

CITY OF DENTON CITY COUNCIL MINUTES

February 16, 2016

After determining that a quorum was present, the City Council convened in a Closed Meeting on Tuesday, February 16, 2016 at 12:00 p.m. in the Council Work Session Room at City Hall.

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

ABSENT: None.

1. Closed Meeting

A. ID 16-215 Deliberations regarding personnel matters - Under Texas Government Code Section 551.074.

Review and discuss the evaluation, duties, discipline, procedures, and contract for the Municipal Judge.

Following the completion of the Closed Meeting, the City Council convened at 1:12 p.m. in a Work Session to consider the specific items listed below under the Closed Meeting Section of this agenda.

1. Citizen Comments on Consent Agenda Items

Sam Alexander spoke regarding the house at 1224 Bonnie Brae.

2. Requests for clarification of agenda items listed on the agenda for February 16, 2016.

Council Member Johnson asked on Consent item L on the noise exception for the 35 Denton Music Festival. He stated that his question was not specific to the noise ordinance but related to the street closure and what the impact was to businesses along Hickory when the music festival was going on and that the public not attending the music festivals would have access to those businesses along Hickory Street.

City Manager Campbell stated that once approved, staff would get information to the Council regarding the street closures and how that would be handled by the Police Department.

Johnson asked on Consent item M what the total estimated project cost was for Fire Station 4.

Council Member Briggs stated that she needed to recuse herself while this item was discussed. She also stated that she would like item M pulled from the Consent Agenda as she needed to recuse herself while this item was considered.

Dean Hartley, Facilities Manager, stated that the estimated total project cost for Fire Station 4 was \$4.2 to \$4.5 million.

Johnson requested that Consent item Z be pulled from the consent agenda and considered individually.

Council Member Wazny stated that she would like to see more evaluation and ranking sheets in the backup for the bid items. She stated that item P was releasing a public easement and asked if releasing this easement would adversely affect the Catholic Church.

Paul Williamson, Real Estate Manager, stated that the property owner, Country Lakes West, had requested that the City abandon a public drainage easement on the current phase of residential lot development in the addition. The subject drainage easement was conveyed to the City in 2002 to address the drainage requirements for the development of the St. Mark Catholic Church Addition. Since that time, with the progression of the development of the overall property, alternative drainage improvements have been constructed and dedicated by the Country Lakes West Addition. The 2002 drainage easement was no longer necessary and had created an encumbrance on certain lots within the latest phase of Country Lakes West Addition.

Wazny asked if this was a wetland preserve area.

Williamson stated it was not.

Briggs requested that items E and F be pulled from the Consent Agenda and would like them to be considered as Items for Individual Consideration and have staff make a presentation.

Watts confirmed that Consent Agenda Items E, F, M and Z were pulled from the Consent Agenda to be considered individually.

Watts requested clarification on the items that Council Member Wazny referred to as not having bids, that they were professional service agreements so they did go through the formal bid process.

Chuck Spring, Director of Fiscal & Municipal Services, stated that under state law, professional services agreements cannot be done through formal bids. The only selection process you can go through is called an RFQ – Request for Qualifications. The department selects the firm(s) they wanted to do business with and then they negotiate with that firm(s) in terms of the price.

Wazny asked if the Council could receive the information received through the RFQ process. She stated that for them to do due diligence and do some homework on these items, they should know how and why firms were selected.

Springer stated that a lot of times there were engineering and legal firms that were selected based on the knowledge they had.

Johnson asked if they could get the parameters that staff had to work with and asked if anything precluded the City from negotiating with two firms at the same time.

Springer stated that they could not negotiate with two firms at the same time under state law.

Roden suggested a two-page summary on the difference between RFP and RFQ.

Campbell stated that for Public Hearing items D and E, staff had received requests to postpone the public hearings to March 1. They could open the public hearings and postpone them to March 1.

Burgess concurred with the City Manager that individuals could speak one time regarding a public hearing because there would only be one public hearing.

3. Work Session Reports

- A. ID 16-162 Receive a report, hold a discussion regarding a resolution of the City Council of Denton, Texas to accept the Denton Enterprise Airport 2015 Master Plan for Airport development.

Quentin Hix, Director of Aviation, stated that in December 2011 the City Council approved a grant offer from the Texas Department of Transportation Aviation Division for an Airport Master Plan. The previous Airport Master Plan was completed in 2003, with many of the components being constructed to date. The firm Kimley-Horn and Associates, Inc. was selected by a TxDOT Aviation Proposal Review Committee as the service provider. The Council Airport Committee and the Economic Development Partnership Board had recommended approval.

Dave Schaumburg, Airport Operations Manager, stated that the purpose of the Master Plan update was to document all Master Plan Elements recommended by FAA and TxDOT; produce reasonable, feasible Airport development alternatives; and evaluate the projected growth/capacity issues from prior studies including needs for a parallel runway. He reviewed the existing Airport facilities. He reviewed the Airport facilities improvements.

