

CITY OF DENTON CITY COUNCIL MINUTES

December 15, 2015

After determining that a quorum was present, the City Council convened in a Work Session on Tuesday, December 15, 2015 at 1:00 p.m. in the Council Work Session Room at City Hall.

PRESENT: Council Member Roden, Council Member Johnson, Council Member Hawkins, Council Member Briggs, Mayor Pro Tem Gregory, Council Member Wazny and Mayor Watts.

ABSENT: None.

1. Citizen Comments on Consent Agenda Items

There were no comments presented by citizens.

2. Requests for clarification of agenda items listed on the agenda for December 15, 2015.

Mayor Watts stated that Council had talked about a public hearing for Item 6B to hear from the community and that the Council was probably not voting on the resolution at this meeting.

Council Member Wazny stated that she would like to postpone the resolution but to move forward with the public hearing but only that and not consider the resolution.

Mayor Pro Tem Gregory stated that during the public hearing he was going to motion to postpone the item until January.

Council Member Briggs stated that she was also in agreement with postponing the resolution.

Council Member Roden questioned if the purpose was to continue the resolution to provide direction to staff.

Mayor Watts stated that the item was posted to give broad direction on the issue.

City Attorney Burgess stated that Council would have latitude on how to handle the item including seeking public input and then reserving options with regards to direction to staff after the public hearing.

Council Member Briggs asked about Consent Agenda Item B and whether the contract could be changed after committing to it.

Phil Williams, General Manager-DME, stated that the purchase was for poles and a change order could be done if needed.

Council Member Wazny felt that Council direction had been given to postpone action on the Eagle Substation (Item 5A) while actions were taking place with the property owners.

City Manager Campbell stated that he was going to ask to have the item moved to another agenda.

Council Member Wazny requested that Consent Agenda Item P be considered individually.

City Attorney Burgess felt that the original ordinance was too broad in one of the sections and had prepared an alternative draft for consideration. She had drafted a finer edge on what could be confidential information.

Council Member Wazny stated that she would like the item pulled in order to inform the public about the changes.

Mayor Pro Tem Gregory requested that Consent Agenda Item J be moved to individual consideration.

3. Work Session Reports

- A. SI15-0022 Receive a report, hold a discussion, and give staff direction regarding the regulation and economic impact of mobile food vendors in the City of Denton.

Aimee Bissett, Director of Development Services, presented information on food trucks operating in the City, how to regulate them, and how to move forward to accommodate negative impacts. She reviewed background information on the regulating of food trucks in terms of food trucks as an economic impact in the area of entrepreneurship and revitalization.

Council discussed the payment of sales taxes by the food trucks and location of the trucks for ad valorem tax purposes.

Bissett continued with the process to include a food truck parking permit and targeted areas for the trucks to park in public lots.

Council discussed the competition of food trucks with established businesses and food trucks paying for the use of public streets/parking lots.

Bissett reviewed the creation of this use in the Development Code for food truck parks to help with the parking issue, public/private partnerships in terms of food truck parks and commissaries. She presented options for Council consideration.

Council discussed what the role was of government in this issue, whether to allow private business to use public land for profit, whether this proposal would give food trucks a competitive advantage over established businesses if allowed to use city streets, and should the food trucks pay for that option. They were in favor of receiving comments from stakeholders on the proposal and were not in favor of options to allow food trucks to use public parking as there was such a shortage of parking in the downtown area.

Council consensus favored Option 3, to monitor food trucks to see if they were paying sales tax from the State report and bring options back separately for consideration in an ordinance. A suggestion was also made to revise the current ordinance for health inspections so that they did not occur after notification of where the trucks were located and to allow time for stakeholder input.

- B. ID 15-1180 Receive a report, hold a discussion, and give staff direction on the Denton Renewable plan and activities related to the future power supply plans to meet the City's growth and needs.

Phil Williams, General Manager-DME, presented the Renewable Denton Plan components. Those components included renewables, market purchases, quick start generation, whether the plans would reduce emissions, and discussion points of battery storage.

