

CITY OF DENTON CITY COUNCIL MINUTES

April 7, 2015

After determining that a quorum was present, the City Council convened in a Work Session on Tuesday, April 7, 2015 at 1:00 p.m. in the Council Work Session Room at City Hall.

PRESENT: Mayor Pro Tem Engelbrecht, Council Member Gregory, Council Member Hawkins, Council Member Johnson, Council Member Roden, Council Member Ryan, and Mayor Watts.

ABSENT: None.

1. Citizen Comments on Consent Agenda Items

There were no citizen comments on Consent Agenda Items.

2. Requests for clarification of agenda items listed on the agenda for April 7, 2015.

Council Member Hawkins asked for additional information on Consent Agenda Item J dealing with the summer food program.

Emerson Vorel, Director of Parks and Recreation, stated that this was a contract with the DISD to prepare meals for the summer food program. It was a free summer lunch for qualified children similar to what was done during the school year.

Council Member Gregory asked for a discussion on Consent Agenda Item L dealing with political signs.

John Cabrales, Assistant City Manager, stated that the revision dealt with a portion of the sign ordinance dealing with political signs. The change would regulate the time, place and manner for Early Voting and Election Day and followed State regulations.

Council Member Gregory asked what was being done to ensure that the regulations were following freedom of speech.

Cabrales stated that staff had worked with the Legal Department to make sure the new regulations were not infringing on freedom of speech rights.

Council Member Gregory asked about large signs attached to large trucks taking many parking spaces.

Cabrales stated that those types of signage would be looked at with the revision of the total sign ordinance. Staff was still in discussions with those regulations and as long as the sign stayed in the height restrictions it would be able to be used. Staff was also addressing the situation of taking up more than one parking space.

Council Member Johnson asked about Consent Agenda Item I regarding tree mitigation and adjusting categories upward.

City Manager Campbell stated that it was an adjustment in the budget for those funds the Council had requested.

Council Member Johnson commented on Consent Agenda Item S regarding the elimination of parking on Mulberry. He noted that every time parking was removed in the area that the problem became worse. He suggested looking for opportunities to replace those spaces somewhere else.

Council Member Hawkins requested that Consent Agenda Item U be pulled for separate consideration to highlight it in the regular meeting

Mayor Watts asked if the modular building for Consent Agenda Item A was a permanent structure.

Phil Williams, General Manager-DME, stated it would house the influx of contractors and personnel for the CIP program for the next 3-5 years. It would be there longer than a temporary building and could be moved in the future if needed.

Mayor Watts asked about Consent Agenda Item E in terms of the contract at 25% of the original contract.

Williams stated that there was an increased amount of work to do due to an increased amount of construction. The cost was still favorable so they would like to extend the contract to keep that favorable cost.

City Attorney Burgess noted that there was a substitute ordinance for Item 7B and should be noted in any motion for that item.

3. Work Session Reports

- A. ID 15-169 Receive a report, hold a discussion, and give staff direction regarding potential changes to Chapter 27, Article VI of the Code of Ordinances relating to vehicles for hire.

Lt. David Mays, Denton Police Department, presented the details of the item. The original ordinance was created in 2001. State law required an ordinance to regulate transportation services but did not cover a transportation network company such as Uber. Uber differed from taxicabs as TNC did not own the vehicles operated, and the drivers were independent contractors and not employees. A provision of the current ordinance allowed temporary permitting for new service and technology was cited. Uber requested an audit process for driver background citing an in-house criminal background check. Currently the City did its own background checks and Uber wanted to do the checks in-house. However, they did not look beyond convictions while the City check looked at the time lapse since probation or parole to see that the person had maintained a conviction free lifestyle. Uber's screening did not meet the provision of the current ordinance.

Council Member Roden questioned what other industries required background checks.

Mays stated that a solicitor's permit for going door to door required a background check.

Council Member Roden stated that as a matter of policy, the company was checking backgrounds but with other industries, citizens allowed random people in their homes to do work etc. He felt it was a philosophical question as to what would be rational for this level compared to other industries.

Mayor Watts stated that the felony offences included a broad category.

Mays stated that the ordinance listed those offences which included even an attempted felony.

City Attorney Burgess stated that the ordinance was based on State law and mandatory language that had to be regulated in terms of the transportation industry.

Council discussed whether background checks should be required for Uber and taxicabs employees and whether the Uber license should be the same as the taxicab license.

Recommendations - in order to provide Uber the same opportunity to operate in the City as other carriers Uber would need a probationary license under Section 27-176 with a revision to the current ordinance to more accurately reflect the TNC business model. As a condition of this probationary license, Uber must require their drivers to complete the revised permit application, subjecting these drivers to the same background screening as was performed for other vehicle for hire drivers.

Council Member Roden asked about the scope for Uber in terms of place of business.

Mays stated that Uber used Uber Dallas with no subset for Denton. Uber tracked all the rides taken so they would know if someone operating outside their location.

Mayor Pro Tem Engelbrecht stated that he was interested in the insurance aspect of it including personal injury.

Council discussed provisions of background checks and the licensing procedures.

Consensus of the Council was to move forward with staff recommendation for changes in the current ordinance.

- B. SI15-0008 Receive a report, hold a discussion and give staff direction regarding local efforts to provide assistance to the homeless and those at-risk of becoming homeless.

Danielle Shaw, Human Services Coordinator, stated that the presentation would be focused on efforts through the Denton County Homeless Coalition which did not receive any City funding but were a group of non-profits working on the homeless situations. The goals of the Coalition were (1) impact on the homeless population, (2) reduce number of homeless; (3) provide advocacy for the homeless, (4) build awareness to increase capacity to serve the issue; and (5) information/research to look at how to continuously improve services.

Community efforts for housing the homeless – the basic services included street outreach whereby people went out to the homeless to help with services needed and shelters

(emergency/short Term) for temporary housing. Housing, such as transitional, supportive and permanent housing, helped assist with homeless prevention and rapid re-housing of the homeless.

Supportive Services included health care, employment/income, emergency services, food, security, transportation, education, child care, and legal/document services.

Funding Leveraged - Federal funding in the community included grants plus city of Denton money leveraged with the grant money to provide services. Community wide projects included Homeless Management Information System, data collection, Housing the Homeless Task Force, Denton Coordinated Access Network, and Bridging the Gap.

Survey results – The 2015 point in time count showed that 27.2% of those surveyed were chronically homeless, 9.2% were veterans, 45.40% were employed homeless, and 20% had a serious mental illness. The estimated homeless in 2015 was 465 persons.

Council reviewed the figures presented and gathered information on the background of the numbers. Vulnerability survey factors, health insurance figures, medical visits, time on the streets, and the percentage of veterans were reviewed.

Council Member Roden asked how to equip the average citizen to assist the homeless.

Shaw stated that the primary goal of the Denton CAN was to help with that type of marketing.

Council Member Gregory questioned what the next step was in terms of policy recommendations staff had for Council to help with the issue.

Shaw felt it was the facilitation of efforts to assist with grants and no policies that impeded the efforts.

Council Member Johnson suggested considering issuing a challenge to private entities to help with funding for these efforts such as matching funding.

Council Member Gregory suggested putting some of these ideas in the master planning and in budgets to help with the issue.

Council Member Johnson suggested forming an ad hoc committee to discuss options for the homeless for the critical needs and to put a challenge out to the private sector to assist.

Mayor Watts stated that goals and a plan to move forward would be needed.

Council Members Gregory and Johnson volunteered for the committee.

C. ID 15-284 Receive a report, hold a discussion, and give staff direction regarding an ordinance to adopt the 2012 International Fire Code (IFC) as amended by the City.

Laura Behrens, Fire Marshal, presented a time line regarding the review of the Code. Considerations when reviewing the document included COG recommended amendments, International Codes, local amendments, changes in environment/technology and best practices. There were four categories of consideration that included clarification, formalization of current practices, consistency between codes, and new practices to introduce. She reviewed amendments for gas and oil wells with language that followed the process of issuing permits. Language included on required fire protection systems at drilling and production sites consistent with the gas well ordinance in terms of fire protection.

Crowd Manager – The current code required a trained crowd manger for events and the code did not define the training. The proposed amendments would outline the duties.

Emergency and Standby Power System – the COG amendment would provide a list to match other areas of code or reference to a code provision that already existed.

Solar Energy – a proposed local amendment would move the section to the International Residential Code.

Automatic Sprinkler System – the proposed amendment was a clarification of the current local amendment. It clarified when certain construction would require the installation of an automatic sprinkler system.

Council discussed the provisions and conditions when an automatic sprinkler system was required. Behrens continued that a second amendment dealt with connection for FDC connections.

Standpipe System – the COG amendment allowed for more rapid deployment of hose lines to the fire area.

Fire Alarm and Detection Systems – the COG amendment addressed the issue of low-lighting and A/V equipment distracting from notification systems and devices. The second portion dealt with a COG amendment that defined the threshold at which portable buildings were considered a separate building. This would primarily affect portable buildings around schools. The DISD did not have any major concerns with this amendment at this time.

