

## CITY OF DENTON CITY COUNCIL MINUTES

December 6, 2016

After determining that a quorum was present, the City Council convened in a Work Session on Tuesday, December 6, 2016 at 1:00 p.m. in the Council Work Session Room at City Hall.

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

ABSENT: None.

### 1. Citizen Comments on Consent Agenda Items

The following individuals submitted Speaker Cards:

Willie Hudspeth spoke regarding Consent Agenda items, having a meeting when people had to work, and that the meeting room was not big enough.

Robert Donnelly spoke about the Consent Agenda and the lack of a dollar amount listed for the individual items.

### 2. Requests for clarification of agenda items listed on the agenda for December 6, 2016.

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

Council Member Hawkins – Consent Agenda Items A through Q

Council Member Gregory – signage for the cell phone regulations by this evening's meeting.

Interim City Manager Martin stated that Consent Item CC would be pulled from consideration.

City Attorney Burgess stated that there was a revised ordinance related to the cell phone use for Council consideration.

Mayor Watts asked if there was a way for the citizens to get a copy of the revised ordinance at the meeting tonight.

Mayor Watts stated that had received an email from the Chamber asking for language to be added to legislative program regarding the use of HOT funds for city-owned and existing sports facilities or fields.

### 3. Work Session Reports

A. ID 16-1500 Receive a report, hold a discussion, and give staff direction regarding findings and recommendations from Denton's recently completed citywide tree resource assessment.

Lauren Barker, Program Manager for Keep Denton Beautiful introduced Micah Pace with Preservation Tree Service. She provided a brief overview of the project, the methodologies to complete Denton's first comprehensive urban tree resource assessment/study and the goals of the project.

Micah Pace provided project details which included the aerial imaging and the statistical and spatial analysis to gauge the health, distribution, planting opportunity, and canopy cover across 12 land use classes and 5 select geographic scales within the city limits. He stated that that i-Tree ECO Resource Assessment was a suite of urban forestry assessment software tools/applications designed to help communities understand more about the structural and functional value of urban trees. Field data was used to calculate structure from a statistical sample. Denton was only one of six Texas communities to conduct such a project. The analyses performed and the results of the survey were noted.

Recommendations included (1) utilize the assessment results to preserve and promote urban tree canopy, especially in undeveloped and single-family residential land use classes; (2) perform further analyses, especially comparing publicly and privately owned parcels in the undeveloped land use class; (3) utilize the assessment to help drive policy and management decisions that both strengthen tree protection during development and professional care annually; (4) utilize the assessment results to enhance current tree planting initiatives; and (5) utilize trees and other green infrastructure to off-set the urban heat island effect and reduce impact of stormwater.

Munal Mauladad, Director of Planning, noted that some of this data would be used in working on updates to the Tree Code.

Council Member Bagheri stated that she would like a discussion about using money in the Tree Mitigation Fund.

Mayor Pro Tem Roden suggested looking into a street tree planting program.

Council Member Gregory felt it would be good to get an updated report on the Tree Mitigation Fund and what to do with the rest of the fund. He would like a timeline for addressing the tree code.

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 16-1488 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 and discuss, deliberate, and provide staff with direction regarding the potential acquisition of real property interests generally located in the northeast corner of East Sherman Drive and Hartlee Field Road, in the City of Denton, Denton County, Texas; 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. [Hartlee Field Road Substation]

B. ID 16-1555 Consultation with Attorneys - Under Texas Government Code Section 551.071.

Consultation with the City's attorneys regarding legal issues associated with: (i) the management of the City's Rights-of-Way, including, but not limited to, third-party use of the City's Rights-of-Way for telecommunications, fiber infrastructure, and fiber-based network deployment purposes, all of which include wired and/or wireless facilities; and (ii) the physical attachment of telecommunications, fiber infrastructure, and fiber-based network deployment facilities to the City's electric utility poles, dusk-to-dawn and/or street lighting and traffic signals. Discussion of these legal issues 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.

C. ID 16-1556 Consultation with Attorneys - under Texas Government Code Section 551.071.

Consult with City's attorneys regarding liability associated with valet parking services and give staff direction on permitting the same, where a public discussion of this legal matter would clearly conflict with the duty of the City's attorneys under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.

