

CITY OF DENTON CITY COUNCIL MINUTES

October 16, 2018

After determining that a quorum was present, the City Council convened in a Work Session on Tuesday, October 16, 2018 at 2:00 p.m. in the Council Work Session Room at City Hall.

PRESENT: Council Member Hudspeth, Council Member Briggs, Mayor Pro Tem Ryan, and Council Member Meltzer.

ABSENT: Council Member Armintor; Council Member Duff; Mayor Watts

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 October 16, 2018.

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

Council Member Briggs – pull Item I for separate consideration

Council Members Armintor and Duff arrived at the meeting.

3. Work Session Reports

- A. ID 18-1584 Receive a report from City staff and Hickory & Rail Ventures staff regarding Stoke Denton's annual report and the renewal of the management contract with Hickory & Rail Ventures, LLC, hold a discussion, and give staff direction.

Caroline Booth, Director of Economic Development, introduced the topic of the Stoke Denton Annual Report and Hickory & Rail Ventures (HRV) contract renewal. She noted the background on the competitive RFP process done in 2017 and that HRV had met all contract terms.

Marshall Culpepper, Hickory Rail Ventures, presented Stoke Denton's annual report in terms his vision for Denton's future, membership growth, events highlights, tech investor community, partnerships, marketing, capital improvements both completed and future improvements, and projected growth.

Council discussion included:

- Projected increase of fees
- The need to end the City lease for HRV to take over full operation of the facility
- Whether HRV would remain in the current space once the contract ended
- Whether there was growth in the industry to sustain the business
- Cost of supplies, food/drinks
- Net income projections for the upcoming years

Booth continued with fiscal information and options for renewal and methods of renewal. The staff recommendation was to renew the management company for 26 months via letter of extension.

Council discussed:

- Continue with the contract extension
- The preferred method of renewal should be voting on the contract
- Consider only a one year renewal
- Percentage of tech versus non-tech members
- Consider a one year contract via letter of extension
- Consider a vote of confidence on what had been done thus far with a 26 month contract extension
- The City was under contract for 26 months at the facility so a 26 month extension was viable

City Manager Hileman suggested considering a 26 month contract with an update in 12 months.

Council continued discussion:

- Whether a 12 or 26 month agreement was going to change the focus
- A concern with the structure of the building and the city's lease
- Consider 26 months with a vote from Council and present an update on the building

Consensus was to have a Council vote on the extension of a 26 month contract.

- B. ID 18-1722 Receive a report from staff, hold a discussion, and give staff direction regarding the design and construction of a median beautification project at the intersection of Dallas and Teasley, Eagle and Elm, and a parking lot in South Lakes Park.

Gary Packan, Director of Parks and Recreation, presented the update on Parks Capital projects at the Dallas and Teasley median, the Eagle and Elm Median, and the South Lakes Park parking lot.

Drew Huffman, Superintendent of Parks, noted the funding that was appropriated for the projects. He presented the improvements proposed for the Dallas and Teasley intersection at the site of the former recycling center and projected costs.

Council discussed:

- Walkability of the area
- The view into the City would not be helped until all of the utility poles down Dallas Drive were taken care of
- Whether this was the best location for a sculpture or would a better placement be on the Dallas Drive side

Huffman continued with proposed median improvements at Eagle and Elm, showing two options for consideration.

Council discussed:

- Consider doing all of the project at one time
- Make the lettering large enough to be seen
- Consider keeping the existing trees in the area
- Consider appropriate lighting in the area and walkable areas
- Consider wrapping the utility boxes

Consensus of the Council was to proceed with Option 2 with the span of Option 1. Consider having drought tolerant plants, adding park benches in the area, and consider using public art funding for the wrapping of the utility boxes.

Huffman next presented proposed improvements to the parking lot in South Lakes Park which included impervious parking materials. No concrete/asphalt would be added.