Smoke and Heat Vents – the current ordinance allowed for a fire code official to require manual vents. This established a best practice.

Fire Department Connections – The proposed amendment stated that an approved fire hydrant distance would be located within 100 feet of the fire department connection as the fire hose laid along an unobstructed path. The COG amendment would ensure access to the water supply.

Chapter 10 - Means of Egress – All proposed changes were COG amendments consistent with the 2012 International Building Code.

Chapter 11 - Construction Requirements for Existing Buildings – The local amendment would clearly define when this chapter was applicable and was consistent with International Building Code language.

Council discussion of the amendment suggested taking out the "change of ownership" and better definition of "repair". A suggestion was made to change "change of occupancy" to "change of ownership in the process".

Fire Safety during construction and demolition – the COG amendment clarified the phase of construction when an access road was required.

Fee Structure – a change was suggested in terms of an open burn permit issued under the Fire Code. For noncommercial applications the fee would be \$100 per permit per day. The fee would be \$25 for re-inspections associated with operations and construction permits. This would be consistent with the current practice of assessing re-inspection fees for routine inspections and in-line with the adopted fee schedule.

Council discussed working with current technology to help with re-inspections such as photos for changes made.

Behrens stated that the department had already starting that in limited instances. The next steps in the process would be to present the changes on the April 21 or May 5 Council agenda for approval with the ordinance being effective in June.

Following the completion of the Work Session, the City Council convened in a Closed Meeting at 4:35 p.m. to consider the specific items listed below under the Closed Meeting section of this agenda.

1. Closed Meeting:

A. ID 15-183 Consultation with Attorneys - Under Texas Government Code, Section 551.071; Deliberations Regarding Real Property - Under Texas Government Code, Section 551.072.

Discuss, deliberate and receive information from staff and provide staff direction pertaining to the acquisition of property located north of Winston Drive and west of I-35E all in the Gideon Walker Survey, Abstract No. 1330, Cities of Denton and Corinth, Denton County, Texas for use in connection with DME's transmission expansion projects by the City of Denton, Denton County, Texas. Consultation with the City's attorneys regarding legal issues associated with the potential acquisition of the real property near the location 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 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 15-185]

B. ID 15-186 Deliberations regarding Real Property - Under Texas Government Code Section 551.072; Consultation with Attorneys - Under Texas Government Code Section 551.071

Discuss, deliberate, and receive further information regarding the purchase of certain real property interest located in and around the Township II area, and generally south and west of Colorado Blvd., south of Foxhollow, north and east of Angelina Bend Dr. and west of Valley Creek Rd. Consultation with the City's attorneys regarding legal issues associated with the

potential acquisition and condemnation of 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, or would jeopardize the City's legal position in any administrative proceeding or potential litigation. (Township II Park Property Acquisition Project [Greenbelt Tracts 1,2,4] & [ID 15-187 Denton 68 Joint Venture])

- C. ID 15-193 Deliberations regarding consultation with the City Attorney - Under Texas Government Code Section 551.071, Deliberations regarding Economic Development Negotiations - Under Texas Government Code Section 551.087.

Receive a report and hold a discussion regarding legal and economic development issues regarding a proposed economic development incentive agreement for Business Air (BAM Denton Management Ventures, LLC). This discussion shall include commercial and financial information the City Council has received from Business Air which the City Council seeks to have locate, stay, or expand in or near the territory of the city, and with which the City Council is conducting economic development negotiations; including the offer of financial or other incentive where the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the provisions of the Texas Open Meetings Act, Chapter 551 of the Texas Government Code. [ID 15-198]

- D. ID 15-194 Deliberations regarding consultation with the City Attorney - Under Texas Government Code Section 551.071, Deliberations regarding Economic Development Negotiations - Under Texas Government Code Section 551.087.

Receive a report and hold a discussion regarding legal and economic development issues regarding a proposed economic development incentive agreement for West Gate Business Park (WGBP Investments, LTD). This discussion shall include commercial and financial information the City Council has received from West Gate Business Park which the City Council seeks to have locate, stay, or expand in or near the territory of the city, and with which the City Council is conducting economic development negotiations; including the offer of financial or other incentive where the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the provisions of the Texas Open Meetings Act, Chapter 551 of the Texas Government Code. [ID 15-199]

- E. ID 15-260 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 pertaining to (1) the potential acquisition of real property interests in the William Loving Survey, Abstract No. 759, and the William Neil Survey, Abstract No. 971, located generally in the 200 block of W. Mulberry St., City of Denton, Texas; and (2) the disposition of and/or potential sale or lease of real property interests in the William Neill Survey, Abstract 971, Denton County, Texas, located generally in the 200 block of N. Elm Street and in the 200 block of W. McKinney Street; and (3) the disposition of and/or the potential sale or lease of real property

interests in the Hiram Sisco Survey, Abstract No. 1184, Denton County, Texas, and located generally in the 200 block of E. McKinney Street, City of 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. (Central Downtown Denton property tracts)

F. ID 15-263 Deliberations regarding Real Property - Under Texas Government Code Section 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 acquisition of real property interests located in (1) the E. Puchalski Survey, Abstract 996, City of Denton, Denton County, Texas (located generally in the 1300 through 1400 block range of Underwood Street); and (2) the Samuel McCracken Survey, Abstract Number 817 and the J. Carter Survey, Abstract No. 274, City of Denton, Denton County, Texas (located generally within the 1300 through 4400 block range of Sherman Drive). Consultation with the City's attorneys regarding legal issues associated with the acquisition or condemnation of the real property interests referenced 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. (Fire Station 3 & Fire Station 4)

G. ID 15-287 Consultation with Attorneys - Under Texas Government Code, Section 551.071.

Consult with and provide direction to City's attorneys regarding legal issues and strategies associated with the current Gas Well Ordinance, and proposed Gas Well Ordinance amendment, regulation of gas well drilling and production within the City Limits and the extraterritorial jurisdiction, including: Constitutional limitations, statutory limitations upon municipal regulatory authority; statutory preemption and vested rights; impacts of federal and state law and regulations; impacts of gas well drilling upon protected uses and vice-versa; current and proposed extension to moratorium on drilling and production; other concerns about municipal regulatory authority or matters relating to enforcement of the Gas Well Ordinance, both current and proposed; settlement matters concerning gas well drilling in the City; surface development issues involving surface and mineral estates; and legal matters associated with a citizen's initiative ordinance and pending litigation styled Jerry Patterson, Commissioner, Texas General Land Office v. City of Denton Texas, Cause No. D-1-GN-14-004628 currently pending in the 53rd District Court of Travis County and Texas Oil and Gas Association v. City of Denton, Cause No. 14-09833-431 currently pending in the 431st District Court of Denton County regarding hydraulic fracturing where a public discussion of these legal matters would conflict with the duty of the City's attorneys under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.

H. ID 15-301 Consultation with Attorneys - Under Texas Government Code, Section 551.071.

Consultation, discussion, deliberation, and receipt of information from the city's attorneys involving legal matters relating to possible annexations of property into the City of Denton where public discussion of these legal matters would clearly 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.

Regular Meeting of the City of Denton City Council at 6:30 p.m. in the Council Chambers at City Hall, 215 E. McKinney Street, Denton, Texas.

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 15-212 African Cultural Festival Day

Mayor Watts presented the proclamation for African Cultural Festival Day.

B. ID 15-211 National Community Development Week

Mayor Watts presented the proclamation for National Community Development Week.

C. ID 15-221 Arbor Day

Mayor Watts presented the proclamation for Arbor Day.

D. ID 15-265 Blind Side Week

Mayor Watts presented the proclamation for Blind Side Week.

3. CITIZEN REPORTS

A. ID 15-224 Willie Hudspeth regarding concerns about the Building Inspections process.

Mr. Hudspeth was not present at the meeting.

B. ID 15-261 Gerald DeMarsh regarding the Senior Center.

Mr. DeMarsh had a prior request to Council to lift the restriction from his attending the Senior Center after an altercation at the Center. He requested again that Council lift the restriction from his going into the Senior Center. He was going to sue the City regarding the issue if needed.

C. ID 15-303 Willie Sellers regarding red light cameras.

Mr. Sellers stated that he had received a red light camera citation but had not been noticed of the violation. He could not register his car due to the citation he had from the red light camera. The fine had increased from \$75 to \$102 due to the failure to pay in a timely manner. There were others in line with his same problem at the Motor Vehicle Department. He felt this was a money-making venture for the Police Department. He urged the Council to remove the cameras.

4. CONSENT AGENDA

Council Member Ryan motioned, Council Member Gregory seconded to adopt the Consent Agenda and accompanying ordinances and resolutions with the exception of Item U. On roll call vote, Mayor Pro Tem Engelbrecht "aye", Council Member Gregory "aye", Council Member Hawkins "aye", Council Member Johnson "aye", Council Member Roden "aye", Council Member Ryan "aye", and Mayor Watts "aye". Motion carried unanimously.