D. ID 16-1559 Deliberations regarding Real Property -Under Texas Government Code, Section 551.072; and Consultation with Attorneys Under Texas Government Code, Section 551.071.

Discuss, deliberate, receive information from staff and provide staff with direction pertaining to the potential disposal, exchange and/or sale of certain real property interests located in the David Hough Survey, Abstract Number 646, generally located in the 2100 block of South Mayhill Road, in the City of Denton, Denton County, Texas, being 4.936, 3.457, and 0.295 acre tracts of land. Consultation with the City's attorneys regarding legal issues associated with the potential disposal, exchange and/or sale involving the real property 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. (Mayhill Road Widening - Nelms/Greb Parcel M137\_M138 & Quail Creek South, LP Parcel M236 dispositions)

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 16-1492 Gold-Level Certified Scenic City

Mayor Watts presented the proclamation for the Gold-Level Certified Scenic City.

- B. ID 16-1512 Police Appreciation Day

Mayor Watts presented the proclamation for Police Appreciation Day.

- C. ID 16-1569 Presentation by the Denton Citizens Police Academy to Officer Shane Kizer.

A presentation was made to Officer Shane Kizer by the Denton Citizens Police Academy for his involvement with the Citizens Police Academy.

**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 16-1489 Deborah Armintor regarding citizen comments on sidewalks around the Courthouse.

Ms. Armintor stated that she was going to comment on the City needing to work with the County on the sidewalk issue. However, after hearing the opening remarks, she now knows this has already been started.

2. ID 16-1494 Susan Vaughan regarding rebuilding the sidewalks around the Denton County Courthouse on the Square.

Ms. Vaughan presented information on a fall that happened to her on a sidewalk around the County Courthouse. She requested someone determine who was responsible for the sidewalks around the Courthouse and that the City work with the County to determine who had responsibility of the sidewalks.

3. ID 16-1519 Craig Clifton regarding single room occupancy issues.

Mr. Clifton spoke on the single room occupancy issue and proposed development. He reviewed the definition of an apartment as opposed to the definition of a dorm. He felt that the proposed development in the Fry Street area was not conducive to the area and should not be allowed.

- C. Additional Citizen Reports

1. Yvette Spicer - excited about the news about the sidewalks.

2. Willie Hudspeth - spoke about the Work Session and the lack of citizen participation during that session. Also spoke regarding the Closed Session and the individuals who attended those sessions.

#### **4. CONSENT AGENDA**

Council Member Hawkins motioned, Council Member Gregory seconded to approve the Consent Agenda and accompanying ordinances and resolutions with the exception of Item CC. On roll call vote, Mayor Pro Tem Roden "aye", Council Member Wazny "aye", Council Member Briggs "aye", Council Member Hawkins "aye", Council Member Gregory "aye", Council Member Bagheri "aye", and Mayor Watts "aye". Motion carried unanimously.

##### Ordinance No. 2016-366

- A. ID 16-1331 Consider adoption of an ordinance authorizing the City Manager to execute an agreement between the City of Denton and the Denton Black Chamber of Commerce for the payment and use of hotel tax revenue; and providing an effective date.

##### Ordinance No. 2016-367

- B. ID 16-1332 Consider adoption of an ordinance authorizing the City Manager to execute an agreement between the City of Denton and the Denton Community Theatre, Inc. for the payment and use of hotel tax revenue; and providing an effective date.

##### Ordinance No. 2016-368

- C. ID 16-1334 Consider adoption of an ordinance authorizing the City Manager to execute an agreement between the City of Denton and the Denton Chamber of Commerce (Convention and Visitors Bureau) providing for the payment and use of hotel tax revenue; and providing an effective date.

##### Ordinance No. 2016-369

- D. ID 16-1335 Consider adoption of an ordinance authorizing the City Manager to execute an agreement between the City of Denton and Denton Dog Days, Inc. for the payment and use of hotel tax revenue; and providing an effective date.

