

CITY OF DENTON CITY COUNCIL MINUTES

August 15, 2017

After determining that a quorum was present, the City Council convened in a Work Session on Tuesday, August 15, 2017 at 2:00 p.m. in the Council Work Session Room at City Hall.

PRESENT: Council Member Hudspeth, Council Member Briggs, Council Member Gregory, Council Member Ryan, Mayor Pro Tem Bagheri, and Mayor Watts.

ABSENT: Council Member Duff

1. Citizen Comments on Consent Agenda Items

There were no citizen comments regarding Consent Agenda items.

2. Requests for clarification of agenda items listed on the agenda for August 15, 2017.

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

Council Member Briggs - Pull Consent Agenda A for a presentation; Consent Agenda Item Q
Council Member Gregory – Consent Agenda Item D

Council Member Duff arrived at the meeting

3. Work Session Reports

A. ID 17-557 Receive a report, hold a discussion, and give staff direction regarding the Denton Chamber of Commerce economic development contract.

Caroline Booth, Director of Economic Development, presented a draft contract for the Chamber of Commerce economic development activities. She noted the background of the partnership agreement and the proposed changes to the agreement. The changes added specific goals, deliverables and metrics for recruitment of prospective companies; leads from brokers, site selectors, and developers; and monthly activity reports. Funding, insurance and indemnity provisions were also added.

Council discussed whether the development of metrics was similar for both the City and Chamber departments; whether to include the financial information for the entire Chamber rather than just the economic development portion; consider bidding the function to see if it might be more cost effective; and consequences for not meeting the metrics. Council discussed that the proposed changes were initial metrics and should be a starting point for the changes.

Consensus of the Council was to return with an ordinance and agreement for consideration at a future meeting.

B. ID 17-978 Receive a report; hold a discussion, and give staff direction regarding the FY 2017-18 City Manager's Proposed Budget, Capital Improvement Program, and Five-Year Financial Forecast.

Chuck Springer, Director of Finance, presented information on the updated budget in terms of the current General Fund projections.

Council discussed the elimination of the transferring of funds to the Downtown Development Fund. Consensus of the Council was to not transfer the funds into the account.

Springer continued with vehicle cash funding in terms of future impact and the over 65 and disabled person tax limitation impact.

Council discussed potential legislation on the rollback rate.

- C. ID 17-1013 Receive a report, hold a discussion and give staff direction regarding the proposed renovation and adaptive use of City Hall West located at 221 North Elm.

Mark Nelson, Director of Transportation, introduced Craig Melde who would be presenting options for the facility. Nelson reviewed the background history of the building, displayed views of the building, and requested use of the facility. He presented information on the analysis of the renovation consultant for the building in terms of cost estimates for high, medium and low options.

Mr. Melde presented information on the various options. Option 1 was the high cost option which would restore the exterior and interior to 1927 standards. Option 2 was the middle cost option and included full exterior restoration and adaptive use of the interior. Option 3 was the low cost option and included the exterior restoration with an upgrade to the interior on the current layout/use. He indicated that structurally the building was in good shape.

Council discussed whether HOT funds could be used for the renovation depending on the use; whether TIRZ money could be used; whether bond money could be used; whether partners might be involved; and whether other organizations offered ideas on how to use the facility. Goals for the building might include renovation of the interior to original state as much as possible.

Mayor Watts stated that Option 1 was not an option for him. He would like to have the building back to as much an original state was possible.

Mayor Pro Tem Bagheri stated that she was in favor of Option 2 as it included the green space and suggested adding another green space on the other side of the building even if parking had to be removed.

Council Member Ryan suggested considering contributions from Denton citizens to help fund the project and noted that he was in favor of Option 2.

Mayor Watts felt that the County might also be a partner in the project.

Council Member Briggs suggested including public meetings with the process; remodel to allow for one fire truck space and include more green space.

Council Member Ryan was in favor presenting the issue to the public and move forward.

Consensus of the Council was that they were not in favor of Option 1 and to move forward with Option 2 including community meetings and investigating non-profit partnerships.