Ordinance No. 2015-075

A. ID 15-075 Consider adoption of an ordinance of the City of Denton authorizing the City Manager or his designee to execute a contract through the Buy Board Cooperative Purchasing Network for the acquisition of a Modular Office Building for Denton Municipal Electric to be located at 1659 Spencer Road, Denton, Texas; and providing an effective date (File 5646-awarded to Sustainable Modular Management, Inc. in the amount of \$270,000). The Public Utilities Board recommends approval (5-0).

Ordinance No. 2015-076

B. ID 15-128 Consider adoption of an ordinance authorizing the City Manager to execute an Interlocal Agreement with National Joint Powers Alliance (NJPA), under Section 791.001 of the State of Texas Government Code, to authorize the City of Denton to utilize NJPA Contract# 042911-PRC currently for the purchase of property disposition and auction services; authorizing the expenditure of funds therefor; and declaring an effective date (File 5742-Interlocal Agreement with National Joint Powers Alliance).

Ordinance No. 2015-077

C. ID 15-129 Consider adoption of an ordinance of the City of Denton authorizing the City Manager or his designee to execute a contract through the National Joint Powers Alliance (NJPA) for property disposition and auction services for the City of Denton; and providing an effective date (File 5741-awarded to PropertyRoom.com in the three (3) year estimated amount of \$300,000).

Ordinance No. 2015-078

D. ID 15-174 Consider adoption of an ordinance approving a contract for the supply of Organic Catalyst for the City of Denton Composting Operation which is available from only one source and in accordance with Texas Local Government Code 252.022, such purchases are exempt from the requirements of competitive bidding; and providing an effective date (File 5765-Purchase of Organic Catalyst for the City of

Denton Composting Operation awarded to Harvest Quest International, Inc. in the annual estimated amount of \$50,000 for a three (3) year not-to-exceed amount of \$150,000). The Public Utilities Board recommends approval (6-0).

Ordinance No. 2015-079

E. ID 15-178 Consider adoption of an ordinance authorizing the City Manager to execute a second amendment to the contract between the City of Denton and ABC Professional Tree Services, Inc.; providing for the expenditure of funds therefor; and providing an effective date (RFP 4825-Second Amendment in the amount of \$500,000 for a total contract award of \$2,500,000). The Public Utilities Board recommends approval (6-0).

Ordinance No. 2015-080

F. ID 15-184 Consider adoption of an ordinance authorizing the City Manager to execute a Mutual Aid Agreement by and between the City of Denton, Texas and the City of Garland Texas, that provides for terms and conditions under which each party would provide aid to the other in response to emergencies or natural disasters, in substantial conformity with the attached "Exhibit A"; authorizing the expenditure of funds therefor; and providing an effective date.

Ordinance No. 2015-081

G. ID 15-185 Consider adoption of an ordinance authorizing the City Manager or his designee to exercise an option Contract of Sale by and between Winston 4 Development, LLC, as owner, and any others having an ownership interest, and the City of Denton, Texas, as buyer, to acquire fee simple to a tract or parcel of land being 17.027 acres, more or less, this parcel lying and being situated in the City and County of Denton, State of Texas, and being located in the Gideon Walker Survey, Abstract No. 1330, Cities of Denton and Corinth, Denton County Texas, for the purchase price of Two Hundred Seventy Thousand and No/100 US Dollars (\$270,000.00) and other good and valuable consideration, as described in the Contract of Sale attached as Exhibit One; authorizing the expenditure of funds therefore; and providing an effective date.

Ordinance No. 2015-082

H. ID 15-228 Consider adoption of an ordinance of the City of Denton, Texas, prohibiting left turns for any vehicle travelling westbound on Russell Newman Boulevard onto Loop 288; providing a repealer clause, providing a savings clause, providing for a penalty not to exceed \$500 for 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.

Ordinance No. 2015-083

I. ID 15-253 Consider adoption of an ordinance of the City of Denton, Texas amending the Fiscal Year 2014-2015 Budget and Annual Program of Services of the City of Denton to allow for adjustments to the Tree Mitigation Fund of four hundred ninety-four thousand and seventy-eight dollars (\$494,078), the Police Confiscation Fund of

fifty thousand dollars (\$50,000), the Risk Retention Fund of six hundred thousand dollars (\$600,000), and the General Debt Service Fund to include revenues and expenditures of one million four hundred thirty-four thousand seven hundred and forty-eight dollars (\$1,434,748); declaring a municipal purpose; providing a severability clause; providing an open meetings clause; and providing for an effective date. The Audit/Finance Committee recommends approval (3-0).

Ordinance No. 2015-084

J. ID 15-256 Consider adoption of an ordinance of the City of Denton, Texas, authorizing the City Manager to execute a contract with the Denton Independent School District for the 2015 Summer Food Service Program; authorizing the expenditure of funds to administer the program; and providing an effective date.

Ordinance No. 2015-085

K. ID 15-264 Consider adoption of an ordinance authorizing the City Manager or his designee to execute a Purchase Agreement, by and between the City of Denton, Texas (the "City"), as Buyer, and CCBV, LLC, a Texas limited liability company (the "Owner"), as Seller, to acquire fee simple title to a 0.535 acre tract, located in the Morreau Forrest Survey, Abstract No. 417, City of Denton, Denton County, Texas, generally located in the 200 block of North Mayhill Road, for the purchase price of Four Hundred Forty Thousand Dollars and No/Cents (\$440,000.00), and other consideration, as prescribed in the Purchase Agreement (the "Agreement"), as attached to the ordinance and made a part thereof as Exhibit "A;" authorizing the expenditure of funds therefore; providing a savings clause; and providing an effective date. (Mayhill Road Widening and Improvements project: Parcel M085 - CCBV, LLC)

Ordinance No. 2015-086

L. ID 15-266 Consider adoption of an ordinance of the City of Denton, Texas, amending certain provisions of chapter 33 of the Denton Code of Ordinances (the Denton Sign Code) by limiting the application of general sign regulations and imposing specific regulations with respect to political signs, consistent with state law; prescribing a maximum penalty for violation; providing for severability and savings; and establishing an effective date.

Ordinance No. 2015-087

M. ID 15-268 Consider adoption of an ordinance authorizing the City Manager to execute an Interlocal Cooperative Agreement with the North Central Texas Council of Governments (NCTCOG) under Section 791.001 of the State of Texas Government Code, and to authorize the City of Denton to participate in the NCTCOG Regional Traffic Signal Timing Program; authorizing the expenditure of funds therefor; and declaring an effective date (File 5792-in the estimated amount of \$36,960).

Ordinance No. 2015-088

N. ID 15-269 Consider adoption of an ordinance accepting competitive bids by way of a Cooperative Purchasing Program Participation Agreement with the City of Frisco

under section 271.102 of the Local Government Code, for the purchase of respiratory protective equipment and parts for the City of Denton Fire Department; providing the expenditure of funds therefor; and providing an effective date (File 5763-awarded to Hoyt Breathing Air Products for a three (3) year total amount not-to-exceed \$555,500).

Ordinance No. 2015-089

O. ID 15-270 Consider adoption of an ordinance approving a contract for the purchase of one (1) Haul-All M-class single stream 14 cubic yard side loading refuse collection body for the City of Denton Parks department which is available from only one source and in accordance with Texas Local Government Code 252.022, such purchases are exempt from the requirements of competitive bidding; and providing an effective date (File 5794-awarded to Haul All Equipment, Ltd. in the amount of \$73,682.50).

Ordinance No. 2015-090

P. ID 15-271 Consider adoption of an ordinance approving a professional services agreement for the development of a City of Denton Public Art Master Plan which is available from a local expert source, which staff has recommended as the best value procurement and in accordance with Texas Local Government Code 252.022 (4), such purchases are exempt from the requirements of competitive bidding; and providing an effective date (File 5795-awarded to Margaret Chalfant in an amount not to exceed \$80,000).

Ordinance No. 2015-091

Q. ID 15-272 Consider adoption of an ordinance accepting competitive proposals and awarding a contract for the purchase of shoot-on connectors for Denton Municipal Electric (DME); and providing an effective date (RFP 5709-awarded to Techline, Inc. in the three (3) year not-to-exceed amount of \$150,000).

Ordinance No. 2015-092

R. ID 15-273 Consider adoption of an ordinance of the City of Denton authorizing an agreement between the City of Denton, Texas and the University of North Texas for the purpose of hosting the African Cultural Festival; providing for the expenditure of funds; and providing for an effective date. (\$550)

Ordinance No. 2015-093

S. ID 15-277 Consider adoption of an ordinance of the City of Denton, Texas prohibiting parking on the north side of East Mulberry Street from its intersection with South Industrial Street to its intersection with South Austin 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 approval (5-0).

Ordinance No. 2015-094

T. ID 15-283 Consider adoption of an ordinance of the City Council of Denton, Texas authorizing the City Manager to execute a Local Transportation Project Advance Funding Agreement (LPAFA) for a Congestion Mitigation and Air Quality (CMAQ) Improvement Project (construction of sidewalks for the Wilson and Pecan Creek Elementary School areas) with the Texas Department of Transportation; authorizing the expenditure of funds therefor; and providing an effective date.

