

CITY OF DENTON CITY COUNCIL MINUTES

February 6, 2018

After determining that a quorum was present, the City Council convened in a Work Session on Tuesday, February 6, 2018 at 12:00 p.m. in the Council Work Session Room at City Hall.

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

ABSENT: None.

1. Citizen Comments on Consent Agenda Items

There were no citizen comments on Consent Agenda Items.

2. Requests for clarification of agenda items listed on the agenda for February 6, 2018.

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

Council Member Briggs – Consent Agenda Item B

Council Member Ryan - pull Consent Agenda Item N for separate discussion

3. Citizen Comments on Ethics Related Work Session Report Items

David Zoltner made suggestions for conflict of interest and the scheduling of public hearings on the item.

4. Work Session Reports

A. ID 18-165 Receive a report, hold a discussion, and give staff direction regarding the development of an ethics ordinance including, but not limited to, a discussion on misuse of information, abuse of resources, abuse of position, duty to report, hindrance, and disclosures, from attorney Alan Bojorquez.

Alan Bojorquez stated that this module would center on crafting a code. The topics of discussion would include Misuse of Information; Abuse of Resources; Abuse of Position; Duty to Report; Hindrance; and Disclosures.

Misuse of information centered on restricting the use of information for personal purposes if the information was obtained because of person's official city duties and prohibiting the disclosure of confidential information.

Council discussion on misuse of information included:

- Whether to include confidential information, public information or both
- Whether to include family members
- A definition of "official city duties"
- A definition of confidential information to include meetings with staff and not just closed meeting discussions

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Abuse of resources center on banning the use of city resources for personal or private purposes. Council felt that resources should not be used unless they were available to other members of the public.

Abuse of position dealt with prohibiting harassment and discrimination and preventing interference with investigations.

Council discussion on abuse of position included:

- Consider following the City's Human Resources policy
- Consider using the Houston sample with the addition of gender identity

Duty to report would create an affirmative duty for city officials who were aware of violations of the Code to report those violations. It would make it a violation of the Code not to report such violations.

Council discussion on duty to report included:

- Who the violation would be reported to
- The level of knowledge of the violation such as suspecting a violation versus knowledge of a violation
- Use the Hot Line to report direct knowledge or suspicion of a violation
- The consequences of not reporting a suspected or have knowledge of a violation
- Could be a matter of interpretation of what constituted a violation
- Definition of "knowledge"
- Implementation of such a policy might be difficult
- If the provision could not be enforced, why put it in the ordinance
- Duty to report to the Fraud and Abuse Hotline as a mitigating step
- Consensus to have this provision in the ordinance but consider consequences at a later meeting. If a staff member were involved, go through the Fraud and Abuse Hotline and to the City Manager. If Council were involved refer to the Ethics Commission

Hindrance centered on whether a violation would be to purposely take steps to stop or prevent a service from being provided or a practice.

Council discussion on hindrance centered on:

- Whether this provision could be used as a catch all for all types of non-violations
- Whether there were other provisions in the draft Code to cover these situations
- Consensus was not to include this section as it was covered in other parts of the proposed code.

Disclosures dealt with whether the Code would be silent on this issue and defer to State law in terms of financial disclosures required of all elected officials and candidates.

Council discussion:

- Place a reference in the Code but mirror State law
- Consider adding a civil enforcement aspect through the Board of Ethics
- No different forms would be required other than per State law
- Consensus was to follow State law but included a right to cure

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- B. ID 18-152 Receive a report, hold a discussion, and provide direction regarding the regulation of stationless bike share companies to include a proposed application and permit fee.

Mark Nelson, Director of Transportation, presented information on a Stationless Bike Share policy in terms of the status of Bike Share in Denton, a staff recommendation and policy direction. He presented information on the background of the stationless bike share program. A list of operators of the program in the area was reviewed along with what other cities were doing. Regulating options were noted along with information on the companies currently operating in Denton. Cons of the program were also presented. Staff was recommending goals for the policy and a pilot permit program.

Council discussion included:

- Liability on the part of the City
- Availability of citizens to use the bikes
- Whether the draft provisions for a pilot program had been discussed with the vendors
- Consider an RFP process in order to obtain greater control over the vendors
- How many operators did the City need and how much were the bikes used
- This type of program was an important part of the City's mobility but it needed to be regulated
- Limit the number of bikes available city-wide
- What to do in the interim until an RFP was completed
- Address the regulatory aspect in terms of a temporary license with the limit of 100 bikes per operator; have the pilot period of 30-90 days to obtain data; and reconsider the program after that time period to review the data.

