

CITY OF DENTON CITY COUNCIL MINUTES

August 1, 2017

After determining that a quorum was present, the City Council convened in a Work Session on Tuesday, August 1, 2017 at 1:00 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

Willie Hudspeth spoke on Consent Agenda A and requested Council consider it individually as it was a personal item for him.

2. Requests for clarification of agenda items listed on the agenda for August 1, 2017.

Staff responded to Council requests for clarification of the following items:

Council Member Briggs – pull Consent Agenda A for separate consideration; pull Consent Agenda I for separate consideration.

Council Member Ryan – pull Consent Agenda K for separate consideration; Consent Agenda H explanation.

Mayor Pro Tem Bagheri- pull Consent Agenda E for separate consideration as she would not be voting on that item; continue the explanation of Consent Agenda H.

Council Member Hudspeth – commented on Consent Agenda G in terms of providing more information on local preferences; commented on Consent Agenda J to share the analysis on the website; Consent Agenda B; pull Consent Agenda C and D.

Mayor Watts – Consent Agenda A

3. Work Session Reports

- A. ID 17-967 Receive a report from Denton County Transportation Authority (DCTA) staff to include agency overview, State of the Agency, bus operations and DCTA capital projects, and provide input regarding strategic initiatives in the Denton County Transportation Authority's service plan.

Mark Nelson, Director of Transportation and Aviation, introduced Jim Cline, President - DCTA, who would be making the presentation.

Mr. Cline reviewed the partnership between Denton and DCTA; 2017 passenger survey; and community partnerships in terms of service & land use enhancements. Information was presented on UNT, TWU and NCTC, and Chamber of Commerce involvement including Arts & Jazz Festival and regional funding partnerships.

Council discussed whether the train could run later on Friday and Saturday during Arts & Jazz and include Sunday service.

Cline continued with a review of the Denton facilities; current Denton service; Denton service enhancements; passenger amenities and Rail Trail; future commuter corridors; and the strategic plan for next five years.

Council discussed with Mr. Cline various aspects of his presentation. Discussion points included signage on the Rail Trail; ridership especially in the UNT/Discovery Park area; cooperation with non-profits for reduced fares; Denton's portion of the sales tax revenues towards DCTA; special events opportunities; locations for shelters and the need for more shelters; and plans for promoting ridership to families and senior citizens.

- B. ID 17-841 Receive a report, hold a discussion, and give staff direction regarding nominations to the City's Boards and Commissions and Council Committees.

Jennifer Walters, City Secretary, presented the nominations that had been received to date. Council added additional nominations. Walters indicated that the nominations would be updated for Council consideration at the evening meeting.

- D. ID 17-970 Receive a report; hold a discussion, and receive departmental presentations in preparation for the FY 2017-18 Proposed Budget, Capital Improvement Program, and Five Year Financial Forecast.

Electric - Bryan Langley, Deputy City Manager, reviewed the Electric budget in terms of FTEs, organizational chart; goals and accomplishments; performance measures; cost containment strategies; process improvements; and budget highlights.

Streets - Galen Gillum, Director of Capital Projects, presented the streets budget. He reviewed the FTEs, goals and accomplishments; current and proposed performance measures; cost containment strategies; process improvements; specific process changes/ improvements; and budget highlights.

Traffic Operations, Galen Gillum, Director of Capital Projects, reviewed the department's FTEs, goals and accomplishments; current and proposed performance measures; process improvements; and budget highlights.

- E. ID 17-1039 Receive a report, hold a discussion, and give staff direction regarding the Charter Review Committee recommendations; discussion of ballot proposition items; and discussion of additional proposed Charter amendments regarding terms for Public Utility Board members and the month when regular municipal elections are held.

Bryan Langley, Deputy City Manager, presented an update on the proposed amendments. He reviewed the background of the Charter Committee recommendations, draft ballot language; notification requirements; and next steps.

Consensus of Council was to move forward with the drafting of the ordinance.

