

CITY OF DENTON CITY COUNCIL MINUTES
March 5, 2019

After determining that a quorum was present, the City Council convened in a Work Session on Tuesday, March 5, 2019, at 12:00 p.m. in the Council Work Session Room at City Hall, 215 E. McKinney Street, Denton, Texas.

PRESENT: Mayor Chris Watts and Council Members Gerard Hudspeth, Keely Briggs, Don Duff, Deb Armintor, and Paul Meltzer

ABSENT: Mayor Pro-Tem John Ryan

Also present were City Manager Todd Hileman and City Attorney Aaron Leal.

WORK SESSION

1. **Citizen Comments on Consent Agenda Items**

None.

2. **Requests for clarification of agenda items listed on the agenda for March 5, 2019.**

- Consent Item 4.F (ID 19-421) – Pulled for individual consideration (Armintor)
- Consent Item 4.E (ID 19-415) – Pulled from consideration (Hileman)
- Individual Consideration Item 5.A (ID 19-485) – Clarification provided that the presentation would come first, followed by public comments, after which Council could discuss and make final decision on options being presented (Watts)

3. **Work Session Reports**

- C. ID 19-486 Receive a report, hold a discussion, and provide staff direction regarding the assessment of pavement failures throughout the City of Denton.

The presentation covered the (1) purpose; (2) background information; (3) results of the study, including recommendations that had already been and were yet to be implemented; and (4) next steps to take that would ultimately lead to presenting the City Council with a complete program for pavement remediation and needed funding.

- A. DCA18-0009e Receive a report, hold a discussion, and provide staff direction on the Denton Development Code Update and Draft Zoning Map.

The presentation covered (1) citizen participation efforts in advance of any formal changes to the Development Code; (2) historic preservation procedures; and (3) review of Subchapters 3 [Zoning Districts] and 5 [Use Regulations]. Separate discussion would be needed for the Landscape and Conservation Ordinance (Tree Code), Downtown Design Standards, and Collegiate Housing (Dormitory).

Council Member Hudspeth arrived at the meeting at 1:30 p.m.

- B. ID 19-017 Receive a report, hold a discussion, and give staff direction on creation of The Denton Square District, with associated draft Design Standards and Guidelines, procedures, and review body.

The presentation covered the (1) purpose of the design standards/guidelines; (2) cities surveyed; (3) drafting of standards; (4) stakeholder input; and (5) review of the affected area. The next steps include public hearings and adoption, with continuous improvement being needed.

- D. ID 19-522 Receive a report, hold a discussion, and give staff direction regarding Denton Development Code Subchapter 17, Conservation and Landscape Standards.

The presentation covered (1) background and how the policy discussion started; (2) outreach efforts to date; and (3) resulting changes in the areas of (a) Applicability, (b) Tree Type, (c) Preservation, (d) Credits & Incentives, and (e) Mitigation. The next steps include public hearings first by the Planning and Zoning Commission followed by City Council.

CLOSED MEETING

1. The City Council convened into a Closed Meeting at 5:14 p.m. consistent with Chapter 551 of the Texas Government Code, as amended, or as otherwise allowed by law, as follows:
 - A. ID 19-471 Deliberations regarding Personnel Matters – Under Texas Government Code Section 551.074. Deliberate and discuss the evaluation, duties, discipline, procedures, compensation, benefits and contracts of the Municipal Judge.
 - B. ID 19-472 Deliberations regarding Personnel Matters – Under Texas Government Code Section 551.074. Deliberate and discuss the evaluation, duties, discipline, procedures, compensation and contracts of the City Auditor.

The Closed Meeting ended at 6:04 p.m. No votes or action were taken in the Closed Meeting.

REGULAR MEETING

After determining that a quorum was present, the Regular Meeting was called to order at 6:30 p.m. in the Council Chambers.

PRESENT: Mayor Chris Watts and Council Members Gerard Hudspeth, Keely Briggs, Don Duff, Deb Armintor, and Paul Meltzer

ABSENT: Mayor Pro-Tem John Ryan

Also present were City Manager Todd Hileman and City Attorney Aaron Leal.

