

## CITY OF DENTON CITY COUNCIL MINUTES

April 5, 2016

After determining that a quorum was present, the City Council convened in a Work Session on Tuesday, April 5, 2016 at 2:00 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. Citizen Comments on Consent Agenda Items

There were no citizen comments on Consent Agenda Items.

### 2. Requests for clarification of agenda items listed on the agenda for April 5, 2016.

City Manager Campbell noted that there was a substitute ordinance for Consent Agenda Item 4D. The requestor for Public Hearing 6A had requested to withdraw the item. The public hearing would be opened and closed with no discussion. Public Hearing 6F dealing with the annexations would not be held as all signed non-annexation agreements as listed in Consent Agenda Items BB-JJ had been received.

Mayor Watts noted that the non-annexation agreements would be pulled for individual consideration.

Council Member Johnson noted that Consent Agenda Item E was for a summer food service program. This was a joint agreement with the DISD and highlighted the DISD and City working together for the betterment of the community.

Council Member Briggs asked for an explanation of Consent Agenda Item H and whether the letter of appeal had been settled.

Elton Brock, Procurement Manager, stated that three quotes through the Buyboard had been received so that method was allowed to be used. The vendor complaining was the highest vendor and the recommendation would not change.

Council Member Wazny asked about Consent Agenda Item F regarding tax incentives for developers. The incentive indicated 25% of the employees hired would live in Denton. She questioned how that was checked and if consideration had ever been given to increasing that 25%.

Caroline Booth, Assistant Director of Economic Development, stated that this item was readopting the existing policy and the 25% was an additional consideration to have companies meet that list. If they did to that 25% there were methods to verify that both in the screening process and after the incentive was granted. It was verified before payment was made.

Council Member Hawkins asked about Consent Agenda Items I and J and the policy when an emergency purchase needed to be voted on.

City Manager Campbell stated that generally this was ratifying action that was already taken.



Council Member Wazny asked for staff background information on Consent Agenda Item S.

Elton Brock, Procurement Manager, stated that the company had the contract bid for several years. It was a RFP for a one year contract with two year option renewals.

Mayor Watts requested a report/comments on different types of projects the company did with backlog on repairs. He would like information on why there was such a backlog, who set priorities on which projects were done first and possibly having the company hiring more people to get the backlog completed.

Council Member Roden noted that this was the third time Item 6A was posted with a qualifier.

City Attorney Burgess stated that a posted public hearing was for the benefit of the public to comment on the item. The public hearing was needed and was posted to withdraw with no action on it.

Council Member Roden noted that in the in past some public hearing had just been withdrawn with no comment.

### 3. Work Session Reports

- A. ID 16-308 Receive a report, hold a discussion, and give staff direction regarding a proposed citywide sample tree inventory and tree canopy analysis for Denton.

Loren Barker, KDB Program Manager, presented information for a proposal for a tree canopy analysis and sample inventory. Her presentation included a project overview, why this was being done at this time, and alignment with city goals and priorities. She reviewed the definitions of the project overview, the projection order to establish a baseline of data on two projects in one; the tree canopy analysis and tree eco sample inventory.

Council and staff discussion included what was the goal of the project; was it a comprehensive study; and examples of tree eco sample inventory.

Future considerations included a discussion of the percentage of canopy compared to percentage of population, how canopy was determined, various methods of viewing the data, and cross referencing data with existing maps and information.

Consensus of the Council was to move forward with the proposal.

- B. ID 16-446 Receive a report, hold a discussion, and give staff direction regarding the City's budgeting of special revenue funds and the Capital Improvement Program of the City.

Chuck Springer, Director of Finance, presented information on special revenue funds, capital improvement program budget and next steps. The definition of special revenue funds, types of funds, and other special revenue funds was reviewed.



In regards to the Capital Improvement Program, he noted the definition of the program, funding sources, use of funds in the category and presented information on the five year General Government CIP.

Council discussed ways to think about the CIP to give room for time sensitive projects to set aside funding.

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

1. Closed Meeting:

- A. ID 16-496 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 annexation or extension/renewal of non-annexation agreements for eligible properties, 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.

- B. ID 16-505 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 the potential acquisition of real property located at 301 E. McKinney, Denton, Texas where deliberation 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 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 County Courthouse Annex property tract(s) - no action item]

- C. ID 16-507 Consultation with Attorneys - Under Texas Government Code Section 551.071.