Approved the minutes listed below.

V. ID 15-295 Consider approval of the minutes of February 2, February 3, February 10, and February 17, 2015.

Council considered Consent Agenda Item U.

Resolution No. R2015-011

U. ID 15-285 Consider approval of a resolution of the City of Denton, Texas, in opposition to Senate Bill 343 and any other legislation which would erode the authority of a home rule municipality; and providing for an effective date.

Council Member Hawkins motioned, Council Member Gregory seconded to approve the resolution. On roll call vote, Mayor Pro Tem Engelbrecht "aye", Council Member Gregory "aye", Council Member Hawkins "aye", Council Member Johnson "aye", Council Member Roden "aye", Council Member Ryan "aye", and Mayor Watts "aye". Motion carried unanimously.

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

Ordinance No. 2015-095

A. ID 15-187 Consider adoption of an ordinance of the City of Denton, Texas determining the public use, need, and necessity for the acquisition of fee title to properties described in the attached Exhibit "A" and located in and around the Township II area generally south and west of Colorado Blvd., south of Foxhollow, north and east of Angelina Bend Dr. and west of Valley Creek Rd., for park land; authorizing the City Manager and City Attorney, or their respective designees, to acquire the property including making initial and final offers, authorizing the use of the power of eminent domain to condemn the properties; and authorizing the City Attorney, or her designee, to file eminent domain proceedings, if necessary, and providing an effective date. (Township II Park Property Acquisition project: Greenbelt tracts 1, 2, and 4, Greenbelt North, Street, and West - Denton 68 Joint Venture [ID 15-186])

Larry Collister, Deputy City Attorney, presented the information concerning the property under consideration. He noted that approval of the subject ordinance authorized staff to pursue the acquisition of the three remaining tracts identified for park land and acquire the property for public use, voluntarily, from the subject landowners prior to moving forward with the acquisition by eminent domain, in the event the owner(s) could not be located. He presented the legal

description of the property on the overhead screen while the motion for consideration was being made.

Council Member Gregory motioned and Mayor Pro Tem Engelbrecht seconded the following: I motion that the city of Denton, Texas authorize the use of the power of eminent domain to acquire fee simple title to a 6.458 acre tract of a 0.361 acre tract and a 3.384 acre tract which are located in and around the Township II area, generally south and west of Colorado Blvd., south of Foxhollow, north and east of Angelia Bend Dr., and west of Valley Creek Rd., in the R. H. Hopkins Survey, Abstract No. 1694, Denton, Denton County, Texas and more particularly described on Exhibit A to the ordinance now under consideration and on the overhead screen being now displaced to the audience for delivering park uses and recreation to the Township II area.”

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

6. ITEMS FOR INDIVIDUAL CONSIDERATION

Ordinance No. 2015-096

A. ID 15-198 Consider adoption of an ordinance of the City of Denton, Texas approving an Economic Development Program Grant Agreement between the City of Denton and BAM Denton Management Ventures, LLC; and providing an effective date (Business Air).

Aimee Bissett, Director of Economic Development, stated that this ordinance would adopt a grant agreement with Business Air at Denton Enterprise Airport and described the functions of the business and the purpose of the grant agreement. The project involved a \$9.5 million expansion project. The Economic Development Partnership Board considered the incentive agreement and recommended approval of a Chapter 380 grant equal to seventy percent of the increase in property tax revenues on the improvements to the building and new business personal property up to a maximum of \$9,500,000 in increased valuation as determined by the Denton Central Appraisal District for a period of two years. Business Air could also extend the length of the grant by attracting additional investment in the form of business aircraft based at its facilities at Denton Enterprise Airport by a specified date and investment level thresholds. In addition to a grant extension, Business Air would receive five percent of the increase in taxable valuation attributable to these new business aircraft for the duration of the grant extension (1) if increased valuation in new business aircraft was at least \$15,000,000 but less than \$50,000,000 by December 31, 2017, the grant would extend to a period of four years and would include five percent of the increased new business aircraft valuation amount for the grant period , (2) if increased valuation in new business aircraft is at least \$50,000,000 but less than \$80,000,000 by December 31, 2020, the grant would extend to a period of seven years and would include five percent of the increased new business aircraft valuation amount for the grant period and (3) if increased valuation in new business aircraft is at least \$80,000,000 by December 31, 2022, the grant would extend to a period of nine years and would include five percent of the increased new business aircraft valuation amount for the grant period. The grant agreement required Business

Air to invest a minimum of \$5,000,000 in building, site and other improvements at its facilities for this project by December 31, 2016.

Council Member Johnson stated that Denton did not have a 4A or 4B status to attract businesses such as this and that this was a very creative way to attract the business. He questioned why these programs were necessary.

Bissett stated that several surrounding communities had 4A or 4B status which meant they could use a cash incentive fund for economic development. They could give a cash grant to help close a deal. Denton did not have that but did have a Chapter 380 agreement to spend tax dollars for economic development. This was performance based on new business.

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

Ordinance No. 2015-097

B. ID 15-199 Consider adoption of an ordinance of the City of Denton, Texas approving an Economic Development Program Grant Agreement between the City of Denton and WGBP Investments, LTD; and providing an effective date (West Gate Business Park).

Aimee Bissett, Director of Economic Development, stated that this was another incentive grant agreement for consideration. West Gate Business Park was a group of local developers who were investing in an industrial manufacturing space. The anticipated capital investment was \$24 million. They had requested an incentive as competitors were able to offer more competitive proposals because of their incentive program. This development would bring in a higher quality of development. The Economic Development Partnership Board recommended approval with a minimum of 60% with an additional 5% for a national headquarters and/or 10% for support of major employers not to exceed 75% of City ad valorem taxes attributable to improvements for a period of ten years commencing the first year following receipt by Grantee of the certificate of occupancy for the property.

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

Ordinance No. 2015-098

C. ID 15-236 Consider adoption of an ordinance of the City of Denton, Texas, authorizing the approval of a professional legal services agreement by and between Terry Morgan & Associates, P.C. and the City of Denton, Texas; providing for the expenditure of funds; and providing for an effective date.

Anita Burgess, City Attorney, stated that the City had been working with Terry Moran for gas well negotiations. This agreement would provide additional money for the contract.

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

D. ID 15-240 Consider nominations/appointments to the City's Boards and Commissions: Health & Building Standards Commission and Human Services Advisory Committee.

Council Member Johnson nominated Glen Farris to the Health & Building Standards Commission.

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

Ordinance No. 2015-099

E. ID 15-251 Consider adoption of an ordinance considering all matters incident and related to the issuance, sale and delivery of up to \$98,925,000 in principal amount of "City of Denton Certificates of Obligation, Series 2015" (including up to \$8,258,000 for General Government activities, up to \$10,542,000 for Solid Waste Fund activities, and up to \$80,125,000 for Electric, Water and Wastewater Fund activities); authorizing the issuance of the Certificates; delegating the authority to certain City officials to execute certain documents relating to the sale of the Certificates; approving and authorizing instruments and procedures relating to said Certificates; and enacting other provisions relating to the subject.

Chuck Springer, Director of Finance, stated that the item would authorize the issuance, sale and delivery of \$98 million for Certificates of Obligation. Council had already adopted an ordinance which gave the authority for the Notice of Intent to Issue the certificates. The certificates would match the life of the assets so there were different terms for the certificates. This was a parameters ordinance which authorized the sale at a later date. Staff recommended the sale of \$8,100,000 in COs for General Government projects plus related issuance costs, \$10,350,000 in COs for Solid Waste projects plus related issuance costs and \$3,000,000 in COs for Water projects plus related issuance costs. The plan was to issue the certificates in May but it could be moved back if necessary due to market conditions.

Council Member Roden asked for an explanation of the difference between Certificates of Obligation and General Obligation bonds.

Springer stated that General Obligation bonds pledged property taxes for repayment and were approved by voters. Certificates of Obligation pledged revenue and a property tax pledge. Certificates of Obligation required a Notice of Intent in the newspaper before they could be issued.

Council Member Roden asked for an explanation on how the debt would be paid.

Springer stated that the principle would be paid on after issuance and that there would be a level debt schedule for payment with debt payoff every year with no carryover.

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

Ordinance No. 2015-100

F. ID 15-252 Consider adoption of an ordinance considering all matters incident and related to the issuance, sale and delivery of up to \$49,120,000 in principal amount of "City of Denton General Obligation Refunding and Improvement Bonds, Series 2015"; authorizing the issuance of the Bonds; delegating the authority to certain City officials to execute certain documents relating to the sale of the Bonds; approving and authorizing instruments and procedures relating to said Bonds; and enacting other provisions relating to the subject.

Chuck Springer, Director of Finance, reviewed the amount of the debt and the refunding of debt for savings on outstanding debt. The second part of the General Obligation bond issuance was for street improvements, public safety facilities, drainage and parks system improvements. This was a parameters ordinance with a maximum amount of sale of \$49.12 million, savings of at least 4% and ended October 2015. The plan was to sell the bonds on May 18th depending on market conditions.