Council discussion points included (1) would Denton be producing for ERCOT and what would be those figures, (2) circumstances for ERCOT to request Denton to turn on Quick Start, (3) the Charter requirement not sell energy to anyone outside Denton lower than what could be provided to its own customers and how that related to ERCOT, (4) difference in the cost of Quick Start units between 6 units and an additional 6 units, (5) cost projections for the proposed site productions, (6) the future of gas prices and (7) the future of gas powered plants

- C. ID 15-1240 Receive a report, hold a discussion, and give staff direction regarding the notification process utilized by Development Services.

Aimee Bissett, Director of Development Services, reviewed the notification process, the different types of notifications, what governed those notifications and processes in place to minimize errors. Such notices included zoning case notifications and neighborhood meeting processes.

Council points included different departments with different processes for notifications, use technology for the notification processes, and neighborhoods need better notification of upcoming projects.

Bissett stated that suggested changes to get information out to citizens included developer meetings, augment the 200/500 foot notification system with the City website on the home page, a notification listing public meetings for 200/500 meetings and developer's meetings, buy space in Denton Record-Chronicle for Sunday ads noting meetings plus Twitter and FaceBook notifications.

- D. ID 15-1255 Receive a report, hold a discussion, and give staff direction regarding a proposed Economic Development Chapter 380 Grant Agreement with US Aviation Group, LLC, for a business expansion at the Denton Enterprise Airport.

Carline Booth, Assistant Director of Economic Development, presented the growth of the US Aviation Group over the years it had been in Denton, Denton's incentive policy, and incentive recommendation.

Council discussed whether prior projects had been done without incentives, new job information and employee salaries.

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 15-1256 Deliberations regarding Economic Development Negotiations - Under Texas Government Code Section 551.087. Receive a report and hold a discussion regarding a proposed economic development program grant agreement between the City of Denton and US Aviation Group, LLC. This discussion shall include commercial and financial information the City Council has received from US Aviation Group, LLC, a business prospect which the City Council seeks to have locate, stay, or expand in or near the territory of the city, and with which the City Council is conducting economic development negotiations; deliberate the economic development program grant agreement between the City of Denton and US Aviation Group, LLC. [ID 15-1257]
- B. ID 15-1307 Consultation with Attorney's - Under Texas Government Code, Section 551.071. Consult with the City's attorneys regarding legal issues associated with the revocation or modification of a Specific Use Permit for Akers Towing where a public discussion of these legal matters would conflict with the duty of the City's attorneys under the Texas Disciplinary Rules of Professional Conduct of the State of Texas. [ID 15-1284]
- C. ID 15-1172 Deliberations Regarding Certain Public Power Utilities: Competitive Matters - Under Texas Government Code Section 551.086. Receive a presentation from Denton Municipal Electric staff ("DME") regarding public power competitive and financial matters pertaining to plans, strategies, opportunities, and developments for generation improvements to the DME system; discuss and deliberate strategies regarding same; discuss and deliberate opportunities and strategies for the City to acquire purchased power and enter into agreements regarding the same, in order to meet its future energy needs. Discuss, deliberate and provide Staff with direction. [15-1260]
- D. ID 15-761 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 located in Lot 1, Block 2 of the Municipal Utility Addition as shown by the plat thereof recorded in Cabinet G Page 346 of the P.R.D.C.T., in the City of Denton, Denton County, Texas; where 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. [Brinker Substation]
- E. ID 15-1321 Consultation with Attorneys - Under Texas Government Code, Section 551.071. Consult with the City's attorneys about Verizon Southwest, Inc.'s unpaid

pole attachment fees including the status of settlement negotiations, potential litigation, and related issues. Discuss, deliberate and provide the City's attorneys with direction and any recommendations regarding such legal matter. A public discussion of this legal matter would conflict with the duty of the City's Attorneys to the City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.