1. PLEDGE OF ALLEGIANCE

- A. U.S. Flag
- B. Texas Flag

2. PROCLAMATIONS/PRESENTATIONS

- A. ID 19-385 International Women's Day - ISSUED
- B. ID 19-490 Dr. Bettye Myers Day of Service - ISSUED
- C. ID 19-512 Denton County Master Gardener Association 30th Anniversary - ISSUED

3. PRESENTATION FROM MEMBERS OF THE PUBLIC

- A. Review of procedures for addressing the City Council.
- B. Receive Scheduled Citizen Reports from Members of the Public:
 - 1. ID 19-501 Rhea Pookulangara regarding the Denton Teen Council – PRESENTED
 - 2. ID 19-507 Greg Ward regarding lack of progress on Teasley Lane in front of Guyer High School – NOT PRESENTED
- C. Additional Citizen Reports (Open Microphone).
 - Nolan Adams, City of Carrollton resident, spoke regarding an email from Council Member Duff to UNT students and voting on the UNT campus.

- Ed Soph, 1620 Victoria, spoke regarding gas wells close to daycare centers and schools and resolution in support of Senate Bill 1156

4. CONSENT AGENDA

The consent agenda consisted of Items 4.A - J. Item 4.E was pulled for individual consideration by Council Member Armintor and Item 4.F was pulled from consideration by City Manager Hileman.

Council Member Briggs moved to adopt the Consent Agenda now consisting of items 4.A - D and 4.G - J. Motion seconded by Council Member Armintor. Motion carried.

AYES (6): Mayor Watts and Council Members Hudspeth, Briggs, Duff, Armintor, and Meltzer

NAYS (0): None

ABSENT (1): Mayor Pro-Tem Ryan

- A. ID 19-387 Consider approval of a resolution of the City Council of the City of Denton, Texas, approving the 2017-2018 Tax Increment Financing Reinvestment Zone Number One (Downtown TIF) Annual Report; and declaring an effective date (Downtown TIF Board recommends approval 5-1).

ASSIGNED RESOLUTION NO. 19-387

- B. ID 19-388 Consider adoption of an ordinance of the City Council of the City of Denton, Texas regarding the expenditure of the fund balance of the Downtown Reinvestment Fund account related to the Downtown Reinvestment Grant Program; and providing for an effective date. The Economic Development Partnership Board recommends approval 7-0.

ASSIGNED ORDINANCE NO. 19-388

- C. ID 19-393 Consider the adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, ratifying the Fiscal Year 2018-2019 Strategic Plan of the City of Denton for the fiscal year beginning on October 1, 2018, and ending on September 30, 2019; and providing an effective date.

ASSIGNED ORDINANCE NO. 19-393

- D. ID 19-407 Consider adoption of an ordinance of the City of Denton, approving a city sponsorship in an amount not to exceed \$90 of in-kind services for the Denton County Amateur Radio Association to host an emergency communications exercise event, to be held on Saturday, March 23, 2019, from 7:00 a.m. to 1:00 p.m., at the South Lakes Park; and providing an effective date.

ASSIGNED ORDINANCE NO. 19-407

- G. ID 19-443 Consider adoption of an ordinance of the City of Denton authorizing an agreement between the City of Denton, Texas, and Denton Community Market, Inc. for the purpose of 2019 10th Anniversary Opening Day sponsorship; providing for the expenditure of funds; and providing an effective date. (\$3,000 Hotel Occupancy Tax and Sponsorship Committee recommends 2-0)

ASSIGNED ORDINANCE NO. 19-443

- H. ID 19-446 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager to execute an Interlocal Cooperative Purchasing Agreement with Texas Woman's University, under Government Code, Chapter 791.001, to authorize City of Denton contracts for the purchase of annual physical assessments for City of Denton Firefighters; authorizing the expenditure of funds therefor; and declaring an effective (File 6957 - award an Interlocal Cooperative Purchasing Agreement with Texas Woman's University in the three (3) year not-to-exceed amount of \$210,000).

ASSIGNED ORDINANCE NO. 19-446

- I. ID 19-457 Consider adoption of an ordinance of the City of Denton authorizing a service agreement between the City of Denton and the Denton Black Film Festival; authorizing the City Manager, or his designee, to execute said agreement; providing for the expenditure of Council Contingency funds; and providing for an effective date. (\$300)

ASSIGNED ORDINANCE NO. 19-457

- J. ID 19-489 Consider adoption of an ordinance of the City of Denton, approving a City sponsorship in an amount not to exceed \$8,500 of in-kind services and resources for Keep Denton Beautiful annual Great American Cleanup event on Saturday, March 23, 2019; and providing an effective date. [The Public Utilities Board recommends approval (6-0).]

