

CITY OF DENTON CITY COUNCIL MINUTES

February 20, 2018

After determining that a quorum was present, the City Council convened in a Work Session on Tuesday, February 20, 2018 at 12:00 p.m. in the Council Work Session Room at City Hall.

PRESENT: Council Member Hudspeth, Council Member Briggs, Council Member Duff, Council Member Ryan, Council Member Gregory, Mayor Pro Tem Bagheri, 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 February 20, 2018.

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

Council Member Briggs – Consent Agenda Item B; pull Consent Agenda Item E for Closed Session; Consent Agenda Item I; and pull Consent Agenda Item O for separate consideration

Council Member Gregory – Consent Agenda Item O

Mayor Pro Tem Bagheri - pull Consent Agenda Item E for separate consideration

Mayor Watts - Public hearing procedures for the listed items

Council Member Hudspeth – Consent Agenda Item C; pull Consent Agenda Item F for separate consideration; pull Consent Agenda Item G for separate consideration; Item M

3. Citizen Comments on Ethics Related Work Session Report Items

There were no citizen comments on the Ethics related Work Session item.

4. Work Session Reports

- A. ID 18-301 Receive final reports from the Lynn, Ross, and Gannaway, LLP law firm and the BKD, LLP accounting firm, regarding the Council-initiated completion of an investigation of the Denton Parks Foundation, as originally initiated by the City's Internal Auditor, prior to his resignation and departure. The Council reserves the right to provide general direction to City staff regarding next steps and future funding and operations of the Parks Department.

Julia Gannaway, Lynn, Ross and Gannaway, presented background information on the initial investigation.

Todd Burchett, BKD, reviewed the scope of work for the phases of the investigation.

Gannaway then reviewed the timeline of the investigation.

Burchett listed the concerns that were investigated, methods used for the investigation, cooperation received from the City and the Foundation.

Gannaway continued with the cooperation received from the Foundation and presented a timeline of what was requested and the results of those requests. She presented the conclusions of the investigation.

Julia Mast, BKD, presented the conclusions from the audit in terms of a written policy on how to conduct business with the Foundation, the scope of assistance from the City that went into a Foundation project and the procedures for donations and expenditures. She also noted the usage of City/Park employees for various projects.

Gannaway noted an ongoing disagreement between the City and the Foundation regarding two Eureka 2 expenditures.

Mast stated that a Park Department staff report presented to Council was inaccurate in terms of ROI, amount raised by the Foundation and did not account for the additional investments by the City for office space, personnel, etc.

Gannaway then reviewed a conclusion regarding the Foundation selling advertising on its property and no agreement to do so.

Mast reviewed the conclusion of an investigation regarding the collection of an Enhancement Fee which was deposited to the Foundation. Recommendations assumed that the City and Foundation would continue forward. Those recommendations included an agreement with the Foundation for clarification of boundaries; develop policies and procedures around the interactions between the City and the Foundation; define ROI calculations; and define a reporting mechanism for the Executive Director of the Foundation to report to someone at the City other than the Parks Director. Regarding the Youth Enhancement Fee, the fees should be remitted to the City and be responsible for the administering of those funds. A request should be made for an accounting from the Foundation for the funds collected and disbursed. City operations recommendations included a Code of Conduct policy; perform annual conflict of interest disclosures for Council and department heads; require that any receipt of money donated to the City or for Parks have documentation through written donor agreements. Recommendations for the Foundation included implement control processes for cash handling and procurement; develop a conflict of interest policy and a code of conduct policy; have more timely entry of financial transactions and include accounting procedures.

Council discussed:

- Total cost for Eureka 2 with ROI calculations
- Regarding the Enhancement Fee, whether the City needed to provide a tax donation form for those who paid those fees
- The City and Foundation did not collect the Enhancement Fee, the sports organizations collected it and wrote a check to the City
- Details regarding the statement of an ongoing disagreement between City and Foundation regarding Eureka 2 expenses
- Discussion on whether recommendations regarding a relationship with the Foundation were feasible
- Steps towards the correction of City issues as noted in the report
- The feeling that there might be an uncertain future relationship with Foundation

- B. ID 18-247 Receive a report, hold a discussion, and give staff direction regarding the development of an ethics ordinance including, but not limited to, a discussion on complaints, investigations, dismissals, hearings, and sanctions, from attorney Alan Bojorquez.

