

CITY OF DENTON CITY COUNCIL MINUTES
March 19, 2019

After determining that a quorum was present, the City Council convened in a Work Session on Tuesday, March 19, 2019, at 12:03 p.m. in the Work Session at City Hall, 215 E. McKinney Street, Denton, Texas.

PRESENT: Mayor Chris Watts, Mayor Pro-Tem John Ryan, and Council Members Gerard Hudspeth, Keely Briggs, Don Duff, Deb Armintor, and Paul Meltzer

ABSENT: None

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

WORK SESSION

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

- Brandon Taylor, 300 Benjamin Street, spoke in support of Item 4.K (ID 19-542) and requested it remain on the Consent Agenda.

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

- Consent Item 4.A (ID 19-414) – Success of the program (Briggs)
- Consent Item 4.H (ID 19-531) – Staff confirmed purpose of access to property and that property is put back to its original state after work is performed (Briggs)
- Consent Items 4.J (ID 19-542), 4.K (ID 19-543), and 4.L (ID 19-543) – Items pulled for individual consideration. These relate to LLC's; and for future LLC items, provide information on who the owners/partners are and type of business the City has/is doing with them, if any (Armintor)

3. **Work Session Reports**

- A. ID 19-520 Receive a report, hold a discussion and give staff direction regarding the FY 2017-18 Comprehensive Annual Financial Report and annual audit. (Audit/Finance Committee approves 2-0)

The presentation covered the City's financial condition, including (1) overall positive financial results; (2) Unassigned General Fund balance at \$28.9 million, 23.1% of FYI 2017-18 final budgeted expenditures, and \$2,852,092 decrease from prior year; and (3) Net Unrestricted Position of Enterprise Funds at \$166.2 million, a \$29.8 million increase from prior year. Will return April 1st on financial status in general fund, ideas on how to rebalance the budget and get city moving in the right direction.

Kent Willis with Pattillo, Brown & Hill, LLP, the independent accounting firm hired to conduct an audit of the City's basic financial statements, presented their Single Audit Report.

The presentation covered (1) audit process which included interim work, field work and test of internal controls; (2) audit results which included the Independent Auditors' Report and Federal and State Single Audit; (3) value added by including, as part of the audit, Power purchase agreements and providing GASB 75 implementation and Grant accounting guidelines; and (4) upcoming standards under Statement No. 84, Fiduciary Activities, effective FY 2020, and Statement No. 87, Leases, effective FY 2021 which will need to be considered/implemented the next couple of years. Clean options; happy with results of the audit. For next CAFR audit, will incorporate internal audit recommendations to review implementation status of those recommendations. The Certificate of Excellence is an award the City receives in the financial arena.

- B. ID 19-120 Receive a report, hold a discussion, and give staff direction regarding New Market Tax Credits.

The presentation covered the (1) background information on establishing the program; (2) process in obtaining financing wherein the Community Development Entity applies for CDFI funding, identifies private investor opportunities and if funded, identifies potential projects; (3) benefits; (4) NMTC eligibility areas in the city; and (5) other considerations such as timeframes, significant expenses involved for business applying, and projects that receive funding have to be "shovel ready" at closing as there is a 12-month process to expend the awarded funds.

Staff will review if the city hall renovation project meets the funding criteria under this program.

The meeting was recessed for a short break at 1:04 p.m. and reconvened at 1:12 p.m.

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

The presentation covered (1) Subchapter 4 [Overlay and Historic Districts]; (2) Subchapter 5 [Use Regulations]; and (3) Subchapter 6 [Development Standards]. Topics included the Zoning Map, Table of Allowed Uses, Use-specific Standards, Overlay and Historic Districts (Razor Ranch and Historic Districts), and Development Standards, with most of the discussion of this area taking place at the next work session.

As noted at the last meeting, separate discussion will be held on Landscape and Conservation Ordinance (Tree Code) Downtown Design Standards, and Collegiate Housing (Dormitory). Also look to discuss (1) defining manufactured home development and how/where proposed while simultaneously looking at fair housing implications; and 2) lighting standards, particularly LED.

The meeting was recessed for a short break at 2:44 p.m. and reconvened at 2:54 p.m.

- D. ID 19-569 Receive a report, hold a discussion, and provide staff direction regarding Senate Bill 1156 which was recently introduced in the 86th Texas Legislature and would require the Texas Railroad Commission to hold public hearings on certain gas well permit applications.