On forecasting back in 2012, total annual operations was \$169,000 with 375 based aircraft and peak month operations at 17,100. In 2015, total annual operations was \$169,000 with about 400 based aircraft and 18,000 peak month operations. Operations included every take-off and landing of an aircraft. The FAA recommended that we start planning for additional infrastructure once we hit 80% capacity. The addition of a west parallel runway would increase capacity. The Airport was on the TxDOT Aviation Airport Capital Improvement Plan. For 2014-15, they had put us in their plan for detailed design engineering; for 2015-16, land acquisition; for 2016-17 runway construction; for 2017-18 north taxiway and existing runway repair; and 2018-19 phase 2 engineering and nav aids relocation; and 2019-20 taxiway bravo realignments and connecting taxiway approaches. Total funding would be over \$17 million in engineer's proposed costs along with TxDOT's share and that would put the Airport's cost at about \$3.1 million.

The Denton Enterprise Airport was the eighth busiest airport in the State of Texas based upon takeoff and landing of aircraft. The mix of aircraft from small, propeller training models to much faster corporate jets made a second runway an important safety issue regarding flight paths and operating speed on a single runway. Conducting grant funding negotiations, proceeding with preliminary and detailed engineering, and, moving forward with land acquisition for the required Runway Protection Zone made the master planning a "moving target" which delayed final completion.

TxDOT Aviation had offered the City of Denton a grant to fund design and construction of a second runway. The Grant was in the amount of \$6,980,000 with a cost sharing basis of 85% (\$5,954,250) from TxDOT Aviation and 15% (\$1,025,750) local funding. Preliminary engineering design as well as a full Environmental Assessment had been initiated in preparation of the West Runway Development.

Watts stated that access to the west side of the airport was important and staff needed to bring some suggestions for access back to Council.

- B. ID 16-210 Receive a report, hold a discussion, and give staff direction regarding the establishment of a Teen Council to provide a teen perspective on programming and community issues related to the Parks and Recreation Department.

The Denton Teen Council was originally formed in the summer of 1998 by the members of Adults for Youth in Denton (AFYID) organization. The Denton Teen Council started with 23 members. In 1999, the Executive Teen Council Committee was created with members elected by their peers in the Teen Council. In 2000, the oversight and supervision of the Denton Teen Council was transferred to the Denton Parks and Recreation Department due to the dissolution of AFYID. The Denton Teen Council was a very active group being involved in several community service projects (i.e., graffiti removal, bingo nights at The Vintage, etc.), creating and implementing numerous teen events (i.e., Battle of the Bands, Disco Inferno, Smart Rave, Back to School Pool Party) and implemented various fundraisers collecting over \$12,000 (i.e., Brave Combo Concert & Silent Auction, Texas Motor Speedway, etc.). In addition, the Denton Teen Council would provide input to the Denton City Council on issues such as implementing a teen curfew. Due to the layoffs of several staff members and reorganization within the Denton Parks and Recreation Department in 2005, several programs, such as the Denton Teen Council, were eliminated.

In 2014, Denton Parks and Recreation staff met with over 200 teens from Denton High School, Ryan High School, Guyer High School, Harpool Middle School, Strickland Middle School, and McMath Middle School to discuss the creation of a Teen Center. Through conversations with the teens, it was apparent that there was a significant gap in services for teens in the city of Denton. Many of the teens expressed that they wanted to have a voice in matters related to their age group and felt that more programs and services for teens were needed. The teens expressed tremendous support for the implementation of a teen council and a teen center. Some of these meetings were attended by City Council and Park Board members.

The mission of Denton Teen Council was to develop youth leaders committed to learning about local government and the roles they could have in it, making a difference in our community and the lives of youth, recognizing their voice, and representing other youth in the City of Denton. The goal of the Denton Teen Council aimed to empower, enlighten, and inspire all young people within the Denton Community. Their mission was to provide a youth perspective to the Parks and Recreation Department on a wide variety of community and youth-related issues through research, peer discussion, and community interaction.

Teen Council members would be recruited during February and March of 2016. Recruitment would take place throughout the City from Denton ISD, private schools, home schools, etc., with

a goal of including representation from minorities and low socioeconomic status youth. The Denton Teen Council would have 25 members with an Executive Council Committee comprised of members elected by their peers within the Council. The members of the Teen Council would be notified in May 2016, with the first Teen Council meeting taking place in September 2016. Schaeffer stated they would bring this back to Council as an approval item.

- C. ID 16-217 Receive a report and hold a discussion regarding the recall petition against Kevin Roden, Council Member for District 1, and the reasons therefor; and regarding the insufficiency of the recall petition and the City Secretary's declination of certification to the City Council.

Jane Richardson, Assistant City Secretary, stated the City Secretary had received a petition for the recall of District 1 Council Member Kevin Roden on January 26. The petition did not meet the requirements of Section 4.03 "Form of petition, committee of petitioners" which detailed the information required in the "Affidavit of Circulator." Pages 4 through 19 and pages 21 through 27 did not bear a stated number of signatures in the Affidavit of Circulator, as required by the Charter. As such, those pages were not in compliance with the Charter requirement. In addition, the petition did not comply with Section 4.13, "Filing and certification of petitions, recall election" of the Charter, which detailed the number of qualified voters needed to sign the petition. Due to the requirements in Section 4.03, the City Secretary was able to certify only 19 of the necessary 132 signatures and determined that the petition was insufficient. All parties had been notified of the findings, as required by law.

- D. ID 16-218 Receive a report, hold a discussion, and give staff direction on the Denton Renewable plan, utility activities, and activities related to the future power supply plans to meet the City's growth and needs.