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

1. Closed Meeting:

- A. ID 18-108 Consultation with Attorneys - Under Texas Government Code, Section 551.071. Consultation with Attorneys - Under Texas Government Code Section 551.071.

Receive information from the City's attorneys, both in-house attorneys and retained outside employment attorneys, and discuss legal matters, deliberate, and provide the City's attorneys with direction regarding and related to Cause No. DC-17-08139 styled "Michael Grim and Jim Maynard vs. City of Denton, Texas" pending in the 68th Judicial District Court, Dallas County, Texas; 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 the present lawsuit or potential administrative proceedings or lawsuits.

- B. ID 18-220 Consultation with Attorneys - Under Texas Government Code, Section 551.071.

Consult with the City's attorneys regarding status and legal issues associated with an engagement to complete an audit and investigation previously initiated by the City's former

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Internal Auditor, and legal analysis relating to preliminary findings associated with said audit and investigation, where a public discussion associated with these legal matters would clearly conflict with the duty of the City's attorneys to the City of Denton and the Denton City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.

C. ID 18-248 Consultation with Attorneys - Under Texas Government Code Section 551.07.

Discuss, deliberate, and receive information from the City's attorneys and provide the City's attorneys with direction regarding legal issues associated with both the lease and use of 1001 S. Mayhill Rd., Buildings 101 and 102, and 1301 S. Mayhill Rd., Denton, Denton County, Texas and the Council's action on December 5, 2017 under Ordinance No. 2017-385 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.

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 Pledges to the U.S. and Texas flags.

2. PROCLAMATIONS/PRESENTATIONS

There were no proclamation/presentations for this meeting.

3. PRESNTATION FROM MEMBERS OF THE PUBLIC

There were no presentations from members of the public.

Mayor Watts noted that Item 5D was being pulled from consideration at this meeting.

4. CONSENT AGENDA

Council Member Gregory motioned, Mayor Pro Tem Bagheri seconded to approve the Consent Agenda and accompanying ordinance and resolutions with the exception of Item N which would be pulled for individual consideration and with the revised ordinance for Item O. On roll call vote, Council Member Hudspeth "aye", Council Member Briggs "aye", Council Member Duff "aye", Council Member Ryan "aye", Council Member Gregory "aye", Mayor Pro Tem Bagheri "aye", and Mayor Watts "aye". Motion carried unanimously.

Approved the minutes listed below

- A. ID 18-023 Consider approval of the minutes of November 7, November 14, November 20, December 4, December 5, December 12, and December 19, 2017.

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Ordinance No. 18-049

- B. ID 18-049 Consider adoption of an ordinance authorizing the City Manager to execute a Professional Services Agreement for landscape design services relating to the Mayhill Road Widening project including landscape design for the length of Mayhill Road as well as improvements to an open space area for pedestrian use to be located near the intersection of Mayhill Road and Spencer Road; providing for the expenditure of funds therefor; and providing an effective date (File 6676 awarded to Freese and Nichols, Inc. in the not-to-exceed amount of \$107,900).

Ordinance No. 18-071

- C. ID 18-071 Consider adoption of an ordinance of the City of Denton authorizing the closure of a segment of McCormick Street from Underwood Street to Avenue A for the construction of Fire Station 3. The Traffic Safety Commission recommends approval (6-0).

Ordinance No. 18-082

- D. ID 18-082 Consider adoption of an ordinance of the City of Denton approving an easement and right of way agreement granting an 0.857 acre easement to Oncor Electric Delivery Company, LC, located in the Moreau Forrest Survey, Abstract, No. 417, in Denton County, Texas for the purchase price of forty-nine thousand six hundred thirty dollars and NO/100 (\$49,630.00) and providing a severability clause and an effective date. [Arco Substation] The Public Utilities Board recommends 6-0.

Ordinance No. 18-091

- E. ID 18-091 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. 18-098

- F. ID 18-098 Consider adoption of an ordinance approving a City sponsorship in an amount not to exceed \$5,080 of in-kind services and resources for the 33rd Annual Texas Storytelling Festival to be held in the Civic Center located at 321 E. McKinney St., beginning Thursday, March 8 through Sunday, March 11, 2018; and providing an effective date.