The presentation covered (1) origination of the bill; and (2) requirements that the applicant for a gas well permit has to indicate on the application if the proposed well is located 1,500 feet of the property line of a child-care facility, private school, or primary or secondary public school; and (3) requirement for the Texas Railroad Commission to hold a public hearing and consider the comments made at that hearing when determining whether or not to grant the permit. Staff confirmed the resolution in support of SB 1156 would be scheduled for the March 26, 2019 City Council meeting.

CLOSED MEETING

1. The City Council convened into a Closed Meeting at 3:33 p.m. consistent with Chapter 551 of the Texas Government Code, as amended, or as otherwise allowed by law, as follows:
 - A. ID 19-363 Deliberations Regarding Certain Public Power Utilities: Competitive Matters - Under Texas Government Code Section 551.086; Consultation with Attorneys - Under Texas Government Code Section 551.071. Discuss and deliberate on strategies and opportunities for the City to acquire natural gas for the Denton Energy Center ("DEC"); receive a presentation from staff regarding public power competitive and financial matters for the purchase of natural gas; and provide recommendations on the purchase of natural gas under the existing Base Contract for the Purchase and Sale of Natural Gas with Enterprise Products Operating, LLC. Consultation with the City's attorneys regarding legal issues associated with the agreements described above where 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.
 - B. ID 19-557 Deliberations Regarding Real Property - Under Texas Government Code, Section 551.072; Consultation with Attorneys - Under Texas Government Code, Section 551.071. Discuss, deliberate, and receive information from staff and provide staff with direction pertaining to the potential purchase of real property interests located within the City of Denton, Denton County, Texas, generally located in the N. Britton, M. Forrest, W. Durham, Woodrow, A. Hickman, Gideon Walker, Home, and J.W. Withers surveys. The potential purchases are related to the City's park and tree preservation initiatives. Consultation with the City's attorneys regarding legal issues associated with the potential 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 Rules of Professional Conduct of the State Bar of Texas.

- C. ID 19-611 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 pertaining to the potential acquisition of real property interests in the Eugene Puchalski Survey, Abstract No. 996, Denton County, Texas, and located generally along the north side of the 1200 and 1300 blocks of West Oak Street, City of Denton, Texas. Consultation with the City's attorneys regarding legal issues associated with the potential acquisition or condemnation 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. (West Oak Parking)

The Closed Meeting ended at 4:43 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, Mayor Pro-Tem John Ryan, and Council Members Gerard Hudspeth, Keely Briggs, Don Duff, Deb Armintor, and Paul Meltzer

ABSENT: None

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 19-556 National Blood Clot Awareness Month – 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 19-513 Charlotte Robinson regarding climate change – PRESENTED.
2. ID 19-616 Ronald Shenberger regarding community-based internet service – PRESENTED

C. Additional Citizen Reports (Open Microphone).

None

4. **CONSENT AGENDA**

The consent agenda consisted of Items 4.A - R. Items 4.J - L. were pulled for individual consideration by Council Member Armintor.

Council Member Briggs moved to adopt the Consent Agenda now consisting of items 4.A - I. and 4.M - R. Motion seconded by Council Member Armintor. Motion carried.

AYES (7): Mayor Watts, Mayor Pro-Tem Ryan, and Council Members Hudspeth, Briggs, Duff, Armintor, and Meltzer

NAYS (0): None

- A. ID 19-414 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing and approving the City Manager, or his designee, to execute an agreement with STHProject, Inc., a non-profit corporation, providing for authorization of STHProject, Inc., to provide free lunches to children under the age of eighteen and qualifying disabled participants through age 21 at no charge to said recipients during the summer months at designated City of Denton Park and Recreation facility sites; and providing an effective date.

ASSIGNED ORDINANCE NO. 19-414

- B. ID 19-444 Consider adoption of an ordinance of the City of Denton authorizing an agreement between the City of Denton, Texas and Filmmaking Access, Inc., for the purpose of 2019 Oracle in Time sponsorship; providing for the expenditure of funds; and providing an effective date. (\$500) The Hotel Occupancy Tax and Sponsorship Committee recommends approval (2-0).