Receive information from staff, discuss, deliberate, and provide staff with direction and recommendations regarding (i) pending complaints before the Texas Public Utility Commission (Extenet Network Systems, Inc. against the City of Houston - No. 45280; and, Crown Castle NG Central, LLC against the City of Dallas - No. 45470) regarding the imposition of license agreements and fees for the use of public right-of-



way and the potential impact on the City; (ii) negotiations with Zayo Group, LLC, and its use of City right-of-way for fiber placement under Denton ISD's agreement with the City; and, (iii) claims for unpaid pole attachment fees by Verizon. 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.

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 16-112 Denton Arbor Day

Mayor Watts presented the proclamation for Arbor Day.

B. ID 16-519 Don't Die of Doubt

Mayor Watts presented the proclamation for Don't Die of Doubt Day.

Mayor Watts stated that Item 6G had been withdrawn by the applicant and the public hearing would not be heard.

**3. PRESENTATION FROM MEMBERS OF THE PUBLIC**

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

1. ID 16-420 Dalton Allen regarding establishing a Denton forensics center.

Mr. Allen spoke in favor of establishing a Denton forensics center in Denton. He had a break-in at his home and the information collected by the Police Department would not be processed for many months as there was no forensics center in Denton. He noted that UNT had a lab and suggested that the City work out an arrangement with them to use that facility for forensic data. There also needed to be an item in the City budget for a position to process information.

2. ID 16-433 Zac Youngblood regarding Renewable Denton.

Mr. Youngblood was not present at the meeting.



C. Additional Citizen Reports

1. Tiffany Hudspeth spoke in support for the Denton Renewable Plan and the power plants.
2. Deborah Armintor spoke on the Buc-ee's ESA that had been withdrawn from the agenda and would not be considered at this meeting.

**4. CONSENT AGENDA**

Council Member Hawkins motioned, Council Member Roden seconded to approve the Consent Agenda and accompanying ordinances and resolutions for Items A-KK, pulling BB-JJ for separate consideration and the substitute ordinance for D. 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. 2016-088

- A. ID 16-294 Consider adoption of an ordinance accepting competitive proposals and awarding a contract for the purchase of water and sewer inventory parts to be stocked in the City of Denton Distribution Center; providing for the expenditure of funds therefor; and providing an effective date (RFP 5847-awarded to multiple vendors in the three (3) year not-to-exceed amount of \$6,000,000).

Ordinance No. 2016-089

- B. ID 16-390 Consider adoption of an ordinance approving and authorizing the concession to Fair 2000, Inc. to sell alcoholic beverages at designated locations during the 2016, 2017 and 2018 Denton Air Fair, Inc. Air Show events, upon certain conditions; and providing an effective date.

Approved the minutes listed below.

- C. ID 16-411 Consider approval of the minutes of February 1, 2, 9, 16 and 23, 2016.

Ordinance No. 2016-090

- D. ID 16-412 Consider adoption of an ordinance authorizing the City Manager, or his designee to present an offer to the City of Garland ("Owner") for the purchase of an electric utility and access easement located in the City of Denton, Denton County, Texas, and being generally located in the 1700 block of Spencer Road ("Property Interest") by executing a purchase agreement from the City of Denton ("City"), as buyer, to the Owner, as seller, for the acquisition of the Property Interest for the amount of Two Hundred and Thirty Two Thousand Two Hundred and Two Dollars and Forty Cents (\$232,202.40), and other consideration, including Twenty Five Thousand Dollars (\$25,000.00) for the relocation and construction of a hazardous materials storage building, as set forth in the Purchase Agreement ("Agreement") attached hereto and made a part hereof as part of Exhibit "1", authorizing the expenditure of funds therefor; and providing an effective date.



Ordinance No. 2016-091

- E. ID 16-427 Consider adoption of an ordinance of the City of Denton, Texas, authorizing the City Manager to execute a contract with the Denton Independent School District for the 2016 Summer Food Service Program; authorizing the expenditure of funds to administer the program; and providing an effective date.

Resolution No. 2016-009

- F. ID 16-442 Consider approval of a resolution of the City Council of the City of Denton, Texas, amending a policy for tax abatement for the City of Denton to establish guidelines and criteria governing incentive agreements and tax abatement agreements, and declaring an effective date.