Alan Bojorquez stated that this module would include Complaints, Investigations, Dismissals, Hearings, and Sanctions.

The complaints section included who could file a complaint, if there would be statutory limitations on the complaints, include a blackout period, whether the complaint would be in writing on a form provided by the City with a sworn statement, who would accept the complaint, whether the complaint would need to reference a particular section of the Ethics Code and have accompanying documents, who would determine if the complaint was administratively complete, whether to maintain confidential while the matter was pending and whether to restrict ex parte communications while a complaint was pending.

Council discussion included:

- The City would devise a complaint form
- A complaint would be filed with the City Auditor
- The complaint would need to reference a particular section of Code that was believed to have been violated
- General categories of the Code could be referenced versus specific subsections of the Code
- Evidence such as statements/documents evidencing the alleged violation would need to be provided
- The City Auditor would determine whether the complaint was administratively complete
- Regarding preserving confidentiality of a complaint while it was pending, the discussion centered on compliance with the Open Records Act, how much to keep confidential and the time period, and who did the pre-screening. Consensus was to keep the complaint confidential while being evaluated
- Once the complaint was filed and was determined to be a verified complaint there would be no communications to Council by the complainant and accused.

Investigation topics included whether the investigations would occur outside a formally posted hearing, who would performed the initial inquiry to determine whether the complaint was valid, and what would happen to the complaint if determined to be invalid.

Council discussed:

- The need for some mechanism to evaluate and dismiss a complaint if it was not a proper complaint.
- A suggestion for a sub-committee to recommend to move ahead or dismiss a complaint in writing and the entire Board would consider
- Consider rotating a set of attorneys to review the complaints
- If everything was going to the Board, there would be no need for a subcommittee

The Dismissal section dealt with providing for a mechanism for dismissing complaints early in the process and what the process would be for administration of incomplete complaints.

Consensus of the Council was that a complaint that was not complete would not be considered and would be returned with a letter providing notice of what was incomplete.

Hearings centered on rules of procedure for hearings and whether to establish an Administrative Hearing Officer or process appeals through the State District Court.

Council discussion included:

- Allowing the Board of Ethics to set their own rules
- Allow the Board to set up their procedures to allow for fairness on both sides
- Consider having the Board propose rules and let Council approve them – Council to provide basic guidance and let the Board proceed from there.
- It would be the burden of the complainant to prosecute the complaint and the complainant's responsibility to bring the case to the Board.
- The Board would be allowed to ask questions
- The complaint would not be appealed past the Administrative Hearing Officer

The Sanctions discussion included whether to provide for disqualification from future complaints and whether to provide for punishment for frivolous complaints.

Council discussion included:

- Consider following the San Marcos Code
- In terms of disqualification from future appointments to boards/commissions, consider disqualification from future appointments if the findings were at a level of recommendation for removal
- In terms of vendors, consider a period of disqualification rather than a total ban, perhaps a two year time period
- No punishment for frivolous complaints but the Board could provide a letter to a complainant about a frivolous complaint
- No criminal element but consider a fine for a frivolous complaint as there needed to be a certain level of accountability when submitting complaints

Bojorquez asked about the number of people on the Board. Council had initially agreed to five members with two 2 alternates. Additional questions were how the members would be nominated and whether specialized training would be required.

Consensus of the Council was to have a seven member Board with a three member subpanel.

- C. ID 17-1682 Receive a report, hold a discussion, and give staff direction regarding the Solid Waste department's landfill vegetative buffer and maximum landfill height proposed in permit amendment.

Ethan Cox, Director of Solid Waste, provided information on the landfill height and buffer zone. He reviewed the background of the issue including citizen concerns, landfill expansion, and buffer zone. The statistics detailing the existing height of the landfill, the TCEQ permit 1590A and the TCEQ permit 1590B were presented.