Council discussion included:

- Whether complaints had been received for parking in the businesses parking lots
- Walkability in the area
- The type of signage for the park area
- Whether a traffic study would be needed for the access
- The cost difference between the concrete versus pavers for the parking lot
- Consider a community meeting concerning South Lakes Park

Consensus of the Council regarding the three projects was to prepare a Friday report for the final design of Dallas/Teasley and Elm/Locust but not necessarily have another Work Session; hold a community meeting for South Lakes Park looking at the whole scope of the project in terms of traffic and lighting.

- C. ID 18-1723 Receive a report, hold a discussion and give staff direction regarding Pension Benefits for Public Safety Dispatchers

Bryan Langley, Deputy City Manager, reviewed information on public safety dispatcher pension benefits. He noted the background on the pension benefits in terms of the TMRS versus the Firefighter Pension Fund including the 2017 agreement details and the Public Safety dispatch operation.

Council discussed:

- The time frame for the hold on the renovation of the dispatch center
- There was a critical need to get the dispatch center renovated
- Ensure employee input for the upgrades

Langley continued with the 2006 settlement with DFRRF. He presented details on the differences between the two plans and the proposed solution.

Council continued discussing:

- The reasoning to not allow new dispatch employees to have an option on which plan they wanted to participate in
- Whether there were any potential legal issues making the proposed changes

Langley presented the options which included Option #1 take no action and not approve any amendments to the current Meet and Confer agreement; Option #2 proceed with revising the agreement as outlined; or Option #3 modify the proposed agreement based on Council feedback.

After discussion on the options, the consensus of the Council was to proceed with Option 2.

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 18-1716 Extra Mile Day

Mayor Pro Tem Ryan presented the proclamation for Extra Mile Day.

B. ID 18-1717 United States Marine Corps 243rd Birthday Celebration

Mayor Pro Tem Ryan presented the proclamation for the United States Marine Corps 243rd Birthday Celebration.

C. ID 18-1760 National Friends of the Libraries Week

Mayor Pro Tem Ryan presented the proclamation for Friends of the Library Week.

D. ID 18-1725 Resolution of Appreciation for Mark Nelson.

Mayor Pro Tem Ryan read the Resolution of Appreciation for Mark Nelson.

Council Member Meltzer motioned, Council Member Briggs seconded to approve the resolution. On roll call vote, Council Member Hudspeth "aye", Council Member Briggs "aye", Council Member Duff "aye", Mayor Pro Tem Ryan "aye", Council Member Armintor "aye", and Council Member Meltzer "aye". Motion carried unanimously.

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

A. ID 18-1619 Vicki Oppenheim regarding the Denton Community Market.

Ms. Oppenheim presented an update on recent events the Market held and ongoing needs for the Market. She noted the increase in vendors and results of a recent analysis of people attending the Market.

Council discussed:

- Ranking the needs for the Market

- The areas where people were coming from via the study

- B. ID 18-1773 Reyna Galyon regarding traffic on Teasley Lane and the safety of school children.

Ms. Galyon was not present at the meeting.

C. Additional Citizen Reports

Randy Hunt, 722 Oak, Denton noted that Fairhaven Retirement Home was going to be historically restored along with other areas that were going to receive historic designations. He spoke against multifamily developments in historic neighborhoods but noted that they worked with these developments to assist in mainlining the integrity of the historic nature of the area.

4. CONSENT AGENDA

Council Member Hudspeth motioned, Council Member Briggs seconded to approve the Consent Agenda and accompanying ordinances and resolutions with the exception of Item I. On roll call vote, Council Member Hudspeth "aye", Council Member Briggs "aye", Council Member Duff "aye", Mayor Pro Tem Ryan "aye", Council Member Armintor "aye", and Council Member Meltzer "aye". Motion carried unanimously.