Ordinance No. 2016-092

- G. ID 16-450 Consider adoption of an ordinance of the City of Denton authorizing an agreement between the City of Denton, Texas and the University of North Texas for the purpose of hosting the African Cultural Festival; providing for the expenditure of funds therefor; and providing an effective date. (\$600)

Ordinance No. 2016-093

- H. ID 16-451 Consider adoption of an ordinance of the City of Denton authorizing the City Manager or his designee to execute a contract through the Houston-Galveston Area Council of Governments (H-GAC) for the acquisition of one (1) Backhus model A60 compost turner for the City of Denton Beneficial Reuse Department; and providing an effective date (File 6077-awarded to Ecoverse Industries, LTD. in the amount of \$463,693). The Public Utilities Board recommends approval (6-0).

Ordinance No. 2016-094

- I. ID 16-452 Consider adoption of an ordinance ratifying the expenditure of funds by the City Manager for the emergency repair of a 27 inch water main which provides potable water to the City of Denton and in accordance with provisions of Section 252.022 of the Local Government Code exempting such purchases from requirements of competitive bidding; and providing an effective date (File 6061-awarded to Forterra Pipeline Services in the amount of \$57,378). The Public Utilities Board recommends approval (6-0).

Ordinance No. 2016-095

- J. ID 16-453 Consider adoption of an ordinance ratifying the expenditure of funds by the City Manager for the emergency replacement of the McKenna Park water storage tank roof and in accordance with provisions of Section 252.022 of the Local Government Code exempting such purchases from requirements of competitive bidding; and providing an effective date (File 6041-awarded to Pittsburg Tank and Tower Company, Inc. in the not-to-exceed amount of \$345,658.25). The Public Utilities Board recommends approval (6-0).



Ordinance No. 2016-096

- K. ID 16-454 Consider adoption of an ordinance accepting competitive proposals and awarding a public works contract for the replacement of the existing interior access to the heating, ventilation and air conditioning system (HVAC) mechanical platform at the City of Denton Solid Waste and Recycling Administration building located at 1527 South Mayhill Road; providing for the expenditure of funds therefor; and providing an effective date (RFP 6015-awarded to Denco Construction Specialists Corporation in the amount of \$397,833). The Public Utilities Board recommends approval (5-0).

Ordinance No. 2016-097

- L. ID 16-455 Consider adoption of an ordinance of the City of Denton, Texas authorizing the City Manager to execute a Second Amendment to a Professional Services Agreement for the development of a model for phosphorous removal at the Pecan Creek Water Reclamation Plant, by and between Hazen and Sawyer, P.C. and the City of Denton, Texas; providing for the expenditure of funds therefor; and providing an effective date (File 5718 in the additional amount not-to-exceed \$124,650; aggregating a total not-to-exceed \$282,175). The Public Utilities Board recommends approval (6-0).

Ordinance No. 2016-098

- M. ID 16-456 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 for the design of the Hickory Creek Basin Peak Flow Facility, by and between Hazen and Sawyer, P.C. and the City of Denton, Texas; providing for the expenditure of funds therefor; and providing an effective date (File 5768 in the additional amount not-to-exceed \$112,758; aggregating a total not-to-exceed \$540,126). The Public Utilities Board recommends approval (5-0).

Ordinance No. 2016-099

- N. ID 16-457 Consider adoption of an ordinance of the City of Denton, Texas authorizing the City Manager to execute a Second Amendment to a Professional Services Agreement for electrical substation design and other engineering related consulting services for Capital Improvement Plan projects and other technical support for Denton Municipal Electric, by and between Black & Veatch Corporation and the City of Denton, Texas; providing for the expenditure of funds therefor; and providing an effective date (File 5089 in the additional amount not-to-exceed \$2,220,000; aggregating a total not-to-exceed \$3,565,400). The Public Utilities Board recommends approval (5-0).

Ordinance No. 2016-100

- O. ID 16-458 Consider adoption of an ordinance of the City of Denton, Texas authorizing the City Manager to execute a Professional Services Agreement for professional engineering related to the preparation, development, and submittal of the Municipal Solid Waste Permit #1590A amendment for the City of Denton Municipal Solid Waste Facility; providing for the expenditure of funds therefor; and providing



an effective date (File 6097-awarded to Parkhill Smith and Cooper in the not-to-exceed amount of \$274,150). The Public Utilities Board recommends approval (5-0).