- F. ID 15-1325 Deliberations regarding Real Property - Under Texas Government Code Section 551.072; Consultation with Attorneys - Under Texas Government Code Section 551.071. Discuss, deliberate, and receive information from staff and provide staff with direction pertaining to the acquisition of real property interests located in the E. Puchalski Survey, Abstract No. 996, located generally in the 1200 Block of N. I-35E, City of Denton, Denton County, Texas. Consultation with the City's attorneys regarding legal issues associated with the acquisition or condemnation of the real property interests referenced above where a public discussion of these legal matters would conflict with the duty of the City's attorneys to the City of Denton and the Denton City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas, or would jeopardize the City's legal position in any administrative proceeding or potential litigation. (Denton Fire Station No. 3 Rebuild)
- G. ID 15-1326 Consultation with Attorneys - Under Texas Government Code, Sec. 551.071. Consult with the City's attorneys regarding the present status of settlement negotiations regarding pending litigation styled: City of Denton, Texas v. NRG Power Marketing, LLC, Cause No. 15-01404-16, now pending in the 16th Judicial District Court of Denton County, Texas, and discuss, deliberate and provide the City's attorneys with direction and any recommendations regarding such legal matter. A public discussion of this legal matter would conflict with the duty of the City's Attorneys to the City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.
- H. ID 15-1329 Consultation with Attorneys - Under Texas Government Code §551.071. Consult with the City's Attorneys on the status, strategy, and potential resolution of litigation styled Bishop v. City of Denton, Texas and Darius M. Porter, Cause No. 4:14-CV-608, currently pending in the US District Court for the Eastern District of Texas, Sherman Division.

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 15-1190 Presentation by Denton County Friends of the Family

A presentation was made by the Executive Director of Friends of the Family. Mayor Watts thanked the Friends of the Family for their services to the city of Denton.

B. ID 15-1300 Volunteer appreciation for Eureka 2 Playground Project

Mayor Watts presented appreciation certificates for volunteer members for the Eureka 2 playground project.

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 15-1311 Marc Moffitt regarding various issues.

Mr. Moffitt spoke about a recent Council meeting concerning ethics. He felt that only the minimum effort had been made in this area. Highest standards should always be the standard and not the minimum.

C. Additional Citizen Reports

Ed Soph and Carol Soph commented on the Gas Well Emergency Seminar. They thanked the people who attended and for staff who were present at the seminar.

4. CONSENT AGENDA

Mayor Watts announces that 6B would have the public hearing but the resolution associated with the item would not be discussed. He noted that Consent Agenda Items J and P would be pulled for individual consideration.

Council Member Hawkins motioned, Council Member Roden seconded to approve the Consent Agenda and accompanying ordinances and resolutions with the exception of Items J and P. On roll call vote, Council Member Roden "aye", Council Member Johnson "aye", Mayor Watts "aye", Council Member Hawkins "aye", Council Member Briggs "aye", Mayor Pro Tem Gregory "aye", and Council Member Wazny "aye". Motion carried unanimously.

Resolution No. R2015-046

- A. ID 15-1224 Consider approval of a resolution to the City Council of the City of Denton, Texas authorizing the filing and acceptance of a contract with the Solid Waste & Recycling Department (SW&R) and South Forks Trinity River Mitigation Group 1, LP, for the SW&R to purchase mitigation credits to offset impacts to the Waters of the United States in providing wetland mitigation, in the preparation, development and submittal of a permit application for lateral expansion and

associated services pertaining to the City of Denton Landfill (MSW Permit #1590a); authorizing the expenditure of funds in the stated amount of \$66,888, and providing an effective date.

Ordinance No. 2015-376

- B. ID 15-1229 Consider adoption of an ordinance accepting competitive proposals and awarding a contract for the purchase of electric substation galvanized tubular steel structures for Denton Municipal Electric; providing for the expenditure of funds therefore; and providing an effective date (RFP 5841-awarded to Techline, Inc. in the (3) year not-to-exceed amount of \$1,840,000).

Ordinance No. 2015-377

- C. ID 15-1257 Consider adoption of an ordinance establishing an Economic Development Program under Chapter 380 of the Local Government Code for making grants of public money to promote economic development and to stimulate business activity in the city of Denton; approving an economic development program grant agreement with US Aviation Group, LLC, setting forth the various conditions precedent to US Aviation Group, LLC receiving the program grant; providing for a severability clause; and providing an effective date.

Ordinance No. 2015-378

- D. ID 15-1261 Consider adoption of an ordinance of the City of Denton authorizing the City Manager or his designee to execute a contract through the Buy Board Cooperative Purchasing Network for the acquisition of four (4) dump trucks, two (2) haul trucks, and ten (10) refuse trucks for the City of Denton Wastewater Collections, Drainage, Solid Waste, and Parks Departments; and providing an effective date (File 5980-awarded to Rush Truck Center, Crane in the amount of \$2,560,878).