George Campbell, City Manager, stated that this item was in response to Council's request for a third party to review the Renewable Denton Plan. He stated he would present a brief outline of his recommendation for what should be included in the scope of work and some discussion about the selection of the consultant, which will need to be made after the scope of work has been determined. This scope of work would not address every issue that had been brought forward to the City Council in the last several months. It would allow for a qualified consultant to examine the DME proposal and it would allow them to expand that as necessary to determine what other issues should be addressed and whether or not DME in the development of their proposal covered those issues as closely as we would like.

Campbell stated that there were two options. Option 1 was a professional services contract with an estimated time of 90 days at an estimated cost of \$50,000 - \$100,000. Option 2 was an RFQ/RFP process with an estimated time of 6-10 months at an estimated cost of \$300,000-\$500,000.

The scope of work included a review of the proposed Renewable Denton Plan; review other options considered by DME to serve load with an increasingly renewable portfolio; determine what alternatives should be considered that would meet the Council direction regarding renewables, rates, and reliability; and report findings to the City Council.

Campbell stated that his recommendation regarding the credentials of the consultant included – knowledge and experience related to the ERCOT and nodal market; electric generation technologies including storage and natural gas; consideration of demand response and energy efficiency strategies to help Denton increase renewable power while protecting rates and reliability; experience and proven record for implementing plans and strategies and operating in the market space with responsibility/accountability for profit and loss; and issues related to integrating large amounts of renewable energy into a portfolio.

Campbell asked if this scope achieved their objectives.

Discussion of the Council included the scope of work, savings to the ratepayers, other technologies, alternatives to meet peak load, environmental studies, and selecting the consultant.

General consensus of the Council was to go with option 1 on the scope of work and the City Manager would recommend two or three consultants that met the qualifications.

Following the completion of the Work Session, the City Council convened in a Closed Meeting at 3:42 p.m. to consider specific items listed below under the Closed Meeting section of this agenda.

1. Closed Meeting:

This item was not considered.

B.ID 16-145 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, discuss, deliberate, and provide staff with direction regarding real estate matters related to DME Hickory substation, located at the intersection of West Hickory and South Bonnie Brae in the City of Denton, Texas, and specifically concerning certain real property located at 1224 N. Bonnie Brae; where discussions 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 condemnation or acquisition of the real property interests 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. [Hickory Substation/ID 16-144]

C.ID 16-226 Consultation with Attorneys - Under Texas Government Code, Section 551.071. Consultation, discussion, deliberation and receipt of information from the City's attorneys involving legal matters relating to (1) the annexation or extension/renewal of non-annexation agreements for eligible properties; and (2) the extension of a non-annexation agreement for a property to be developed pursuant to Texas Local Gov't Code, Chapter 212, Subchapter G, and to provide the City's attorneys with direction, where a public discussion of 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.

- D.ID 16-227 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, discuss, and provide staff with direction regarding Public Improvement District laws and procedure, status of Rayzor Ranch Public Improvement District No. 1, and related agreements. Consultation with the City's attorneys, regarding legal issues 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.
- E.ID 16-240 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 acquisition of real property interests located along Mayhill Road from E. University Drive to Colorado Blvd., in the City of Denton, Denton County, Texas; where discussion, 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 including, but not limited to, the following eminent domain lawsuits: City of Denton v. Robert P. Donnelly and Dana Donnelly, City of Denton v. RTS & M, LLC, et al., and City of Denton v. 551 Mayhill Joint Venture, et al.; 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 both present or potential administrative proceedings or lawsuits.
- F.ID 16-254 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 WGBP Investments, LTD. This discussion shall include commercial and financial information the City Council has received from WGBP Investments, LTD, a business 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 WGBP Investments, LTD.
- G.ID 16-255 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 sale of real property located at 1224 N. Bonnie Brae St., 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 present or potential administrative proceeding or lawsuit.

- H. ID 16-262 Consultation with Attorneys - Under Texas Government Code Section 551.071 Consultation, discussion, deliberation and receipt of information from the City's attorneys involving legal matters relating to: the proposed leasing of Federal lands in the State of Texas around and near Lake Lewisville for oil and gas development; procedures for protesting of such proposed leasing, and; time limits associated with any such protest. 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.

Regular Meeting of the City of Denton City Council at 6:48 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 led by Girl Scouts Service Unit 416.

2. PROCLAMATIONS/PRESENTATIONS

A. ID 16-111 Denton Citizen Forester

Mayor Watts presented the proclamation for Denton Citizen Forester.

B. ID 16-184 Beulah Harris Day

Mayor Watts presented the proclamation for Beulah Harris Day.

C. ID 16-219 Recognition from the North Central Texas Council of Governments (NCTCOG) Public Works Council as a new Integrated Stormwater Management (ISWM) Silver designee.

Edith Marvin, North Central Council of Governments, presented the designation to Mayor Watts.

D. ID 16-278 National FCCLA Week

Mayor Watts presented the proclamation for National FCCLA Week.

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 16-189 BC Groves regarding red light cameras.

B.C. Groves, 2018 Bowling Green, spoke regarding red light cameras and asked for an election to ban red light cameras. She stated that she had asked for a copy of the evidence against her and was told she could not have it.

The Council agreed to let William Jones provide his citizen report at the beginning of the meeting.

- 1. ID 16-230 William Jones regarding complaints against the Building Inspector and Police Department.