ASSIGNED ORDINANCE NO. 19-444

- C. ID 19-477 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, accepting competitive bids and awarding a contract for the supply of Traffic Signs and Accessories for the City of Denton Distribution Center; providing for the expenditure of funds therefor; and providing an effective date (IFB 6883 - awarded to the

lowest responsive bidder for each line item: Centerline Supply, Inc., in a total not-to-exceed amount of \$82,000, Dobie Supply, LLC, in a total not-to-exceed amount of \$344,000, Vulcan, Inc., in a total not-to-exceed amount of \$22,000, in a total four (4) year, not-to-exceed amount of \$448,000).

ASSIGNED ORDINANCE NO. 19-477

- D. ID 19-515 Consider adoption of an ordinance of the City of Denton authorizing an agreement between the City of Denton, Texas, and Denton Black Chamber of Commerce, Inc. for the purpose of 22nd Annual Banquet sponsorship; providing for the expenditure of funds; and providing for an effective date. (\$440) The Hotel Occupancy Tax and Sponsorship Committee recommends approval (2-0).

ASSIGNED ORDINANCE NO. 19-515

- E. ID 19-516 Consider adoption of an ordinance of the City of Denton authorizing an agreement between the City of Denton, Texas, and Habitat for Humanity of Denton County, Inc. for the purpose Dream Builder's Luncheon sponsorship; providing for the expenditure of funds; and providing for an effective date. (\$500) The Hotel Occupancy Tax and Sponsorship Committee recommends approval (2-0).

ASSIGNED ORDINANCE NO. 19-516

- F. ID 19-517 Consider adoption of an ordinance of the City of Denton authorizing an agreement between the City of Denton, Texas, and Denton Assistance Center, Inc., dba Serve Denton for the purpose 2019 Celebration sponsorship; providing for the expenditure of funds; and providing for an effective date. (\$1,500) The Hotel Occupancy Tax and Sponsorship Committee recommends approval (2-0).

ASSIGNED ORDINANCE NO. 19-517

- G. ID 19-528 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager to execute a contract with Integrity Municipal Systems, LLC, to refurbish the bulk caustic storage tank for the chlorine scrubber system of the City of Denton's Lake Ray Roberts Water Treatment Plant; providing for the expenditure of funds therefor; and providing an effective date (IFB 6750 - awarded to Integrity Municipal Systems, LLC, in the not-to-exceed amount of \$111,400).

ASSIGNED ORDINANCE NO. 19-528

- H. ID 19-531 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the approval of a first amendment to a contract between the City of Denton and Classic Landscapes, Inc., for Landscape and Sod Replacement Services for various City departments, amending the contract approved by City Council on June 7, 2016, in the not-to-exceed amount of \$500,000; providing for the expenditure of funds therefor; and providing an effective date (File 6098 - providing for an additional expenditure amount not-to-exceed \$125,000, for a total contract amount not-to-exceed \$625,000).

ASSIGNED ORDINANCE NO. 19-531

- I. ID 19-541 Consider adoption of an ordinance of the City of Denton, a Texas home rule corporation ("City"), authorizing the City Manager, or his designee, to administratively approve and execute temporary Rights-of-Entry to allow public agencies, utilities, and their representatives to conduct environmental studies and field survey work on City-owned property when such work is being conducted in preparation for a public project.

ASSIGNED ORDINANCE NO. 19-541

- M. ID 19-548 Consider approval of the minutes of January 15, February 4, February 5, and February 12, 2019.

- N. ID 19-558 Consider adoption of an ordinance of the City of Denton, Texas amending the Fiscal Year 2018-2019 Budget and Annual Program of Services of the City of Denton to allow for adjustments to (A) the Animal Donation Fund of eighty thousand dollars (\$80,000) for the purpose of funding Denton Animal Support Foundation donations, (B) the tax increment reinvestment zone number two (commonly known as the "Westpark TIRZ") fund of one hundred ninety eight thousand nine hundred and ninety one dollars (\$198,991) for the purpose of funding a Chapter 380 agreement with Denton-Tarrant PRW, LLC, a Texas limited liability company, and (C) the Tourist and Convention Fund of three hundred sixty nine thousand seven hundred nine dollars (\$369,709) for the purpose of funding a Chapter 380 agreement with O'Reilly Hotel Partners - Denton, LLC, a Missouri limited liability company; declaring a municipal purpose; providing a severability clause; an open meetings clause; and, an effective date.