Ordinance No. 2015-379

- E. ID 15-1262 Consider adoption of an ordinance accepting competitive proposals and awarding a contract for the purchase of electric rubber insulated termination and separable goods and accessories to be stocked in the City of Denton Distribution Center; providing for the expenditure of funds therefor; and providing an effective date (RFP 5928-awarded to Techline, Inc. in the three (3) year not-to-exceed amount of \$650,000).

Ordinance No. 2015-380

- F. ID 15-1268 Consider adoption of an ordinance of the City Council of the City of Denton, Texas, authorizing the City Manager to execute a professional services agreement for Sales Tax Compliance Review Services for the City of Denton Finance Department; providing for the expenditure of funds therefor; and providing an effective date (File 6000-awarded to TexasCityServices LLC in the recovery fee percentage of 32% of additional sale/use taxes received in the first year of the contract and 36% of additional sales/use taxes received for the second and third years of the contract period). The Audit/Finance Committee recommends approval (2-0).

Ordinance No. 2015-381

- G. ID 15-1270 Consider adoption of an ordinance of the City of Denton, Texas providing for, authorizing, and approving a three (3) year support service contract for Microsoft Premier Support Services for the City of Denton, 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 5737-awarded to Microsoft Corporation in the three (3) year not-to-exceed amount of \$208,000).

Resolution No. R2015-047

- H. ID 15-1272 Consider approval of a resolution of the City Council of the City of Denton, Texas authorizing the filing of a project application with the North Central Texas Council of Governments for a Regional Household Hazardous Waste Grant, Regional Collaborative Project, source reduction and recycling; delegating and authorizing George C. Campbell, City Manager, or his designate, to act on behalf of the City in all other matters that are related to this project application, pledging that if funding for this project is received, the City of Denton, Texas will comply with all project requirements of the North Central Texas Council of Governments, the Texas Commission on Environmental Quality, and the State of Texas, and providing for an effective date.

Resolution No. R2015-048

Resolution No. R2015-049

- I. ID 15-1277 Consider approval of two resolutions of the City Council of the City of Denton, Texas authorizing the filing of a project application with the North Central Texas Council of Governments for a Regional Solid Waste Program - Local Government Project, source reduction and recycling; delegating and authorizing George C. Campbell, City Manager, or his designate, to act on behalf of the City in all other matters that are related to this project application, pledging that if funding for this project is received, the City of Denton, Texas will comply with all project requirements of the North Central Texas Council of Governments, the Texas Commission on Environmental Quality, and the State of Texas, and providing for an effective date.

Ordinance No. 2015-382

- K. ID 15-1282 Consider adoption of an ordinance of the City of Denton, Texas providing for, authorizing, and approving the purchase of Excess Liability Insurance Coverage for the City of Denton, through the City's sole broker of record, McGriff, Seibels, and Williams of Texas, Inc., and in accordance with Chapter 252.024 of the Texas Local Government Code such coverage is exempt from the requirements of competitive bidding; and providing an effective date (File 6020 awarded to Illinois Union Insurance Company in the one (1) year not-to-exceed amount of \$197,590 and a three (3) year not-to-exceed amount of \$654,000).

Ordinance No. 2015-383

- L. ID 15-1288 Consider adoption of an ordinance of the City of Denton authorizing the City Manager, or his designee, to execute on behalf of the City of Denton an

acceptance of an offer from the Texas Department of Transportation relating to a grant for Routine Airport Maintenance Program; authorizing the City Manager to expend funds provided for in the grant program; and declaring an effective date (TxDOT CSJ No.: M618DNTON). The Airport Advisory Board recommends approval (6-0).

Ordinance No. 2015-384

- M. ID 15-1292 Consider adoption of an ordinance of the City of Denton amending certain provisions of Chapter 23 "Police" of the Code of Ordinances of the City of Denton to conform with certain provisions of state law; providing a severability clause; providing a savings clause; providing for a penalty not to exceed \$500 for violations of this ordinance; and providing an effective date.