ASSIGNED ORDINANCE NO. 19-19-489

ITEM PULLED FROM CONSIDERATION

- E. ID 19-415 Consider adoption of an ordinance partially releasing, abandoning, and vacating a 165 square foot tract of an existing 420 square foot guy wire and anchor easement granted to the City of Denton by Bob E. Tripp on January 20, 1976, and recorded in Volume 771 Page 703 in the Deed Records of Denton County, Texas; and fully releasing, abandoning, and vacating (I) a 0.175 acre public access easement granted to the City of Denton by McKamy Development, Ltd., a Texas limited partnership ("McKamy Development") on August 28, 2002, recorded as Instrument No. 2003-60472 in the Real Property Records of Denton County, Texas; (II) a 0.175 acre public access easement granted to the City of Denton by McKamy Development on August 28, 2002, recorded as Instrument No. 2003-60473 in the Real Property Records of Denton County, Texas; (III) a 0.406 acre public drainage easement granted to the City of Denton by McKamy Development on August 28, 2002, recorded as Instrument No. 2003-60471 in the Real Property Records of Denton County, Texas; and (IV) a 0.283 acre public drainage easement granted to the City of Denton by

McKamy Development on August 28, 2002, recorded as Instrument No. 2003-60470 in the Real Property Records of Denton County, Texas; providing for severability and an effective date. (Evers way Addition - guy wire easement, access easements and drainage easements abandonments)

The item was pulled from consideration at the request of City Manager Hileman.

ITEM PULLED FOR INDIVIDUAL CONSIDERATION

- F. ID 19-421 Consider approval of a resolution of the City Council of the City of Denton, confirming the appointment of Rosa Rios, by the City Manager, as the City Secretary; and providing an effective date.

ASSIGNED RESOLUTION NO. 19-421

Pulled for individual consideration by Council Member Armintor.

Council Member Briggs moved to adopt the item as presented. Motion seconded by Council Member Hudspeth. Motion carried.

Council Member Armintor welcomed City Secretary Rios.

AYES (6): Mayor Watts and Council Members Hudspeth, Briggs, Duff, Armintor, and Meltzer

NAYS (0): None

ABSENT (1): Mayor Pro-Tem Ryan

5. ITEMS FOR INDIVIDUAL CONSIDERATION

- A. ID 19-485 Consider approval of a resolution both authorizing Early Voting locations and establishing Election Day polling locations for the City of Denton City Council Election to be held on May 4, 2019; and providing an effective date.

ASSIGNED RESOLUTION NO. 19-485

The presentation centered on (1) continued discussion on polling locations for the upcoming election; (2) early voting schedule; (3) tradition of at least one polling location per district; (proposed polling locations); (4) additional/potential election day polling locations on/near UNT Campus; and (5) additional early voting polling locations. Options on location use were detailed.

Council Member Armintor moved to first consider voting on the non-UNT locations. However, following discussion on how vote on the item (options) could be taken, the motion was withdrawn.

Discussion held on adding Robson Ranch as an early voting polling location and also possibly Texas Woman's University.

The following individuals were called to speak:

- Victory Nwabufu, 1155 Union Circle, spoke in support of UNT as a polling location
- Matt Farmer, 2042 Scripture Street, spoke in support of UNT as a polling location
- Nolan Adams, City of Carrollton resident, spoke in support of UNT as a polling location
- Richard Gladden, 1822 W. Oak Street, spoke on censure of Council Member Duff
- Welton King V, 200 S. Bonnie Brae, spoke in support of UNT as a polling location
- Ken Gold, 2512 Natchez Trace, spoke in support of UNT as a polling location
- Cesar Clark, 1717 Maple Street, spoke in support of UNT as a polling location
- Jordan Villarreal, 707 Bernard Street, spoke in support of UNT as a polling location
- Shane Warren, 1716 Eagle Drive, spoke in support of UNT as a polling location
- Christopher Yncian, 1413 Maple Street, spoke in support of UNT as a polling location

The meeting was recessed for a short break at 7:56 p.m. and reconvened at 8:04 p.m.