ASSIGNED ORDINANCE NO. 19-558

- O. ID 19-559 Consider adoption of an ordinance of the City of Denton authorizing a service agreement between the City of Denton and the Denton Black Chamber of Commerce; authorizing the City Manager, or his designee, to execute said agreement; providing for the expenditure of Council Contingency funds in an amount not to exceed \$300; and providing for an effective date. (\$300)

ASSIGNED ORDINANCE NO. 19-559

- P. ID 19-570 Consider adoption of an ordinance of the City of Denton, approving a City sponsorship in an amount not to exceed \$250 of in-kind services to the Denton Assistance Center, Inc. (DBA "Serve Denton") for the Celebration Fundraising Event, to be held on Saturday, March 30, 2019, from 5:30 p.m. to 8:30 p.m. at the Embassy Suites by Hilton Denton Convention Center; and providing an effective date.

ASSIGNED ORDINANCE NO. 19-570

- Q. ID 19-571 Consider adoption of an ordinance approving a salary increase of three percent (3%) for City Auditor Umesh Dalal under the performance review provision of his employment agreement with the City; authorizing the expenditure of funds; and providing an effective date.

ASSIGNED ORDINANCE NO. 19-571

- R. ID 19-572 Consider adoption of an ordinance approving a first amendment to the employment agreement for the Presiding Judge and authorizing the Mayor to execute said amendment to the agreement; setting a 6% contribution of Presiding Judge's base salary to her ICMA-RC's 457 plan; authorizing expenditures, and providing an effective date.

ASSIGNED ORDINANCE NO. 19-572

ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

- J. ID 19-542 Consider adoption of an ordinance of the City Council of the City of Denton, Texas, approving a grant application from Joey Hawkins, representing Sweetwater Grill and Tavern, from the Downtown Reinvestment Grant Program not to exceed \$5,000; and providing for an effective date. The Economic Development Partnership Board recommends approval (9-0).

ASSIGNED ORDINANCE NO. 19-542

Pulled for individual consideration by Council Member Armintor.

An overview of the project site was provided. Estimated total cost of the project is \$100,000; grant request is \$17,134 with an eligible grant amount of \$20,000. However, much of the work had been done before the application.

The following spoke on the item:

- Joey Hawkins (Applicant), 2224 Woodbrook Street, availed himself to answer any questions regarding his application

Mayor Pro-Tem Ryan moved to adopt the item as presented. Motion seconded by Council Member Hudspeth. Motion carried.

AYES (7): Mayor Watts, Mayor Pro-Tem Ryan, and Council Members Hudspeth, Briggs, Duff, Armintor, and Meltzer

NAYS (0): None

- K. ID 19-543 Consider adoption of an ordinance of the City Council of the City of Denton, Texas, approving a grant application from Charles Nolet, representing the Loophole, from the Downtown Reinvestment Grant Program not to exceed \$5,000; and providing for an effective date. The Economic Development Partnership Board recommends approval (9-0).

ASSIGNED ORDINANCE NO. 19-543

An overview of the project site was provided. Estimated total cost of the project is \$64,500; grant request is \$25,000 with an eligible grant amount of \$5,000.

The following spoke on the item:

- Brandon Taylor (representing the Applicant), 300 Benjamin Street, presented an overview of the project, total renovation, and the scoring he felt should have been awarded, which would increase the possible grant amount being considered

Staff clarified that the site was being landmarked by the Historic Landmark Commission not the building. The building facade did not do anything for the district. The applicant is eligible to apply for additional funding. Any work to be included as part of the grant request cannot begin as it would nullify the costs that could be considered under the grant application.

Council Member Hudspeth moved to adopt the item as presented. Motion seconded by Mayor Pro-Tem Ryan. Motion carried.

AYES (7): Mayor Watts, Mayor Pro-Tem Ryan, and Council Members Hudspeth, Briggs, Duff, Armintor, and Meltzer

NAYS (0): None

- L. ID 19-544 Consider adoption of an ordinance of the City Council of the City of Denton, Texas, approving a grant application for Joey Hawkins, representing Jupiter House Coffee, from the Downtown Reinvestment Grant Program not to exceed \$25,000; and providing for an effective date. The Economic Development Partnership Board recommends approval (8-0).

ASSIGNED ORDINANCE NO. 19-544

An overview of the project site was provided. Estimated total cost of the project is \$500,000; grant request is \$25,000 with an eligible grant amount of \$25,000.

The following spoke on the item:

- Joey Hawkins (Applicant), 2224 Woodbrook Street, availed himself to answer questions; indicated project costs increased now to \$650,000

Council Member Hudspeth moved to adopt the item as presented. Motion seconded by Mayor Pro-Tem Ryan. Motion carried.