##### Ordinance No. 316-370

- E. ID 16-1336 Consider adoption of an ordinance authorizing the City Manager to execute an agreement between the City of Denton and the Denton Festival Foundation, Inc. for the payment and use of hotel tax revenue; and providing an effective date.

##### Ordinance No. 2016-371

- F. ID 16-1337 Consider adoption of an ordinance authorizing the City Manager to execute an agreement between the City of Denton and the Denton Holiday Festival Association, Inc. for the payment and use of hotel tax revenue; and providing an effective date.

Ordinance No. 2016-372

- G. ID 16-1338 Consider adoption of an ordinance authorizing the City Manager to execute an agreement between the City of Denton and the Kiwanis Club of Denton, Breakfast, Denton, TX, for the payment and use of hotel tax revenue; and providing an effective date.

Ordinance No. 2016-373

- H. ID 16-1339 Consider adoption of an ordinance authorizing the City Manager to execute an agreement between the City of Denton and the Denton Area Running Club for the payment and use of hotel tax revenue; and providing an effective date.

Ordinance No. 2016-374

- I. ID 16-1340 Consider adoption of an ordinance authorizing the City Manager to execute an agreement between the City of Denton and the Denton African American Scholarship Foundation, Inc. for the payment and use of hotel tax revenue; and providing an effective date.

Ordinance No. 2016-375

- J. ID 16-1341 Consider adoption of an ordinance authorizing the City Manager to execute an agreement between the City of Denton and the Denton Community Market, Inc. for the payment and use of hotel tax revenue; and providing an effective date.

Ordinance No. 2016-376

- K. ID 16-1342 Consider adoption of an ordinance authorizing the City Manager to execute an interlocal agreement between the City of Denton and Denton County for the payment and use of hotel tax revenue in support of the Denton County Office of History and Culture; and providing an effective date.

Ordinance No. 2016-377

- L. ID 16-1344 Consider adoption of an ordinance authorizing the City Manager to execute an agreement between the City of Denton and the Greater Denton Arts Council, Inc. for the payment and use of hotel tax revenue; and providing an effective date.

Ordinance No. 2016-378

- M. ID 16-1345 Consider adoption of an ordinance authorizing the City Manager to execute an agreement between the City of Denton and the Central Business District Association, Inc., d/b/a Denton Main Street Association for the payment and use of hotel tax revenue; and providing an effective date.

Ordinance No. 2016-379

- N. ID 16-1346 Consider adoption of an ordinance authorizing the City Manager to execute an agreement between the City of Denton and Music Theatre of Denton for the payment and use of hotel tax revenue; and providing an effective date.

Ordinance No. 2016-380

- O. ID 16-1347 Consider adoption of an ordinance authorizing the City Manager to execute an agreement between the City of Denton and the North Texas State Fair Association for the payment and use of hotel tax revenue; and providing an effective date.

Ordinance No. 2016-381

- P. ID 16-1348 Consider adoption of an ordinance authorizing the City Manager to execute an agreement between the City of Denton and the Tejas Storytelling Association, Inc. for the payment and use of hotel tax revenue; and providing an effective date.

Ordinance No. 2016-382

- Q. ID 16-1349 Consider adoption of an ordinance authorizing the City Manager to execute an agreement between the City of Denton and Texas Filmmakers' Corporation for the payment and use of hotel tax revenue; and providing an effective date.

Ordinance No. 2016-383

- R. ID 16-1486 Consider adoption of an ordinance of the City of Denton, Texas, authorizing an agreement between the City of Denton, Texas and the Children's Advocacy Center for Denton County, Incorporated for providing aid to the City of Denton Police Department; in the investigation of child abuse cases; providing client and clinical services to victims of child abuse and non-offending family members; providing for the expenditure of funds in the amount of \$102,862 therefor; and providing for an effective date.

Ordinance No. 2016-384

- S. ID 16-1490 Consider adoption of an ordinance of the City of Denton, Texas prohibiting parking on opposite sides of McCormick Street from Underwood Street to Margie Street; providing a repealer clause; providing a savings clause; providing for a penalty not to exceed \$500 for violations of this ordinance; providing that violations of this ordinance shall be governed by Chapter 18 of the Code of Ordinances of the City of Denton; and providing for an effective date. The Traffic Safety Commission recommends Option 1 (5-0).