William Jones, 2500 Ft. Worth Drive, spoke regarding the building inspector tearing down his house.

- C. Additional Citizen Reports - This section of the agenda permits any person not registered for a citizen report to make comments regarding public business on items not listed on the agenda. This is limited to four speakers per meeting with each speaker allowed a maximum of four (4) minutes.

Ron Seifert, 1400 Morin Drive, spoke regarding the scope of work for the Renewable Denton Plan. He stated that he would like the consultant to map out how to competitively get to 100% renewable with the RDP plan. He thought it would be great if residents could provide questions for the consultant to answer.

Jodi Ismert, 819 Anna Street, spoke regarding the current ethics ordinance and an incident with a Council Member during the circulation of the recall petition.

Jennifer Lane, 1526 Willowwood Street, spoke regarding the recall petition and also regarding things that were brought forward by citizens and that they were never addressed.

Deborah Armintor, 2003 Mistywood Lane, spoke regarding the consultant for the Renewable Denton Plan and that she thought the Council would choose the consultant, not the City Manager. Another concern she had was DME rates and the way DME calculates rates and the burden that is placed on the citizens.

4. CONSENT AGENDA

Mayor Watts announced that Consent Agenda Items E, F, M, and Z would be pulled for individual consideration.

Hawkins motioned, Gregory seconded to approve the Consent Agenda and accompanying ordinances and resolutions with the exception of Items E, F, M, and Z. On roll call vote, 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.

Ordinance No. 2016-039

A.ID 16-049 Consider adoption of an ordinance of the City of Denton, Texas providing for two-hour restricted parking spaces from 8:00 a.m. until 5:00 p.m. on Monday through Friday in the parking lot located on the west side of Railroad Avenue between Hickory Street and McKinney Street providing for an area of two-hour limited parking spaces; providing for an area of parking spaces only for the use of City of Denton employees or visitors conducting business at City Hall East; providing a repealer clause; providing a savings clause; providing for a penalty not to exceed \$500 for violations of this ordinance; providing that violations of this ordinance shall be governed by Chapter 18 of the Code of Ordinances of the City of Denton; and providing for an effective date.

Ordinance No. 2016-040

B.ID 16-105 Consider adoption of an ordinance accepting competitive proposals and awarding a contract for enhanced right-of-way maintenance for select City of Denton roadway rights-of-way and public land; and providing an effective date (RFP 5925-awarded to Denton Lawn Sprinkler, Inc. in the three (3) year not-to-exceed amount of \$430,860 and D&D Commercial Landscape Management in the three (3) year not-to-exceed amount of \$526,143 for a total three (3) year not-to-exceed amount of \$957,003).

Approved the minutes listed below.

C.ID 16-114 Consider approval of the minutes of December 1, December 7, December 8, and December 15, 2015.

Ordinance No. 2016-041

D.ID 16-143 Consider adoption of an ordinance providing authorization for and ratification of a Beautification lease Agreement with Union Pacific Railroad for the purpose of providing right-of-way maintenance along Mingo Road from Hickory Street to Cooper Creek Road; and providing and effective date.

Ordinance No. 2016-043

G.ID 16-161 Consider adoption of an ordinance of the City Council of Denton, Texas authorizing the City Manager to execute a Water and Sewer Main Pro-Rata Reimbursement Agreement between the City of Denton, Texas and THX Properties, LLC for reimbursement of the costs of building a water and sewer main, through pro-rata charges paid to the City; authorizing the transfer of funds pursuant to the agreement; and providing an effective date. The Public Utilities Board recommends approval (7-0).

Approved appointment.

H.ID 16-167 Consider appointment of board members for Tax Increment Financing Zone Number One (Downtown TIF).

Approved exception.

I. ID 16-176 Consider a request for an exception to the Noise Ordinance for the purpose of

the St. Paddy's on Walnut Street festival. Live music will be played on an outdoor stage located in the 100-115 block of Walnut Street, for the purpose of a downtown street festival on March 11, 2016. An exception is specifically requested to increase sound levels from 70 to 75 decibels and for an extension of hours from 10 p.m. to 11 p.m. Staff recommends approval.

Resolution No. R2016-004

- J. ID 16-178 Consider approval of a resolution allowing Denton Kiwanis Club, to be allowed to sell alcoholic beverages at St. Paddy's on Walnut, March 11, 2016, 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.

Resolution No. R2016-005

- K. ID 16-192 Consider approval of a resolution allowing DI2-Denton1, LLC, DBA Lone Star Attitude Burgers, to be the sole participant allowed to sell alcoholic beverages at 35 Denton, March 12 & 13, 2016, 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.

Approved exception.

- L. ID 16-194 Consider a request for an exception to the Noise Ordinance for the purpose of the 35 Denton Music Festival. Live music will be played in the Williams Trade Square, located on the 200 block of E. Hickory St., Dan's Silverleaf patio, located at 103 Industrial St., Harvest House patio, located at 331 E. Hickory St., and Lone Star Attitude Burger's rooftop patio located at 113 W Hickory St., on Friday, March 11, Saturday, March 12, and Sunday, March 13, 2016, from 12:00 noon to 12:00 midnight. An exception is specifically requested to increase sound levels from 70 to 75 decibels and for an extension for hours from 10 p.m. to midnight. Staff recommends approval.