Mayor Pro Tem Bagheri questioned if Council would be interested in a discussion regarding putting before the voters a change in the Public Utilities Board member terms from 4 to 2 year terms and to change the date of the municipal elections to the General Election date in November.

Consensus of the Council was to not consider these additional amendments at this time.

- F. ID 17-1044 Receive a report, hold a discussion, and give staff direction regarding solicitation and contracting incentives used to expedite public works projects.

Karen Smith, Purchasing Manager, presented the information regarding public works contract incentives. She reviewed the goals of the program and types of incentives.

Pritam Deshmukh, Traffic Engineer, reviewed the Road User Costs determination.

Smith continued with incentive and disincentive considerations.

Council discussed whether to apply the proposals to a current project to demonstrate how it would work. Consensus of the Council was to proceed with the development of the process.

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 17-845 Deliberations Regarding Real Property - Under Texas Government Code Section 551.072; Consultation with Attorneys - Under Texas Government Code Section 551.071.

Receive information from staff and discuss, deliberate, and provide staff with direction regarding the potential acquisition of real property interests to a 2.168 acre tract of land situated in the Gideon Walker Survey, Abstract No. 1330, in the City of Denton, Denton County, Texas; discussion had, deliberation, and direction given, by the Denton City Council in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third party. Consultation with the City's attorneys regarding legal issues associated with the acquisition of the real property interests described above; discussion of these legal matters in an open meeting would conflict with the duty of the City's attorneys to the City of Denton and the Denton City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas, or would jeopardize the City's legal position in any administrative proceeding or potential litigation. [Spencer to Pockrus TM Line - Timber Links]

- B. ID 17-914 Consultation with Attorneys - Under Texas Government Code, Section 551.071

Consult, discuss and deliberate with, and provide direction to, the City's attorneys regarding legal issues associated with solicitation under Denton Code §16-73, where a public discussion associated with 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.

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 17-971 Denton Citizen Academy Graduation Proclamation

Mayor Watts presented a proclamation for the Denton Citizen Academy Graduation.

3. PRESENTATION FROM MEMBERS OF THE PUBLIC

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

1. ID 17-1017 Ron Seifert regarding a review of the Renewable Denton Plan approval process.

Mr. Seifert presented details on his perception of the Renewable Denton Plan and the information presented during the approval process of the Plan.

2. ID 17-1018 Ginger Cain regarding the use and/or sale of property located on the north side of W. Windsor Drive.

Ms. Cain spoke on property located on the north side of W. Windsor Drive. The property owner had been paying taxes on the property for years and was wanting to sell the property. The City did not follow through on an agreement with the property owner and the property owner was now unable to sell the property. She asked Council to look into the situation.

3. ID 17-1045 Deb Armintor regarding gas plant contracts.

Ms. Armintor presented her views on the contracts with Burns and McDonnell in terms of emissions.

C. Additional Citizen Reports

1. Willie Hudspeth presented his views on the two previous speakers regarding their views on the gas plant contracts and the emissions figures that were presented from the contracts.
2. Zach Youngblood presented information on the Denton Energy Center emissions.

4. CONSENT AGENDA

Council Member Ryan motioned, Council Member Gregory seconded to approve the Consent Agenda and accompanying ordinances and resolutions with the exception of Items A, C, D, E, I and K. 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. 2017-210

- B. ID 17-844 Consider adoption of an ordinance authorizing the settlement of litigation styled City of Denton, Texas V. Timber Links Apartments, LLC, a Delaware Limited Liability Company, Cause No. PR-2017-00009, currently pending in the probate court of Denton County, Texas, regarding the acquisition of a 2.168 acre electric easement tract for the Spencer to Pockrus Transmission Line Project in the settlement amount of One Hundred Thirty Thousand Dollars and Zero Cents (\$130,000.00), authorizing the City Manager and City Attorney to effectuate the settlement; authorizing the expenditure of funds therefor; providing a savings clause; and providing an effective date. [Spencer to Pockrus TM Line - Timber Links LLC]