- D. ID 17-1034 Receive a report, hold a discussion and give staff direction on the Mobility and Bike Plan.

Mark Nelson, Director of Transportation, presented an overview of the Mobility and Bike Plan.

Pritam Deshmukh, Traffic Engineer, presented information on the background of the Mobility Plan. Information on the components of the Mobility Plan were reviewed along with the various classifications of the components. He noted that a Mobility Plan was updated typically every five years. He reviewed completed and near-term projects.

Julie Anderson, Pedestrian and Bike Coordinator, presented background information on the bike plan in terms of facility types; showed bike infrastructure from 2012-present; completed projects; and the strategic plan.

- E. ID 17-1052 Receive a report, hold a discussion and provide staff direction regarding the Denton Municipal Electric community sponsorship program.

Bryan Langley, Deputy City Manager, presented information on the current process for DME community sponsorship programs. Staff was seeking direction on whether the program should be continued and if continued consider developing a proposed application and approval process for future sponsorships.

Council discussed whether to develop a charitable organization to receive donations from the public; look at the Plus1 program structure for donations; consider a process similar to the HOT committee applications; go through PUB and then to Council for providing the funds; provide more information on the Plus1 program in order to perhaps provide more assistance to those who need it more than a general organization function. A suggestion was made to consider the Human Services Advisory Committee to look at a sponsorship process.

Mayor Pro Tem Bagheri questioned if there were items that could be taken off the table for sponsorship.

Council Member Gregory suggested the Human Services Advisory Committee look at how the funds were spent and the criteria staff used to spend the funds; develop new criteria for Council to consider and have that Committee administer the funds.

Mayor Pro Tem Bagheri suggested putting a cap on the amount of funds an organization could receive. Focus on low income households where the need would be greatest.

Council Member Gregory also suggested considering the type of organization such as the Denton School Foundation and not just on low income needs.

Council consensus was to consider providing additional funding to the Human Services Advisory Committee to make recommendations on how to spend the funds. Sponsorship and marketing

should also be considered in terms of what was provided in return. Develop an inventory of what was provided in the past and what did the sponsorship provide. Consider sponsorships versus charitable organizations.

City Manager Hileman stated that staff would break down the allocated funding into three pools along with an application process. Those pools would include one for rate payer assistance programs, one for social programming and one for sponsorship. The funds would be divided into thirds as a starting point. Staff would identify organizations that were receiving city funds already and note those in the report plus review excess utility funds as noted in the Charter.

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

1. Closed Meeting:

- A. ID 17-989 Certain Public Power Utilities: Competitive Matters - Under Texas Government Code, Section 551.086.

Receive competitive public power competitive information and financial information from staff regarding the proposed FY 2017-2018 operating budget for Denton Municipal Electric ("DME") including without limitation, proposed rates for DME for FY 2017-2018, expected revenues, expenses, commodity volumes, and financial commitments of DME; discuss, deliberate and provide staff with direction.

This item was not considered.

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 17-853 Honor AmeriCorps' VISTA Program Associates, in partnership with Denton Parks and Recreation.

Mayor Watts and Kathy Schaeffer recognized the AmeriCorps' volunteers and thanked them for their service.

- B. ID 17-1000 Honor the Texas Health and Human Services Foster Grandparent Volunteers, in partnership with Denton Parks and Recreation.

Mayor Watts and Kathy Schaeffer of the Parks Department recognized the volunteers and thanked them for their service.

C. ID 17-1069 Mayor's Summer Youth Jobs Program

Mayor Watts presented the proclamation for the Mayor's Summer Youth Jobs Program.

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 17-1086 Debra Mendoza regarding a fight against Senate Bill 4 ("sanctuary cities" ban).

Ms. Mendoza requested the City of Denton oppose Senate Bill 4 as it was discriminatory.

2. ID 17-1101 Robert Donnelly regarding city incompetence.

Mr. Donnelly spoke on the change of a document that had not been done officially and requested a written explanation. He also felt the Denton landfill was operating in violation of its Specific Use Permit in particular the landscape plan. He requested a response to his complaint.