Ordinance 18-1525

- A. ID 18-1525 Consider adoption of an ordinance of the City of Denton authorizing the City Manager, or his designee, to execute on behalf of the City of Denton an acceptance of an offer from the Texas Department of Transportation relating to a grant of \$50,000 for Routine Airport Maintenance Program, requiring the City to provide \$50,000 in matching funds, and declaring an effective date. Airport Advisory Board recommended approval (5-0).

Ordinance 18-1583

- B. ID 18-1583 Consider adoption of an ordinance of the City of Denton, Texas, amending the Code of Ordinances, related to Chapter 10, titled "Finance and Taxation," Article VII, titled "Tax Exemption for Historically Significant Sites," Section 10-131, titled "Designation of Historically Significant Sites" to expand eligibility for a tax exemption for historically significant sites; providing findings of fact; providing severability; providing codification; confirming proper notice and meeting; and providing for an effective date.

Ordinance 18-1602

- C. ID 18-1602 Consider adoption of an ordinance of the City of Denton, Texas authorizing the City Manager, or his designee, to execute and administer a right-of-way registration and application with the city of Corinth, Texas, to obtain permits, and execute ancillary documents related thereto, and providing for an effective date. The Public Utilities Board recommends approval 4-0.

Ordinance 18-1659

- D. ID 18-1659 Consider adoption of an ordinance of the City of Denton, Texas, a Texas home-rule municipal corporation, authorizing the City Manager to execute an Administration of Post-65 Retiree Medicare Supplement contract with Labor First, LLC for the City of Denton; providing for the expenditure of funds therefor; and providing an effective date (RFP 6807- awarded to Labor First, LLC, for three (3) years, with the option for two (2) additional one (1) year extensions, in a total not-to-exceed amount of \$2,440,000 for all years).

Ordinance 18-1663

- E. ID 18-1663 Consider adoption of an ordinance of the City of Denton, Texas, a Texas home-rule municipal corporation, authorizing the City Manager to execute a Professional Services Agreement with Freese and Nichols, Inc., for On-Call Engineering Related Professional Services, as set forth in the agreement; providing for the expenditure of funds therefor; and providing an effective date (RFQ 6590-042 - Professional Services Agreement for on-call Engineering Related Professional Services awarded to Freese and Nichols, Inc., in the not-to-exceed amount of \$1,200,000). The Public Utilities Board recommends approval (4-0).

Ordinance 18-1664

- F. ID 18-1664 Consider adoption of an ordinance of the City of Denton, Texas, a Texas home-rule municipal corporation, authorizing the City Manager to execute a Professional Services Agreement with Teague Nall and Perkins, Inc., for Engineering Related Professional Services for the West Hickory Street Drainage, Paving and Sidewalks Project, as set forth in the agreement; providing for the expenditure of funds therefor; and providing an effective date (RFQ 6590-043 - Professional Services Agreement for Engineering Related Professional Services awarded to Teague Nall and Perkins, Inc. in the not-to-exceed amount of \$167,500). The Public Utilities Board recommends approval (4-0).

Ordinance 18-1667

- G. ID 18-1667 Consider adoption of an ordinance of the City of Denton, Texas, a Texas home-rule municipal corporation, authorizing the approval of a third amendment to a Professional Services Agreement between the City of Denton and Freese and Nichols, Inc., amending the contract approved by City Council on July 17, 2012, in the not-to-exceed amount of \$435,701, amended by Amendments 1 and 2 approved by the Purchasing Manager and the City Manager, said third amendment to provide additional Design Services for the North-South Water Main Phases II and III project; providing for the expenditure of funds therefor; and providing an effective date (File 4978 - providing for an additional third amendment expenditure amount not-to-exceed \$140,113.60, with the total contract amount not-to-exceed \$656,268.60). The Public Utilities Board recommends approval (4-0).