Ordinance No. 2017-212

- F. ID 17-877 Consider adoption of an ordinance of the City of Denton authorizing an agreement between the City of Denton, Texas and Denton Community Clinic for the purpose of Health Care Services; providing for the expenditure of funds therefor; and providing for an effective date. (\$700)

Ordinance No. 2017-213

- G. ID 17-946 Consider adoption of an ordinance accepting competitive proposals and awarding a public works contract for the construction of the Hickory Substation Underground Transmission Line Duct Bank Project for the City of Denton which consists of the installation of a grouping of conduits for underground electrical conductors from inside the Hickory Substation boundary to appropriate points outside of the substation; providing for the expenditure of funds therefor; and providing an effective date (RFP 6416C-awarded to Larrett, Inc. in the amount of \$892,455). The Public Utilities Board recommends approval (6-0).

Ordinance No. 2017-214

- H. ID 17-947 Consider adoption of an ordinance accepting competitive proposals and awarding a contract for the supply of secondary pedestals 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 (RFP 6246-awarded to Techline, Inc. in the three (3) year not-to-exceed amount of \$150,000).

Ordinance No. 2017-216

- J. ID 17-973 Consider adoption of an ordinance rejecting any and all competitive proposals for RFP 6426-Printing Services for the City of Denton; and providing an effective date.

Council considered the items pulled for separate consideration.

- A. ID 17-694 Consider adoption of an ordinance of the City of Denton, Texas, authorizing the City Manager to execute a Professional Services Agreement with Steven J. Kunkel & Associates, Inc. for Land Appraisal and Land Rights Acquisition Services related to the Bonnie Brae Road Widening project-North Phases 4 & 5. The limits being between North Interstate 35 East and U.S. Highway 380; and establishing an effective date (File 6522 in the not-to-exceed amount of \$418,000).

Paul Williamson, Real Estate Manager, presented the details of the ordinance for professional appraisal services.

Council discussed when the project was started and any associated neighborhood meetings; the reason to use old Bonnie Brae instead of new Bonnie Brae; whether it would be feasible to look at a different design; how the determination of fees was calculated and the amount of the appraisals for the contract.

Council Member Briggs noted that she would prefer to table the item until other options were explored and the historical nature of the homes that might be removed was explored.

A Speaker Card was submitted Willie Hudspeth who spoke regarding the appraisal process and the process concerning the project details.

Council Member Ryan indicated that he would also like to table consideration of the item to a date certain.

Council Member Ryan motioned, Mayor Pro Tem Bagheri seconded to continue the item to an event certain until Council had a presentation regarding the parameters of the project, a neighborhood meeting was held and input was received from the Parks Department regarding identification of the lots and the historic nature of the homes. 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. R2017-026

- C. ID 17-861 Consider approval of a resolution approving the 2016 Tax Increment Reinvestment Zone Number Two (Westpark TIRZ) Annual Report; and declaring an effective date. The Westpark TIRZ Board recommends approval (8-0).

Caroline Booth, Director of Economic Development, presented the details on the 2016 Annual Report for the Westpark TIRZ. This was a required report from the State Comptroller. She noted the bases and appraised value, revenue in the TIRZ fund from participating taxing entities, purpose of expenditures and any outstanding bonded indebtedness interest due.

Council Member Briggs motioned, Council Member Hudspeth 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. R2017-027

- D. ID 17-862 Consider approval of a resolution approving the 2016 Tax Increment Reinvestment Zone Number One (Downtown TIF) Annual Report; and declaring an effective date. The Downtown TIF Board recommends approval (4-0).

Julie Glover, Economic Development Program Administrator, presented the annual report from the Downtown TIF in terms of base and appraised value, revenue in the fund, purpose of expenditures and any outstanding bonded indebtedness interest due.

Council Member Briggs 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.