- Asia Youngs Bailey, 1451 Centre Place Drive, spoke in support of UNT as a polling location
- Jennifer Lane, 1526 Willowwood Street, provided precinct information and related voter turnout and increased potential voters
- Zane Motlagh, 1905 Westchester Lane, spoke in support of UNT as a polling location
- George Ferrie, 2932 Stockton Street, spoke in support of UNT as a polling location and also at TWU; providing bus service to nearest voting location of the Civic Center as not open for voting on Saturday
- Daniel Ojo, 911 N. Texas Blvd., spoke in support of UNT as a polling location
- Emily Meisner, 1700 Cordero Court, spoke in support of additional voting; and support of House Bill 375
- Queen J. Montgomery, 201 Inman, spoke on behalf of the students, disabled and underserved
- Catherine Lustgarten, 11809 Southerland Drive, spoke in support of UNT as a polling location
- Katrina Flachsbarth, 1111 Eagle Drive, spoke in support of UNT as a polling location
- Marshall Williams, 1721 Teasley Lane, spoke in support of UNT as a polling location

The following requested to have their name read into the record as noted:

- Geneva Murphy, 1905 Whitefish Court, in support of UNT as a polling location
- Rhanda Lane, 1921 Hollyhill Lane, in support of UNT as a polling location
- Misty Gold, 2512 Natchez Trace, in support of UNT as a polling location
- Alex Lockhart, 500 Inman Street, in support of UNT as a polling location

- Suzanne Rumohr, 1700 Crescent Street, in support of UNT as a polling location
- Sam Cook, 1213 Allen Court, in support of UNT as a polling location
- Anjelica Fraga, 115 Coronado Drive, in support of UNT as a polling location
- Ed and Carol Soph, 1620 Victoria Drive, in support of UNT as a polling location
- Patricia Edwards, 2308 Crestwood Place, in support of UNT as a polling location
- Don Edward, 2308 Crestwood Place, in support of UNT as a polling location
- Tamsyn Price, 707 Bernard Street, in support of UNT as a polling location

Council Member Meltzer moved to adopt the item to add the following locations to those eight (8) locations previously adopted:

- Early Voting: Robson Ranch
- Election Day: UNT Greek Life Center and Robson Ranch

Motion seconded by Council Member Duff. Motion carried.

AYES (6): Mayor Watts and Council Members Hudspeth, Briggs, Duff, Armintor, and Meltzer

NAYS (0): None

ABSENT (1): Mayor Pro-Tem Ryan

- B. ID 19-503 Consider nominations/appointments to the City's Boards, Commissions, and Committees: Animal Shelter Advisory Committee; Committee on Persons with Disabilities; Health & Building Standards Commission; Public Art Committee; and Traffic Safety Commission.

Council Member Briggs moved to appoint the following as noted:

- Animal Shelter Advisory Committee: Tiffany Thomson
- Health & Building Standards Commission (Alternate): Torrey Mitchell
- Traffic Safety Commission: Kevin Sample

Motion seconded by Council Member Hudspeth. Motion carried.

AYES (6): Mayor Watts and Council Members Hudspeth, Briggs, Duff, Armintor, and Meltzer

NAYS (0): None

ABSENT (1): Mayor Pro-Tem Ryan

6. PUBLIC HEARINGS

- A. DCA18-0008c Hold a public hearing and consider adoption of an ordinance regarding a proposed revision to the Denton Development Code; specifically to amend Subchapters 13 and 17 related to tree preservation, landscape standards, and environmentally sensitive area

standards; providing for a penalty in the maximum amount of \$2,000.00 for violations thereof; providing a severability clause and an effective date. (DCA18-0008, Conservation and Landscape Code, Hayley Zagurski). THIS ITEM HAS BEEN POSTPONED TO THE MARCH 19, 2019 CITY COUNCIL MEETING.

Mayor Watts reiterated the item had been postponed/moved to the March 19, 2019 City Council Meeting as noted above.

- B. Z19-0001a Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, effecting a change in the zoning district and use classification from Neighborhood Residential 4 (NR-4) to Neighborhood Residential Mixed Use (NRMU) zoning district and use classification on approximately 0.82 acres of land, generally located on the north side of Robertson Street, approximately 300 feet east of Skinner 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 for severability and establishing an effective date. The Planning and Zoning Commission voted 7-0 to approve the request. (Z19-0001, Sweet Y, Ron Menguita)
ASSIGNED ORDINANCE NO. Z19-0001a

The presentation outlined the specifics of the proposed zoning change request and staff's recommendation to adopt the item, as did the Planning and Zoning Commission.