Ordinance No. 2015-385

- N. ID 15-1293 Consider adoption of an ordinance of the City of Denton, Texas, amending Ordinance no. 2015-336 relating to fees for non-consent towing within the City of Denton pursuant to Chapter 23, Article V of the Code of Ordinances of the City of Denton, Texas; providing that a schedule of fees shall be maintained on file in the office of the City Secretary; providing a savings clause; providing a severability clause; and providing an effective date.

Ordinance No. 2015-386

- O. ID 15-1294 Consider adoption of an ordinance of the City of Denton, Texas amending the provisions of Chapter 18 "Motor Vehicles and Traffic" by amending Section 18-104(a) (1) relating to the impoundment of standing or parked vehicles by increasing the towing fee; providing a severability clause; providing a repealer clause; providing a savings clause; providing for a penalty not to exceed \$500 for violations of this ordinance; and providing for an effective date.

Ordinance No. 2015-388

- Q. ID 15-1316 Consider adoption of an ordinance approving an Advance Funding Agreement for a Project Using Funds Held in the State Highway 121 Subaccount in the amount of \$2,000,000.00 between the City of Denton and the State of Texas for the design and construction of a roundabout on North Texas Boulevard at IH35E in the City of Denton, authorizing the expenditure of funds therefor; and providing an effective date.

Ordinance No. 20215-389

- R. ID 15-1317 Consider adoption of an ordinance approving an Advance Funding Agreement for a Project Using Funds Held in the State Highway 121 Subaccount in the amount of \$3,000,000.00 between the City of Denton and the State of Texas for the reconstruction and widening of Hickory Creek Road from FM 2181 to Proposed FM 2499 in the City of Denton, authorizing the expenditure of funds therefor; and providing an effective date.

Item J. was considered.

Resolution No. R2015-050

- J. ID 15-1280 Consider approval of a resolution of the City of Denton, Texas affirming its desire to remove FM 426 (McKinney Street) off the Texas Department of Transportation roadway system, directing staff to submit official correspondence to TxDOT regarding this desire; and providing an effective date. The Mobility Committee recommends approval (3-0).

Mark Nelson, Director of Transportation, presented information on the purpose of the resolution, project description, current status, and status of the project if Council approved the resolution.

Council discussed the proposal, length of time to complete and design of the project.

Willie Hudspeth, 623 Newton, Denton, spoke on the item.

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

Item P. was considered.

Ordinance No. 2015-387

- P. ID 15-1308 Consider adoption of an ordinance of the City of Denton, Texas which would amend Code Section 2-30 "Improper Disclosure of Confidential Information" to redefine "confidential government information" and to remove all provisions providing for and relating to a criminal penalty; providing for severability, repealer and an effective date.

City Attorney Burgess stated that Council had a previous discussion on this ordinance which would amend the 2006 ordinance by deleting criminal penalties and added language in regards to confidential information. Following input from a citizen it was determined that the original ordinance did not have a sharp enough edge on one of the provisions. She had provided a substitute ordinance for Council consideration.

Willie Hudspeth, 623 Newton, Denton, spoke in opposition to the ordinance.

Council discussed the state statutes that would be in force should the current regulations be repealed without another to take its place.

Council Member Wazny stated that as a revised ordinance was presented this afternoon, she suggested postponing the item until January so citizens could have an opportunity to read the new ordinance.

Mayor Watts stated that he had no problem repealing it as it was.

Mayor Pro Tem Gregory questioned what was relied on in the current regulations concerning confidential information.

City Attorney Burgess stated that it would be the ethics resolution which was still on the books and state law as applicable. Council discussed whether state law was applicable to the actions of the Council.

Council Member Johnson stated that there were many avenues to submit a complaint regarding an ethics violations. The issues rested with the individual person on whether or not to maintain confidential information. He noted that there had never been an official complaint regarding ethics.

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

5. ITEMS FOR INDIVIDUAL CONSIDERATION

- A. ID 15-985 Consider approval of a resolution by the City Council regarding three proposed sites for construction, expansion, and use of an electric power transmission /distribution substation located along both the east side of Bernard St. between Eagle Drive to the north and Collins Street to the south, in the City of Denton, Texas, as part of Denton Municipal Electric's service territory.