Ordinance No. 2016-045

- N. ID 16-196 Consider adoption of an ordinance of the City of Denton, Texas authorizing the City Manager to execute a First Amendment to a Professional Services Agreement by and between the City of Denton, Texas and Texas CMT, Inc./Gee Consultants for construction materials testing and geotechnical investigations for the City of Denton Street Department; providing for the expenditure of funds therefor; and providing an effective date (File 5351 in the additional amount not-to-exceed \$219,550; aggregating a total not-to-exceed \$277,550).

Ordinance No. 2016-046

- O. ID 16-197 Consider adoption of an ordinance accepting competitive proposals and awarding a contract for the purchase of electric utility distribution capacitor bank assemblies to be stocked in the City of Denton Distribution Center; providing for the expenditure of funds therefor; and providing an effective date (RFP 6005-awarded to Irby Utilities in the three (3) year not-to-exceed amount of \$348,000).

Ordinance No. 2016-047

P. ID 16-198 Consider adoption of an ordinance releasing, abandoning and vacating a 1.470 acre public drainage easement granted to the City of Denton, Texas, by Wynne/Jackson Lakes Development LP., a Texas limited partnership on June 12, 2002 and recorded as Instrument No. 2002-R0073659, Real Property Records, Denton County, Texas and located in the B.B.B. and C.R.R. Survey, Abstract No. 158, Denton County, Texas); and declaring an effective date. [Abandonment of drainage easement to allow for subdivision lot sales]

Ordinance No. 2016-048

Q. ID 16-199 Consider adoption of an ordinance of the City of Denton, Texas approving and authorizing the City Manager to execute an Interlocal Cooperation Agreement between the City of Denton and Denton County for Ambulance Services and declaring an effective date.

Ordinance No. 2016-049

R. ID 16-200 Consider adoption of an ordinance of the City of Denton, Texas approving and authorizing the City Manager to execute an Interlocal Cooperation Agreement between the City of Denton and Denton County for Fire Protection Services; and declaring an effective date.

Resolution No. R2016-006

S. ID 16-202 Consider approval of a resolution of the City Council of the City of Denton, Texas to accept the Denton Enterprise Airport 2015 Master Plan for Airport development; and, providing an effective date. Council Airport Committee recommends approval (3-0).

Ordinance No. 2016-050

T. ID 16-209 Consider adoption of an ordinance approving assignment of a Commercial Operator Airport Lease Agreement between the City of Denton, Texas and Bert E. Mahon dated January 10, 1989 and as assigned to Harold E. Culp by City of Denton Ordinance 2009-197 dated September 1, 2009, to Petersen Hangars, LLC; and, providing an effective date. Council Airport Committee recommends approval (3-0).

Ordinance No. 2016-051

U. ID 16-213 Consider adoption of an ordinance approving assignment of a Commercial Operator Airport Lease Agreement between the City of Denton, Texas and Triangle Aviation dated April 17, 2001 and as assigned to Charles N. Davis, III by City of Denton Ordinance 2006-020 and as further assigned to Nebrig Properties, L.P. by City of Denton Ordinance 2008-254 dated October 21, 2008 to January Aviation, L.L.C.; and, providing an effective date. Council Airport Committee recommends approval (3-0).

Ordinance No. 2016-052

V. ID 16-214 Consider adoption of an ordinance approving assignment of a commercial operator Airport lease agreement between the City of Denton, Texas and Bruce Brown dated December 6, 1994, and as assigned to Ralph Slater by City of Denton Resolution R95-014 dated February 7, 1995 to Petersen Hangars, LLC; and, providing an effective

date. Council Airport Committee recommends approval (3-0).

Ordinance No. 2016-053

W. ID 16-216 Consider adoption of an ordinance of the City of Denton, Texas, appointing Robin A. Ramsay as Presiding Judge for the City of Denton Municipal Court of Record; establishing a term of office for the Presiding Judge beginning on the 4th day of March 2016, and extending through March 3, 2018; providing for reappointment and term of office in accordance with the Texas Constitution and applicable state statutes; authorizing the Mayor to execute a contract for term of office; and ratifying terms of contract; and declaring an effective date.

Ordinance No. 2016-054

X. ID 16-220 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 engineering and design services related to the Ruddell Street Realignment Project; providing for the expenditure of funds therefor; and providing an effective date (File 6064 awarded to Graham Associates, Inc. in the not-to-exceed amount of \$532,284.25).

Ordinance No. 2016-055

Y. ID 16-251 Consider adoption of an ordinance of the City of Denton, Texas setting a date, time, and place for public hearing to consider approval or denial of the land use assumptions and capital improvements plan for designated service areas in the City of Denton, and authorizing and directing the City Secretary to publish notice of such public hearing before the 30th day before the date of the hearing.

Item E was considered.

Resolution No. R2016-003

E. ID 16-256 Consider approval of a resolution of the City Council, City of Denton, Texas, stating the conditions and circumstances for the sale of 1224 N. Bonnie Brae St., Denton, Denton County, Texas, to Jose Alfredo Rivas and the public purpose achieved by said sale.