Council discussed TCEQ procedures.

Cox detailed a chart comparison of height versus capacity versus site life of the landfill. The remaining permit process and recommendation were presented.

Cox continued with the buffer zone overview. He noted the buffer definition, the requirements with the current TCEQ Permit 1590A and the notations from the specific use permit elements for landscaping and screening. A typical SUP buffer example was reviewed. He noted the history and current state of the buffer zone along with recent and current challenges. The future state of the site was impacted by transmission lines and the Mayhill construction. The Plan of Action included working with the landscape architect on tree species, location and planting schedule with irrigation system and maintenance plan and provided a project timeline outside the wall and behind the wall.

Council discussed whether the SUP required plantings behind the wall; placement of the anticipated transmission line; variables associated with the Mayhill Road construction; effect of non-compliance of the SUP; and think outside the box for solutions.

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

1. Closed Meeting:

- A. ID 18-273 Deliberations regarding a Personnel Matter - Under Texas Government Code, Section 551.074.

Deliberate and discuss the evaluation, duties, discipline, procedures and contract of the Municipal Judge.

The following item was also considered in Closed Meetings under Real Property – Tex. Govt. Code, Sec. 551.072 and Consultation with Attorney – Tex. Govt. Code, Sec. 551.071/

- B. ID 18-233 Consider adoption of an ordinance of the City of Denton, Texas authorizing the City Manager, or his designee, to execute a contract of sale by and between James L. Richards and Michelle Marie Sellers Richards (Collectively "Seller") and the City of Denton, Texas ("Buyer"), regarding the sale and purchase of an approximate 0.320 acre tract, more or less, as more fully described in that deed recorded in Volume 5223, Page 477 of the Deed Records of the Denton County, Texas (The "Property"), for the purchase price of one hundred sixty thousand and no/100 dollars (\$160,000.00), and other consideration, as prescribed in the contract of sale; authorizing the expenditure of funds therefor; and providing an effective date. (700 Audra - Mack Park Assemblage).

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

1. PLEDGE OF ALLEGIANCE

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

2. PROCLAMATIONS/PRESENTATIONS

- A. ID 18-243 Texas Music Friendly Community

Mayor Watts presented the proclamation for the Texas Music Friendly Community.

- B. ID 18-263 IHOP'S National Pancake Day and Shriners Hospitals For Children Day

Mayor Watts presented the proclamation for IHOP'S National Pancake Day and Shriners Hospitals for Children Day proclamation.

- C. ID 18-264 American Heart Month

Mayor Watts presented the proclamation for American Health Month.

- D. ID 18-303 Boy Scout Troop 65 Day

Mayor Watts presented the proclamation for Boy Scout Troop 65 Day.

3. PRESENTATION FROM MEMBERS OF THE PUBLIC

- A. Review of procedures for addressing the City Council and B Receive Scheduled Citizen Reports from Members of the Public.

1. ID 18-307 Tim Crouch regarding the Parks Foundation report.

Mr. Crouch presented background information on the formation of the Park Foundation. He noted that the Park Foundation did not collect the Park Enhancement fee but rather the youth sports programs collected it. The Foundation held the funds until a project was needed for the funds.

2. ID 18-308 Tim Smith regarding the relationship between the Denton Parks Foundation and Denton Parks & Recreation Department.

Mr. Smith talked about the future of the Foundation in terms of board members, relationships in the community and recommendations from the City investigation.

- C. Additional Citizen Reports – There were no additional citizen reports.

4. CONSENT AGENDA

Council Member Briggs motioned, Mayor Pro Tem Bagheri seconded to approve the Consent Agenda and accompanying ordinances and resolutions with Items E, F, G and O to be considered individually. On roll call vote, Council Member Hudspeth "aye", Council Member Briggs "aye", Council Member Duff "aye", Council Member Ryan "aye", Council Member Gregory "aye", Mayor Pro Tem Bagheri "aye", and Mayor Watts "aye". Motion carried unanimously.