This item was not considered.

Ordinance No. 2015-390

- B. ID 15-1284 Consider adoption of an ordinance revoking or modifying a Specific Use Permit dated August 5, 2014, allowing a wrecker service and impound lot on property located in an Employment Center Industrial (EC-I) zoning and land use district on approximately 1.3 acres, generally located south of Smith Street, east of Dallas Drive, and north of Teasley Lane; and providing an effective date.

Aimee Bissett, Director of Development Services, presented information concerning the specific use permit. The ordinance for consideration would revoke or modify the permit allowing a wrecker service and impound lot. On November 17th the Council had a public hearing to revoke the permit but Council provided an additional 30 days to complete what the permit required. Ackers had met the permit conditions and was in compliance. Staff was recommending approval of modifying the specific use permit ordinance with new conditions relative to the actual layout of the site. She presented information on the site conditions.

Council discussed that the specific use permit only went with the use and not with the land.

The following Speaker Cards were submitted by:

Willie Hudspeth, 623 Newton, Denton
Ida Martinez, 9830 Angel Bend, Denton – spoke in favor
Gloria Akers, 715 Dallas Drive, Denton, 76205 – spoke in favor
Greg Edwards - spoke in favor

Council Member Hawkins motioned, Council Member Briggs seconded to modify the specific use permit with the conditions as presented. On roll call vote, Council Member Roden "aye", Council Member Johnson "aye", Mayor Watts "aye", Council Member Hawkins "aye", Council Member Briggs "aye", Mayor Pro Tem Gregory "aye", and Council Member Wazny "aye". Motion carried unanimously.

6. PUBLIC HEARINGS

- A. DCA15-0008a Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, to consider amending "Permitted Uses" in Subchapter 35.5 of the Denton Development Code to replace "Semi-Public Halls, Clubs, and Lodges" with "Assembly Halls, Clubs, and Lodges" in the list of zoning uses in Subchapter 5 and to revise definition for "Semi-Public Halls, Clubs, and Lodges" in Subchapter 23.2; providing for a penalty in the maximum amount of \$2,000.00 for violations thereof; providing a severability clause and an effective date.

The Mayor opened the public hearing.

Aimee Bissett, Director of Development Services, stated that the proposal was to amend the current ordinance to include a use for semi-public halls, clubs and lodges. This was a staff initiated zoning change as the Denton Development Code did not have a use to accurately describe the activity to accommodate private functions in non-commercial areas. The new use would be assembly hall which could include private events such as weddings, etc. She reviewed the considerations for the change, information on the zoning districts where the use would be permitted, conditions for approval and conditions that could be applied to the specific use permit. The Planning and Zoning Commission and staff recommended approval.

Council discussed reasons for not allowing the use in RD-5; the type of development that would be compatible for that type of zoning designation, questions on how it would fit into older neighborhoods, whether a zoning change would be more appropriate rather than a specific use permit and non-profit organizations versus profit organizations in residential areas

The following individuals submitted Speaker Cards:

Lucas Holl, 815 Crestoak, Denton, 76209 - spoke in opposition
Jodi Ismert, 819 Anna, Denton, 76201 – spoke in opposition
Meredith Buie, 809 Emery, Denton - spoke in opposition
Doctor Rhinecleff, 2500 Oak Street, Denton – spoke in opposition

The Mayor closed the public hearing.

Council discussion after the public hearing involved whether there was a current application in process in an "R" district, whether the activity was the same in both definitions only the wording from semi-public to assembly hall was changed, consider creating a new category of assembly halls instead of changing the definition, and concerns regarding residential areas with for profit organizations. Council discussed options on whether to postpone the item, remand it back to the

Planning and Zoning Commission to consider the zoning categories or continue discussion at this meeting, looking for options to improve the proposal.

Council Member Johnson motioned to approve the ordinance, leaving the residential as it currently was written and allow the new definition in RD-5 and RC. Leave as semipublic in residential but for-profit in RD-5 and RC. In other words, change the definition everywhere except for the residential categories.

Council discussed the motion and the various zoning categories it would be applied to. A concern was expressed regarding trying to craft an ordinance during the meeting and if the definitions were too closely tied to the old definition.