Ordinance No. 2016-385

- T. ID 16-1491 Consider adoption of an ordinance of the City of Denton, Texas amending the Fiscal Year 2016-17 Budget and Annual Program of Services of the City of Denton to allow for adjustments to the Tourist and Convention Fund of one hundred fifty six thousand seven hundred and twenty dollars (\$156,720); declaring a municipal purpose; providing a severability clause; providing an open meetings clause; and providing for an effective date.

Ordinance No. 2016-386

- U. ID 16-1503 Consider adoption of an ordinance authorizing the City Manager of the City of Denton, Texas ("City") to execute, for and on behalf of the City, an Easement Purchase and Abandonment Agreement ("Agreement"), for the purchase price of Nineteen Thousand Four Hundred Dollars and No Cents (\$19,400.00), and other consideration, as prescribed in the Agreement, as attached to the ordinance and made a part thereof as Exhibit "A", by and between the City and Mohamad R. Haghighi and Soraya Irannejad, providing for (a) the purchase by the City of (i) a Sanitary Sewer Easement, encumbering a 0.1105 acre tract, being more particularly described in the Sanitary Sewer Easement, being attached to and made a part of the Agreement; and (ii) a Temporary Construction Easement encumbering 0.0403 acre tract of land, being more particularly described in the Temporary Construction Easement, being attached to and made a part of the Agreement; (b) the Partial Abandonment and Release by the City of a portion of that certain water and sanitary sewer easement, dated February 12, 1960, from Dwight L. Archer, Jr. and Duane H. Archer to the City, recorded in Volume 454, Page 6, Deed Records, Denton County, Texas; and (c) the Complete Abandonment and Release of (i) that certain water and sanitary sewer easement, dated February 12, 1960, from Ravelle McMahan to the City, recorded in Volume 454, Page 1, Deed Records, Denton County, Texas; (ii) that certain water and sanitary sewer easement, dated February 18, 1960, from Herbert Cottle and wife, Fae Cottle to the City, recorded in Volume 454, Page 117, Deed Records, Denton County, Texas; (iii) that water and sanitary sewer easement, dated February 12, 1960, from Ruth Rich to the City, recorded in Volume 454, Page 3, Deed Records, Denton County, Texas; and (iv) that certain public utility easement dated April 5, 1974, from Joe Belew and Terry Schneider to the City, recorded in Volume 702, Page 243, Deed Records, Denton County, Texas; all tracts of real property being in the William Daniel Survey, Abstract No. 378, generally located in the 2300 block of Fort Worth Drive; authorizing the expenditure of funds; providing a savings clause; and providing an effective date. (Fort Worth Drive Utility Relocations Project - Parcel 12E)

Ordinance No. 2016-387

- V. ID 16-1508 Consider adoption of an ordinance authorizing the City Manager of the City of Denton, Texas ("City") to execute, for and on behalf of the City, an Easement Purchase and Abandonment agreement ("Agreement"), as attached to the ordinance and made a part thereof as Exhibit "A", for the purchase price of Twelve Thousand Three Hundred Fifty Dollars and No Cents (\$12,350.00), and other consideration, as prescribed in the Agreement by and between the City and Regi Investments, Inc., providing for (A) the granting to the City of (i) a sanitary sewer easement, encumbering a 0.0066 acre tract of land, a 0.0218 acre tract of land, and a 0.1318 acre tract of land, all being more particularly described in the Sanitary Sewer Easement, being attached to and made a part of the Agreement; and (ii) a temporary construction easement, encumbering 0.0066 acre of land, being more particularly described in the Temporary Construction Easement, being attached to and made a part of the Agreement; and (b) the Partial Abandonment and Release ("Release") by the City of a 0.11 acre portion of that certain sanitary sewer easement, dated November 26, 1956, from R.M. Dobbins and wife, Maude Dobbins to the City,



recorded in Volume 427, Page 441, Deed Records, Denton County, Texas; all tracts of real property being in the William Daniel Survey, Abstract No. 378, generally located in the 2200 block of Fort Worth Drive; authorizing the expenditure of funds, providing a savings clause; and providing an effective date. (Fort Worth Drive Utility Relocations Project - Parcel 12W)

Resolution No. R2016-042

- W. ID 16-1514 Consider approval of a resolution of the City Council of the City of Denton, Texas, appointing a Primary and Alternate Member as official voting representatives to the North Central Texas Council of Governments Regional Transportation Council (Hereinafter "RTC"); and providing an effective date. The Mobility Committee recommends approval (3-0).