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

7. PUBLIC HEARINGS

Ordinance No. 2015-101

A. S14-0008 Hold a public hearing and consider a Specific Use Permit (SUP) for a Group Home on approximately 0.391 acres of land generally located on the west side of N Elm Street near the intersection with Ferguson Street. The subject property is located within a Downtown Commercial General (DC-G) zoning district (S14-0008, Wheeler House). The Planning and Zoning Commission recommends approval (5-1) with a condition.

Aimee Bissett, Interim Director of Planning and Development, presented the details of the proposal. This would be a Special Use Permit for Wheeler House, a group home on Elm Street. She presented the zoning map, background of the application, proposed use and site plan. The project was consistent with the Denton Plan 2030. The criteria for approval and notification map were reviewed. The Planning and Zoning Commission recommended approval with the

condition that the Specific Use Permit would expire if not renewed by the Council on or before 10/29/2033 or on termination of the applicant's current lease, whichever came first. Staff recommended approval.

The Mayor opened the public hearing.

The following individuals spoke during the public hearing:

Pat Smith, 1417 Cambridge Lane, Denton, 76209 – applicant - spoke in favor.

Council Member Roden asked if Serve Denton was agreeable with the Planning and Zoning Commission recommendation.

Smith stated that they were but that it was not great. The Specific Use Permit was tied to the lease and the lease was a 20 year initial term with two 10 year additional terms.

Council Member Johnson stated that some of the Commission's discussion centered on 18 years for a new Specific Use Permit.

Smith stated the 18 years was tied to when the lease expired. Some Commission members were concerned about an indefinite Specific Use Permit and put a limit to tie it to the lease.

Council Member Johnson questioned if a Specific Use Permit could be tied to a tenant.

City Attorney Burgess stated that it could be tied to a lease but not to a tenant.

Council Member Johnson stated that if the tenant had renewal options which were executed, the Specific Use Permit would still be in effect and the same thing would be accomplished without having that drop dead date. If the lease was not renewed, the Specific Use Permit would go away.

City Attorney Burgess stated that Council could go in that direction if they wanted

Council Member Hawkins agreed with the suggestion to restructure the Specific Use Permit provision.

Council Member Ryan asked about the police station at the facility.

Smith stated that they were working through the technologies and would come back to Council at a later date for approval.

Mayor Watts stated that he was looking forward to seeing more of these facilities in the City in future years.

Glen Fogg, 809 N. Elm, Denton, 76201 – spoke in favor.

Perry McNeill, 1508 Gatewood, Denton, 76205 - spoke in favor

Melissa Bradley, 805 Bolivar, Denton, 76201 – spoke in favor

Kenton Brice, 7621 Hinkley Oak Drive, Denton, 76208 – spoke in favor.

Lee Allison, 4401 N. I35, Denton, 76207 – spoke in favor
Deborah Casimo, 1107 Bolivar, Denton, 76201 – spoke in opposition

Comment cards were submitted by the following:

Christina Trevino, 728 N. Elm, Denton, 76201 – in support
Ruth Ann Savana, 718 Crescent, Denton, 76201 – in support
Rachel Sampson, 1126 Avenue A, Denton, 76201 – in support
Roy Metzler, 1205 Polo Verde, Denton, 76210 in support
Heather Quinn, 608 Cordell, Denton, 76201- in support
Ricky and Marsha Grunden, 9620 Jim Christal, Krum, 76249 – in support
Stan Morton, 43 Wellington Oaks Circle, Denton, 76210 – in support
Nancy DiMarco, 8425 Stallion, Denton, 76208 – in support
Bettye Myers, 2913 Croydon, Denton, 76209 – in support
Priscilla Sanders, 408 Hollyhill, Denton, 76205 – in support
Harrison Wicks, 3111 Darby Lane, Denton, 76207 – in support

Additional speakers included:

Barney Casimo, 1107 Bolivar, Denton, 76201 – spoke in opposition
Tom Evenson, 1605 W. Windsor, Denton – spoke in favor

The Mayor closed the public hearing.

Mayor Pro Tem Engelbrecht motioned, Council Member Gregory seconded to adopt the ordinance without the condition as noted by the Planning and Zoning Commission. On roll call vote, Mayor Pro Tem Engelbrecht "aye", Council Member Gregory "aye", Council Member Hawkins "aye", Council Member Johnson "aye", Council Member Roden "aye", Council Member Ryan "aye", and Mayor Watts "aye". Motion carried unanimously.

Ordinance No. 2015-102

B. S13-0007 Hold a public hearing and consider a Specific Use Permit (SUP) to allow for expansion of the Municipal Solid Waste Landfill and associated Solid Waste and Recycling ground services operations and equipment storage on approximately 156.9 acres. The subject property is zoned Industrial Center General (IC-G) and is generally located north of Spencer Road and east of Mayhill Road. The Planning and Zoning Commission recommends approval (5-2) with conditions.

Aimee Bissett, Interim Director of Planning and Development, stated that this was a request for a Special Use Permit for a sanitary landfill and heavy manufacturing use. The purpose of this SUP request was to permit expansion of the landfill onto the approximately 156.9 acre subject property acquired by Solid Waste. The proposed request also included re-utilizing an existing structure on the property labeled Biodiesel Facility Building No.9 on the site plan for Heavy Manufacturing uses. Sanitary Landfills and Heavy Manufacturing require approval of an SUP in the IC-G zoning district per Subchapter 35.5.7.2 of the Denton Development Code. She presented the location map, current zoning, and background on the site. The 2015 request was expansion of the landfill and a Specific Use Permit to cover a heavy manufacturing use in

Building 9. The criteria for the Specific Use Permit were presented along with the notification map. The Planning and Zoning Commission recommended approval with two conditions (1) a Type D buffer would be constructed along the boundary on the western and northern property line, except on the portions of the boundary that have existing structures and (2) the buffer shall be constructed prior to using the property for depositing debris.

Mayor Pro Tem Engelbrecht asked about the difference in acreage as listed on the agenda and the ordinance.

Bissett stated that the original amount was the larger acreage but what was needed now was the smaller acreage.

The Mayor opened the public hearing.

The following individuals spoke during the public hearing:

Marilyn Haggard, 5300 Whiting Way, Denton, 87208 - spoke in opposition
Catherine Wages, 3915 Gayla, Denton, 76208 – spoke in opposition
Youvonna Mutzinger, 3919 Gayla, Denton, 76209 – spoke in opposition
James Griffin, 5304 Kayanne, Denton, 76209 – spoke in opposition
Joe Doye, 5956 Sherry Lane, Dallas – spoke in opposition
Mike Cheves, 900 Jeffrey, Denton, 76209 – spoke in opposition

Comment cards were submitted by the following:

Wilma Haggard, 1900 S. Mayhill, Denton, 87208 – in opposition
Barbara Haggard Holeman, 3694 State Highway 59N, Montague, 76251 – in opposition
Robert Donnelly, 3900 Quail Creek, Denton, 76208 – in opposition
Ellen Levings, 2900 Spencer Road, Denton, 76208 – in opposition
Adam Arnold, 318 W. Congress, Denton 76201 – in opposition
Jennifer Gibbs, 318 W. Congress, Denton, 76201 – in opposition
Daniel Davis, 1717 Oak Tree, Denton, 76209 – in opposition
Pam Gibbs, 2020 Kendolph, Denton, 76205 – in opposition

An additional speaker, Barbara Haggard Holeman, stated she was in opposition.

The Mayor closed the public hearing.

Council Member Johnson suggested adding a provision that the landscaping run the entire length south to north with a minimum Type D buffer.

Council Member Gregory motioned, Mayor Pro Tem Engelbrecht seconded to adopt the ordinance with the following provisions: (1) a Type D buffer would be constructed along the boundary on the entire western property line of the landfill and along the northern property lines of the lands subject to the zoning case, except on the portions of the boundary that were adjacent to 1001 South Mayhill Road, Buildings 101 and 102 and (2) the buffer shall be constructed prior to using the property for depositing debris. On roll call vote, Mayor Pro Tem Engelbrecht "aye", Council Member Gregory "aye", Council Member Hawkins "aye", Council Member Johnson

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

Ordinance No. 2015-103

C. ID 15-241 Hold a public hearing and consider adoption of an ordinance granting approval, in accordance with Chapter 26 of the Texas Parks and Wildlife Code, of the non-park use of a part of Quakertown Park for the purpose of installing and maintaining a sanitary sewer line for the Senior Center connector of the Pecan Creek Interceptor III Project; providing for a notice by the City of Denton, Texas of non-park use for installation and maintenance of sanitary sewer line and reservation of easement in the event of sale of park; and providing an effective date. The Parks, Recreation and Beautification Board recommends approval (7-0).