3. ID 17-1104 Mariela Nunez-Janes regarding Senate Bill 4.

Ms. Nunez-Janes presented reasons why the city of Denton should join in the fight against Senate Bill 4 and encouraged Denton to become involved in opposing the Bill.

4. ID 17-1105 Cristal Benitez Lopez regarding Senate Bill 4.

Ms. Benitez Lopez encouraged the City to oppose SB 4 as it discriminated against a certain segment of the population. She urged the Council to join the lawsuit against the legislation.

C. Additional Citizen Reports

1. David Zoltner spoke regarding public speakers in conjunction with the Texas Open Meetings Act. He felt the information provided by the Legal Department at a prior council meeting was incorrect.
2. Willie Hudspeth spoke about the procedures during the Work Session and how citizens could not speak during that portion of the meeting. He presented his views on various items listed on the Work Session and Consent Agenda.

4. CONSENT AGENDA

Council Member Hudspeth motioned, Mayor Pro Tem Bagheri seconded to approve the Consent Agenda and accompanying ordinances and resolution with the exception of Item A which would 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.

Resolution No. R2017-029

- B. ID 17-956 Consider approval of a resolution nominating one member to the Board of Managers of the Denco Area 9-1-1 District; and declaring an effective date.

Ordinance No. 2017-224

- C. ID 17-1030 Consider adoption of an ordinance approving a Commercial Operator Airport Lease Agreement between the City of Denton, Texas and James W. and Nancy C. Huff; and providing an effective date. The Council Airport Committee recommends adoption of the ordinance (3-0).

Ordinance No. 2017-225

- D. ID 17-1031 Consider adoption of an ordinance approving a Commercial Operator Airport Lease Agreement between the City of Denton, Texas and GAhangars, LLC; and providing an effective date. The Council Airport Committee recommends adoption of the ordinance (3-0).

Ordinance No. 2017-226

- E. ID 17-1057 Consider adoption of an ordinance approving a City sponsorship in an amount not to exceed \$14,000 of in-kind services for the 19th Annual Denton Blues Festival to be held in Quakertown Park from September 15- 17, 2017; and providing an effective date.

Ordinance No. 2017-227

- F. ID 17-1059 Consider adoption of an ordinance of the City of Denton, Texas granting the Denton Black Chamber of Commerce a noise exception for September 17, 2017, pursuant to section 17-20 of the Code of Ordinances; granting amplified sound on Sunday, September 17, 2017 from 1 p.m. until 9 p.m. and setting an effective date.

Approved the minutes listed below.

- G. ID 17-1061 Consider approval of the minutes of July 18, July 19 and July 25, 2017.

Resolution No. R2017-030

- H. ID 17-1062 Consider approval of a resolution allowing the Black Chamber of Commerce to sell alcoholic beverages for the Blues Festival on Saturday, September 16 and Sunday, September 17, 2017, held in Quakertown Park upon certain conditions; authorizing the City Manager or his designee to execute an agreement in conformity with this resolution; and providing for an effective date.

Ordinance No. 2017-228

- I. ID 17-1063 Consider adoption of an ordinance accepting competitive proposals and awarding a contract for the supply of irrigation parts for the City of Denton Parks Department; providing for the expenditure of funds therefor; and providing an effective date (RFP 6365-awarded to Longhorn Inc. in the three (3) year amount not-to-exceed \$300,000).

Ordinance 2017-229

- J. ID 17-1064 Consider adoption of an ordinance accepting competitive proposals and awarding a contract for overhead door and automatic gate repairs, maintenance, or replacement at City of Denton owned facilities; providing for the expenditure of funds therefor; and providing an effective date (RFP 6369-awarded to Ray McCain Services in the five (5) year not-to-exceed amount of \$350,000).

Ordinance No. 2017-230

- K. ID 17-1065 Consider adoption of an ordinance authorizing the City Manager to execute a Cooperative Purchasing Program Agreement with the Aubrey Independent School District (ISD) under Section 271.102 of the Local Government Code, to authorize the use of City of Denton contracts for the purchase of various goods and services; authorizing the expenditure of funds therefor; and declaring an effective date (File 6514-Cooperative Purchasing Program Agreement with the Aubrey Independent School District).