Ordinance No. 18-154

- A. ID 18-154 Consider adoption of an ordinance of the City of Denton authorizing an agreement between the City of Denton, Texas, and Denton Music and Arts Collaborative to enable them to continue its programs that support and encourage the creative arts in the city; authorizing the expenditure of funds; and providing for an effective date. (\$400)

Ordinance No. 18-161

- B. ID 18-161 Consider adoption of an ordinance of the City of Denton, Texas, a Texas home-rule municipal corporation, providing for, authorizing, and approving the purchase of three (3) American Signal Corporation early warning sirens to supplement the sixteen (16) existing American Signal Corporation sirens currently in place at various locations throughout the City of Denton and which are essential for the safety of the citizens of Denton. Gifford Electric Inc. is the sole-source vendor for the distribution and maintenance of the American Signal Corporation siren products. Therefore this system is available from only one source and in accordance with Texas Local Government Code 252.022, provides that procurement of commodities and services that are available from one source are exempt from competitive bidding; and if over \$50,000 shall be awarded by the governing body; which is available from only one source and in accordance with Chapter 252.022 of the Texas Local Government Code such purchases are exempt from the requirements of competitive bidding; and providing an effective date (File 6657 awarded to Gifford Electric Inc. in the not-to-exceed amount of \$94,992).

Resolution No. R18-224

- C. ID 18-224 Consider approval of a resolution of the City Council of the City of Denton, Texas, establishing criteria for the City to disburse funds from the Economic Development Sponsorship Program; and providing for an effective date.

Approved the minutes listed below.

- D. ID 18-228 Consider approval of the minutes of January 5, January 9, January 16, and January 27, 2018.

Resolution No. R18-254

- H. ID 18-254 Consider approval of a Resolution by the City of Denton, Texas, approving the grant application for "Rifle Grade Protection" project for fiscal year 2018 to the Office of the Governor; authorizing the City Manager or his agents official authority over this project; declaring an effective date; and requiring delivery of the Resolution to the Office of the Governor; and providing an effective date.

Ordinance No. 18-257

- I. ID 18-257 Consider adoption of an ordinance of the City of Denton authorizing an agreement between the City of Denton, Texas and the Children's Advocacy Center for Denton County, Incorporated for providing aid to the City of Denton Police Department in the investigation of child abuse cases; providing client and clinical services to victims of child abuse and non-offending family members; providing for

the expenditure of funds in the amount of \$144,897; therefor; and providing for an effective date.

Ordinance No. 18-281

- J. ID 18-281 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager, or his designee, to execute a contract through the Buy Board Cooperative Purchasing Network for the acquisition of one (1) Pierce Velocity Pumper Engine and associated equipment for the City of Denton Fire Department; and providing an effective date (File 6740 - awarded to Siddons-Martin Emergency Group in the amount of \$919,864).

Ordinance No. 18-285

- K. ID 18-285 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the expenditure of funds for payment by the City to Texas Commission of Environmental Quality for waste disposal fees; and providing an effective date (File 6737- Waste Disposal Fee in the total amount of \$280,000). The Public Utilities Board recommends approval (6-0).

Ordinance No. 18-287

- L. ID 18-287 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, accepting competitive bids and awarding a contract for the supply of Phase Over Phase 138kV Pole Mounted Gang Operated Air Break ("GOAB") Switches for Denton Municipal Electric to be stocked in the City of Denton Distribution Center; providing for the expenditure of funds therefor; and providing an effective date (IFB 6628-awarded to the lowest responsible bidder meeting specification, Southern States LLC in c/o Preferred Sales Agency, in the three (3) year not-to-exceed amount of \$420,000).

Ordinance No. 18-288

- M. ID 18-288 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager, or his designee, to execute a Professional Services Agreement with Gee Consultants, Inc., a Texas Corporation, for construction materials testing services as set forth in the agreement, and providing an effective date (RFQ 6589- Professional Services Agreement for construction materials testing awarded to Gee Consultants, Inc. in the not-to-exceed amount of \$750,000).