Ordinance No 2017-211

- E. ID 17-872 Consider adoption of an ordinance of the City of Denton, Texas approving a consent to Collateral Assignment of an Airport Lease between Sykes-Vaughan Investments LLC, and Compass Bank; and providing an effective date. The Council Airport Committee recommends approval (3-0).

Mayor Pro Tem Bagheri recused herself from deliberation/vote on this item.

Scott Gray, Airport Manager, presented information on the assignment of the lease which was needed for the owner to secure a loan from the bank for the financing.

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

Mayor Pro Tem Bagheri returned to the meeting.

Ordinance No. 2017-212

- I. ID 17-948 Consider adoption of an ordinance accepting competitive proposals and awarding a contract for the supply of Okonite underground distribution cables and substation control cables 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 (RFP 6404-awarded to The Okonite Company in the three (3) year not-to-exceed amount of \$1,400,000).

Brent Heath, Executive Manager of Energy Delivery, stated that this was a standard warehouse item for underground cable replacement.

Council Member Ryan motioned, Council Member Gregory 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. 2017-213

- K. ID 17-1026 Consider adoption of an ordinance of the City of Denton, Texas, Amending the Provisions of Chapter 16 relating to licenses, permits, and business regulations by amending section 16-73 to change the hours for home solicitation; providing a savings clause; providing for a penalty not to exceed \$500 for violations of the ordinance; and providing for an effective date.

Stephanie Berry, Prosecutor, presented details regarding the change in the hours for home solicitation. The City has been notified that the current solicitation ordinance might be in violation of an individual's freedom of speech rights. A proposed alternate ordinance would limit solicitation from dusk or 9:00 p.m. for a curfew.

Council Member Gregory motioned, Council Member Ryan seconded to adopt the ordinance version of dusk or 9:00 p.m. Monday through Friday. 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

Ordinance No. 2017-218

- A. ID 17-689 Consider adoption of an ordinance of the City of Denton ("City") finding that a public use and necessity exists to acquire fee simple title to (I) a 0.697 acre tract of land and (II) a 0.018 acre tract of land, both situated in the Alexander Hill Survey, Abstract No. 623, in the City of Denton, Denton County, Texas (collectively the "Property Interests"), for the public use of, expansion, construction, maintenance, operation of an electric transmission line, ancillary facilities and structures; authorizing the City Manager, or his designee, to acquire the Property Interests by agreement including making all offers required by law; authorizing the use of the power of eminent domain to condemn the Property Interests if any agreement cannot be reached; and authorizing the City Attorney, or his designee, to file eminent domain proceedings if necessary; authorizing the expenditure of funding; makings findings; providing a savings clause; and providing an effective date. [Spencer to Locust TM Line - Tracts 34 & 37]

Brent Heath, Executive Manager of Energy Delivery, presented the details for Spencer to Locust Transmission line substation. He reviewed the Executive Summary, CIP & Regulatory agencies involved, history of the project, location map, and site map

Council Member Gregory motioned "I move that the City of Denton, after having made the offers required by State law, use the power of eminent domain, if needed, to acquire fee simple to (i) a 0.697 acre tract of land and (ii) a 0.018 acre tract of land, both situated in the Alexander Hill Survey, Abstract No. 623, City of Denton, Denton County, Texas, and more particularly described

on Exhibits “A,” “A-1,” and “B-1” to the ordinance now under consideration and on the overhead screen being now displayed to the audience, all of which is for a valid public use necessary to provide the expansion, construction, maintenance, operation, and improvement of electric transmission lines, facilities, and structures, including substations, to serve the public and citizens of the City of Denton, Texas.” Council Member Ryan seconded the motion. As the motion was read, Heath displayed the legal description and location.