Ordinance No. 18-102

- G. ID 18-102 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.

Ordinance No. 18-153

- H. ID 18-153 Consider adoption of an ordinance of the City of Denton authorizing an agreement between the City of Denton, Texas and the Denton County Friends of the

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Family for the purpose of expenses for An Evening of Raised Awareness with Dr. Yamma Brown; providing for the expenditure of funds therefor; and providing for an effective date. (\$650)

Ordinance No. 18-157

- I. ID 18-157 Consider adoption of an ordinance accepting competitive proposals and awarding a contract for services to perform a JD Edwards (JDE) software application and tools upgrade from version 9.1 to 9.2; providing for the expenditure of funds therefor; and providing an effective date (RFP 6592-awarded to Grant Thornton LLP in the not-to-exceed amount of \$185,000).

Ordinance No. 18-158

- J. ID 18-158 Consider adoption of an ordinance of the City of Denton authorizing the City Manager or his designee to execute a contract for the purchase of one (1) John Deere model 544K Wheel Loader for the City of Denton Streets Department as awarded by Buy Board Cooperative Purchasing Network Contract# 515-16; providing for the expenditure of funds therefor; and providing an effective date (File 6707-awarded to RDO Equipment Company in the not-to-exceed amount of \$152,969.41).

Ordinance No. 18-159

- K. ID 18-159 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) Cooperative Purchasing Program for the acquisition of two (2) new and two (2) reconditioned and remounted Frazer Type I ambulances for the City of Denton Fire Department; and providing an effective date (File 6705-awarded to Mac Haik Dodge Chrysler Jeep in the not-to-exceed amount of \$691,554).

Ordinance No. 18-160

- L. ID 18-160 Consider adoption of an ordinance accepting competitive bids and awarding a contract for the supply of Utility Polymer Insulators for Denton Municipal Electric to be stocked in the City of Denton Distribution Center; providing for the expenditure of funds therefor; and providing an effective date (IFB 6550-awarded to the lowest responsible bidder meeting specification, Wesco Distribution, Inc. in the three (3) year not-to-exceed amount of \$821,280).

Ordinance No. 18-162

- M. ID 18-162 Consider adoption of an ordinance of the City of Denton, Texas authorizing the expenditure of funds for payment by the City of Denton for the annual Lake Ray Roberts and Lake Lewisville Operation and Maintenance fees to the United States Army Corp of Engineers for the City's share of the operating and maintenance expenditures; and providing an effective date (File 6706-United States Army Corp of Engineers Operation and Maintenance Fees in the amount not-to-exceed \$170,000).

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Ordinance No. 18-246

- O. ID 18-246 Consider adoption of an ordinance of the City of Denton, Texas amending Section 33-2 Of The Code of Ordinances to revising the definition of "Sign;" amending Section 22-29 of the Code of Ordinances to delegate the approval of signs under certain circumstances to the City Manager; ratifying the execution of 2018 Facility Utilization Agreements, including an amendment thereto related to the regulation of signs; providing a severability clause; providing a penalty cause; and declaring an effective date.

The item pulled for separate consideration was considered.

Ordinance No. 18-164

- N. ID 18-164 Consider adoption of an ordinance ordering an election to be held in the City of Denton, Texas, on May 5, 2018, and if a runoff election is required, on June 16, 2018, for the purpose of electing Council Members to Places 5 and 6 and electing a Mayor to Place 7 of the City Council of the City of Denton, Texas; prescribing the time and manner of the conduct of the election to be in accordance with an agreement with the Elections Administrator of Denton County; providing a severability clause; providing an open meetings clause; and providing for an effective date.

Council discussed including additional polling locations in each of the Council voting districts. An item would be added to the February 13th agenda for this discussion.

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

5. ITEMS FOR INDIVIDUAL CONSIDERATION

Ordinance No. 18-045

- A. ID 18-045 Consider adoption of an ordinance accepting competitive bids and awarding a contract for the supply of Electric Meters and Equipment including electric meters, photovoltaic meters, electric sockets, secondary and primary instrument rated transformers, and Trilliant secure mesh AMI equipment for Denton Municipal Electric; providing for the expenditure of funds therefor; and providing an effective date (IFB 6612-awarded to the lowest responsive bidder for each section for a total three (3) year not-to-exceed amount of \$4,293,000). The Public Utilities Board recommends approval (6-0).