Ordinance No. 18-295

- N. ID 18-295 Consider approval of a resolution of the City of Denton, Texas evidencing support for the proposed new construction of Palladium Teasley Apartments in Denton; and authorizing such other actions necessary or convenient to carry out this resolution.

The items pulled for separate consideration were considered.

Ordinance No. 18-233

- E. ID 18-233 Consider adoption of an ordinance of the City of Denton, Texas authorizing the City Manager, or his designee, to execute a contract of sale by and between James L. Richards and Michelle Marie Sellers Richards (Collectively "Seller") and the City of Denton, Texas ("Buyer"), regarding the sale and purchase of an approximate 0.320 acre tract, more or less, as more fully described in that deed recorded in Volume 5223, Page 477 of the Deed Records of the Denton County, Texas (The "Property"), for the purchase price of one hundred sixty thousand and no/100 dollars (\$160,000.00), and other consideration, as prescribed in the contract of sale; authorizing the expenditure of funds therefor; and providing an effective date. (700 Audra - Mack Park Assemblage)

Laura Behrens, Assistant Director of Parks and Recreation, presented the details regarding the purchase of property at the northwest corner of Mack Park. The purchase would provide secondary access to the park which was essential for future development. The objective of the purchase and funding for the purchase was reviewed.

Council Member Hudspeth motioned, Council Member Briggs seconded to adopt the ordinance. On roll call vote, Council Member Hudspeth "aye", Council Member Briggs "aye", Council Member Duff "aye", Council Member Ryan "aye", Council Member Gregory "aye", Mayor Pro Tem Bagheri "aye", and Mayor Watts "aye". Motion carried unanimously.

Resolution No. R18-244

- F. ID 18-244 Consider approval of a resolution of the City Council of the City of Denton, Texas, approving the 2017 Tax Increment Financing Reinvestment Zone Number One (Downtown TIF) Annual Report; and declaring an effective date.

Julie Glover, Economic Development Program Administrator, presented the Downtown TIF annual report for Council consideration. She reviewed the boundaries of the Downtown TIF, the background of the TIF, project plans, projects currently funded through the TIF and future proposed projects. She noted that the annual report was a state requirement which was submitted to the State Comptroller of Public Accounts.

Mayor Pro Tem Bagheri motioned, Council Member Hudspeth seconded to approve the resolution. On roll call vote, Council Member Hudspeth "aye", Council Member Briggs "aye", Council Member Duff "aye", Council Member Ryan "aye", Council Member Gregory "aye", Mayor Pro Tem Bagheri "aye", and Mayor Watts "aye". Motion carried unanimously.

Resolution No. R18-253

- G. ID 18-253 Consider approval of a resolution of the City Council of the City of Denton, Texas, approving the 2017 Tax Increment Reinvestment Zone Number Two (Westpark TIRZ) Annual Report; and declaring an effective date.

Caroline Booth, Director of Economic Development, presented the information concerning the Westpark TIRZ annual report. The boundaries of the zone were noted as well as participation in the TIRZ, TIRZ projects, and the requirement of the submittal of the annual report to the State Comptroller of Public Accounts.

Council Member Ryan motioned, Council Member Gregory seconded to approve the resolution. On roll call vote, Council Member Hudspeth "aye", Council Member Briggs "aye", Council Member Duff "aye", Council Member Ryan "aye", Council Member Gregory "aye", Mayor Pro Tem Bagheri "aye", and Mayor Watts "aye". Motion carried unanimously.

Resolution No. R18-302

- O. ID 18-302 Consider approval of a resolution authorizing election day polling locations for the City Council election to be held on May 5, 2018.

Jennifer Walters, City Secretary, reviewed the four additional polling locations that would be added for the May 5, 2018 City Council election. She noted that County precincts that would be associated with each of the polling locations.

Paxton Swisher submitted a Speaker Card and advocated for more voting locations on or in walking distance from UNT. Suggested locations on campus were noted.

Shane Warren submitted a Speaker Card and also advocated for a voting location on the UNT campus.