Jim Mays, Park Superintendent, stated that this public hearing was a requirement of Chapter 26 of the Texas Parks and Wildlife Code. The public hearing was to make certain that there was no feasible use for the property. Water Utilities required part of Quakertown Park for installing and maintaining a sanitary sewer line for the Senior Center connector of the Pecan Creek Interceptor.

The public hearing for Item D was included with this public hearing. Mays stated that Item D involved a non-park use of a portion of North Lakes Park for a water line and sanitary sewer line for the Vista Del Arroyo Office Offsite Utility Project.

The Mayor opened the public hearing for Items C and D.

No one spoke during the public hearings.

The Mayor closed the public hearings for C and D.

Council Member Johnson motioned, Council Member Ryan seconded to adopt the ordinance for Item C. On roll call vote, Mayor Pro Tem Engelbrecht "aye", Council Member Gregory "aye", Council Member Hawkins "aye", Council Member Johnson "aye", Council Member Roden "aye", Council Member Ryan "aye", and Mayor Watts "aye". Motion carried unanimously.

Ordinance No. 2015-104

D. ID 15-242 Hold a public hearing and consider adoption of an ordinance granting approval, in accordance with Chapter 26 of the Texas Parks and Wildlife Code, of the non-park use of a part of North Lakes Park for the purpose of installing and maintaining a water line and a sanitary sewer line for the Vista Del Arroyo Offsite Utilities Project; providing for a notice by the City of Denton, Texas of non-park use for installation and maintenance of a water line and sanitary sewer line and reservation of easement in the event of sale of park; and providing an effective date. The Parks, Recreation and Beautification Board recommends approval (7-0).

The public hearing for this item was held in conjunction with Item C.

Council Member Johnson motioned, Mayor Pro Tem Engelbrecht seconded to adopt the ordinance. On roll call vote, Mayor Pro Tem Engelbrecht "aye", Council Member Gregory

"aye", Council Member Hawkins "aye", Council Member Johnson "aye", Council Member Roden "aye", Council Member Ryan "aye", and Mayor Watts "aye". Motion carried unanimously.

Ordinance No. 2015-105

E. Z14-0010 Hold a public hearing and consider an initial zoning of Neighborhood Residential 4 (NR-4) on approximately 17.76 acres and Neighborhood Residential 6 (NR-6) on approximately 22.57 acres of land on a tract totaling 40.33 acres in size. The subject property is generally located on the west side of Cooper Creek Road, approximately 750 feet south of Silver Dome Road and 1,250 feet north of Fishtrap Road (Z14-0010, Windsor Oaks). The Planning and Zoning Commission recommends approval (6-0).

Aimee Bissett, Interim Director of Planning and Development, reviewed the request for Windsor Oaks. She provided information on the location map and background information on the property, criteria for approval, and notification map. The Planning and Zoning Commission as well as staff recommended approval.

The Mayor opened the public hearing.

Randall Smith, representing applicant, spoke in favor.

The Mayor closed the public hearing

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

Ordinance No. 2015-106

F. ID 15-255 Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, adopting Standards of Care for Youth/Teen Programs administered by Denton's Parks and Recreation Department pursuant to Texas Human Resources Code Section 42.041 (b) (14); and providing an effective date. The Parks, Recreation and Beautification Board recommend approval 7-0.

Kathy Schaeffer, Program Area Manager, stated that a public hearing was required by the Texas Human Resources Code in order to adopt the Standards of Care for the City's Youth/Teen Program.

The Mayor opened the public hearing.

No one spoke during the public hearing.

The Mayor closed the public hearing

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

G. ID 15-262 Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas designating portions of certain retail establishments, public buildings, and food establishments as nonsmoking areas; providing notification requirements; prohibiting smoking in designated nonsmoking areas; providing exceptions; providing penalties; providing a severability clause, repealing ordinance 2012-367, and any other ordinance in conflict herewith; and providing for an effective date.

Lindsey Baker, IGN/PIO, presented the details of the item. She noted that the City had received much feedback from the public regarding the proposed revisions. The City Manager's Office had received 60 phone calls, 3 emails in favor of the smoking ban plus other individual emails. Most of the emails were unique senders with some of them repeat senders. She reviewed the current ordinance, the draft ordinance provisions and a discussion of definitions. The proposed ordinance would (1) add bars to the smoking ban and remove that exception, (2) prohibit E-cigs in all non-smoking locations; (3) prohibit the sale of E-cigs to minors, (4) prohibit smoking within 30 feet of parks and recreation facilities, (5) prohibit smoking within 30 feet of public entrances where smoking was prohibited, (6) defined E-cigs vape shops and (7) extended the exemption to vape shops. She reviewed the definitions for patio, cigar bar and tobacco and vape shops.

Council Member Roden asked about the definition of patio and if there were any suggested changes to it.

Baker reviewed the current definition of patio as well as the definition from Richardson and Ohio.

Council Member Roden suggested changing the definition of outdoor space to one that generally was used for dining or recreation that adjoins a building and typically contained an improved surface.

Council Member Gregory stated that in a prior discussion, there was a bingo parlor that had had asked for a 3 year extension to provide for the solid physical barrier. The current ordinance also provided for 3 years to build a barrier for the effective date of the new ordinance. He felt that was not the intent and that the intent was to have the conversion completed by 2016. The proposed ordinance would need to be adjusted to not give another 3 years to complete.

Baker reviewed Cigar Bar as defined in the current definitions.

Council Member Johnson stated that if a cigar bar was going to be defined with percentages he had no clue on what would be appropriate for percentages.

Baker stated that the wording was recommended by the American Heart Association but was not included in the Denton ordinance.

Council Member Gregory stated that with percentages for enforcement, the City would have to audit books regularly or on a complaint basis.

Baker stated that the tendency was to do it on a complaint basis but with the new ordinance with new standards a base line might have to be set.

Council discussed the concept of percentages for a cigar bar, the clarification of humidification systems for cigar bars and whether a permit was currently issued for a cigar bar.

Baker continued with the definition of tobacco/vape shop, reviewing the current definition and the American Heart Association recommendation.

City Attorney Burgess stated that Council should work off the documents in the agenda backup and not off the redlined version. In terms of the percentages issue, the ordinance was criminal in nature and violations would be criminal. As Council moved forward on the enforcement issues there would have to be proof beyond a reasonable doubt of all of the elements. With these kinds of percentages, the evidence would include an audit from the business. As Council thought about enforcement and how to prove the elements it should be remembered that the burden would be to prove beyond a reasonable doubt which without a warrant or the cooperation of the business would be difficult.

The Mayor opened the public hearing.

The following individuals spoke during the public hearing:

Korey Stamp, 2121 Stella St., Denton, 76201 – support

Council Member Hawkins asked Stamp if he felt that he had to work in a smoking environment or could he go somewhere else to work.

Stamp felt that he could not leave due to job conditions because when you start out as a door person and move up through the ranks, it could take years if you had to go somewhere else to start over.

Travis Barton, 613 W. Hickory St. Apt. 4, Denton, 76201 - opposed

Susan Vaughn, 1330 Phoenix, Denton, 76205 - opposed

Charlie Nolet, 119 W. Hickory St., Denton, 76201 - opposed

Council Member Ryan asked Nolet if he would be in favor of posing a sign on the door of his establishment regarding smoking.

Nolet replied that he already had a sign posted.

Council Member Johnson stated that this was a complicated issue on both sides and questioned Nolet what percentage of his employees smoked.

Nolet replied probably more than 50%. There were only a few bars left that allowed smoking and they were containing the smoke in an area rather than outside by non-smokers.

Lloyd Banks, 1009 Ave C., Denton, 76201 - opposed
Daniel Davis, 1717 Oak Tree Dr., Denton, 76209 - opposed
Nancy DiMarco, 8425 Stallion, Denton, 76208 - in support of the ban

Council Member Hawkins questioned DiMarco where the government role was in health issues.

DiMarco stated that if someone chose to smoke that was their choice. The problem was when it overlapped on someone's inability to choose.

Michael Hennin, 724 Thomas St., Denton, 76201 - in support
Joe Pat Hennin, 3324 Brooke St., Denton, 76207 - in support

Council Member Johnson stated that bartenders had choices on whether to work in a smoking environment but entertainers did not always have those choices. He questioned Hennin regarding the percentages of bars he performed that allowed smoking.

Hennin stated that he made a choice and rarely played at a smoking bar. However, there were those who could not make that choice. Most of his colleagues preferred a non-smoking environment.

Haile Gibbs, 2532 Plain Trail, Haslet, 76052 - in support
Kelsey Burnstein, 8202 Polar Dr., Austin, 78757 - support

Council Member Engelbrecht questioned Burnstein in terms of how many other cities had percentages for cigar bars.

Burnstein stated that the Dallas ordinance had percentages did as well as the Plano ordinance.