Ordinance No. 2016-101

- P. ID 16-459 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 Teague Nall and Perkins, Inc. for engineering services relating to the Fort Worth Drive Utility Relocations Design Project; authorizing the expenditure of funds therefor; providing an effective date (File 6073 in the additional amount not-to-exceed \$440,790; aggregating a total not-to-exceed \$533,290). The Public Utilities Board recommends approval (5-0).

Ordinance No. 2016-102

- Q. ID 16-460 Consider adoption of an ordinance of the City of Denton, Texas providing for, authorizing, and approving the expenditure of funds for the purchase of the untitled sculpture "black granite fountain" by artist Jesus Moroles, 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 6081-awarded to the Red and White Gallery in the amount of \$65,000). The Public Art Committee recommends approval (7-0).

Ordinance No. 2016-103

- R. ID 16-461 Consider adoption of an ordinance accepting competitive proposals and awarding a contract for the supply of work truck bodies for medium duty vehicles for various City of Denton departments; providing for the expenditure of funds therefor; and providing an effective date (RFP 5976-awarded to Kaffenbarger Truck Equipment Co. in the three (3) year not-to-exceed amount of \$1,060,791).

Ordinance No. 2016-104

- S. ID 16-462 Consider adoption of an ordinance of the City of Denton, Texas authorizing the approval of a First Amendment to a contract for concrete repair and installation services, by and between Floyd Smith Concrete, Inc. and the City of Denton, Texas, providing for the expenditure of funds therefor; and providing an effective date (RFP 5241-providing for an additional expenditure amount of \$475,000 for a total contract amount not-to-exceed \$10,475,000). The Public Utilities Board recommends approval (6-0).

Ordinance No. 2016-105

- T. ID 16-466 Consider adoption of an ordinance of the City Council of Denton, Texas, repealing Ordinance No. 2016-081 relating to the Texas Municipal Power Agency; providing a savings clause; providing an effective date.



Ordinance No. 2016-106

- U. ID 16-467 Consider approval of an ordinance adopted concurrently with the Cities of Bryan, Denton, Greenville, and Garland, electing the provisions of Subchapter C-1 of Chapter 163, Texas Utilities Code, providing for alternative governance of the Texas Municipal Power Agency; providing findings of fact; providing an effective date.

Ordinance No. 2016-107

- V. ID 16-474 Consider adoption of an ordinance approving a City sponsorship in an amount not to exceed \$15,500 of in-kind services and resources for the 2016 Denton Air Show to be held at the Denton Enterprise Airport on June 18, 2016; and providing an effective date.

Ordinance No. 2016-108

- W. ID 16-475 Consider adoption of an ordinance approving a City sponsorship in an amount not to exceed \$16,000 of in-kind services and resources for the Denton Cinco de Mayo Festival, to be held in Quakertown Park on May 14, 2016; and providing an effective date.

Ordinance No. 2016-109

- X. ID 16-476 Consider adoption of an ordinance approving assignment of a commercial operator Airport lease agreement between the City of Denton, Texas and Jim Osborne dated October 20, 1998, to Hangars Plus, L.L.C.; and providing an effective date.

Resolution No. R2016-010

- Y. ID 16-477 Consider approval of a resolution allowing Mi Casita's Mexican Food to be the sole participant allowed to sell alcoholic beverages at the Cinco de Mayo Celebration on May 14, 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. Parks, Recreation and Beautification Board recommend approval with a vote of 7-0.

Ordinance No. 2016-110

- Z. ID 16-478 Consider adoption of an ordinance approving a City sponsorship in an amount not to exceed \$20,000 of in-kind services and resources for the 18th Annual Denton Blues Festival to be held at the Quakertown Park on September 17-18, 2016; and providing an effective date.

Ordinance No. 2016-111

- AA. ID 16-479 Consider adoption of an ordinance approving a City sponsorship in an amount not to exceed \$19,000 of in-kind services and resources for the Denton Juneteenth Celebration to be held in Fred Moore Park on June 17-18, 2016; and providing an effective date.

Ordinance No. 2016-121

- KK. ID 16-497 Consider adoption of an ordinance authorizing the City of Denton ("City"), as Buyer, to accept a counter-offer from B.M.A.J., Inc., a Texas corporation



("Owner"), as Seller, for the purchase of fee simple title to the surface estate, including a waiver of surface use to the mineral estate, of a portion of Lot 1, Block 1 Royal Inn Addition, an Addition to the City of Denton, Denton County, Texas, and being generally located in the 1200 block of North Interstate Highway 35 East ("Property Interests"), for the price of One Million Seven Hundred Fifty Thousand Dollars and no cents (\$1,750,000.00), and other consideration, as prescribed in the Counter-Offer ("Counter-Offer") attached as Exhibit "A"; directing the City Manager, or his designee, to execute the acceptance of the Counter-Offer and related documents completing the transaction; authorizing the expenditure of funds; and providing an effective date. (Fire Station Number 3 Rebuild project: B.M.A.J. Inc.)