Mayor Pro Tem Bagheri suggested contacting Denton County for a possible Early Voting location at UNT and TWU.

Council Member Gregory motioned, Mayor Pro Tem Bagheri seconded to approve the resolution. On roll call vote, Council Member Hudspeth "aye", Council Member Briggs "aye", Council Member Duff "aye", Council Member Ryan "aye", Council Member Gregory "aye", Mayor Pro Tem Bagheri "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

There were no items to consider for eminent domain.

6. ITEMS FOR INDIVIDUAL CONSIDERATION

Ordinance No. 18-277

- A. ID 18-277 Consider adoption of an ordinance of the City of Denton, Texas authorizing a pilot bicycle share permit program; establishing the rules and regulations for the pilot bicycle program and the provisions for enforcement thereof; establishing a fee schedule for the permit program; providing a penalty clause; providing a severability clause; and declaring an effective date.

Mark Nelson, Director of Transportation, presented information on the stationless bike share ordinance. He noted the goals of the proposed ordinance, key elements, key policy revisions to the original draft, an additional clause regarding UNT and TWU bike share agreements, and direction requested by staff regarding the proposal.

Key points of Council discussion included:

- Wanting an ordinance to assist with a bike share program but also make the operators responsible for their bikes
- Reword the clause in the ordinance dealing with parking bikes in transit zones which contradicted working with DCTA
- Limit the number of bikes allowed per vendor which might be too low for the vendors to have adequate staff to take care of monitoring the locations of the bikes
- Procedures related to the process for locations of the virtual racks
- Consider reducing the amount of deposit and time to replenish
- Procedure on how long to maintain bikes in impound and what to do with them if they were not collected
- Currently there was no data to support where the virtual bike racks were needed and how they would impact the City's right-of-ways, especially with the number that will be needed
- Consider lowering the time period for the pilot program
- Had there been discussions with the bike companies on multi-family or commercial property relative to charges for the bikes
- Consider acknowledging where the bikes were whether on private or public property

Mayor Pro Tem Bagheri motioned, Council Member Briggs seconded to adopt the ordinance amending the amount of escrow to \$2,000 to be replenished within 30 days, striking the conflicting wording regarding the transit zones, adding distance as a reportable item and reducing the time period of the pilot program to six months. On roll call vote, Council Member Hudspeth "aye", Council Member Briggs "aye", Council Member Duff "aye", Council Member Ryan "aye", Council Member Gregory "aye", Mayor Pro Tem Bagheri "aye", and Mayor Watts "aye". Motion carried unanimously.

Ordinance No. 18-292

- B. ID 18-292 Consider adoption of an ordinance of the City Council of the City of Denton, a Texas home-rule municipal corporation, providing for, authorizing, and approving the execution by the City Manager, or his designee, of Pipeline Transportation Agreement between the City of Denton and Atmos Pipeline - Texas, a division of Atmos Energy Corporation, a Texas and Virginia Corporation; allowing the public to inspect the contract as redacted; providing an effective date. The Public Utilities Board recommends approval (6-0). (File 6743)

Ethan Cox, Director of Solid Waste, presented background information regarding a pipeline agreement for a CNG fueling station with Atmos Energy. This was a transportation agreement for the natural gas. He noted the projected savings.

Council Member Hudspeth motioned, Council Member Ryan seconded to adopt the ordinance. On roll call vote, Council Member Hudspeth "aye", Council Member Duff "aye", Council Member Ryan "aye", Council Member Gregory "aye", Mayor Pro Tem Bagheri "aye", and Mayor Watts "aye". Council Member Briggs "nay". Motion carried with a 6-1 vote.

7. **PUBLIC HEARINGS**

Ordinance No. Z17-003b

- A. Z17-0003b Hold a public hearing and consider adoption of an ordinance to rezone approximately 11.42 acres from a Community Mixed Use General (CM-G) District to a Neighborhood Residential Mixed-Use (NRMU) District. The property is generally located on the east side of Sam Bass Boulevard and north of Londonderry Lane in the City of Denton, Denton County, Texas. (Z17-0003b, Coventry II Apartments, Hayley Zagurski).

