

CITY OF DENTON CITY COUNCIL MINUTES

May 9, 2017

After determining that a quorum was present, the City Council convened in a Work Session on Tuesday, May 9, 2017 at 2:00 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, and Mayor Watts.

ABSENT: Council Member Bagheri

1. Citizen Comments on Consent Agenda Items

Mayor Watts noted that Comment Cards in opposition to Consent Agenda Item 1B had been submitted by Buddy Dobson and Mrs. Buddy Dobson.

Willie Hudspeth spoke regarding the reasons for his topics of discussion during the agenda item for Consent Agenda items. He also spoke on Consent Agenda Item 1C.

Susie Autry spoke regarding Consent Agenda Item 1B and the process for determining the location of the site.

Council Member Bagheri arrived at the meeting.

Mayor Watts requested clarification of Consent Agenda Item 1B in terms of Council discussion.

Council Member Briggs requested Consent Agenda Item 1B be pulled for individual consideration.

2. Work Session Reports

A. ID 17-587 Receive a report, hold a discussion, and provide staff direction regarding Shiloh Village and the concept of community housing (co-housing).

Pat Smith presented details regarding Shiloh Village and the concept of shared living spaces. He reviewed the vision and mission of the project. The process of developing the project and the proposed governance structure were presented. The proposed layout of the project was noted as well at the next steps in the process.

Ron Menguita, Long Range Planning Administrator, provided background information on the project and the co-housing concept. Options for consideration were provided to Council. Staff was recommending an Overlay District in order to allow the project to move forward and reviewed the details of an overlay district.

Council discussed whether the proposal as presented related to tiny houses in other areas of the city; would an overlay district provide protection for long range management issues; types of infrastructure that would be required for the units and the main units in the project; and whether this was a premature request for Council direction at this time due to new council members coming to Council in the near future and the need to have community input on such a proposal.

Consensus of the Council was to move forward with community engagement both with adjacent neighborhoods and city-wide plus consider the sustainability of the project through the years.

- B. ID 17-589 Receive a report, hold a discussion, and give staff direction regarding redevelopment of the property at 101 S. Locust Street (Wells Fargo Building).

Caroline Booth, Director of Economic Development, presented the background information on the proposed redevelopment of the Wells Fargo Building. Three scenarios for redevelopment were reviewed. Revenue comparisons for the building only, actual site and large site option were presented.

Council discussed that the number of proposed public parking spaces was not acceptable; updating the Wells Fargo building and providing a hotel in the downtown area would be welcomed; continued discussion was needed regarding parking in the area whether free or paid parking; include in the discussion the applicability of the Downtown TIF; and include the Historic Preservation Officer in the discussions of project.

Consensus of the Council was to continue with the discussion of the project.

Following the completion of the Work Session, the City Council convened in a Closed Meeting to consider the specific item listed below under the Closed Meeting section of this agenda.

1. Closed Meeting:

- A. ID 17-621 Consultation with Attorneys - Under Texas Government Code Section 551.071 regarding legal issues.

Consultation, discussion and deliberation regarding legal matters associated with the City's legal and contractual relationship with the Denton Housing Authority including, but not limited to, Ojala Holdings and the Denton Housing Authority's requests for resolutions showing "no objections" on two 4% Housing Tax Credit housing developments, where 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.

Following the completion of the Closed Meeting, the City Council convened in a Special Called Meeting.

1. CONSENT AGENDA

Mayor Watts noted that Item B would be pulled for separate consideration.

Council Member Gregory motioned, Mayor Pro Tem Roden seconded to approve the Consent Agenda and accompanying ordinances and resolutions with the exception of Item B which was pulled for separate consideration. 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. 2017-140

- A. ID 17-167 Consider adoption of an ordinance approving an Advanced Costs Reimbursement Agreement between Epic Development, Inc., Columbia Medical Center of Denton Subsidiary, L.P., and the City of Denton regarding reimbursement to the City for removal of unauthorized obstructions from a transmission line easement; and providing effective date. The Public Utilities Board recommends approval (6-0).