Ordinance No. 2016-112

BB. ID 16-481 Consider adoption of an ordinance of the City of Denton, Texas providing for acceptance of eligible Non-Annexation Agreements (NAAs) for agricultural, wildlife management, or timberland use properties within an area of land adjacent to and abutting the existing city limits of the City of Denton, Texas generally identified as DH1, generally located east of H. Lively Road, south side of FM 2449, west side of John Paine Road; providing for severability and an effective date.

Council Member Johnson motioned, Council Member 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 "aye", Mayor Pro Tem Gregory "aye", and Council Member Wazny "aye". Motion carried unanimously.

Ordinance No. 2016-113

CC. ID 16-482 Consider adoption of an ordinance of the City of Denton, Texas providing for acceptance of eligible Non-Annexation Agreements (NAAs) for agricultural, wildlife management, or timberland use properties within an area of land adjacent to and abutting the existing city limits of the City of Denton, Texas generally identified as DH2, generally located on the south side of University Drive, west and east sides of Thomas J. Egan Road, north of Jim Christal Road, west of Masch Branch Road; providing for severability and an effective date.

Council Member Roden motioned, Mayor Pro Tem Gregory seconded to adopt the ordinance with the added agreements as noted. 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. 2016-114

DD. ID 16-483 Consider adoption of an ordinance of the City of Denton, Texas providing for acceptance of eligible Non-Annexation Agreements (NAAs) for agricultural, wildlife management, or timberland use properties within an area of land adjacent to and abutting the existing city limits of the City of Denton, Texas generally identified



as DH3, generally located on the south side of Spring Side Road, north, south and west of Corbin Road, west of I-35; providing for severability and an effective date.

Council Member Roden motioned, Council Member Hawkins seconded to adopt the ordinance with the added agreements as noted. 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. 2016-115

EE. ID 16-484 Consider adoption of an ordinance of the City of Denton, Texas providing for acceptance of eligible Non-Annexation Agreements (NAAs) for agricultural, wildlife management, or timberland use properties within an area of land adjacent to and abutting the existing City limits of the City of Denton, Texas generally identified as DH4, generally located on the east side of Bonnie Brae Street, west of Fort Worth Drive, east and west of Vintage Boulevard; providing for severability and an effective date.

Mayor Pro Tem Gregory motioned, Council Member Johnson seconded to adopt the ordinance with the added agreements as noted. 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. 2016-116

FF. ID 16-485 Consider adoption of an ordinance of the City of Denton, Texas providing for acceptance of eligible Non-Annexation Agreements (NAAs) for agricultural, wildlife management, or timberland use properties within an area of land adjacent to and abutting the existing City limits of the City of Denton, Texas generally identified as DH5, generally located on the east side of Fort Worth Drive, west side of Country Club Drive, north of Brush Creek Road; providing for severability and an effective date.

Council Member Roden motioned, Council Member 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 "aye", Mayor Pro Tem Gregory "aye", and Council Member Wazny "aye". Motion carried unanimously.

Ordinance No. 2016-117

GG. ID 16-487 Consider adoption of an ordinance of the City of Denton, Texas providing for acceptance of eligible Non-Annexation Agreements (NAAs) for agricultural, wildlife management, or timberland use properties within an area of land adjacent to and abutting the existing City limits of the City of Denton, Texas generally identified as PAA1, generally located on the south side of Jim Christal Road, the north side of Tom Cole Road, west of Masch Branch Road; providing for severability and an effective date.



Council Member Johnson motioned, Mayor Pro Tem Gregory seconded to adopt the ordinance with the added agreements as noted. 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. 2016-118

HH. ID 16-488 Consider adoption of an ordinance of the City of Denton, Texas providing for acceptance of eligible Non-Annexation Agreements (NAAs) for agricultural, wildlife management, or timberland use properties within an area of land adjacent to and abutting the existing City limits of the City of Denton, Texas generally identified as PAA2, generally located on the south side of FM 1173, north W. University Drive, west of I-35; providing for severability and an effective date.