Christopher Walker, 805 Emery St., Denton, 76201 - support
Patricia Marciatto, 2011 Tori Oak Trail, Corinth, 7610 - opposed
Kay Kamm, 8900 John W. Carpenter Fwy., Dallas - support
John Bain read a statement provided by Dr. Masciarelli - opposed
Dr. Hershel Vorhees, 1334 Ruidosa Ct., Denton, 76205 - support
Pam Gibbs, 2020 Kendolph, Denton, 76205 - opposed but support not selling E-cigs to minors
Jennifer Gibbs, 318 W. Congress, Denton, 76201 - opposed
Beyonca DeLeon, 615 E. University Dr., Denton, 76209 - opposed
Tara Linn Hunter, 118 Bernard, Denton, 76201 - support
Alfredo Avila, 2100 Spencer Rd. Apt 510, Denton, 76205 - support
Ed Soph, 1620 Victoria Dr., Denton, 76209, in support

Comment cards were submitted by the following:

Arianna Waitz, 832 Abbots Lane, Denton, 76205 – opposed
Calvin Lang, 2120 Mitchell, Krum, 76240 – opposed

Paul Rogers, 4181 Silver Dome, Denton, 76208 – opposed
Maegan Baugh, 2106 Preston, Denton, 76209 – opposed
Blake McDaniel, 3405 Cactus, Denton, 76201 – opposed
Scott Williams, 7911 Airfield, Sanger, 76266 – opposed
Matthew Woods, 1604 N. Ruddell, Denton, 76209 – opposed
Charlie Nolet, 708 Thomas St., Denton, 76201 - opposed
Edgar Kautsch, 1606 E. McKinney, Denton, 76201 - opposed
Christina Jones, 325 E. Windsor, Denton, 76208 - opposed
Katlyn Woodruff, 1408 Teasley Ln. #3914, Denton, 76205 - opposed
Buddy Rowe, 700 Coronado Dr., Denton, 76209
Lindsey T., 708 Thomas St., Denton, 762014 – opposed
Laura Crow, 3232 N. Locust #715, Denton, 76207 - opposed
Estaban Rameriz, 2917 Croydon St., Denton, 76209 - opposed
Taylor Haywood, 195 Rosewood Drive, Denton, 76227 - opposed
Casey McGowen, 990 West Highland St., Denton, 76201 - support
Adam Arnold, 318 W. Congress St., Denton, 76201 - opposed
Carey Bilyeu, 2019 N. Locust, Denton, 76209 - opposed
James Bostick, 1610 Highland Park Rd., Denton, 76205 - opposed
Colette Johnson, 3911 Morse St., Denton, 76208 - support
Keely Briggs, 3108 Broken Bow, Denton, 76209 - opposed
Kamon Conner, 908 N. Austin St., Denton, 76201 - support
Jāqulyne Coleman, 908 N. Austin St., Denton, 76201 - support
Ellen Painter, 909 Garnet Cove, Oak Point, 75068 - support
Megan Gibbs, 160 E. Vista Ridge Mall Drive #316, Lewisville, 75067 - support
Laura Valentino, 3815 Stuart Rd. Apt 36, Denton, 76209 - support
Elizabeth Wachira, 1017 Canyon Drive, Justin, 76247 - support
Anna Olson, 2320 Taylor Street #23312, Dallas, 75201 - support
Donald Poer, 1716 Eagle Dr, Denton, 76201 - support
Melissa Polisenio, 2609 Loon Lake Rd, Denton, 76210 - support
Scott Polisenio, 2609 Loon Lake Rd, Denton, 76210 - support
Taylor Bailey, 811 Welch, Denton, 76201 - support
Austin Hendren, 7104 Frost Lane, Denton, 76210 - support
Stan Morton, 43 Wellington Oak Circle, Denton, 76210 - support
Tabitha Millsop, 501 Denton St., Sanger, 76266 - support
Cortney Nicolato, 1840 Meadows Ave., Lantana, 76226 - support
Kelly McArthur, 113 Las Colinas Trl, Crossroads, 76227 - support
Corey Nunns, 1408 Teasley #221, Denton, 76205 - opposed
Richard Underwood, 615 E. University, Denton, 76209 - opposed
Julie Elliott, 1803 N. Elm, Denton, 76201 - opposed
Erin Rener, 1508 Morse St., Denton, 76205 - opposed
Brook Johnson, 1680 Stanford, Denton, 76210 - opposed
Travis Johnson, 1680 Stanford, Denton, 76210 - opposed
Sonnie Shelton, 108 W. Oak St. Ste. C, Denton, 76201 - opposed
Matthew Clark, 1001 Wintercreek Dr., Denton, 76201 - opposed
Ethan Sharp, 1605 N. Ruddell St., Denton, 76209 - opposed
Andy Odom, 1208 Piping Rock, Denton - support
Kelsey Kinser, 3504 Shadow Trail, Denton, 76207 – support
Harrison Wicks, 3111 Darby Lane, Denton, 76209 - support

Additional speakers included:

Youvonna Mutzinger 3919 Gayla, Denton, - opposed
Rhonda Love, 1921 Hollyhill, Denton – support
Jennifer Lane, 1526 Willowwood, Denton - support
Buddy Rowe, 700 Coronado, Denton, 76209 – opposed
Billy Poer, 1716 Eagle, Denton, 76201 – support
Scott Poliseno, 2609 Loon Lake Road, Denton, 76210 – support

Council Member Johnson stated that he was having a problem regarding the differentiation of what this was about. If it was about work place safety and the employee who did not have a choice on where to work, it was one thing. If it was about taking an action to reduce the overall smoking rate in the nation and be an overall healthier state, that was another thing. His question to Poliseno was whether the employees at Cigar Frogs mattered.

Poliseno stated that it was difficult to determine where to draw the line. It came down to changing social norms and future generations.

Council Member Johnson asked Poliseno to respond to his question as he was talking about cigar smoke versus cigarette smoke. He had not found any data that indicated that secondhand cigar smoke was not harmful. So his question was did the employees as Cigar Frogs matter as that business would not be affected by the proposed smoking ordinance.

Poliseno stated yes that they mattered and he would rather see the business close than affect the employees.

Andy Bostwick, 1610 Highland Park Road, Denton - opposed
Lynn Taylor, 119 W. Hickory, Denton - opposed
Scott Campbell, 420 Sherman Drive, Denton –opposed

The Mayor closed the public hearing.

Mayor Pro Tem Engelbrecht stated that a comment had been made that secondhand smoke was harmful but people wanted to make their own choices. He had asked the City Attorney if attempting suicide was an offense.

City Attorney Burgess stated that an attempted or successful suicide was not an offense.

Mayor Pro Tem Engelbrecht stated that he had asked that question because of the health issue. People had a choice. He had a problem with the comment of a question of choice when it came to public health.

Council Member Johnson stated that he was frustrated that the issue was being discussed. Two years ago a citizens advisory committee spent time considering the issue and presented a recommendation to Council. There was not a citizen committee to help with the decision on this revision. People had made financial decisions based on the original ordinance. If the ordinance before was to give people time to change their business model, it should have said that. If the

reason was to not have children smoke, then make that the reason. If it's about forcing everyone on the sidewalks then that violated what people have said. If it was about employee safety then what about the employees in the cigar bars and the bingo parlors. If the ordinance was passed, he would like Council to consider a sunset provision to allow those establishments that still permit smoking to have time to reinvent themselves and not put them in a bad financial position.

Council Member Gregory stated that at the time the original ordinance was passed, he was on Council and knew that Council had indicated that they wanted to come back and revisit the ordinance. At the time it was passed, there were restaurant owners who had indicated that their businesses would be harmed if smoking was banned. He wanted to hear from restaurant owners if their businesses had been hurt since the passage of the original ordinance. He did not remember a pledge to reform the committee or form a new committee to consider the proposal. He was in favor of a more comprehensive ban to protect citizens.

Council Member Ryan stated that he was against the ordinance as it was an infringement against business owner's rights. The process was naturally progressing to non-smoking bars but there was a niche that served a need. He was on the ad hoc committee two years ago and they were told that the committee would be reconvened when the issue was revisited. He agreed with the provisions regarding the E-cigs. He suggested creating another citizen committee to help work through the issue.

Council Member Hawkins stated that it was legal to smoke and it was a personal choice to go into a smoking establishment. It was an individual's choice whether or not to work in a smoking establishment. His love of people's freedom to choose, trumped his dislike of smoking.

Mayor Watts stated that he was not able to be present at the meeting two years ago when this issue was voted on. Had he been at that meeting, he would have voted for a complete ban. He did not feel it was necessary to reconvene the committee to take comments on the issue. There had been a lot of discussion on where the line was on personal choice and on government. He supported the ordinance but not to the extent that it would dramatically affect people financially. He would agree with a time to allow business owners to plan for what ultimately would be a complete ban.

Council Member Roden questioned that as there were so many elements of the ordinance, would be better to make a motion on each item or make a general motion and accept amendments as they were presented.

Mayor Pro Tem Engelbrecht stated if Council was considering a grandfather clause for some of the establishments, maybe as high as 11 establishments, he would suggest holding consideration for a month to see if the four mentioned earlier really went non-smoking.

Council Member Roden motioned to adopt the ordinance as presented in the backup with the following changes: (1) change the definition in Section 1 regarding open air patio to an outdoor space generally used for dining or recreation that adjoins a building and typically contains an improved surface.