Ordinance No. 2017-141

- C. ID 17-603 Consider adoption of an ordinance of the City of Denton authorizing an agreement between the City of Denton, Texas, and the Day of the Dead Festival; providing for the expenditure of funds; and providing for an effective date.

Ordinance No. 2017-142

- D. ID 17-618 Consider adoption of an ordinance of the City of Denton, Texas, concurring with the City Manager's reorganization of the City of Denton's administrative departments and divisions; and providing an effective date.

Council considered the item pulled for separate consideration.

Resolution No. R2017-018

- B. ID 17-585 Consider approval of a resolution of the City Council of the City of Denton, Texas, regarding the proposed site for the construction, expansion, and use of an electric power transmission/distribution substation generally located in the northeast corner of East Sherman Drive and Hartlee Field Road, in the extraterritorial jurisdiction of the City of Denton, Denton County, Texas, and part of Denton Municipal Electric's service territory; and providing an effective date. [Hartlee Field Substation]

Council Member Briggs questioned the amount of screening around the substation.

Phil Williams, General Manager-DME, stated that staff would look at moving the station down more on the site and include additional greenery around it.

Council Member Hawkins motioned, Council Member Gregory seconded to approve the resolution. On roll call vote, Mayor Pro Tem Roden "aye", Council Member Wazny "aye", Council Member Briggs "nay", Council Member Hawkins "aye", Council Member Gregory "aye", Council Member Bagheri "aye" and Mayor Watts "aye". Motion carried with a 6-1 vote.

2. ITEMS FOR INDIVIDUAL CONSIDERATION

Ordinance No. 2017-143

- A. ID 17-579 Consider adoption of an ordinance of the City of Denton, Texas amending the Fiscal Year 2016-2017 Budget and Annual Program of Services of the City of Denton to allow for adjustments to the General Fund of three hundred seventy-five thousand dollars (\$375,000) for the purpose of funding fencing at City Cemeteries,

Downtown Reinvestment Fund of twenty thousand dollars (\$20,000) for the purpose of funding additional grant applications, the Library Donation Fund of twenty thousand dollars (\$20,000) for the purpose of funding the purchase of replacement furniture, equipment and supplies; declaring a municipal purpose; providing a severability clause, an open meetings clause and effective date.

Chuck Springer, Director of Finance, stated that the amendment included three items. One was for funding the fencing at the cemeteries, one for funding two Downtown Reinvestment Grant Fund projects and one for funding the Library Donation Fund for replacement furniture, equipment and supplies.

Council Member Gregory motioned, Council Member Wazny 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", Council Member Bagheri "aye" and Mayor Watts "aye". Motion carried unanimously.

Ordinance No. 2017-144

- B. ID 17-575 Consider adoption of an ordinance approving a grant application from John Withers, representing Withhick, LLC, from the Downtown Reinvestment Grant Program not to exceed \$25,000; and providing for an effective date. The Economic Development Partnership Board recommends approval (7-0).

Mayor Pro Tem Roden 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", Council Member Bagheri "nay" and Mayor Watts "aye". Motion carried with a 6-1 vote.

- C. ID 17-576 Consider adoption of an ordinance approving a grant application from Tim Beaty, representing 421 E. Oak, from the Downtown Reinvestment Grant Program not to exceed \$25,000; and providing for an effective date. The Economic Development Partnership Board recommends approval (7-0).

Mayor Pro Tem Roden 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", Council Member Bagheri "nay" and Mayor Watts "aye". Motion carried with a 6-1 vote.

- D. ID 17-611 Consider approval of a resolution of the City of Denton, Texas evidencing no objection to the proposed new construction of The Standard at MedPark Station, L.P.; and authorizing such other actions necessary or convenient to carry out this resolution; and providing for an effective date.

Sarah Kuechler, Assistant to the City Manager, presented background information on the proposal along with the tax implications.