Council Member Hawkins motioned, Council Member Roden seconded to adopt the ordinance with the added agreements as noted. 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. 2016-119

II. ID 16-489 Consider adoption of an ordinance of the City of Denton, Texas providing for acceptance of eligible Non-Annexation Agreements (NAAs) for agricultural, wildlife management, or timberland use properties within an area of land adjacent to and abutting the existing City limits of the City of Denton, Texas generally identified as PAA3, generally located on the south side of Ganzer Road, north and south of Barthold Road, north of FM 1173, west of I-35; providing for severability and an effective date.

Council Member Johnson motioned, Council Member Roden seconded to adopt the ordinance with the added agreements as noted. 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. 2016-120

JJ. ID 16-490 Consider adoption of an ordinance of the City of Denton, Texas providing for acceptance of eligible Non-Annexation Agreements (NAAs) for agricultural, wildlife management, or timberland use properties within an area of land adjacent to and abutting the existing City limits of the City of Denton, Texas generally identified as PAA4, generally located on the south side of Milan Road, north of Loop 288, east of I-35; providing for severability and an effective date.

Council Member Roden motioned, Mayor Pro Tem Gregory seconded to adopt the ordinance with the added agreements as noted. 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**

### **Ordinance No. 2016-122**

- A. ID 16-444 Consider adoption of an ordinance considering all matters incident and related to the issuance, sale and delivery of up to \$93,840,000 in principal amount of "City of Denton Certificates of Obligation, Series 2016" (including up to \$8,195,000 for General Government activities, up to \$15,835,000 for Solid Waste Fund activities, and up to \$69,810,000 for Electric, Water and Wastewater Fund activities); authorizing the issuance of the Certificates; delegating the authority to certain City officials to execute certain documents relating to the sale of the Certificates; approving and authorizing instruments and procedures relating to said Certificates; and enacting other provisions relating to the subject.

Chuck Springer, Director of Finance, presented the information on the issuance of the Certificates of Obligation and detailed the projects to be included in the issuance. This would be a planned competitive sale set for a May sale.

A Speaker Card was submitted by Willie Hudspeth who questioned why he was not allowed to speak on the items that were pulled from Consent Agenda. He felt there were too many Consent Agenda items that spent too much money.

Council discussed the timing of the bond sale and where the bond information was located.

Mayor Pro Tem Gregory motioned, Council Member 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 "aye", Mayor Pro Tem Gregory "aye", and Council Member Wazny "aye". Motion carried unanimously.

### **Ordinance No. 2016-123**

- B. ID 16-445 Consider adoption of an ordinance considering all matters incident and related to the issuance, sale and delivery of up to \$32,710,000 in principal amount of "City of Denton General Obligation Refunding and Improvement Bonds, Series 2016"; authorizing the issuance of the Bonds; delegating the authority to certain City officials to execute certain documents relating to the sale of the Bonds; approving and authorizing instruments and procedures relating to said Bonds; and enacting other provisions relating to the subject.

Chuck Springer, Director of Finance, presented the details regarding the issuance of General Obligation Bonds. These bonds were authorized by the voters in the 2012 and 2014 bond election competitive sale in late May.

A Speaker Card was submitted by Willie Hudspeth who spoke against the refunding and questioned how he would benefit from it.



Council Member Johnson motioned, Council Member 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.

First Reading

- C. ID 16-471 Consider adoption of six (6) ordinances of the City of Denton, Texas, on first reading to involuntarily annex land contained in six (6) of the fifteen (15) annexation areas, specifically land located within DH2, DH3, DH4, DH14, PAA3 and PAA4; providing for a penalty in the maximum amount of \$2000.00 for violations thereof, severability and an effective date.

City Attorney Burgess stated that this ordinance related to the non-annexation agreements previously approved. There were limited areas where agreements had not been received. The ordinance would apply only to DH14 and PAA4 and did not include DH2, DH3, DH4 and PAA3.

A Speaker Card was submitted by Willie Hudspeth who spoke against the annexations.

Aimee Bissett, Director of Development Services, read the captions for the associated ordinances for the two annexations.