Brian Daskam, Key Accounts Energy Efficiency and Sustainability Manager for DME, stated that Denton Municipal Electric had acquired a residential structure located at 1224 North Bonnie Brae Street as part of the Hickory Street Substation expansion process. The Hickory Street Substation project resulted in the displacement of a citizen, Mr. Joe Rivas, which in turn required the City to provide assistance in finding decent, safe, and sanitary living accommodations for Mr. Rivas. It was then determined that the house located at 1224 North Bonnie Brae Street could be repaired and remodeled to meet the ADA requirements for a wheelchair bound person and to bring the house in to compliance with building codes, and subsequently sold to Mr. Rivas. These services and the obligation to provide a suitable residence were also required to comply with the Federal Uniform Assistance and Real Property Acquisition Policies Act of 1970.

Because of his disability, Mr. Rivas was not able to find a suitable rental property that would pass as decent, safe and sanitary, nor was he able to find a property owner that would allow construction to make the home wheelchair accessible. Therefore, the City of Denton has provided Mr. Rivas the opportunity to purchase a home that was in the possession of the City. This home required extensive repairs in order to meet the ADA requirements for a person in a

wheelchair. In addition, other repairs were necessary to comply with the decent safe and sanitary requirements, including asbestos abatement, foundation and roof repairs.

Daskam stated that the Uniform Act of Relocation Assistance and Real Property Acquisition Policies Act of 1970, required the City to go above and beyond the typical requirements in order to accommodate any displaced individual facing unusual and extraordinary circumstances in order to provide sufficient replacement housing. This repair and proposed sale of this property was the City's effort to meet the requirements of these regulations. Since this project was directly connected to the Hickory substation/transmission project, the costs would ultimately be recovered through the Public Utility Commission transmission cost of service program (TCOS).

The Council discussed the different aspects of the situation.

Gregory motioned, Johnson seconded to approve the substitute resolution provided by the City Attorney. On roll call vote, Council Member Roden "aye", Council Member Johnson "aye", Mayor Watts "aye", Council Member Hawkins "aye", Council Member Briggs "nay", Mayor Pro Tem Gregory "aye", and Council Member Wazny "aye". Motion carried (6-1).

Item F was considered.

Ordinance No. 2016-042

F.ID 16-144 Consider adoption of an ordinance of the City of Denton approving the sale of 1224 N. Bonnie Brae St., Denton, Denton County, Texas ("Property"), to Jose Alfredo Rivas ("Rivas"), as Buyer, for the purchase price of One Hundred and Seventy Five Thousand Six Hundred and Ninety Eight Dollars and Eight Cents (\$175,698.08) as stated in the One to Four Family Residential Contract ("Contract"); authorizing the City Manager in accordance with Texas Local Government Code 272.001(k) to execute a deed to Rivas together with any other documents necessary to sell and convey the Property; and providing an effective date. (Hickory Street DME Substation)

Gregory motioned, Hawkins seconded to adopt the ordinance. On roll call vote, Council Member Roden "aye", Council Member Johnson "aye", Mayor Watts "aye", Council Member Hawkins "aye", Council Member Briggs "nay", Mayor Pro Tem Gregory "aye", and Council Member Wazny "aye". Motion carried (6-1).

Item M was considered.

Ordinance No. 2016-044

M.ID 16-195 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 architectural design services in support of the design of the new City of Denton Fire Station# 4 to be located at 2110 Sherman Drive; providing for the expenditure of funds therefor; and providing an effective date (File 6045 awarded to Kirkpatrick Architecture Studio in the not-to-exceed amount of \$399,200).

Council Member Briggs recused herself.

Gregory motioned, Johnson seconded to adopt the ordinance. On roll call vote, Council Member Roden "aye", Council Member Johnson "aye", Mayor Watts "aye", Council Member Hawkins "aye", Mayor Pro Tem Gregory "aye", and Council Member Wazny "aye". Motion carried (6-0).

Item Z was considered.

Resolution No. R2016-007

Z.ID 16-276 Consider approval of a resolution of the City of Denton, Texas authorizing the Mayor to sign a Letter of Protest, pursuant to 43 C.F.R. section 3120.1-3, regarding the proposed auction by the Bureau of Land Management ("BLM") of Parcel NM-201604-044 comprising 259 acres in and adjacent to Lewisville Lake, Denton County, Texas for purposes of oil and gas development; and providing an effective date.

Anita Burgess, City Attorney, stated that the resolution would authorize the Mayor to execute a letter of protest to the Bureau of Land Management with regard to the proposed leasing of the Lake Lewisville parcel.

The following individuals spoke regarding this item.

Jodi Ismert, 819 Anna Street, spoke in support of sending the letter.

Michael Hennen, 724 Thomas Street, spoke in support

Ron Seifert, 1409 Morin Drive, spoke in support

Jennifer Lane, 1526 Willowwood Street, spoke in support

Roden motioned, Johnson 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.

5. ITEMS FOR INDIVIDUAL CONSIDERATION

A.DCA15-0008b 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 zoning uses in Subchapter 5 and to revise the 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. This item was postponed from the December 15, 2015 meeting.

Aimee Bissett, Director of Development Services, stated that this item was a change to the Denton Development Code regarding a specific definition related to a use. This item was considered at the December 15 meeting and Council had given direction to make some changes to the proposed definitions. Staff was recommending changing semi-public halls, clubs, and lodges to assembly halls, clubs, and lodges as a zoning use and to revise the definition for the use as well. Removing the non-profit requirement would allow for a wider variety of groups to fall under the use.