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. 2017-219

- B. ID 17-753 Consider adoption of an ordinance of the City of Denton ("City") finding that a public use and necessity exists to acquire an easement covering a 0.339 acre tract of land situated in the Mary L. Austin Survey, Abstract No. 4, in the City of Denton, Denton County, Texas ("Property Interests"), for the public use of, expansion, construction, maintenance, and operation of an electrical transmission line, ancillary facilities, and structures supporting a new electric substation; authorizing the City Manager, or his Designee, to acquire the Property Interests by agreement including making all offers required by law; authorizing the use of power of eminent domain to condemn the Property Interests if an agreement cannot be reached; and authorizing the City Attorney, or his Designee, to file eminent domain proceedings if necessary; authorizing the expenditure of funds; making findings; providing a savings clause; and providing an effective date. [Brinker Substation - Nu-View Tract]

Brent Heath, Executive Manager of Energy Delivery, stated that this project involved the Brinker Substation on the Nu-View tract. He presented the Executive Summary and problems with the electric system, CIP timeline and substations map, history of the project, location map, and site map.

Mayor Pro Tem Bagheri motioned “I move that the City of Denton, after having made the offers required by State law, use the power of eminent domain, if needed, to acquire easement interests covering a 0.339 acre tract of land being situated in the Mary L. Austin Survey, Abstract No. 4, City of Denton, Denton County, Texas, and more particularly described on “Exhibits A and B” to the ordinance now under consideration and on the overhead screen being now displayed to the audience, all of which is for a valid public use necessary to provide the expansion, construction, maintenance, operation, and improvement of electric transmission lines, facilities, and structures, including substations, to serve the public and citizens of the City of Denton, Texas.” Council Member Ryan seconded the motion. As the motion was being read, Heath displayed the legal description and property interests.

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. 2017-220

- C. ID 17-843 Consider adoption of an ordinance of the City of Denton ("City") finding that a public use and necessity exists to acquire easements covering (I) a 0.057 acre tract of land and (II) a 0.141 acre tract of land, both situated in the Eugene Puchalski Survey, Abstract No. 996, City of Denton, Denton County, Texas (collectively the "Property Interests"), for the public use of, expansion, construction, maintenance, and operation of an electric transmission line, ancillary facilities and structures; authorizing the City Manager, or his designee, to acquire the Property Interests by agreement including making all offers required by law; authorizing the use of the power of eminent domain to condemn the Property Interests if an agreement cannot be reached; and authorizing the City Attorney, or his designee, to file eminent domain proceedings if necessary; authorizing the expenditure of funding; making findings; providing a savings clause; and providing an effective date. [Hickory to Locust TL Project -Tracts 72 & 73]

Brent Heath, Executive Manager of Energy Delivery, presented the details on the Hickory to Locust Transmission line. He noted the Executive Summary, CIP & Regulatory agencies involved, history of the project, location map, and site map.

Mayor Pro Tem Bagheri motioned "I move that the City of Denton, having made the offers required by State law, use the power of eminent domain, if needed, to acquire easement interests covering (i) a 0.057 acre tract of land and (ii) a 0.141 acre tract of land, both being situated in the Eugene Puchalski Survey, Abstract No. 996, City of Denton, Denton County, Texas, and more particularly described on Exhibits "A-1," "B-1," "A-2," and "B-2" to the ordinance now under consideration and on the overhead screen being now displayed to the audience, all of which is for a valid public use necessary to provide the expansion, construction, maintenance, operation, and improvement of electric transmission lines, facilities, and structures, including substations, to serve the public and citizens of the City of Denton, Texas." Council Member Gregory seconded the motion. As the motion was being read, Heath displayed the legal description and property interests.

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.

6. ITEMS FOR INDIVIDUAL CONSIDERATION

- A. ID 17-840 Consider nominations/appointments to the City's Boards and Commissions and Council Committees: Airport Advisory Board; Animal Shelter Advisory Committee; Community Development Advisory Committee; Health & Building Standards Commission; Historic Landmark Commission; Human Services Advisory Committee; Library Board; Parks, Recreation and Beautification Board; Planning and Zoning Commission; Public Art Committee; Public Utilities Board; Traffic Safety Commission; Zoning Board of Adjustment, and Downtown Denton TIF Reinvestment Zone No. 1 Board.