AYES (7): Mayor Watts, Mayor Pro-Tem Ryan, and Council Members Hudspeth, Briggs, Duff, Armintor, and Meltzer

NAYS (0): None

5. ITEMS FOR INDIVIDUAL CONSIDERATION

- A. ID 19-365 Consider adoption of an ordinance of the City of Denton authorizing the City Manager, or designee, to execute a physical gas transaction confirmation for the purchase of natural gas under the terms and conditions of base contract for the purchase and sale of natural gas with Enterprise Products Operating, LLC; providing for the expenditure of funds; and, providing for an effective date.

ASSIGNED ORDINANCE NO. 19-365

The presentation covered (1) background information; and (2) staff recommendation to adopt.

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

AYES (5): Mayor Watts, Mayor Pro-Tem Ryan, and Council Members Hudspeth, Duff, and Meltzer

NAYS (2): Council Members Briggs and Armintor

- B. ID 19-390 Consider adoption of an ordinance of the City of Denton approving the Denton Affordable Housing Fee Grant Program; establishing the guidelines for the program and the provisions for enforcement thereof; establishing an annual budget; and declaring an effective date.

ASSIGNED ORDINANCE NO. 19-390

The presentation outlined (1) key elements of the program; (2) eligible programs; (3) affordability requirements; (3) geographic limitations; (4) staff recommendation of an 80% area Median Income; and (5) options available, and recommendations, in determining the direction to take on the item.

Staff to review possibility of adding, to the grant program guidelines, tree mitigation funds as a possibility; provide report on city-owned property in residential areas that could be used for affordable housing, if any; provide report on what city-owned properties in residential distressed areas that could potentially be used for affordable housing.

The following spoke on the item:

- Michelle Conner, 3300 Sundown Blvd., spoke in support of the item; asked the program include construction of rental properties
- John Montoya, 3113 Briary Trace Court, spoke in support of the item; inquired as to concerns with centralization or focus of housing
- Daniel Gillean, 525 Fort Worth Drive, encouraged City Council go look at the proposed development

Council Member Meltzer moved to adopt the item as presented. Motion seconded by Council Member Briggs. Council Member Armintor moved a friendly amendment to include homes that are for rent. The friendly amendment was not accepted.

Council Member Armintor moved a substitute motion to amend the item and include homes that are for rent and at a later date increase the budget accordingly. Motion died due to lack of a second.

The vote on Council Member Meltzer's original motion to adopt the item as presented, seconded by Council Member Briggs, was presented for the vote. Motion carried.

AYES (6): Mayor Watts, Mayor Pro-Tem Ryan, and Council Members Briggs, Duff, Armintor, and Meltzer
NAYS (1): Council Member Hudspeth

The meeting was recessed for a short break at 8:06 p.m. and reconvened at 8:15 p.m.

6. PUBLIC HEARINGS

- A. ID 19-553 Hold a public hearing and consider adoption of an ordinance of the City of Denton, adopting Standards of Care for recreational care programs administered by Denton's Parks and Recreation Department as required by Texas Human Resources Code Section 42.041 (b) (14); and providing an effective date.

ASSIGNED ORDINANCE NO. 19-553

The presentation outlined the adoption is needed annually. Used for summer camps and after school programs.

With the public hearing opened, speakers were called. With no speakers coming forward, the public hearing was closed.

Council Member Briggs moved to adopt the item as presented. Motion seconded by Mayor Pro-Tem Ryan. Motion carried.

AYES (7): Mayor Watts, Mayor Pro-Tem Ryan, and Council Members Hudspeth, Briggs, Duff, Armintor, and Meltzer
NAYS (0): None

- B. S19-0001b Hold a public hearing and consider adoption of an ordinance approving a Specific Use Permit to allow for an Accessory Dwelling Unit behind an existing residence on approximately 0.5374 of an acre. The property is generally located on the south side of Roberts Street, west of Brown Drive, in the City of Denton, Denton County, Texas (S19-0001, 606 Roberts Accessory Building, Sean Jacobson).

ASSIGNED ORDINANCE NO. 19-S19-0001b

The presentation outlined the specifics of the request and design. Adoption would allow a cabana behind the home within the property boundaries. Staff as well as the Planning and Zoning Commission recommended approval.