This was a staff-initiated proposal and came as a result of inquiries over the last several months from developers that were interested in a use that had no definition in the Development Code. She stated that they have had some proposals to develop facilities to accommodate private functions in non-commercial areas, such as a farm with a wedding venue, a winery with a wedding venue, a quincenterra venue - all good uses that staff would like to find a way to accommodate in the appropriate land-use categories.

An assembly hall would be a use that could include private events such as weddings, meetings, and banquets. This usually included catering, alcohol sales for on-site consumption, live or recorded entertainment. The proposed revised use and definition would be Assembly Halls, Clubs or Lodges: a structure or facility owned or operated for special educational or recreational purposes. Currently these uses were allowed in all residential districts. Staff recommended that these uses not be permitted in NR-3 District, NR-4 District, and NR-6 District. Staff recommended permitting the revised use in NR-1 District and NR-2 District with a Specific Use Permit as those districts were often found in rural areas of the City and might be appropriate within the SUP process.

Council Member Johnson stated that trying to find a venue where you could hold a reception in Denton was very difficult. There was a demand for it.

The following individuals spoke regarding this item.

Deborah Armintor, 2003 Mistywood Lane, spoke in opposition

Jody Ismert, 819 Anna Street, spoke in opposition

Lucas Hall, 815 Crestoak Place, spoke in opposition

Dan Hammond Jr., 2002 W Hickory Street, spoke in opposition

Jennifer Lane, 1526 Willowwood Street, spoke in opposition

Council discussion included allowable uses, definitions, land-use categories, for profit and non-profit uses, and how to accommodate traffic.

Gregory motioned, Roden seconded to adopt the ordinance with conditions.

After additional Council discussion, Gregory withdrew his motion.

Roden motioned, Gregory seconded to postpone this item to an event certain. 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 16-212 Consider nominations/appointments to the City's Boards and Commissions:
Traffic Safety Commission.

Council Member Roden nominated Daniel Krutka to the Traffic Safety Commission. Council Member Johnson nominated Karen DeVinney to the Traffic Safety Commission.

Hawkins motioned, Gregory seconded to approve the nominations. 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 (6-0).

6. PUBLIC HEARINGS

Resolution No. R2016-008

A.ID 16-003 Hold a public hearing and consider approval of a resolution regarding the proposed site for construction, expansion, and use of an electric power transmission /distribution substation located generally south of the 2400 Block of Shady Oaks Drive, in the Mary Austin Survey, Abstract number four, in the City of Denton, Texas; as part of Denton Municipal Electric's service territory. [Brinker Substation]

The Mayor opened the public hearing.

Brent Heath, Executive Manager of Energy Delivery, stated that this was the site selection public hearing for the Brinker substation. This would formally accept the site for the substation. The City has had growth and has an aging infrastructure. DME has a responsibility to respond to that problem. The public involvement process allows for citizen feedback. DME has held an open house and meetings to discuss the siting of the proposed substation and transmission routes with landowners of the potential site area; and it has received feedback from them. The Public Utilities Board recommends approval (6-0). DME recommends moving forward with the Brinker substation site and the associated transmission line easements.

Rob Raynor, broker for the tract, spoke in support.

The Mayor closed the public hearing.

Hawkins motioned, Johnson 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.

Ordinance No. 2016-056

B.DCA15-0003b Hold a public hearing and consider amendments to Subchapter 35.3 Procedures, Subchapter 35.5 Zoning Districts and Limitations, Subchapter 35.23 Definitions and Terms, and Subchapter 35.25 Electric Standards of the Denton Development Code to provide standards, procedures, and definitions related to Electric Substations and Switch Stations.

The Mayor opened the public hearing.

Mike Bell, Senior Planner, stated that under the current development code, electric substations and switch stations were considered Basic Utilities and required an SUP in most of the city's commercial and mixed use districts. DME had been working to acquire land for multiple substations throughout the city and had received approval of Specific Use Permits (SUP) for the

construction of six substations. The public notification required for these SUP's was in addition to the public hearings and neighborhood meetings DME was required to conduct as part of the site acquisition process. Neighborhood concerns and staff recommendations consistently called for certain conditions and site considerations to be routinely incorporated into the associated site plans. These included special attention to masonry screening wall standards and buffering standards.

The purpose of these proposed DDC amendments was to codify these conditions and additional site considerations into regulated site design criteria specific to substations and switch stations. Staff was recommending a process and related amendments that would allow administrative approval subject to adopted conditions and limitations, specifically: when a public hearing was held as part of the selection of the site; when a neighborhood meeting was held that included notification of residents and property owners within 500 feet of the site; and when an approved set of development criteria had been met that included an approved site plan.

Private utility companies or DME sites that could not comply with the public hearing, notification, and neighborhood meeting requirements would still need to apply for an SUP. Any proposed DME electric substation or switch station facility that met the public hearing, notification and neighborhood meeting requirements but did not meet the development standards would need to submit an application for review and approval of the site plan to the Planning and Zoning Commission.

The Planning & Zoning Commission recommended approval (6-0).

No one spoke during the public hearing.

The Mayor closed the public hearing.

Hawkins motioned, Gregory seconded to adopt 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.