Mayor Watts questioned the use of the word dining as bars that were unable to serve food would not be able to use their outside space as a patio.

Council Member Roden stated that his intent was that if it were an outdoor space, smoking would be allowed.

He continued with his motion: (2) delete the section dealing with a 30 foot buffer, (3) pursue a grandfather clause to identify bars that claimed to be smoking and to be identified as such (4) any new bar would have to be under the general terms of this ordinance so Section 2.a.13 would need to be changed to “bars except as otherwise permitted in this ordinance”, (5) change Section 4a to include “ an existing bar that has registered with the city of Denton as a smoking bar by a specific date determined by an administrative process”, (6) create an administrative process whereby existing bars can register as a smoking bar with requirements to include the bar must have been an existing bar at the time the ordinance was amended, must not allow admittance to persons under the age of 18, must provide signage created by the city of Denton identifying them as a smoking establishment and must not allow live music performances.

Council Member Johnson stated that if the goal for the grandfathering was to not harm the businesses, if a bar had a patio, would they not be grandfathered.

Council Member Roden stated that the intent was that as there were a certain number of existing smoking bars at this point, that number would be maintained until the grandfathering condition expired.

Council Member Gregory questioned what a sunset provision would include as opposed to the grandfather provision.

Council Member Roden suggested that he complete his motion and then Council could have discussion. He continued with his amendments: (7) add to Section 5.a “Signage” requiring smoking bars to have a sign at the entrance identifying them as a smoking establishment; (8) include wording in the cigar bar definition a type of humidor to make it a full fledge cigar bar rather than not.

City Attorney Burgess asked about the motion as it related to Section 2 where there was smoking prohibited in certain locations. She questioned the intent as it related to E-cigs.

Council Member Roden stated they would be prohibited in the same locations as cigarettes.

Mayor Pro Tem Engelbrecht asked about whether the distance restriction would be 30 feet from any entrance.

Council Member Roden stated that his amendment would strike the entire Section 2.a.21 and not have it there at all.

Council Member Johnson questioned if these amendments would force smokers outside the building and would force people going into a non-smoking establishment to walk through smoke. If the smokers were pushed out of the buildings and could smoke within 30 feet of a door, it would only get worse. He would have a problem removing that section completely as it would put smoking out where non-smokers would have to walk.

Council Member Roden stated that his motion would maintain the current situation. There would be no new smoking bars, would freeze the situation of the number of smoking bars and by changing over time that number would be reduced. His motion would not change the distance immediately.

Council Member Hawkins stated that he appreciated the grandfather clause but not allowing them to have live music would force them to make a decision on which way to do business. He would not be able to vote on that amendment.

Council Member Gregory seconded the motion if Council Member Roden would agree to an amendment to Section 4.a.5 regarding bingo parlors that they would have only have to January 2016 to comply.

Council Member Roden accepted that amendment to his motion.

Council Member Hawkins felt that existing bars should be able to have live music.

City Attorney Burgess requested clarification on the grandfathering issue in terms of what would trigger the end of grandfather period whether that would be a change of use from a bar to another use, a change in ownership, or a specified a period of time.

Council Member Roden suggested including the first two provisions recommended in the grandfathering whichever came first.

Council Member Ryan stated that he would not agree with banning live music. He stated that he would like to table the proposal so as to be able to see the changes as suggested. He would like to motion to table with an amendment to allow live music.

Mayor Watts stated that he was uncomfortable approving the ordinance at this time without having an opportunity to discuss in a Work Session all of the amendments suggested.

Council discussed whether to continue the item, continue discussion at this meeting, and what the process would be when reviewing the ordinance as amended.

Council Member Ryan motioned, Council Member Hawkins seconded to continue the ordinance until a draft was ready for review in a Work Session. On roll call vote, Mayor Pro Tem Engelbrecht "aye", Council Member Gregory "aye", Council Member Hawkins "aye", Council Member Johnson "aye", Council Member Roden "aye", Council Member Ryan "aye", and Mayor Watts "aye". Motion carried unanimously.

H. A15-0012 Hold the first of two public hearings to consider the annexation of approximately 678.49 acres of land contained in eight of the fifteen annexation areas, which received a Non-Annexation Agreement in 2010, and do not comply with the exemption requirements in the Texas Local Government Code Chapter 43.035 or did not execute a Non-Annexation Extension Agreement. Four annexation areas consist of approximately 508.79 acres, generally located in northwestern quadrant of the City of Denton's Extraterritorial Jurisdiction (ETJ), Division 1, and are identified as PAA1,

PAA2, PAA3, and PAA4. The remaining four areas include approximately 169.70 acres of land, and are unincorporated ETJ pockets located within the body of the City of Denton's corporate limits, and identified as DH2, DH3, DH4, and DH11; providing for severability and an effective date.

Aimee Bissett, Interim Director of Planning and Development, stated that as part of the annexation initiative in 2010, the City Council approved several ordinances for Non Annexation Agreements (NAAs) in annexation areas referred to as *DH1, DH2, DH3, DH4, DH5, DH11, DH14, PAA1, PAA2, PAA3, PAA4*. The agreements were approved for five years and had cessation dates of February 9, 2015 and March 2, 2015. In 2014, City Council directed staff to offer a one year extension to the original agreements. Pursuant to the Texas Local Government Code (Tx.LGC) Subchapter B Section 43.035, properties that continued to meet the stated criteria of agricultural, wildlife management or timberland uses were offered a Non-Annexation Extension Agreement. Each property owner received by certified mail a Non-Annexation Extension Agreement with a cover letter explaining their options and deadline date. In total, about 130 agreements were signed and notarized for approximately 183 properties. The signed Non-Annexation Extension Agreements were approved by City Council on March 3, 2015. However, there were nearly 12 properties from 2010 that no longer complied with the exemption requirements, and approximately 40 properties that met the exemption requirements status but did not execute the Non-Annexation Extension Agreement. These properties encompass roughly 701.35 acres of land in the following annexation areas: *DH2, DH3, DH4, DH5, DH11, PAA1, PAA2, PAA3, and PAA4*. She reviewed the areas for this annexation, and the provisions of the services from the service plan. Staff was recommending approval.

The Mayor opened the public hearing.

The following individuals spoke during the public hearing:

Debra Cottle, 480 Hickory Creek, Krum, 76249 – spoke in opposition
Ladonna and Larry Pockrus, 7080 Wolf Run, Ponder, 76259 – spoke in opposition
Pat deBaca, 9861 Jim Christal, Krum, 6249 – spoke in opposition
Robin Gregory, 491 Hickory Creek, Krum, 76249 – spoke in opposition

A comment card was submitted by John Duncan, 1000 S. Mayhill, Denton, 76202 in opposition.

The Mayor closed the public hearing.

No action was required on this item at this time.

- I. DCA14-0009f Continue a public hearing and consider adoption of an ordinance amending Subchapters 5, 7, 16 and 22 of the Denton Development Code, relating to Gas Well Drilling and Production, Definitions and Procedures; amending Ordinance No. 2013-248, relating to planning and development fees and road damage remediation fees relating to gas well drilling and production activities; adding new Subchapter 22A to the Denton Development Code, relating to Oil and Gas Pipelines, Definitions, Procedures; providing a cumulative clause; providing a severability

clause; providing for a penalty; and providing for an effective date (DCA14-0009f). The Planning and Zoning Commission recommends denial (4-3). A supermajority vote by City Council is required to adopt a motion to approve this ordinance.

Mayor Watts stated this was a continuation of the public hearing and Council would take public comment at this time.

Chance Wilson, 1209 CR 1304, Bridgeport, 76426 – spoke in opposition

Comment cards were received from the following:

Harrison Wicks, 3111 Darby Lane, Denton, 76207 – opposed

James and Elizabeth Fagan, 3304 Woodthrush, Denton, 76209 – opposed

Council Member Gregory motioned, Mayor Pro Tem Engelbrecht seconded to continue the public hearing to the Council's April 14, 2015 meeting. On roll call vote, Mayor Pro Tem Engelbrecht "aye", Council Member Gregory "aye", Council Member Hawkins "aye", Council Member Johnson "aye", Council Member Roden "aye", Council Member Ryan "aye", and Mayor Watts "aye". Motion carried unanimously.

8. CITIZEN REPORTS

There were no citizen reports for this section of the agenda.

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 Ryan requested information on ways to encourage slower traffic on Oak/Hickory near Bell Avenue.

Council Member Ryan requested a report to the Committee on Citizen Engagement concerning the Rapid SOS software in terms of cost and what it did.

Mayor Pro Tem Engelbrecht requested a better explanation of the purpose and promotion of the red light cameras.

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

There was no continuation of the Closed Meeting.

With no further business, the meeting was adjourned at 3:15 a.m.

CHRIS WATTS
MAYOR
CITY OF DENTON, TEXAS

JENNIFER WALTERS
CITY SECRETARY
CITY OF DENTON, TEXAS