Ordinance 18-1668

- H. ID 18-1668 Consider adoption of an ordinance of the City of Denton, Texas, a Texas home-rule municipal corporation, authorizing the approval of Change Order No. 4 to the contract between the City of Denton and Condie Construction Company, Inc., for

the Cooper Creek Interceptor I and II project; providing for the expenditure of funds therefor; and providing an effective date (IFB 6576 - Change Order No. 4 in the not-to-exceed amount of \$35,723.41, for a total contract award aggregating to \$3,249,548.85). The Public Utilities Board recommends approval (4-0).

Ordinance 18-1671

- J. ID 18-1671 Consider adoption of an ordinance of the City of Denton, Texas, a Texas home-rule municipal corporation, authorizing the City Manager to execute a contract with Symetra Life Insurance Company for the supply of Basic and Supplemental Life Insurance/Accidental Death and Dismemberment, Voluntary Short Term Disability and Group Long Term Disability Insurance for the City of Denton; providing for the expenditure of funds therefor; and providing an effective date (RFP 6808- awarded to Symetra Life Insurance Company for three (3) years, with the option for two (2) additional one (1) year extensions, in a total not-to-exceed amount of \$3,726,500 for all years).

Ordinance 18-1677

- K. ID 18-1677 Consider adoption of an Ordinance of the City of Denton, Texas, a Texas home-rule municipal corporation, authorizing the approval of a first amendment to a Professional Services Agreement between the City of Denton and Teague Nall and Perkins, Inc., amending the contract approved by City Council on October 18, 2016, in the not-to-exceed amount of \$500,000 for Professional Surveying Services; providing for the expenditure of funds therefor; and providing an effective date (File 6189 - providing for a first amendment expenditure amount not-to-exceed \$170,000, with the total contract amount not-to-exceed \$670,000).

Ordinance 18-1711

- L. ID 18-1711 Consider adoption of an ordinance of the City of Denton, Texas, granting the Back Dough + Bands festival, pursuant to Section 17-20 of the Code of Ordinances, a noise exception on Sunday, October 21, from noon to 5 p.m. in Queenie's Steakhouse parking lot located at 115 E. Hickory St.; granting a variance in hours of operation amplified sound levels for an outdoor music festival; and providing for an effective date.

Ordinance 18-1712

- M. ID 18-1712 Consider adoption of an ordinance of the City of Denton, Texas, granting The Village Church Denton, pursuant to Section 17-20 of the Code of Ordinances, a noise exception on Sunday, October 21, from 10 a.m. to 11 a.m. at South Lakes Park; granting a variance in hours of operation for amplified sound levels for an outdoor event; and providing an effective date.

Resolution 18-1761

- N. ID 18-1761 Consider approval of a resolution of the City of Denton opposing the permit applications submitted by Interim Storage Partners, LLC and Holtec International to the United States Nuclear Regulatory Commission for a Consolidated

Interim Storage Facility for high level radioactive waste; and declaring an effective date.

Ordinance 18-1766

- O. ID 18-1766 Consider adoption of an ordinance authorizing settlement of litigation styled Knabe v. City of Denton, Cause No. 17-3526-211, currently pending in the 211th District Court of Denton County, Texas, under terms previously discussed in closed session, and further authorizing the City Manager to approve a compromise settlement agreement, and such other documents recommended by the City's Attorneys as necessary or appropriate to effectuate such terms of settlement; approving the expenditure of budgeted funds; and declaring an effective date.

Item I which was pulled from the Consent Agenda was considered.

Ordinance 18-1669

- I. ID 18-1669 Consider adoption of an ordinance of the City of Denton, Texas, a Texas home-rule municipal corporation, authorizing the City Manager to execute a contract for the supply and installation of trees for the City of Denton Parks, Medians, Right of Ways, Public Buildings, and other City Departments, as needed; providing for the expenditure of funds therefor; and providing an effective date (IFB 6811 - awarded to Fannin Tree Farm Sales, LLC, for one (1) year, with the option for three (3) additional one (1) year extensions, in the not-to-exceed amount of \$800,000 for the Parks Department and \$406,000 for the Solid Waste Landfill Buffer Zone Tree project in a total not-to-exceed amount of \$1,206,000 for all years). The Public Utilities Board recommends approval (4-0).