Council Member Roden motioned, Council Member Johnson seconded to postpone the item to the next Council meeting. On roll call vote, Council Member Roden "aye", Council Member Johnson "aye", Mayor Watts "aye", Council Member Hawkins "aye", Council Member Briggs "aye", Mayor Pro Tem Gregory "aye", and Council Member Wazny "aye". Motion carried unanimously.

- B. ID 15-1260 Hold a public hearing and consider public input regarding the proposed Renewable Denton Plan for future power supply as part of Denton Municipal Electric's service territory; discuss, deliberate, provide staff with direction; and consider approval of a resolution approving the Denton Municipal Electric Renewable Denton Plan.

Council Member Johnson left the meeting.

Phil Williams, General Manager-DME, stated that the Renewable Plan was staff's response from Council direction to increase renewables while maintaining competitive rates and reliability. He presented the specifics on the Denton Renewable Plan including advantages of the proposed facility and proposal considerations.

Council discussed ERCOT generation and reduction of gas emissions, requests from ERCOT for city generation, the time when that would happen and the amount of coal investing in with this plan.

The Mayor opened the public hearing.

The following individuals spoke during the public hearing:

Pamela Wat, 2118 Cherrywood, Denton, 76209
Mike Cheves, 900 Jeffery, Denton, 76209 – opposed and in support
Jodi Ismert, 819 Anna Street, Denton, 76201 - opposed
Katherine Forrest, 400 Jagoe, Denton, 76209 - opposed
Bob Moses, 1702 Pine Hills Lane, Corinth, 76210 - support
Phyllis Minton, 2005 Burning Tree Lane, Denton, 76209
Rita Beving, 13214 Glad Acres Dr., Dallas, 75234 - opposed
Larry Beck, 915 Sherman Drive, Denton 76209
Ken Gold, 2512 Natchez Trace, Denton, 76210 - opposed

Topher Jones, 419 Fulton St., Denton, 76201- opposed
Rhonda Love, 1921 Holly Hill, Denton, 76205 - opposed
Ed Soph, 1920 Victoria Drive, Denton, 76209 - opposed
Carol Soph, 1920 Victoria Drive, Denton, 79209 - opposed
John Murphy, 1905 Whitefish Court, Denton, 79210 - opposed
Adam Cewarecvi, 2931 Lipizzan Court, Denton, 76210 - support
Zac Youngblood, 836 Hawse Drive, Copper Canyon, 75077 - opposed
Theron Palmer, 1700 Willowood St., Denton, - opposed
Elida Tamez, 1700 Willowood, Denton, 76205
Mahdi Ahmadi, 1322 Normal Street, Denton, 76201- opposed
Daniel Minshaw, 1922 N. Locust St., Denton, 76209 - opposed
Sharon Spies, 7501 Stallion St., Denton, 76208 - opposed
Nick Ross, 1005 W. Hickory St., Apt. W-14, Denton, 76201 - opposed
Doctor Rhinecleff, 2500 W. Oak St., Denton, 76201 - opposed
Brandon Morton, 827 Teakwood Place, Richardson, 75080 - opposed
Ben Huttash, 925 Sierra Drive, Denton, 70201, opposed
Tyler Breckenridge, 516 Bolivar Street, Denton, 76201
Willie Hudspeth, 623 Newton, Denton
Adam Briggles, 1315 Dartmouth Place, Denton, 76201
Corey Troiani, 5516 Richard Ave., Dallas, 75206 - opposed
Debra Armintor, 2003 Mistywood Lane, Denton, 76209 - opposed
James Moffitt, 505 Oakbrook St., Lewisville, 75057 – opposed

Mayor Watts noted that the following Comment Cards were submitted.

