initial and final offers; authorizing the use of the power of eminent domain to condemn the property interests if an agreement cannot be reached; and authorizing the City Attorney, or her designee, to file eminent domain proceedings if necessary; authorizing the expenditure of funding; makings findings; providing a savings clause; and providing an effective date. (Denton Enterprise Airport: West Parallel Runway Project (SLF II Cole Properties, LP)

Paul Williamson, Real Estate and Capital Support Manager, presented the details of the proposal which authorized staff to make offers to purchase the property and if necessary use eminent domain. He displayed the property description on the overhead projector as the motion was read.

Council Member Johnson motioned, "I move that the City of Denton, after having made the offers required by State law, use of the power of eminent domain, if needed, to acquire fee simple to the surface estate, including waiver of surface use to the mineral estate, of a 29.444 acre tract generally located and adjacent to the southwest boundaries of the City of Denton Enterprise Airport Property and being situated in the J. McDonald Survey, Abstract 873, Denton, Denton County, Texas, and more particularly described on "Exhibit A" to the ordinance now under consideration and on the overhead screen being now displayed to the audience, all of which is for a valid public use necessary to provide the expansion of aviation infrastructure and facilities to serve the public and the citizens of the City of Denton, Texas". Mayor Pro Tem Gregory seconded the motion.

On roll call vote, Council Member Johnson "aye", Mayor Watts "aye", Council Member Hawkins "aye", Council Member Briggs "aye", Mayor Pro Tem Gregory "aye", and Council Member Wazny "aye". Motion carried unanimously.

6. ITEMS FOR INDIVIDUAL CONSIDERATION

- A. ID 16-051 Receive certification of a recall petition from the City Secretary and give staff direction.

City Secretary Walters stated that a petition was submitted on December 14, 2015 by Ms. Elida Tamez, representing a Committee of Electors, for the recall of Council Member Hawkins. She indicated that she had reviewed the elements of the petition required by the City Charter, found the petition to be sufficient and was certifying that the petition was in compliance with the provisions of the City Charter. The Charter provided for a seven day period for Council Member Hawkins to resign after being notified of the sufficiency of the petition. That time period had passed with Council Member Hawkins not resigning. Per the Charter, Council was now required to order and fix a date for holding a recall election. An ordinance was scheduled for the February 2, 2016 City Council agenda for Council's consideration to order a recall election for Council Member Hawkins on May 7, 2016.

City Attorney Burgess indicated that she and the City Secretary had confirmed with the Secretary of State's office that the election would have to be held on a uniform election date. The next uniform date was the May 7th election.

Willie Hudspeth, 623 Newton, Denton, spoke on the recall petition certification. Council did not follow the will of the citizens regarding the fracking ordinance and the recall was a result of that vote.

Council offered various comments regarding the recall, support for Council Member Hawkins and support for the process of recall.

7. PUBLIC HEARINGS

Ordinance No. 2016-012

- A. ID 16-010 Hold a public hearing and consider approval of the updates to the City of Denton's Mobility Plan and the Travel Demand Model of the Denton roadway system.

The Mayor opened the public hearing.

PS Arora, Wastewater Division Manager, presented the details of the update. He displayed the existing Mobility Plan and stated that it needed to be updated due to large developments which were not included in the current plan. He detailed the reasons for updating the Plan and stated that staff recommended approval.

The following individuals spoke during the public hearing:

Willie Hudspeth, 623 Newton, Denton - spoke in opposition

Zac Youngblood, 836 Hawse Drive, Copper Canyon, 75022 - spoke against the plan.

The Mayor closed the public hearing.

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

Ordinance No. 2016-013

- B. S15-0011a Hold a public hearing and consider a Specific Use Permit (SUP) to allow a Basic Utility, a Denton Municipal Electric substation, on approximately 6.2 acres within a Downtown Commercial General (DC-G) District. The subject property is generally located at the southwest corner of South Locust Street and West Collins Street, in the City of Denton, Denton County, Texas. The Planning and Zoning Commission recommends approval, subject to conditions (6-0).

The Mayor opened the public hearing.

Aimee Bissett, Director of Development Services, stated that this public hearing dealt with a specific use permit for a basic utility substation for the DME Locust Substation which would replace the existing substation on Locust Street. She presented information on the site plan, considerations for approval, public notification and staff recommendation. Conditions included a masonry wall and an attached site plan. The Planning and Zoning Commission recommended approval.

The following individuals spoke during the public hearing:

- Willie Hudspeth, 623 Newton, Denton - spoke regarding the height of the wall
Zac Youngblood, 836 Hawse, Copper Canyon, 75077 - spoke against the masonry wall

The Mayor closed the public hearing.

Council Member Briggs noted that she was not part of the site selection.

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

Ordinance No. 2016-014

- C. S15-0012a Hold a public hearing and consider a Specific Use Permit (SUP) for Multi-Family Dwellings on two properties zoned Neighborhood Residential Mixed Use 12 (NRMU-12). The subject properties are approximately 0.24 and 0.33 acres in size and are located at 609 and 612 Meadow View Court, in the City of Denton, Denton County, Texas. The Planning and Zoning Commission recommended approval of this request, subject to conditions (6-0).