JR Richardson, Electric Meter Superintendent, presented the background of the proposal which included the RFP, proposals received, key points, funding and staff recommendation.

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

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Resolution No. 18-085

- B. ID 18-085 Consider approval of a resolution adopting a Renewable Resource Plan for Denton Municipal Utility. The Public Utilities Board recommends approval (6-0).

George Morrow, General Manager of DME, made a presentation regarding the Renewable Resource Plan which included background information, existing power resources, renewable evaluation, 100% renewable targets; current renewable RFP; future renewable RFPs; and an update on the Denton Energy Center

Council discussion whether it would be possible to get to 100% renewable by 2020.

Morrow presented a summary of the Renewable Resource Plan that included the primary objective of the Plan, the related renewables, evaluation of the renewable offers, and future solar and wind RFPs planned with possible participation by other municipals.

Mayor Watts noted that Comment Cards were submitted by:

Ed Soph - in support
Carol Soph - in support
Jennifer Lane – in support

Catherine Lustgarten spoke in support.

Council discussed the fact that this was a resolution and not an ordinance and whether it could be changed by a future Council.

City Attorney Leal stated that it was still a policy of the Council and any future change would have to be approved by alternate resolution.

Mayor Pro Tem Bagheri noted that she would not be voting in favor of the resolution as it involved the DEC.

Council Member Gregory offered an amendment to the resolution in Section 2 to include “in a manner that ensures electric reliability and competitive electric rates”.

Council Member Briggs offered a friendly amendment to “develop demand site goals for FY 20/21 for community solar, local solar generation, energy efficiency including programs to assist low-income Denton residents, storage and demand response”.

Council Member Gregory indicated that he was not in agreement with that friendly amendment.

Council Member Gregory motioned, Council Member Ryan seconded to adopt the ordinance with the additional wording noted by Council Member Gregory. On roll call vote, Council Member Hudspeth "aye", Council Member Briggs "aye", Council Member Duff "aye", Council Member Ryan "aye", Council Member Gregory "aye", and Mayor Watts "aye". Mayor Pro Tem Bagheri "nay". Motion carried with a 6-1 vote.

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Ordinance No. 18-095

- C. ID 18-095 Consider approval of a resolution of the City of Denton, Texas, approving the Solid Waste and Watershed Protection Sponsorship Program guidelines and application process. The Public Utilities Board recommends approval (5-1).

Ethan Cox, Director of Solid Waste, made the presentation regarding the background of the solid waste sponsorship program and proposed policy components for sponsorships;

Council Member Ryan motioned, Council Member Gregory seconded to adopt the ordinance. On roll call vote, Council Member Hudspeth "aye", Council Member Duff "aye", Council Member Ryan "aye", Council Member Gregory "aye", Mayor Pro Tem Bagheri "aye", and Mayor Watts "aye". Council Member Briggs "nay". Motion carried with a 6-1 vote.

- D. ID 18-107 Consider adoption of an ordinance authorizing the amended engagement of the law firm of Lynn, Ross and Gannaway, LLP, and the BKD, LLP accounting firm, to complete a previously initiated audit and investigation, pursuant to the terms of the attached revised contract for professional services; and further amending the previously authorized expenditure of budgeted funds for this engagement, in an amended amount for past and anticipated professional fees and expenses, not to exceed the aggregate and inclusive amount of \$115,000; repealing, superseding, and replacing in its entirety Ordinance 2017-368; and providing an effective date.

This item was not considered.

Ordinance No. 18-127

- E. ID 18-127 Consider adoption of an ordinance of the City of Denton, Texas authorizing the approval of Change Order 1 to a contract between the City of Denton and Ragle, Inc. for construction of the South Bonnie Brae Street Widening and Improvements Project Phase I, amending the contract approved by Council on June 20, 2017 (Ordinance 2017-183) in the amount of \$11,810,220.07; providing for the expenditure of funds therefor; and providing an effective date (File 6390-providing for an additional expenditure amount not-to-exceed \$564,500.38, with the total contract amount not-to-exceed \$12,374,720.45).

Todd Estes, City Engineer, presented the background information on the Bonnie Brae Change Order request. The presentation included the project cost summary.

Noreen Housewright, Senior Engineer, presented financial information on the project; project photos; Enlink relocation sites; and staff recommendation.