Comments Cards in opposition:

Sam Alexander, 3219 McReynolds Rd., Sanger, 76266
Brandon Babbitt, 2500 W. Hickory, Apt 24, Denton, 76201
Sharon Barnhill, 3329 Hummingbird Ln., Denton, 76209
Agatha Beins, 1901 Panhandle St., Denton, 76201
Tobias Brandenburg, 132 Woodland St.-B, Denton, 76209
Michael Briggs, 2311 Houston Pl., Denton, 76201
Christopher Brown, 1922 N. Locust St., Denton, 76209
Maureen Callahan, 910 Alice St., Denton, 76201
Nicole Chochrek, 1223 Highland Park Rd., Denton, 76201
Susan Deborah Cosimo, 1107 Bolivar St., Denton, 76201
Ian Finseth, 2110 Emerson Circle, Denton, 76209
Katherine Forrest, 400 Jagoe, Denton, 76209
Suzanne Fritts, 410 Fritz Lane, Denton 76208
David Griggs, 13214 Glad Acres Dr., Dallas, 75234
Audra Hall, 905 Bolivar, Denton, 76201
Dan Hammond Jr., 2002 W. Hickory St., Denton, 76201
Stephanie Hawkins, 2110 Emerson Cir., Denton, 76209
Candice Heimdal, 132 Woodland St., Apt. B, Denton, 76209
Michael Hennen, 724 Thomas St., Denton, 76201
Jennifer Hensley, 517 Cardinal Dr., Denton, 76209
Alexander Hughes, 1008 Cordell St., Denton, 76201
Eric Hutmacher, 3616 Pheasant Hollow, Denton, 76207

Dana Isaac, 2216 Yorkshire St., Denton, 76209
Carl Jacob, 722 W. Hickory St., #104, Denton, 76201
Sandra Kelly, 2002 W. Hickory St., Denton, 76201
Brett Kellestedt, 603 Eagle Dr., Apt#1, Denton, 76201
Tod M. King, 2222 Houston Pl., Denton, 76201
Donna Maxwell, 524 Mimosa Dr., Denton, 76201
Samuel Given McClure, 904 W. Hickory St., Denton, 76201
James Orenstein, 1802 Rocky Creek Dr., Duncanville, 75137
Terrance T. Porter, 419 Fulton, Denton, 76201
Dianna Robinson, 2508 Rockwood, Denton, 76209
Sarah Schulwitz, 1713 Carlton St., Denton, 76201
Channing Smith, 7200 Raintree Way, Denton, 76210
Megan Storie, 1008 Cordell, Denton, 76201
Sandy Swan, 1413 Cambridge, Denton, 76209
Jennifer Wallach, 1121 Egan St., Denton, 76201
Michael Wise, 1121 Egan St., Denton, 76201

Comment Cards in support:

Meredith Buie, 809 Emery St., Denton, 76201
Kim Phillips, 414 Parkway, Denton, 76201

Additional speakers included:

Eric Pruitt, 2111 Westwood, Denton
Sam Alexander, 3219 McReynolds Rd., Sanger, 76266
James Orenstein, 1802 Rocky Creek Dr., Duncanville, 75137 – opposed
Terrance T. Porter, 419 Fulton, Denton, 76201 – opposed

The Mayor closed the public hearing

Council discussion centered on considering an outside independent analysis on the plan before voting on it, holding another work session to answer Council's questions before having an independent analysis and providing information on gas electric plants in terms of safety.

Mayor Pro Tem Gregory motioned, Council Member Hawkins seconded to postpone action on the resolution. On roll call vote, Council Member Roden "aye", Mayor Watts "aye", Council Member Hawkins "aye", Council Member Briggs "aye", Mayor Pro Tem Gregory "aye", and Council Member Wazny "aye". Motion carried unanimously.

7. 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 15-1310 Willie Hudspeth regarding City Hall.

Mr. Hudspeth spoke regarding when citizens were allowed to speak to Council during their meetings. He noted that Blacks could not be buried at IOOF cemetery and that was not correct. In terms of ethics, he felt that no one should vote on something that profited him or her.

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 a staff report on the base rate charge when 911 was called with an ambulance and what was included in that rate.

Council Member Hawkins requested an Informal Staff Report regarding the sidewalks along McKinney.

Council Member Hawkins asked for an Informal Staff report regarding Community Improvement Services notices about Best of Denton banner violations.

Council Member Roden requested a report on the Lake Lewisville dam.

- 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 12:58 a.m.

CHRIS WATTS
MAYOR
CITY OF DENTON, TEXAS

JENNIFER WALTERS
CITY SECRETARY
CITY OF DENTON, TEXAS