Council Member Ryan questioned the need for this public hearing as once Item C went into effect there would not be a need to rezone Item A. Staff responded that the applicant wanted to proceed with the public hearing.

The Mayor opened the public hearing.

Hayley Zagurski, Senior Planner, presented information for both Items A and B regarding the change in zoning and the request for a specific use permit. She noted the two requests from the developer, the site data, criteria for approval for the rezoning, compatibility of the proposal and staff and Planning and Zoning Commission's recommendation. The information concerning the SUP was noted. The SUP would allow for multifamily development. An analysis of the proposal was noted in terms of consistency with the Denton Plan 2030 Future Land Use, as well as public notification and recommendation for approval with a condition. Staff and the Planning and Zoning Commission recommended approval.

No one spoke during the public hearing.

The Mayor closed the public hearing.

Council Member Hudspeth motioned, Mayor Pro Tem Bagheri seconded to adopt the ordinance. On roll call vote, Council Member Hudspeth "aye", Council Member Briggs "aye", Council Member Duff "aye", Council Member Ryan "aye", Council Member Gregory "aye", Mayor Pro Tem Bagheri "aye", and Mayor Watts "aye". Motion carried unanimously.

Ordinance No. S17-0011b

- B. S17-0011b Hold a public hearing and consider adoption of an ordinance for a Specific Use Permit to allow for a multi-family residential use on 10.68 acres of land. The property is generally located on the east side of Sam Bass Boulevard and north of Londonderry Lane in the City of Denton, Denton County, Texas. (S17-0011b, Coventry II Apartments, Hayley Zagurski).

This item was considered with Item A.

Council Member Gregory motioned, Council Member Ryan seconded to adopt the ordinance with conditions noted. On roll call vote, Council Member Hudspeth "aye", Council Member Duff "aye", Council Member Ryan "aye", Council Member Gregory "aye", Mayor Pro Tem Bagheri "aye", and Mayor Watts "aye". Council Member Briggs "nay". Motion carried with a 6-1 vote.

Ordinance No. DCA18-0001a

- C. DCA18-0001a Hold a public hearing and consider adoption of an ordinance regarding a proposed revision to the Denton Development Code; specifically to amend the limitations in Subchapter 5 Zoning Districts and Limitations related to mixed-use development requirements for multi-family uses. (DCA18-0001a, Mixed Use Code Update, Hayley Zagurski).

Hayley Zagurski, Senior Planner, presented details concerning the background for the request. She noted how this proposal would affect across the zoning district, the proposed change to eliminate the L(c) condition, considerations for the requested change, the continuation of the L (4) condition; public notification and recommendation of approval.

The Mayor opened the public hearing.

No one spoke during the public hearing.

The Mayor closed the public hearing.

Council Member Hudspeth motioned, Council Member Ryan seconded to adopt the ordinance. On roll call vote, Council Member Hudspeth "aye", Council Member Briggs "aye", Council Member Duff "aye", Council Member Ryan "aye", Council Member Gregory "aye", Mayor Pro Tem Bagheri "aye", and Mayor Watts "aye". Motion carried unanimously.

8. CONCLUDING ITEMS

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

Mayor Pro Tem Bagheri requested a Work Session regarding the DCTA board composition and Council position on the board composition; plus goals for DCTA.

Mayor Pro Tem Bagheri asked for staff assistance to obtain additional train service for Arts and Jazz.

Council Member Briggs requested an update on the tree code.

Council Member Briggs requested a staff update on an inclusive play park for special needs children.

Council Member Hudspeth requested adding Council's name and votes to ordinances.

Council Member Gregory requested a report on how much area had been removed from the flood plain since 2007 and what still needed to be done to address those issues.

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

There was no continuation of the Closed Meeting.

With no further business, the meeting was adjourned at 9:03 p.m.

CHRIS WATTS
MAYOR
CITY OF DENTON, TEXAS

JENNIFER WALTERS
CITY SECRETARY
CITY OF DENTON, TEXAS