Ordinance No. 2016-388

- X. ID 16-1515 Consider adoption of an ordinance of the City of Denton, Texas, amending the provisions of Chapter 18 relating to Motor Vehicles and Traffic by adding Section 18-91.50 to prohibit stopping or parking of vehicles in certain places: providing a savings clause; providing for a penalty not to exceed \$500 for violations of this ordinance: and providing for an effective date. The Traffic Safety Commission recommends approval (5-0).

Ordinance No. 2016-389

- Y. ID 16-1520 Consider adoption of an ordinance authorizing the City Manager to execute a professional services agreement for Pipeline Inspection and Condition Assessment at the Lake Lewisville Water Treatment Plant; providing for the expenditure of funds therefor; and providing an effective date (File 6281-awarded to Pure Technologies U.S. Inc. in an amount not-to-exceed \$592,740). The Public Utilities Board recommends approval (6-0).

Ordinance No. 2016-390

- Z. ID 16-1521 Consider adoption of an ordinance authorizing the City Manager to execute a professional services agreement for Bond Counsel Services for the City of Denton; providing for the expenditure of funds therefor; and providing an effective date (File 6254-awarded to McCall, Parkhurst and Horton, LLP ("MPH")). The Audit/Finance Committee recommends approval (3-0).

Ordinance No. 2016-391

- AA. ID 16-1523 Consider adoption of an ordinance authorizing the City Manager to execute a consulting services agreement for Financial Advisory, Arbitrage Rebate and Continuing Disclosure Services for the City of Denton; providing for the expenditure of funds therefor; and providing an effective date (File 6228-awarded to FirstSouthwest, a Division of Hilltop Securities Inc. and FSC Continuing Disclosure Services, a Division of Hilltop Securities Inc., hereinafter called "HilltopSecurities" and affiliate, First Southwest Asset Management, LLC). The Audit/Finance Committee recommends approval (3-0).

Ordinance No. 2016-392

BB. ID 16-1526 Consider adoption of an ordinance closing, abandoning and vacating the right of way of Gary Street, conveyed in Volume 66 Page 623, Deed Records, Denton County, Texas, and located in the B.B.B. & C.R.R. Survey, Abstract No. 185, to accommodate construction by the Denton Independent School District; and declaring an effective date. [Abandonment of Gary Street - situated between North Locust and North Elm Street - DISD Administration facility expansion]

This item was not considered.

CC. ID 16-1531 Consider adoption of an ordinance of the City of Denton, Texas, amending Ordinance No. 2015-306 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. 2016-393

DD. ID 16-1573 Consider adoption of an ordinance of the City of Denton, Texas, amending Ordinance No. 2015-230 to prescribe updated titles and number of positions for certain classifications of Police Department personnel; providing repealer, cumulative and severability clauses; and declaring an effective date.

**5. ITEMS FOR INDIVIDUAL CONSIDERATION**

A. ID 16-1459 Consider a nomination to the City's Economic Development Partnership Board.

Caroline Booth, Director of Economic Development, stated that a Nominating Committee had been appointed to determine an appointment for the unexpired term of a top 20 taxpayer. The Committee members recommended Steven Edgar for that unexpired term.

Council Member Hawkins motioned, Council Member Gregory seconded to approve the nomination. On roll call vote, Mayor Pro Tem Roden "aye", Council Member Wazny "aye", Council Member Briggs "aye", Council Member Hawkins "aye", Council Member Gregory "aye", Council Member Bagheri "aye", and Mayor Watts "aye". Motion carried unanimously.