Speaker Cards were submitted by the following:

Dr. Kathryn Stream spoke in support

Sheryl English spoke in support

Council discussed whether the new facility would be able to house all of the residents from Heritage Oaks.

Council Member Gregory motioned, Council Member Briggs seconded to approve the resolution.

Mayor Watts noted that he would be voting against the resolution because it would divert tax money from the City to another organization. He was concerned about having to do both projects or do nothing; having to do a joint agreement or nothing and that it had to be done today.

Council Member Hawkins stated that he had the same concerns and would be voting no for both projects as he not comfortable with the projects not being on the tax rolls.

Mayor Pro Tem Roden stated he was in favor of the motion because Denton had a housing issue. While this was not an ideal situation the housing was needed.

Council Member Wazny stated that the proposal would remove the properties from the property tax rolls forever due to the joint agreement with the Denton Housing Authority. She noted that a prior developer agreed to pay property taxes. She would be voting no due to no property taxes for the development.

Council Member Bagheri stated that she would be voting no.

On roll call vote to approve the resolution, Mayor Pro Tem Roden "aye", Council Member Wazny "nay", Council Member Briggs "aye", Council Member Hawkins "nay", Council Member Gregory "aye", Council Member Bagheri "nay" and Mayor Watts "nay". Motion failed with a 3-4 vote.

Resolution No. R2017-019

- E. ID 17-612 Consider approval of a resolution of the City of Denton, Texas evidencing no objection to the proposed new construction of The Hudson at MedPark Station, L.P.; and authorizing such other actions necessary or convenient to carry out this resolution; and providing for an effective date.

A Speaker Card was submitted by Dr. Kathryn Stream in support of the resolution.

Council Member Gregory motioned, Council Member Briggs seconded to approve the resolution. On roll call vote Mayor Pro Tem Roden "aye", Council Member Wazny "nay", Council Member Briggs "aye", Council Member Hawkins "nay", Council Member Gregory "aye", Council Member Bagheri "nay" and Mayor Watts "aye". Motion passed with a 4-3 vote.

Ordinance No. 2017-146

- F. ID 17-624 Consider adoption of an ordinance of the city of Denton, Texas amending certain provisions of chapter 1 and chapter 17 of the Denton code of ordinances, the Denton property maintenance code, including sections 1-11, 17-2, 17-37, 17-42, 17-112, 17-121, and 17-124 and adding section 17-3 to provide for code enforcement

officer authority; providing for a severability clause, savings clause, and an effective date.

Laura Behrens, Fire Marshal, stated that during prior discussions in December it was noted that Community Improvement Services would become a part of the Fire Department. This ordinance would ratify the authority for Community Improvement Services to carry out their assigned duties.

Council Member Hawkins motioned, Council Member Wazny 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", Council Member Bagheri "aye" and Mayor Watts "aye". Motion carried unanimously.

3. 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 Gregory requested revisions to speakers at the Work Session items. After the speaker states his/her name, he/she should indicate which agenda he/she was addressing and clearly state whether for or against the item.

Council Member Bagheri requested information on adding the voting record for council members to the website.

Council Member Wazny requested an emergency meeting in order to address additional early voting locations for the runoff election.

City Attorney Leal stated that the Open Meeting Act allowed for emergency meeting under certain conditions and this was not one of those allowed conditions.

Mayor Watts noted that no discussion could take place at this meeting as it had not been posted.

Council Member Wazny requested an item be added to the June 6th meeting to discuss hiring a search firm for a new City Attorney.

Mayor Watts requested a discussion on the Downtown TIF.

Mayor Watts requested a Work Session with Chief Howell on how the homeless were policed.

With no further business, the meeting was adjourned at 5:05 p.m.

CHRIS WATTS
MAYOR
CITY OF DENTON, TEXAS

JENNIFER WALTERS
CITY SECRETARY
CITY OF DENTON, TEXAS