Ordinance No.2017-231

- L. ID 17-1067 Consider adoption of an ordinance of the City of Denton authorizing the City Manager or his designee to execute a contract through the Houston-Galveston Area Council of Governments (H-GAC) for the purchase of traffic signal hardware including pedestrian push button systems, illuminated street name signs, and emergency vehicle preemption devices, for the City of Denton Traffic Department; and providing an effective date (File 6360-awarded to Consolidated Traffic Controls, Inc. in the annual estimated amount of \$200,000 for a four (4) year not-to-exceed amount of \$800,000).

Ordinance No. 2017-232

- M. ID 17-1070 Consider adoption of an ordinance authorizing an Agreement between the City of Denton, Texas and the Denton Black Chamber of Commerce for the purpose of the 2017 Denton Blues Festival; authorizing the expenditure of funds; and providing for an effective date. (\$200)

Ordinance No. 2017-233

- N. ID 17-1075 Consider adoption of an ordinance approving a temporary license agreement between the City of Denton and Zachry Construction Corporation for temporary access and use of (1) an approximate 3.44 acre tract of land situated at the northeast corner of the intersection of East McKinney Street and North Mayhill Road; and (2) an approximate 3.457 acre tract of land situated along the west side of the 2000 block of South Mayhill Road, authorizing the City Manager or his designee to execute

the agreement; and providing an effective date. (Temporary contractor office and staging areas for the current Mayhill Widening and Improvements project)

Approved the appointment as noted below.

O. ID 17-1084 Consider and confirm the appointment by the City Manager of a new member to the Civil Service Commission.

Ordinance No. 2017-234

P. ID 17-1088 Consider adoption of an ordinance of the City of Denton, Texas amending certain provisions of Chapter 16 of the Denton Code of Ordinances, specifically Article VI Section 16-180, 16-181, 16-182, 16-183, 16-187 to provide for clarification of the definitions and permitting requirements applicable for filming within the City of Denton; providing for a severability clause, savings clause, and an effective date.

Resolution No. R2017-031

Q. ID 17-1095 Consider approval of a resolution by the City of Denton denying Oncor Electric Delivery's application to increase electricity rates for residential and commercial customers.

Council considered Consent Agenda Item A.

Ordinance No. 2017-223

A. ID 17-591 Consider adoption of an ordinance of the City of Denton, Texas authorizing the City Manager or his designee to execute an agreement for interconnection and parallel operation of distributed generation with Target Corporation for the installation of a solar photovoltaic system; and providing an effective date. The Public Utilities Board recommends approval (5-0).

Jessica Rogers, Energy Services Manager, presented information concerning the ordinance with the Target Corporation. Target was requesting installation of a solar photovoltaic system. She reviewed the agreement terms, recommendation and next steps in the process.

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 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. 2017-235

A. ID 17-943 Consider adoption of an ordinance of the City of Denton ("City") finding that a public use and necessity exists to acquire various permanent easements and temporary construction easements generally located along Smith Street, the limits of which being bounded to the northwest by Locust Street and to the southeast extending

beyond Smith Street to the East to the DCTA Rail Corridor and being situated in the S.C. Hiram Survey, Abstract 616 and the Alexander Hill Survey, Abstract No. 623, 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; makings findings; providing a savings clause; and providing an effective date. [Spencer to Locust TM Line Project]

Brent Heath, Executive Director of Energy Delivery, presented the Executive Summary detailing the need for the project and public involvement; regulatory agencies involved with CIP and Regulation review; displayed a map of the transmission line, reviewed the public involvement history; location map; and tracts involved for the Spencer to Locust transmission line project. He noted that he would display the legal description of property during the reading of the motion.

Willie Hudspeth submitted a Speaker Card in opposition.

Council discussed the easement going through a parking lot and that it had enough clearance for the setback requirements to maintain the parking spots.