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

- Lee Allison (Applicant), 241 N. Elm, presented historical information on the property to current status

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

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

AYES (7): Mayor Watts, Mayor Pro-Tem Ryan, and Council Members Hudspeth, Briggs, Duff, Armintor, and Meltzer

NAYS (0): None

- C. S18-0007a Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, approving a Specific Use Permit to allow for a vehicle repair use on approximately 0.57 acre site, generally located on the south side of E. McKinney Street, approximately 135 feet west of Oakland Street 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. (S18-0007, Dent One - Auto Hail Repair, Hayley Zagurski).

The presentation outlined the specifics of the request, design, and requirements/conditions to be met. Adoption would allow a vehicle repair shop at the property. Staff as well as the Planning and Zoning Commission recommended approval with certain conditions.

With the public hearing opened, speakers were called. With no speakers coming forward, the public hearing was closed.

Council Member Armintor moved to postpone the item to March 26, 2019, and close the public hearing. Motion seconded by Council Member Hudspeth. Mayor Pro-Tem Ryan offered a friendly amendment to postpone the item to April 2, 2019. The friendly amendment was accepted by both Council Member Armintor and Council Member Hudspeth. Amended motion carried.

AYES (7): Mayor Watts, Mayor Pro-Tem Ryan, and Council Members Hudspeth, Briggs, Duff, Armintor, and Meltzer

NAYS (0): None

- D. PDA18-0009a Hold a public hearing and consider adoption of an ordinance regarding a Detailed Plan for a 2.96-acre parcel located within the Planned Development 176 (PD-176) Zoning District, generally located on the west side of North FM 2499, approximately 1,450 feet north of Hickory Creek Road in the City of Denton, Denton County, Texas, to allow a storage warehouse (self-storage) use; providing for a penalty in the maximum amount of \$2,000.00 for violations thereof; providing for severability; and establishing an effective date. (PDA18-0009a, Proposed Self Storage Facility, Hayley Zagurski).
ASSIGNED ORDINANCE NO. 19-PDA18-0009a

The presentation outlined the specifics of the request, design, and development of particular uses. Adoption would allow a self-storage warehouse use. Staff recommended approval of the request with certain conditions. Staff and the Planning and Zoning Commission recommended approval.

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

- Rick Jones (Applicant), 3317 Princeton, Dallas, Texas, provided information on his company and similar project developments; accepted recommended conditions presented by staff

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

Mayor Pro-Tem Ryan moved to adopt the item as recommended by staff. Motion seconded by Council Member Meltzer. Motion carried.

AYES (7): Mayor Watts, Mayor Pro-Tem Ryan, and Council Members Hudspeth, Briggs, Duff, Armintor, and Meltzer

NAYS (0): None

The meeting was recessed for a short break at 9:02 p.m. and reconvened at 9:13 p.m.

- E. DCA18-0008e Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, amending the Denton Development Code, Amending Subchapters 13 and 17 related to tree preservation, landscape standards, and environmentally sensitive area standards; providing for a penalty in the maximum amount of \$2000.00 for violations thereof; providing for severability; and establishing an effective date. (DCA18-0008, Conservation and Landscape Code, Hayley Zagurski).
ASSIGNED ORDINANCE NO. 19-DCA18-0008e

The presentation provided (1) background information on progress to date; (2) outreach efforts; (3) applicability of changes; (4) tree type; (5) preservation; (6) credits and incentives; and (7) mitigation.

Detailed discussion was held on landscaping, street trees, and buffers.

The following requested to have their name read into the record as noted (public hearing had been opened):

- James Carr, 1526 Willowwood Lane, in support of the item
- Lynda Dodd, 612 Pearl Street, in support of the item

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

- Jennifer Lane, 1526 Willowwood Street, spoke to saving trees, their usefulness, tree camp, and enforcing the adopted ordinance
- Brandi Price, 627 Bernard Street, spoke in support of the item and need to protect trees and promote preservation in the city
- Brandy Dodd, 612 Pearl, spoke in support of the item; Black Jack Oaks losing designation

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

Discussion followed on designation of Black Jack Oaks and its regeneration cycle.

Council Member Armintor moved to return the Black Jack Oaks to the same category as the Post Oak. Motion died due to lack of a second.

Council Member Meltzer moved to adopt the item as presented with the following changes:

- Move Black Jack Oaks into the same category as Post Oaks; and
- Add "owner domiciled" to exemption B of the Tree Preservation and Landscape Standards.