Ordinance No. 2016-394

B. ID 16-1485 Consider adoption of an ordinance of the City of Denton, Texas amending Section 18-38 of the Code of Ordinances relating to the use of wireless communication devices while driving to prohibit the use of wireless communication devices while operating a motor vehicle; providing a repealer clause; providing for a penalty as a Class C Misdemeanor for violations of this ordinance; and providing for an effective date. Traffic Safety Commission recommends approval (5-0).

Lee Howell, Police Chief, presented the background information on this item, indicated that the proposed ordinance had been rewritten based on prior discussion with Council. The existing ordinance was modified to allow for hands free devices.

Council discussed that the proposed ordinance would provide a method of enforcement easier with the proposed ordinance; whether it would be allowed to initiate or terminate a voice telephone call as the wording was not consistent; confusion on stopped vehicles versus not stopped vehicles; whether the ordinance applied to all roadways including county and state roadways; and automatic review clause of the ordinance.

The following individuals submitted Speaker Cards:

Christa DeLucca - in favor  
James Shaffer - in favor  
Susan Vaughn - in favor  
Willie Hudspeth - in favor  
Michael Hennen - in favor  
Deb Armintor - in favor

Council discussed whether to prohibit ending or accepting a call while driving; including a review of the ordinance after a period of time; and amending the definition of public roadways within the City.

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

- C. ID 16-1558 Consider approval of a resolution of the City of Denton, Texas, adopting the City of Denton's 2017 State Legislative Program for the 85th Texas Legislature; and providing an effective date.

Lindsey Baker, Intergovernmental Relations/PIO Officer, presented the details of the program that included the makeup of the Texas legislature; purpose of the legislative program; priority legislative issues; general legislative agenda; and proposed policy statement changes.

Council discussion centered on how to take an active step regarding HB 40 instead of just making a position statement.

Mayor Pro Tem Roden motioned, Council Member Wazny seconded to postpone consideration of the item to the December 13<sup>th</sup> agenda with a Work Session item and an action item to be placed on that agenda. On roll call vote, Mayor Pro Tem Roden "aye", Council Member Wazny "aye", Council Member Briggs "aye", Council Member Hawkins "aye", Council Member Gregory "aye", Council Member Bagheri "aye", and Mayor Watts "aye". Motion carried unanimously.

## **6. PUBLIC HEARINGS**

- A. Z16-0007a Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, amending Subchapter 35.7.5, the Fry Street Overlay District, to create a new subarea and development standards for a mixed use development on

approximately 1.75 acres of land, generally located north of Hickory Street, south of Oak Street, approximately 200 feet east of Avenue B and approximately 125 feet west of Fry Street, 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. The Planning and Zoning Commission recommends denial (4-1). A supermajority vote by Council is required for approval.

Ron Menguita, Long Range Planning Administrator, presented the details of the proposal which was a request to amend the Fry Street Overlay District. He reviewed the boundaries of the Fry Street Overlay District and the current Subarea B of the district. Subarea C was proposed with development standards for a five story mixed use development. The background of the proposal; the development standards for the proposal as compared to the current standards for Subarea A and Subarea B; parking requirements; and considerations for Council deliberation were presented. The Planning and Zoning Commission recommended denial. Staff was also recommending denial.

Council discussed whether there were any requirements to have businesses fronting Hickory Street; whether there was a curb cut on Hickory and associated fire lane; what differences the proposal had with the Denton Plan 2030; and whether the project was too large for the site.

The Mayor opened the public hearing.

The following individuals spoke during the public hearing:

Robert Baldwin, applicant, spoke in favor.

Council discussed with Mr. Baldwin the amount of retail/restaurant that would be eliminated with this proposal; solid waste concerns on how the collection would be made; and parking requirements.