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

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- F. ID 18-140 Consider nominations/appointments to the City's Boards and Commissions: Airport Advisory Board; Community Development Advisory Committee; Human Services Advisory Committee, and Public Art Committee.

Jennifer Walters, City Secretary, noted that Council Member Duff had nominated Ed Ahrens to the Airport Advisory Board and Council Member Ryan had nominated Larry Varnes to the Community Development Advisory Committee. There were no nominations for the Human Services Advisory Committee and the Public Art Committee at this time.

Council Member Briggs motioned, Mayor Pro Tem Bagheri seconded to approve the nominations. On roll call vote, Council Member Hudspeth "aye", Council Member Briggs "aye", Council Member Duff "aye", Council Member Ryan "aye", Council Member Gregory "aye", Mayor Pro Tem Bagheri "aye", and Mayor Watts "aye". Motion carried unanimously.

Ordinance No. 18-155

- G. ID 18-155 Consider adoption of an ordinance of the City of Denton authorizing an Agreement between the City of Denton, Texas, and Kiwanis Club of Denton for the purpose of 4th of July fireworks show sponsorship; provide for the expenditure of funds; and providing for an effective date.

Bryan Langley, Deputy City Manager, indicated that this was a sponsorship agreement with Kiwanis for the annual fireworks show.

Council Member Gregory motioned, Council Member Ryan seconded to adopt the ordinance. G. On roll call vote, Council Member Hudspeth "aye", Council Member Briggs "aye", Council Member Duff "aye", Council Member Ryan "aye", Council Member Gregory "aye", Mayor Pro Tem Bagheri "aye", and Mayor Watts "aye". Motion carried unanimously.

6. PUBLIC HEARINGS

Ordinance No. Z17-0012a

- A. Z17-0012a Hold a public hearing and consider adoption of an ordinance to rezone approximately 4 acres from a Neighborhood Residential 3 (NR-3) District to a Neighborhood Residential Mixed-Use 12 (NRMU-12) District. The property is generally located on the north side of Mingo Road, approximately 150 feet southwest of Boyd Street in the City of Denton, Denton County, Texas. (Z17-0012a, Mingo Road Apartments, Hayley Zagurski).

The Mayor opened the public hearing.

Haley Zagurski, Senior Planner, presented information for Public Hearings A and B. Council would vote separately on the items. She presented the specific request; the site data; criteria for approval; analysis of the future land use; public facilities; analysis of compatibility; and recommended approval from staff and the Planning and Zoning Commission.

Zagurski continued with the Specific Use Permit criteria for approval; concept plan for the Specific Use Permit; conceptual elevations; analysis of the proposal with the Denton Plan 2030; public

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notification; and recommended approval from staff and the Planning and Zoning Commission with conditions.

The following individuals spoke on the public hearings:

Kim McKibben - spoke on both Items A and B

Lawrence Holdorf - spoke in favor

Council discussed the preservation of the larger trees; building on the hill; potential drainage problems; and that the applicant had no issue with adherence to site plan as presented to the Planning and Zoning Commission.

The Mayor closed the public hearing.

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

Ordinance No. S17-0006a

B. S17-0006a Hold a public hearing and consider adoption of an ordinance for a Specific Use Permit for 4 acres of land, specifically to allow for a multi-family residential use. The property is generally located on the north side of Mingo Road, approximately 150 feet southwest of Boyd Street in the City of Denton, Denton County, Texas. (S17-0006a, Mingo Road Apartments, Hayley Zagurski).

The public hearing for this item was included with 6A.

Council Member Gregory motioned, Mayor Pro Tem Bagheri seconded to adopt the ordinance with the recommended conditions including the dumpsters and setbacks as presented.

Council Member Briggs offered a friendly amendment for preservation of the heritage trees as noted on the concept plan.

Council Member Gregory and Mayor Pro Tem Bagheri accepted that friendly amendment.

On roll call vote, Council Member Hudspeth "aye", Council Member Briggs "aye", Council Member Duff "aye", Council Member Ryan "aye", Council Member Gregory "aye", Mayor Pro Tem Bagheri "aye", and Mayor Watts "aye". Motion carried unanimously.