Staff clarified single family domiciles are currently exempt under the current code; there was no recollection with a lot was clear cutted. Further discussion was held on State law preempting the proposed exemption change. It was noted the effective date of this ordinance (code amendment) being in 6 months and its incorporation to the consolidated Development Code amendment proposed for final adoption in November. The proposed changes as presented were vetted with the public; any other potential changes should be as well.

Mayor Watts moved a substitute motion to postpone the item until April 2, 2019 in order to address proposed changes with other affected individuals. Staff presented the option of moving forward with the proposed amendment presented by Council Member Meltzer as well as the 6-month effective date; that would allow sufficient time to review State pre-emption, discuss with the public/developers, and return if any changes were deemed necessary after first presenting to the Planning and Zoning Commission. As a result, Mayor Watts withdrew his substitute motion.

City Manager Hileman ask Council Members to send him any points of interest, issues needing research in order to addresses any needed areas of concern.

Council Member Armintor seconded Council Member Meltzer's motion. However, in order to eliminate the possibility of a substitute motion to postpone the item and that that would entail, Council Member Armintor withdrew her second. As a result, Council Member Meltzer's motion died due to lack of a second.

Mayor Pro-Tem Ryan moved to adopt the item as presented by staff and recommended by the Planning and Zoning Commission. Motion seconded by Council Member Duff. Motion carried.

AYES (7): Mayor Watts, Mayor Pro-Tem Ryan, and Council Members Hudspeth, Briggs, Duff, Armintor, and Meltzer
NAYS (0): None

The meeting was recessed for a short break at 10:58 p.m. and reconvened at 11:05 p.m.

- F. Z18-0028b Hold a public hearing of an ordinance of the City of Denton, Texas, regarding a change in the zoning district and use classification from Neighborhood Residential Mixed Use 12 (NRMU-12) District to a Neighborhood Residential Mixed Use (NRMU) District with overlay restrictions on approximately 8.7 acres of land generally located on the north side of Audra Lane 110 feet east of Bayfield 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 with overlay restrictions. (Z18-0028, Audra Heights Phase II, Julie Wyatt)

The presentation covered the specifics of the request, background information and criteria for the development. Adoption would allow 89 residential housing units. Staff recommended denial as it does not meet the Future Land Use designation as required in the criteria for approval outlined in Denton Development Code Section 35.3.4.B.

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

- Earl Escobar (representing the Applicant), 2570 Justin Road, Highland Village, Texas, elaborated on the zoning request; accepts the conditions recommended for adoption
- Austin Goode (Applicant), 2717 Gull Lake Drive, Plano, Texas, presented information on the development and proposed tenant type
- Nancy Carson, 2908 Oakshire Street, spoke to concerns about the proposed development and need to hold developers accountable; should consider having an on-site manager

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

Council Member Hudspeth moved to deny the item. Motion seconded by Council Member Meltzer. Motion carried.


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

NAYS (1): Mayor Pro-Tem Ryan


7. CONCLUDING ITEMS

- (1) Look at turning Old King Road Substation into a children's garden or community garden; (2) update on bill passed for internet sales tax; City should be able to receive those; and (3) thanked staff for working on the tree ordinance. (Briggs)
- (1) Report on developing an ordinance that would ensure an on-site property manager was present at multifamily and other rental complexes; and (2) proclamation stating support of Denton Islamic community and their contributions. (Armintor)
- (1) Potential proposal to develop property across from Ryan; allow crossing for children; (2) costs to have an agency more effectively advertise the Fire Department for recruitment; (3) email explaining sale of the Razor Ranch component and what that does to incentives; and (4) staff contact Providence Village community on opportunity for energy audits. (Hudspeth)
- (1) A work session on comprehensive process for low-income housing strategy that includes housing bonds, density bonuses, grants for low income rentals, land swaps and other tactics to maximize the availability of low-income housing; and (2) staff report to help explain what the City has learned on renewable energy. (Meltzer)
- (1) Provide information on standards for new roadway construction to better facilitate the increase of autonomous vehicles. (Watts)

With no further business, the meeting was adjourned at 12:08 a.m. on Wednesday, March 20, 2019.



CHRIS WATTS
MAYOR
CITY OF DENTON, TEXAS



ROSA RIOS
CITY SECRETARY
CITY OF DENTON, TEXAS

MINUTES APPROVED ON: 4/16/2019