Gary Packan, Director of Parks and Recreation, presented the details on the Parks and Forestry beautification efforts. He noted the project overview, previous tree planting efforts, proposed tree planting efforts, and proposed contract with cost per installed tree.

Ethan Cox, Director of Solid Waste, noted the project overview of a landscape buffer around the landfill. He presented the project milestones, phases for the plantings, and funding source.

Packan noted the tree fund history in terms of expenses, revenues and annual net balance.

Council discussed:

- Why the total amount of the contract was all at once rather than yearly
- Explore the possibility of a yearly contract amount rather than a 4 year contract
- Provide a map of where the trees would be planted
- Funding sources and where those funds could be used for tree plantings
- Whether the tree funds should be used for planting new trees as the fund was to be used for preservation of existing trees
- The landfill tree project should be a separate consideration from the general tree plantings
- The purpose of this vote was to lock in a price for planting the trees for the future
- A yearly rate might have the effect of a rate increase the following year and reduce any savings that might have been realized in a multi-year rate

- The expectation that the tree fund would be used which was not happening on a regular basis
- Whether to move forward with the proposal on the landfill buffer or do all of the project

Council Member Hudspeth motioned, Council Member Duff seconded to adopt the ordinance.

City Manager Hileman suggested Council approve the contract and that staff would not proceed with any actual plantings until further discussion with the Council. Staff would build a CIP for trees planting and include how to use funds and from what account.

Council Member Meltzer offered a friendly amendment to approve the item but to move forward only with the landfill portion and not move forward with the rest of the proposal until Council had a discussion in Work Session regarding a comprehensive approach.

Council Members Hudspeth and Duff agreed with that friendly amendment.

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

5. ITEMS FOR INDIVIDUAL CONSIDERATION

- A. A18-0002c Conduct the first of two readings of an ordinance of the City of Denton for a voluntary annexation of approximately 86.47 acres of land generally located between Creekdale Drive and Hickory Creek Road, east of the railroad tracks by the City of Denton, Texas. (A18-0002, Lakeside Place, Cindy Jackson)

Richard Cannone, Development Services, presented the details on the request for a voluntary annexation. He read the ordinance caption in to the record.

No action on was required on this item at this time.

Ordinance 18-1567

- B. ID 18-1567 Consider adoption of an ordinance by the City of Denton authorizing the City Manager to sign and submit a substantial amendment to the 2018 Action Plan for Housing and Community Development submitted in June 2018 to the U.S. Department of Housing and Urban Development regarding the use of un-programmed funds with appropriate certifications, as authorized and required by the Housing and Community Development Act of 1974, as amended, and the National Affordable Housing Act of 1990, as amended; and providing an effective date.

Barbara Ross, Community Development Division Manager, stated that the ordinance would support the submission of the Action plan to the Federal government. She noted the background information on additional funding that was received for the Action Plan and the recommendation on how to facilitate those funds.

Council Member Briggs motioned, Council Member Armintor seconded to adopt the ordinance. On roll call vote, Council Member Hudspeth "aye", Council Member Briggs "aye", Council

Member Duff "aye", Mayor Pro Tem Ryan "aye", Council Member Armintor "aye", and Council Member Meltzer "aye". Motion carried unanimously.

Ordinance 18-1693

- C. ID 18-1693 Consider adoption of an ordinance of the City of Denton, Texas to declare the intent to reimburse capital program expenditures of the General Government with Tax Preferred Obligations (Certificates of Obligation and General Obligation Bonds) with an aggregate maximum principal amount equal to \$23,770,000; and providing an effective date.

Tony Puente, Director of Finance, presented the background information on the reimbursement ordinance. He noted that it was a requirement of federal law to encumber money for upcoming projects. He noted the GO funded projects which would be included in the reimbursement ordinance.