“An ordinance annexing an area of land to the city of Denton, Texas, generally identified as area DH-14 of approximately 2.1021 acres located on the south side of Robinson Road; east of Thoroughbred Trail; west of Marbella’s Court, and more specifically identified in Exhibit “A” attached hereto, which area is adjacent to and abuts the existing city limits of the city of Denton, Texas; extending the city limits so as to include the property within the city limits; granting to all the inhabitants of the property all the rights and privileges of other citizens, and binding the inhabitants to all of the ordinances, resolutions, acts, and regulations of the city; providing inclusion of a service plan; providing for instructions for filing this ordinance and correction of the official city map; providing severability and conflict clauses; and providing an effective date.”

“An ordinance annexing an area of land to the city of Denton, Texas, generally identified as area PAA-4 of approximately 853.6143 acres located on the south side of Milam Road; north of Loop 288; east of I-35, and more specifically identified in Exhibit “A” attached hereto, which area is adjacent to and abuts the existing city limits of the city of Denton, Texas; extending the city limits so as to include the property within the city limits; granting to all the inhabitants of the property all the rights and privileges of other citizens, and binding the inhabitants to all of the ordinances, resolutions, acts, and regulations of the city; providing inclusion of a service plan; providing for instructions for filing this ordinance and correction of the official city map; providing severability and conflict clauses; and providing an effective date.

Mayor Pro Tem Gregory motioned, Council Member Roden seconded to adopt the two ordinances on first reading. 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. Z15-0029c Continue 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 (6-1). A supermajority vote by Council is required for approval. The applicant has requested that this item be withdrawn because they are proposing additional amendments.

Mayor Watts stated that this was a continuation of the public hearing. However, the applicant asked that it be withdrawn.

There were no speakers.

The Mayor closed the public hearing.

There was no action by Council on this item.

Ordinance No. 2016-124

- B. Z15-0034a Hold a public hearing and consider adoption of an ordinance regarding a change in the zoning classification from a Neighborhood Residential 4 (NR-4) district to an Employment Center Industrial (EC-I) district on approximately 5.1 acres. The subject property is generally located on the south side of Morse Street, approximately 295 feet west of South Woodrow Lane, in the City of Denton, Denton County, Texas. (Z15-0034). The Planning and Zoning Commission recommended approval of this request (7-0).

The Mayor opened the public hearing.

Aimee Bissett, Director of Development Services, presented information on the zoning case. This was a rezoning for United Way of Denton County to rezone to ECI on Morse Street and Woodrow Lane. She presented information on current zoning, the proposed zoning, future land use plan, and considerations for approval. The public notification information was reviewed and the recommendations. The Planning and Zoning Commission and staff recommended approval.

The following individuals spoke during the public hearing:

Lyle Dreshler, United Way, spoke in favor.

Greg Sawko, United Way, spoke in favor

Willie Hudspeth, 623 Newton, Denton, 76205 - spoke in opposition

The Mayor closed the public hearing.



Council discussed the possible additional traffic in the area due to the development, a request for a new traffic study, the definition of the future land use map and the meaning of the various zones in the proposed area.

Council Member Johnson motioned, Council Member 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 "aye", Mayor Pro Tem Gregory "aye", and Council Member Wazny "aye". Motion carried unanimously.

Ordinance No. 2016-125

- C. S15-0018a Hold a public hearing and consider adoption of an ordinance regarding a Specific Use Permit (SUP) to allow Multi-Family Dwellings in a Neighborhood Residential Mixed Use 12 (NRMU-12) district, being on approximately 0.8 acres. The subject property is generally located on the southeast corner of Taliaferro Street and North Elm Street., in the City of Denton, Denton County, Texas. (S15-0018). The Planning and Zoning Commission recommended approval of this request (7-0).

The Mayor opened the public hearing.

Aimee Bissett, Director of Development Services, presented the details of the proposal. This was a specific use permit to allow multi-family dwelling units on Taliaferro Street and North Elm Street. She reviewed the current zoning map, future land use map, access streets, site plan and elevations, landscape plan along with buffering and the considerations for approval. Staff and the Planning and Zoning Commission recommended approval.

Tim Beaty, applicant, was available to answer any questions.

The Mayor closed the public hearing.

Council Member Johnson motioned, Mayor Pro Tem 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. 2016-126

- D. Z16-0001c Hold a public hearing and consider a rezoning from a Neighborhood Residential 2 (NR-2) District to a Neighborhood Residential Mixed Use (NRMU) District. The approximately 6.262 acre subject property is generally located at the northwest corner of North Bonnie Brae Street and West Windsor Drive, in the City of Denton, Denton County, Texas. The Planning and Zoning Commission recommends approval (7-0).