Ordinance No. 2016-057

C.Z15-0031a Hold a public hearing and consider adoption of an ordinance regarding a change in the zoning classification from an Industrial Center Employment (IC-E) district to a Regional Center Commercial Downtown (RCC-D) district on approximately 2.9 acres. The subject property is generally located on the west side of the I-35 Frontage Road, approximately 1,000 feet south of West University Drive (US Hwy 380), in the City of Denton, Denton County, Texas. (Z15-0031). The Planning and Zoning Commission recommended approval of this request (7-0).

The Mayor opened the public hearing.

Aimee Bissett, Director of Development Services, stated that this was a request to rezone the subject property from IC-E zoning district to a RCC-D zoning district. The applicant had indicated that the requested rezoning was for the purpose of developing a 20,000 square foot

retail store for Cavender's Boot City along the I-35 Frontage Road. The current IC-E District was established during the City-wide rezoning in 2002, which anticipated employment centers and support uses having frontage on I-35 to assist the larger Industrial Center General (IC-G) zoning district to the west near the Denton Enterprise Airport. The IC-E District also provided appropriate zoning to existing commercial warehousing, distribution, and light-industrial uses located on the west side of I-35 between West University Drive to the north and the I-35 East and West split to the south. However, the IC-E District did not allow for general retail uses and only permitted retail sales and service in conjunction with a gas station with a zoning limitation "L (18)" that capped the retail to no more than 10,000 square feet.

The subject property was approximately 2.9 acres in size and was part of a larger 32.6 acre tract of vacant land situated between a commercial building with accessory warehouse storage to the north and a one-story professional office building to the south on the southbound western side of the I-35 Frontage Road. The land backed to a Kansas City Southern rail line which set the developable depth to approximately 530 feet off the frontage road and divided other vacant IC-E zoned property west of the railroad. The land west of the railroad did not have direct access to the I-35 Frontage Road and would utilize access for future uses from either West University Drive or West Oak Street via Jim Christal Road. Due to the railroad's strict division, land on the east side was positioned to be more marketable for regional retail development having direct interstate frontage and yet the division did not preclude future development of industrial or office uses on the west side of the rail line.

The surrounding land uses north and south of the subject property were compatible with the requested retail use as they would remain within the IC-E District. Staff advised the applicant during this project's review that it would benefit the property owner to rezone additional contiguous land to RCC-D to limit potential development of non-compatible uses and encourage more commercial corridor activity. The applicant understood rezoning would be necessary for new commercial uses yet desired to focus efforts for immediate needs to secure the Cavender's zoning first.

The Mayor closed the public hearing.

Johnson motioned, Roden seconded to adopt 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.

D.DCA15-0007a Hold a public hearing and consider amending Section 35.7.9.5, 35.7.10.5, and 35.7.13.5 of the Denton Development Code to include additional Façade Materials as architectural requirements to the Oak-Hickory Historic District, Bell Avenue Historic Conservation District, and the West Oak Area Historic District. The Planning and Zoning Commission recommended approval of this request (7-0). (DCA15-0007, Amended Historic District Standards)

The Mayor opened the public hearing.

Lucas Hall had submitted a card registering his opposition to items D and E.

City Manager Campbell stated that this item needed to be postponed to March 1.

Gregory motioned, Roden seconded to postpone this item to March 1. 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.

E.Z15-0029a Hold a public hearing and consider adoption of an ordinance regarding amending Subchapter 35.7.5, the Fry Street Overlay District, to create a new sub district and development standards for a mixed use building on approximately 1.7 acres. The subject property is generally located between Oak Street and Hickory Street and 125 feet west of Fry Street. The Planning and Zoning Commission recommends denial of this request (6-1). The applicant has requested that this item be postponed to next City Council meeting, March 1, 2016.

The Mayor opened the public hearing.

City Manager Campbell stated that the applicant had asked that this item be postponed to March 1.

Gregory motioned, Roden seconded to postpone this item to March 1. 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.

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.

2. ID 16-264 Willie Hudspeth regarding City Hall.

Mr. Hudspeth was not present.

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

Council Member Briggs asked for information regarding the length of yellow lights and how we compare to other cities.

Briggs expressed concern that we were lacking in ADA compliant homes.

Council Member Roden asked for some discussion regarding Habitat for Humanity.

Roden challenged his fellow Council Members to participate in Dr. Seuss reading day on March 2.

Roden asked how to challenge other businesses to get their employees involved in community service.

Roden stated that he had signed Council up to participate in KDB trash-off on March 19 at the entryway at Robertson and Bell.

Council Member Hawkins asked for an Informal Staff Report on neighborhoods next to train tracks and what it takes to get a quiet zone.

Hawkins asked if staff could have a neighborhood meeting with Southridge and Southridge Estates letting them know the status of the project.

Council Member Johnson asked for staff to look at closing the entrances from Lillian Miller to the retail and offices.

Johnson asked for ideas to help building inspections get thru inspections faster.

Council Member Wazny welcomed the new historic preservation officer.

Mayor Watts asked for some resources for foster kids who have aged out of foster care and they were going to college and needed some resources.

Mayor Pro Tem Gregory announced that the Thinline Film Festival was this weekend.

With no further business, the meeting was adjourned at 10:25 p.m.

CHRIS WATTS
MAYOR
CITY OF DENTON, TEXAS

JANE RICHARDSON
ASSISTANT CITY SECRETARY
CITY OF DENTON, TEXAS