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 a permanent easement interest covering a 0.901 acre tract of land being situated in the Eugene Puchalski Survey, Abstract No. 996, 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 Gregory seconded the motion.

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. 2017-236

B. ID 17-944 Consider adoption of an ordinance of the City of Denton ("City") finding that a public use and necessity exists to acquire a permanent easement covering a 0.901 acre tract of land situated in the Eugene Puchalski Survey, Abstract No. 996, City of Denton, Denton County, Texas ("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 TM Line - Tract 90]

Brent Heath, Executive Director of Energy Delivery, presented the details of the project which was the Hickory to Locust Transmission Line. He reviewed the Executive Summary, CIP and Regulatory Review, map of the transmission lines, history of the project, and noted that he would display the legal description of the property as the motion was read.

Council Member Gregory 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 a permanent easement interest covering a 0.901 acre tract of land being situated in the Eugene Puchalski Survey, Abstract No. 996, 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." Mayor Pro Tem Bagheri seconded the motion.

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

Ordinance No. 2017-237

- A. ID 17-1071 Consider adoption of an ordinance ordering an election to be held on November 7, 2017 for the purpose of submitting to the registered voters of Denton, Texas amendments to the Denton City Charter regarding residency requirements for city council members; percentage of petitioners required to trigger a recall election; clarifying the city internal auditor position and responsibilities; repealing and replacing Sections 14.04 and 14.05 of the Charter with a provision requiring the adoption of an ethics ordinance; and, providing for city council members to receive a monthly stipend; prescribing the time and manner of the conduct of the election to be in accordance with an agreement with Denton County; prescribing the form of the ballot; providing for notice; providing for publication of notice of this election; providing a severability clause; providing an open meetings clause; and providing an effective date.

Bryan Langley, Deputy City Manager, reviewed the details of the proposed Charter amendment election. He presented information on the background of the proposal, the charges for the Committee, proposed amendments and next steps.

Speaker cards were submitted by:

Willie Hudspeth addressed concerns about the proposed amendments.
Deb Armintor addressed the proposed amendments.

Jennifer Lane addressed the recall signature percentage proposal.

Jodi Ismert addressed the stipend provision and the recall signature percentage proposal.

Mayor Pro Tem Bagheri 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.

- B. ID 17-1091 Consider nominations/appointments to the City's Boards and Commissions: Airport Advisory Board; Animal Shelter Advisory Committee; Community Development Advisory Committee; Health & Building Standards Commission; Historic Landmark Commission; Human Services Advisory Committee; Library Board; and Zoning Board of Adjustment.

Jennifer Walters, City Secretary, reviewed the positions which needed nominations. Consensus of the Council was to proceed with the nominations that were listed in the backup materials.

Council Member Briggs motioned, Mayor Pro Tem Bagheri seconded to approve the nominations as presented. 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.

7. PUBLIC HEARINGS

Ordinance No. 2017-238

- A. Z17-0011b Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, regarding an initial zoning of Employment Center Commercial (EC-C) zoning district and use classification on approximately 16 acres of land generally located on the north side of Barthold Road, approximately 340 feet west of the I-35 Southbound Service Road in the City of Denton, Denton County, Texas; adopting an amendment to the City's official zoning map; providing for a penalty in the maximum amount of \$2,000.00 for violations thereof; providing a severability clause and an effective date. The Planning and Zoning Commission recommended approval of the request (6-0). (Z17-0011)

The Mayor opened the public hearing.

Munal Mauladad, Director of Development Services, detailed the request in terms of location, site data, compatibility analysis, mobility, public notification, and recommendation.

Dana Morse spoke in favor.

The Mayor closed the public hearing.

Mayor Pro Tem Bagheri 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.

- B. ID 17-993 Hold a public hearing on a proposal to adopt a tax rate of \$0.637856 with a maximum allowable rate of \$0.683340 per \$100 valuation, which will exceed the lower of the effective or rollback tax rate.

The Mayor opened the public hearing.