Gina Andrews - in favor  
Elaine Davis - opposed  
Bret Erskin- in favor  
Allen Feltman – in favor  
Kim McKibben – opposed  
Kale Ward – in favor

Comment cards were submitted by:

Chris Cullen – opposed  
Mark Davis – opposed  
Pam Chittender – opposed  
Christopher Mullen – opposed  
C. B. Brammer – opposed  
Vicki Morrison – opposed  
Brian Morrison – opposed  
Christopher Petersen – opposed

Laurie Weller – opposed  
Alexis Sherwood – opposed  
Esther Rodriguez-Phelps – opposed  
Makenzie Ross – opposed  
Katie Chapman – opposed  
Gary Washmore – in favor  
Anita Clearman – in favor  
Catherine Reid – in favor  
Jimmy Evans – in favor  
Patricia Amaku – in favor  
Martice McNeil – in favor  
Joni Young – in favor  
Aaron Richardson – in favor  
Jeramie Scott – in favor  
Paul Meltzer – in favor

Jay West, representing the developer, stated in rebuttal that this was not an SRO project in a negative sense.

Council discussed with Mr. West the economics of the project such as lowering the amount of bedrooms to make it more compatible with the neighborhood.

Tom Nelson – opposed  
Willie Hudspeth – opposed

Mr. Baldwin stated that it would be acceptable to delay the Council decision to allow for adjustments to the project.

The Mayor closed the public hearing.

Council Member Bagheri stated she would be in favor of the project if the overflow parking were amended with UNT and a solid waste solution were proposed.

Council Member Hawkins stated that he was concerned about the size of the project for the space.

Council Member Wazny stated that she was not in favor of the project as it was not a good fit with the neighborhood.

Mayor Pro Tem Roden felt that the Fry Street overlay should be determined by business/residents in that area.

Council Member Gregory stated that his opposition was the scope and scale of the proposal. A revision more sensitive to the area would be more acceptable to him.

Mayor Watts stated that he was not in agreement with the scale of the project for the site and the current configuration.

Council Member Gregory motioned to deny without prejudice.

City Attorney Burgess noted that a problem with denial without prejudice was that the developer could not act on the proposal. Her suggestion would be to continue to another date.

Council Member Gregory withdrew his motion.

Council Member Bagheri motioned, Mayor Pro Tem Roden seconded to postpone consideration for six months from the date of this meeting. On roll call vote, Mayor Pro Tem Roden "aye", Council Member Hawkins "aye", Council Member Gregory "aye", and Council Member Bagheri "aye". Council Member Wazny "nay", Council Member Briggs "nay", and Mayor Watts "nay". Motion carried with a 4-3 vote.

## **7. CONCLUDING ITEMS**

- A. Under Section 551.042 of the Texas Open Meetings Act, respond to inquiries from the City Council or the public with specific factual information or recitation of policy, or accept a proposal to place the matter on the agenda for an upcoming meeting AND Under Section 551.0415 of the Texas Open Meetings Act, provide reports about items of community interest regarding which no action will be taken, to include: expressions of thanks, congratulations, or condolence; information regarding holiday schedules; an honorary or salutary recognition of a public official, public employee, or other citizen; a reminder about an upcoming event organized or sponsored by the governing body; information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official or employee of the municipality; or an announcement involving an imminent threat to the public health and safety of people in the municipality that has arisen after the posting of the agenda.

Council Member Briggs requested a staff report from the Urban Forester regarding the types and sizes of trees that would be lost with the Spencer Substation.

Mayor Pro Tem Roden requested budget implications involved if the tax freeze petition was approved.

Mayor Pro Tem Roden requested information on parking requirements in dense areas.

Council Member Bagheri requested a discussion regarding what could be added to the Charter Review Committee charge. Specifically a discussion on the amount of ROI that comes to the city budget.

Council Member Gregory asked for an update on progress with the County agreement for the Courthouse sidewalks at the first meeting in February.

Mayor Watts requested a discussion regarding pensions in general for city employees.

- B. Possible Continuation of Closed Meeting topics, above posted.

There was no continuation of the Closed Meeting.

With no further business, the meeting was adjourned at 10:25 p.m.

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CHRIS WATTS  
MAYOR  
CITY OF DENTON, TEXAS

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JANE RICHARDSON  
ASSISTANT CITY SECRETARY  
CITY OF DENTON, TEXAS

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JENNIFER WALTERS  
CITY SECRETARY  
CITY OF DENTON, TEXAS