With the public hearing opened; the following spoke on the item:

- Tammy Bradley (Applicant), 729 Alexander, spoke the proposed zoning change/property use
- George Ferrie, 2932 Stockton Street, spoke in support of the item
- Jennifer Lane, 1526 Willowwood, spoke in support of the item
- Raymond Redmon, 724 Morse Street, spoke in support of the item

With no other speakers coming forward, the public hearing was closed.

Council Member Hudspeth moved to adopt the item. Motion seconded by Council Member Armintor who presented a friendly amendment to waive fees related to this zoning change. City Attorney Leal confirmed fees could be waived. Staff confirmed the fees total \$990 (zoning request of \$900 and \$90 for the certificate of occupancy).

Council Member Hudspeth amended his original motion to adopt the item as presented and waive fees not to exceed \$1,200. City Manager Hileman stated his recommendation that inspection fees as paid by all other businesses not be waived. As a result, Council Member Hudspeth withdrew his amended motion.

Councilmember Hudspeth moved to amend his original motion to adopt the item and that staff be authorized to rebate the cost of the rezoning and certificate of occupancy fees. Motion seconded by Council Member Armintor.

AYES (6): Mayor Watts and Council Members Hudspeth, Briggs, Duff, Armintor, and Meltzer

NAYS (0): None

ABSENT (1): Mayor Pro-Tem Ryan

The meeting was recessed for a short break at 9:43 p.m. and reconvened at 9:56 p.m.

- C. AESA18-0003a Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, approving an Alternative Environmental Sensitive Area Plan for approximately 45 acres of land, generally located on the south side of Ryan Road, approximately 600 feet west of Roxbury 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; and establishing an effective date. The Planning and Zoning Commission voted 6-0 to approve the request with conditions. (AESA18-0003, Good Samaritan East Tract, Ron Menguita)

ASSIGNED ORDINANCE NO. AESA18-0003a

The presentation outlined the specifics of the request and staff's recommendation to adopt the item with noted conditions, as did the Planning and Zoning Commission.

With the public hearing opened; the following spoke on the item:

- Thomas Fletcher (representing the Applicant), 5750 Genesis Court, Frisco, spoke to the proposed development/request
- Bob Shelton (Applicant), 2925 County Club, confirmed the recommended conditions were acceptable

With no other speakers coming forward, the public hearing was closed.

Council Member Hudspeth moved to adopt the item with the outlined conditions as recommended by staff, confirming the plat excludes Hollister road being connected, and the privet be moved by mechanical means only with no chemicals to be used. Motion seconded by Council Member Briggs.

AYES (5): Mayor Watts and Council Members Hudspeth, Briggs, Duff, and Armintor

NAYS (1): Council Member Meltzer

ABSENT (1): Mayor Pro-Tem Ryan

7. CONCLUDING ITEMS

- (1) Report on electric poles upgraded to metal and why wooden poles still remain along near Jack in the Box and Loop 288; (2) Report on SB 1156 and HB 375; (3) City being listed as No. 72 in the 2019 best places on livability.com; and (4) Rails to Trails day scheduled for April 13th. (Briggs)
- (1) Schedule yearly training for City Council on AED devices; (2) look into destination markers for Rails to Trails; (3) look at Bonnie Brae exit as traffic backs up around 7:45 a.m. and possibly look at scheduling an officer there or signal timing changes. (Hudspeth)
- (1) Report on SB 1156 and HB 375. (Armintor)
- (1) Potential historic designation for Prairie Street; (2) City Council Work Session prioritization survey, anything not met on yet should be on the new survey sent to council members in the event prioritization changes; and (3) adding Clara's Kitchen to list of businesses used to provide meals at City Council meetings. (Meltzer)

With no further business, the meeting was adjourned at 11:03 p.m.



CHRIS WATTS
MAYOR
CITY OF DENTON, TEXAS



ROSA RIOS
CITY SECRETARY
CITY OF DENTON, TEXAS

MINUTES APPROVED ON: _____

4/16/2019