Council discussed:

- Design costs for Ruddell and Mingo
- Whether the redesign of the tennis center involved a new facility or renovation of the current tennis building
- Parkland acquisition

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

6. PUBLIC HEARINGS

AESA16-0003a

- A. AESA16-0003a Hold a public hearing and consider adoption of an ordinance related to a request for an Alternative Environmentally Sensitive Area Plan for Country Club Road Estates. The approximately 35.52-acre subject property is generally located on the east side of Country Club Road, approximately 270 feet south of Regency Court in the City of Denton, Denton County, Texas; providing for a penalty in the maximum amount of \$2,000.00 for violations thereof; providing a severability clause and an effective date. (AESA16-0003, Country Club Road Estates, Hayley Zagurski).

Richard Cannone, Development Services, presented the background information on the request for the ESA plan for Country Club Road Estates. He noted a zoning change from 2017 and the preliminary plat that was approved.

Debra Viera, Environmental Services, presented information on the existing ESAs, the area that was developed floodplain, the riparian buffer, disturbances in the areas, proposed fill, and mitigation strategies.

Cannone presented information on the public notice and recommendation from the Planning and Zoning Commission and related conditions.

Mayor Pro Tem Ryan opened the public hearing.

Lee Allison, applicant, spoke in favor.

Council discussed:

- Whether all the trees would be removed in the beginning of the project or would the tree removal be done in phases
- Explain the drainage concerns of the neighbors
- Concern about the floodplain issue

The Mayor Pro Tem closed the public hearing.

Council Member Briggs motioned, Council Member Hudspeth seconded to adopt the ordinance with the noted conditions from the Planning and Zoning Commission and staff. On roll call vote, Council Member Hudspeth "aye", Council Member Briggs "aye", Council Member Duff "aye", and Mayor Pro Tem Ryan "aye". Council Member Armintor "nay", and Council Member Meltzer "nay". Motion carried with a 4-2 vote.

Ordinance Z18-0015a

- B. Z18-0015a Hold a public hearing and consider adoption of an ordinance to rezone approximately 13.48 acres from a Neighborhood Residential 2 (NR-2) District to a Neighborhood Residential 4 (NR-4) District. The subject property is generally located on the south side of Audra Lane, approximately 90 feet west of Barbara Street, in the City of Denton, Denton County, Texas; adopting an amendment to the City's official zoning map; providing for a penalty in the maximum amount of \$2,000.00 for violations thereof; providing a severability clause and an effective date. (Z18-0015, Audra Oaks, Hayley Zagurski).

The Mayor Pro Tem opened the public hearing.

Richard Cannone, Development Services, presented the details of the request to rezone the property to NR-2. He noted the criteria for approval, the analysis according to the Denton Plan 2030, zoning compatibility noting that duplexes could not abut the perimeter of the subdivision, public facilities, and updated concept plan which removed the duplexes and included 40 SF units. Consideration at this meeting was whether the zoning was appropriate. The public notification was noted along with the recommendation from the Planning and Zoning Commission and staff.

The following individuals spoke during the public hearing:

Sean Faulkner, 1999 Bryan Street, Dallas 75201 - applicant, spoke in favor
David Zoltner, 2105 TimberTrail, Denton - spoke in favor
Jay Johnson, 921 Amber Lane, Oak Point – spoke in favor

The Mayor Pro Tem closed the public hearing.

Council discussion included:

- Appreciation of the removal of the duplexes

- Whether a zoning overlay was needed to ensure future development could not be duplexes
- The lot coverage was not adequate for the site
- Provisions of the lot coverage and garage requirements
- Proposed street layout

Council Member Meltzer motioned, Council Member Briggs seconded to adopt the ordinance with an overlay requiring detached single family homes with a minimum of 50 foot lots. On roll call vote, Council Member Hudspeth "aye", Council Member Briggs "aye", Council Member Duff "aye", Mayor Pro Tem Ryan "aye", Council Member Armintor "aye", and Council Member Meltzer "aye". Motion carried unanimously.