Chuck Springer, Director of Finance, presented the property values and tax rate in terms of the proposed tax rate, effective tax rate, and rollback tax rate. He noted the budgetary priorities, cost containment in terms of FTE reductions, General fund revenues and expenditures, and total net city budget. There would be two additional public hearings, one on the tax rate and one on the budget adoption.

The following individuals spoke during the public hearing:

Jodi Ismert spoke in favor
Deb Armintor spoke in favor
Jennifer Lane spoke in favor

The Mayor closed the public hearing.

No action was needed on this item at this meeting.

- C. S17-0004a Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, regarding a Specific Use Permit for a drive-through facility in a Downtown Commercial General (DC-G) zoning district and use classification on approximately 1.11 acres of land generally located east of North Texas Boulevard, between I-35E and Wilshire Street in the City of Denton, Denton County, Texas; adopting an amendment to the City's official zoning map; providing for a penalty in the maximum amount of \$2,000.00 for violations thereof; providing a severability clause and an effective date. The Planning and Zoning Commission recommended approval of the request with a condition (6-0). (S17-0004)

The Mayor opened the public hearing.

Munal Mauladad, Director of Development Services, presented the details of the request for a specific use permit for a drive-through restaurant. She noted the background of the property before and after right-of-way acquisition for the I35 widening project, the proposed site plan, landscape plan, elevations, analysis of the SUP criteria, zoning analysis, future land use map, mobility, and public notification.

Greg Massey representing McDonald's spoke in favor.

Council discussed the access points for the proposal, square footage of the building, number of car trips per day and at peak times.

Jimmy Lopez representing McDonald's spoke in favor.

Neil Smatresk representing UNT spoke in opposition.

Bob Brown representing UNT spoke in opposition.

Jennifer Lane spoke in opposition.

Sejin Brooks representing McDonald's spoke in favor.

The Mayor closed the public hearing.

Council discussed the traffic and pedestrian traffic in the area.

Mr. Lopez stated that they would be agreeable to postponing the application and working with city staff and UNT to devise new proposal.

Council Member Gregory motioned, Council Member Duff seconded to postpone the proposal to the November 7th City Council meeting. 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. 2017-239

- D. Z17-0014a Hold a public hearing and consider adoption of an ordinance to rezone approximately 5.21 acres from Industrial Center Employment (IC-E) District to a Regional Center Commercial Downtown (RCC-D) District. The subject property is generally located on the west side of the I-35 Southbound Service Road and approximately 1,000 feet south of West University Drive. The Planning and Zoning Commission voted 5-0 to approve the request. (Z17-0014, Duluth Trading Co. & Northern Tools + Equipment).

Munal Mauladad, Director of Development services, presented the request and site data, compatibility analysis, future land use map, public notification, and recommendations.

The Mayor opened the public hearing.

No one spoke during the public hearing.

The Mayor closed the public hearing

Council Member Ryan 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.

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 Gregory requested a Work Session regarding the City joining the lawsuit against SB4.

Council Member Briggs requested information on the landfill specific use permit requirements.

Council Member Briggs requested a Work Session on Section 3.12.10(p) regarding musician/artist studios specific use permits.

Council Member Briggs requested a staff report on SB 4.

Council Member Duff requested a staff report on the feasibility of capturing heat from the steam engines for additional power.

Mayor Pro Tem Bagheri requested a Work Session on a regional traffic signal data pilot program for data transportation.

Mayor Pro Tem Bagheri requested a Work Session on the privacy issue associated with the Waze app.

Mayor Pro Tem Bagheri requested an Informal Staff Report regarding electric charging for trucks.

Council Member Ryan requested staff investigate a Denton PD app for tips on traffic violations.

Mayor Watts requested staff provide the previous speaker with information on the landfill specific use permit and the Mobility Plan explanation if there was a resolution to the Mobility Plan problem.

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

There was no continuation of the Closed Meeting.

With no further business, the meeting was adjourned at 10:03 p.m.

CHRIS WATTS
MAYOR
CITY OF DENTON, TEXAS

JENNIFER WALTERS
CITY SECRETARY
CITY OF DENTON, TEXAS