The Mayor opened the public hearing.

Aimee Bissett, Director of Development Services, stated that the proposed Specific Use Permit was for a multifamily project located at 609 and 612 Meadow View Court. She presented information on the current zoning, site photos, site plan, considerations for approval, and public notifications. Staff recommended approval with three conditions. The Planning and Zoning Commission recommended approval but recommended an additional condition for a privacy fence along the western property line of 612 Meadow View Court. The applicant was in agreement with the privacy fence with board on board construction.

The following individual spoke during the public hearing:

Zac Youngblood, 836 Hawse, Copper Canyon, 75077 – spoke in favor

The Mayor closed the public hearing.

Council Member Johnson motioned, Council Member Hawkins seconded to adopt the ordinance with the addition of an eight foot high privacy fence. On roll call vote, Council Member Johnson "aye", Mayor Watts "aye", Council Member Hawkins "aye", Council Member Briggs "aye", Mayor Pro Tem Gregory "aye", and Council Member Wazny "aye". Motion carried unanimously.

Resolution No. R2016-001

- D. ID 16-040 Hold a public hearing and consider adopting a resolution regarding the proposed sites for construction, expansion, and use of an electric power transmission /distribution substation located along both the east and west sides of South Mayhill Road between Spencer Road to the north and Pockrus Page Road to the south, in the City of Denton, Texas, as part of Denton Municipal Electric's service territory. [Mayhill substation/Pockrus to Mayhill]

The Mayor opened the public hearing.

Brent Heath, Executive Manager of Energy Delivery, presented information on the Mayhill Substation/Pockrus to Mayhill. He reviewed the background information on the project which addressed growth and the aging infrastructure of the transmission line. Details on the project included the substation constraints, options for location, options for the transmission lines, layout of the substation, and public involvement steps. Staff's recommendation was to move forward with the yellow route option and utilizing the city of Denton landfill site for the substation.

The following individuals spoke during the public hearing:

Willie Hudspeth, 623 Newton, Denton - spoke in favor of the process that was done for the proposal.

Bill Vaughn, 401 Marshall Rd, Southlake, 76092 - speaking for Spencer family was opposed

Marilyn Haggard, 5300 Whiting Way, Denton, 76208 - spoke in opposition

Donna Sincere, Ocean View Drive, Denton – spoke in opposition

The Mayor closed public hearing.

Council discussed the placement of the transmission lines, possible movement of the station further north, that the public notification system was lacking for citizens, possibly postponing until determining whether the more northern site would be viable and that the resolution would approve the yellow line route and the location of the substation. There was no decision on the dissecting line.

Mayor Pro Tem Gregory motioned, Council Member Johnson seconded to approve the resolution with a strong recommendation to not use the diagonal line in the future. On roll call vote, Council Member Johnson "aye", Mayor Watts "aye", Council Member Hawkins "aye", Council Member Briggs "aye", Mayor Pro Tem Gregory "aye", and Council Member Wazny "aye". Motion carried unanimously.

8. 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.
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- A. ID 16-060 Willie Hudspeth regarding City Hall.

Willie Hudspeth spoke on the following topics, (1) eliminate the rule of frequent speakers at the end of the meeting, (2) Blacks not being allowed to be buried in IOOF cemetery, (3) important votes should not be taken during day meetings, and (4) sidewalks at Ryan and Guyer High Schools.

9. 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 staff report on the cemetery issue.

Council Member Briggs suggested using different envelopes for official notifications.

Council Member Briggs suggested using public art around the proposed new substations instead of brick walls.

Council Member Briggs suggested using a third party independent consultant to review the Renewable Plan.

Mayor Pro Tem Gregory requested a staff report on the egress/ingress for the neighborhood directly east of UNT Discovery Park and a possible solution for those residents.

Council Member Wazny was in agreement with the suggestion to hire an independent consultant to review the Renewable Denton Plan.

Council Member Wazny requested a cost summary on the transmission line project, a projected budget and cost to date.

Mayor Watts requested a Work Session regarding revisiting/rewriting the Denton Development Code and giving the Planning Director latitude to make decisions on codes that were outdated or items that could be done now prior to rewriting the Code.

Mayor Watts stated that the Denton Air Show was short on their budget by \$6000-\$7,000 and requested options to help with that deficit.

Mayor Watts requested a Work Session on City Hall West regarding the vision for it, funding for it and also revisit the Master Plan for City facilities.

Mayor Watts requested information on possible traffic calming devices in the Wind River neighborhood.

Mayor Watts requested information on what the utility rates would be if the City did not have TMPA debt, how that impacted utility rates or what it did to the DME budget.

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 9:33 p.m.

CHRIS WATTS
MAYOR
CITY OF DENTON, TEXAS

JENNIFER WALTERS
CITY SECRETARY
CITY OF DENTON, TEXAS