Ordinance S18-006a

- C. S18-0006a Hold a public hearing and consider adoption of an ordinance for a Specific Use Permit to allow for a drive-through use on approximately 1.69 acres of land. The property is generally located east of Fort Worth Drive and north of the Interstate 35E frontage road in the City of Denton, Denton County, Texas; providing for a penalty in the maximum amount of \$2,000.00 for violations thereof; providing a severability clause and an effective date. (S18-0006, McDonald's, Hayley Zagurski).

The Mayor Pro Tem opened the public hearing.

Richard Cannone, Development Services, presented the request for the specific use permit for a drive-through for a proposed McDonald's. He noted the zoning, SUP criteria for approval, traffic analysis, landscape plan, proposed elevations, analysis with the Denton Plan 2030 future land use, public notification, and recommendation from the Planning and Zoning Commission and staff. Staff had recommended several conditions to provide assurances of what would be built. He indicated that the applicant requested flexibility in the square footage of the building footprint in terms of 5% increase or decrease.

Greg Massey, Red Plains Professional, Edmond, Oklahoma, applicant, spoke in favor.

Council discussed:

- Traffic patterns and traffic distances with the dual lanes
- Traffic analysis for TxDOT
- The requested 5% variance for square footage was also associated with parking
- The landscaping requirement would not be reduced if something minor was changed
- With the 5% variance, the condition of the 50 required spaces could be removed

Russ Dixon, property owner, spoke in favor.

The Mayor Pro Tem closed the public hearing.

Council Member Hudspeth motioned, Council Member Briggs seconded to adopt the ordinance with the noted recommendation plus the 5% variable with parking meeting city code. On roll call vote, Council Member Hudspeth "aye", Council Member Briggs "aye", Council Member Duff "aye", Mayor Pro Tem Ryan "aye", and Council Member Meltzer "aye". Council Member Armintor "nay". Motion carried with a 5-1 vote.

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.

Council Member Briggs

- Staff report regarding replacement of street lights and proposed software
- Discussion on the smoking ordinance with e-cigs in particular
- An initial staff report on a review of the 1970 agreement with the City and the Denton Housing Authority
- Better notification on rental inspections program for citizens

Council Member Armintor

- Staff report comparing Denton's support of the Farmers Market with the two cities mentioned in the citizen report
- Staff report with a visualization of where bond money for parks would be used and where the money applied
- Work Session, with a time sensitive nature, regarding the SRO on Scripture and Normal. Outside of zoning what could be done regarding citizen concerns for the project. Suggest two discussions regarding the SRO in general and one on the specific proposal.
- Consider a moratorium on SRO or overlays on SRO until concerns were addressed
- Staff look into 1-1 visitor parking for the SRO on Normal and Scripture

City Manager Hileman presented information that last spring it was made very clear that the developer was moving forward on the project. The neighborhood was informed with extensive notices on the process. He clarified that Council Member Armintor was requesting a Work Session on SROs with a comparison of multifamily with SROs and a comparison of zoning requirements with multifamily versus SROs.

Council Member Hudspeth

- Email to him regarding the number of instances the Police Department was delayed by a train when going on call
- Work Session on zero energy homes

Council Member Briggs asked about an option for a survey on SROs.

City Manager Hileman cautioned Council that there was a lot of email traffic and questions on this particular SRO which produced a constant record on how to stop the project. This could cause a concern of retaliation on the project. He cautioned Council not use this particular project as an example.

City Attorney Leal noted that there could be legal consequences on actions observed.

With no further business, the meeting was adjourned at 9:56 p.m.

CHRIS WATTS
MAYOR
CITY OF DENTON, TEXAS

JENNIFER WALTERS
CITY SECRETARY
CITY OF DENTON, TEXAS