C. DCA17-0009a Hold a public hearing and consider an ordinance regarding repealing and replacing Section 35.7.6, repealing Sections 35.7.7 and 35.7.8, adding Section 35.3.15, adding definitions to Section 35.23.2 and making changes to Section 35.4.3. of the Denton Development Code. (DCA17-0009, Historic Preservation Code Amendments, Roman McAllen) THIS ITEM HAS BEEN WITHDRAWN BY STAFF AND WILL BE BROUGHT BACK IN CONJUNCTION WITH THE DENTON DEVELOPMENT CODE UPDATE.

This item was not considered.

- D. S17-0009c Hold a public hearing and consider a request by Rayzor Inv. Ltd. for a Specific Use Permit for 68.1 acres of land, specifically to allow for a multi-family residential use on approximately 32.60 acres and to allow for an outdoor recreation use on approximately 19.90 acres. The property is generally located on the south side of West Oak Street approximately 290 feet west of the Interstate Highway 35 service road in the City of Denton, Denton County, Texas. (S17-0009c, Retreat at Denton, Hayley Zagurski). THIS ITEM HAS BEEN WITHDRAWN BY THE APPLICANT.

This item was not considered.

- E. Z17-0016c Hold a public hearing and consider a request by Rayzor Inv. Ltd. to rezone approximately 68.1 acres from an Industrial Center Employment (IC-E) District to a Neighborhood Residential Mixed-Use (NRMU) District. The property is generally located on the south side of West Oak Street approximately 290 feet west of the Interstate Highway 35 service road in the City of Denton, Denton County, Texas. (Z17-0016c, Retreat at Denton, Hayley Zagurski). THIS ITEM HAS BEEN WITHDRAWN BY THE APPLICANT.

This item was not considered.

- F. A17-0006a Hold the first of two public hearings for a voluntary annexation of approximately 0.30 acres of land generally located on the east side of Old Alton Road, south of the intersection of Old Alton Road and Teasley Lane. (A17-0006, Cindy Jackson)

Cindy Jackson, Senior Planner, presented the details of the proposed voluntary annexation along with the annexation schedule.

The Mayor opened the public hearing.

No one spoke during the public hearing

The Mayor closed the public hearing.

No action was required on this item at this time.

Ordinance No. Z17-0026c

- G. Z17-0026c Hold a public hearing and consider a request by GDHI Homes LLC to rezone approximately 13 acres from a Neighborhood Residential 2 (NR-2) District to a Neighborhood Residential 6 (NR-6) District. The subject properties are located at 1322 and 1520 Audra Lane. The Planning and Zoning Commission voted 7-0 to approve the request with conditions. (Z17-0026b, Audra Tract, Shandrian Jarvis)

The Mayor opened the public hearing.

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Shandrian Jarvis, DRC Administrator, presented the request details, site data, the criteria for approval in terms of the future land use plan and public facilities compatibility. Public notification, summary and recommendation were noted. The Planning and Zoning Commission recommended approval with conditions which staff was also recommending.

Council discussed the number of units per acre in conjunction with the proposed zoning.

Thomas Fletcher, Engineer representing the applicant, spoke in favor.

Council discussed providing adequate driveways and garages for off-street parking and if the green space would be maintained by the HOA

David Zoltner spoke in opposition.

Kim McKibben spoke in opposition.

The Mayor closed the public hearing.

Mayor Pro Tem Bagheri motioned, Council Member Ryan seconded to adopt the ordinance with the noted conditions. On roll call vote, Council Member Hudspeth "aye", Council Member Briggs "aye", Council Member Duff "aye", Council Member Ryan "aye", Council Member Gregory "aye", Mayor Pro Tem Bagheri "aye", and Mayor Watts "aye". Motion carried unanimously.

7. 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 Watts requested a Work Session on design criteria for the downtown area.

Council Member Gregory asked for a staff report on minimizing the dust during the repair of Hickory Street.

Council Member Briggs requested a Work Session on a historic designation/national designation for the downtown area.

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Council Member Briggs requested that one of the two public hearing scheduled for the ethics ordinance be held in the evening.

Mayor Pro Tem Bagheri requested staff research provisions of Lewisville's fire code for possible inclusion to the City's fire code.

Council Member Hudspeth requested the notice on demolition of mini-mall be made public.

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

There was no continuation of the Closed Meeting.

With no further business the meeting was adjourned at 9:15 p.m.

**CHRIS WATTS
MAYOR
CITY OF DENTON, TEXAS**

**JENNIFER WALTERS
CITY SECRETARY
CITY OF DENTON, TEXAS**