Jennifer Walters, City Secretary, reviewed the nominations Council had discussed during the Work Session.

Council Member Gregory motioned, Council Member Ryan seconded to approve the nominations. 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. 2017-221

- B. ID 17-866 Consider adoption of an ordinance of the City of Denton, Texas authorizing the City Manager to execute a Professional Services Agreement for professional planning services related to the development of the Sector One South Neighborhoods Small Area Plan and implementation; providing for the expenditure of funds therefor; and providing an effective date (RFQ 6424-awarded to Fregonese Associates in the not-to-exceed amount of \$239,252).

Ron Menguita, Long Range Planning Administrator, presented the background on the small area plan. He reviewed the details on the location of the plan, project scope, timeline, request for qualifications, and next steps.

Council discussed the size of the area involved and questioned if it was too large for the types of projects.

Speaker Cards were submitted by Deb Armintor and Willie Hudspeth, both in favor.

Council Member Briggs motioned, Council Member Gregory seconded to adopt the ordinance. On roll call vote, Council Member Hudspeth "aye", Council Member Briggs "aye", Council Member Duff "aye", Council Member Gregory "aye", and Mayor Pro Tem Bagheri "aye". Council Member Ryan "nay", and Mayor Watts "nay". Motion carried with a 5-2 vote.

7. PUBLIC HEARINGS

Ordinance No. 2017-222

- A. S16-0007c Hold a public hearing and consider adoption of an ordinance for a Specific Use Permit to allow for a multi-family use on approximately 0.9 acres. The property is generally located on the north side of the Riney Road and Riney Court intersection. The Planning and Zoning Commission voted [6-0] to approve the request with conditions. (S16-0007, Riney Road Apartments).

The Mayor opened the public hearing.

Munal Mauladad, Director of Development Services, presented the details of the request for a specific use permit. She reviewed the site plan; landscape plan; elevations; analysis of the specific use permit criteria; analysis compatibility; future land use; mobility; and public notification. The Planning and Zoning Commission had recommended approval with conditions. She noted that a supermajority vote of Council was required.

Council discussed the conditions recommended by the Planning and Zoning Commission and staff; the number of parking spaces and bike racks; and the location of the dumpsters in relation to the neighboring homes.

Brad Andrews, applicant, spoke in favor.

Council continued discussion regarding parking restrictions in the area and location of the dumpsters.

Willie Hudspeth questioned the location of the proposal.

The Mayor closed the public hearing.

Mayor Pro Tem Bagheri motioned, Council Member Gregory seconded to adopt the ordinance with both of the conditions included. 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.

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.

Council Member Briggs requested that during the Thursday budget presentation she would like a discussion on water park fees and attendance since the wave pool opened as well as a reconsideration of the price increase.

Council Member Hudspeth requested an Informal Staff Report on the convention center inspections and whether the inspectors were up to speed for high rise inspections.

Council Member Hudspeth requested a presentation on a management proposal for a rewards program for small/medium businesses bringing in jobs.

Council Member Hudspeth requested a report/discussion on deliveries on the Square and possible restrictions for deliveries.

Mayor Pro Tem Bagheri requested an Informal Staff Report on the Parks Foundation fundraising during the year.

Mayor Pro Tem Bagheri requested information on commercial recycling and the possibility of adding recycling for multi-family to that presentation in terms of requirements and areas for improvement.

Mayor Pro Tem Bagheri requested a Work Session or Closed Session on TCEQ air permits and calculations.

Council Member Ryan asked for an Informal Staff report on TxDOT installing sound walls along the I35 widening through neighborhoods.

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 9:36 p.m.

CHRIS WATTS
MAYOR
CITY OF DENTON, TEXAS

JENNIFER WALTERS
CITY SECRETARY
CITY OF DENTON, TEXAS