The Mayor opened the public hearing.

Aimee Bissett, Director of Development Services, presented information on the rezoning of the property. She reviewed the location of the property, current zoning, the proposal for townhomes,



future land use plan, and considerations for approval. Public notifications were reviewed. The Planning and Zoning Commission and staff recommended approval.

Greg Edwards, representing the applicant, spoke in favor.

Council comments included the city's requirements for flood plain development, ESA areas for the property, this request was for rezoning and did not involve a site plan at this time, and the site distance from the gas well site to the development.

The Mayor closed the public hearing.

Mayor Pro Tem Gregory motioned, Council Member 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", Mayor Pro Tem Gregory "aye", Council Member Briggs "nay", and Council Member Wazny "nay". Motion carried with a 5-2 vote.

- E. A15-0016c Hold the first of two public hearings for annexation of an approximately 23.24 acre property generally located on the west side of Geesling Road, approximately 700 feet south of East University Drive (US 380), within the Moreau Forrest Survey, Abstract No. 417, in Denton County, Texas.

The Mayor opened the public hearing

Aimee Bissett, Director of Development Services, stated that this was the first of two public hearings and reviewed the background information. This was an owner initiated annexation request.

No one spoke during the public hearing.

The Mayor closed the public hearing.

No action was required on this item at this time.

- F. ID 16-463 Hold the first of two public hearings to consider annexing eight (8) properties, identified by the following property identification numbers (DH-2: 60756 and 60759), (DH-3: 41547), (PAA1: 651278), (PAA3: 315334 and 60790) and (PAA4: 202610 and 37729), which received a Non-Annexation Agreement in 2010, and a one year extension in 2015. The properties that were proposed to be annexed all have signed Non-Annexation Agreements.

City Attorney Burgess stated that this was the first of two public hearings associated with the non-annexation agreements. No action by Council was needed at this time.

The Mayor opened the public hearing.

LaDonna Pockrus spoke in opposition to the annexation but had signed a non-annexation agreement.



The Mayor closed the public hearing.

No action was required on this item at this time.

- G. ADP16-0002d Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, regarding an Alternative Environmentally Sensitive Area Plan to allow for commercial development to encroach into an existing Environmentally Sensitive Area (ESA). The approximately 39 acre property is generally located on southbound I-35E and approximately 2200 feet south of Lillian B Miller Parkway within a Regional Center Commercial Downtown (RCC-D) zoning district; and providing for a penalty in the maximum amount of \$2,000.00 for violations thereof; providing a severability clause and an effective date. The Planning and Zoning Commission recommended approval with conditions (4-3). (ADP16-0002, Buc-ee's Travel Center)

This item was withdrawn by the applicant.

## **7. PRESENTATION FROM MEMBERS OF THE PUBLIC**

- A. Review of procedures for addressing the City Council and receive Scheduled Citizen Reports from Members of the Public.
  - 1. ID 16-414 Willie Hudspeth regarding the lack of sidewalks near Ryan High School, citizen reports at the end of the meetings, and the Ethics Ordinance.

Mr. Hudspeth spoke against having citizen input at the end of the meetings, keeping in the forefront the Ryan High School walking path, the ethics ordinance, and felt that the Fire Fighters union should not have a council candidate forum.

## **8. CONCLUDING ITEMS**

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



Mayor Pro Tem Gregory and Council Member Wazny requested an Informal Staff Report on the report by Dalton Allen and the forensic lab.

Council Member Briggs requested an update on the Mingo Road Bridge in terms of a public safety analysis on the closure.

Council Member Briggs requested periodic updates on the McKinney Street expansion.

Council Member Briggs requested information on the City's pension obligations in terms of impact and liability of the City.

Council Member Briggs requested a review of the procedures of a withdrawn application and citizen information.

Mayor Watts requested an update on the Bonnie Brae GIS.

Mayor Watts requested a report on citizens buying city bonds.

Mayor Watts requested a Work Session on the event center on Hickory Street in terms of how the center might affect the training center.

Mayor Watts requested information on escrow agreements in lieu of public improvements and the return of funds at the developer's request or done by City.

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

There was no continuation of the Closed Meeting.

With no further business, the meeting was adjourned at 8:54 p.m.

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CHRIS WATTS  
MAYOR  
CITY OF DENTON, TEXAS

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JENNIFER WALTERS  
CITY SECRETARY  
CITY OF DENTON, TEXAS