

## CITY OF DENTON CITY COUNCIL MINUTES

April 2, 2019

After determining that a quorum was present, the City Council convened in a Work Session on Tuesday, April 2, 2019, at 2:05 p.m. in the Council Work Session Room 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

None.

#### 2. Requests for clarification of agenda items listed on the agenda for April 2, 2019.

- Consent Item 3.A (ID 19-396) – As requested, staff provided a brief overview of what the agreement entails and details on the project. (Hudspeth)

#### 3. Work Session Reports

- A. ID 19-734 Receive a report, hold a discussion, and give staff direction regarding the 2019 Water Conservation Plan and the Drought Contingency Plan of the City of Denton, Texas.

The presentation centered on (1) the Texas Commission on Environmental Quality requirements for water conservation and drought contingency plans; and (2) plan objectives and current proposed changes to both plans. Drought Plan stage triggers were explained. The item is scheduled for formal adoption on April 16, 2019.

Areas for staff follow up were (1) increase public notification on use of water and anticipated fees; (2) report on how other cities effectively enhance water restrictions and promote sustainable irrigation as well as information on how customers are notified of potential water leaks/loss; (3) report on how the City is planning to address potential/future water shortages; (4) identify entities that have great low water use for irrigation; and (5) staff collaborate with master gardeners in the city on a yardscape program.

- B. ID 19-637 Receive a report, hold a discussion, and provide staff direction on Airport Governance related to the Airport Advisory Board, Economic Development Partnership Board, and Council Airport Committee.

The presentation centered on (1) background; (2) guiding documents; (3) related boards/committee history; (4) exiting structures/purviews; and (5) regional comparisons.

There was no objection voiced by the City Council on staff's recommendation to (1) keep existing boards and committee structure and purview; (2) apply the AAB purview as identified in Exhibit 3 of the Governance Matrix; (3) utilize the EDPB for assistance with airport marketing and airport-related economic incentives; and (4) the CAC review of airport finances, leases and similar matters.

- C. ID 19-671 Receive a report from staff, hold a discussion, and give staff direction regarding the future park that is to be located at the corner of Heritage Trail and Linden Drive in Rayzor Ranch Town Center.

The presentation centered on (1) a general overview of the proposed project and surrounding properties; and (2) feedback received at the April 18<sup>th</sup> public meeting, including input breakdown into categories. Charles Hodges, Partner/Founder Hodges Architecture, provided the detail and schematics of the proposed park. Staff to address pedestrian street crossing in the area at future updates on the project.

Next steps, timeframe were detailed. Points to consider were a water play area for kids, additional trees, more wild flowers, and shade structures at the amphitheater. City Council consensus was that staff is moving in the right direction.

The meeting was recessed for a short break at 3:49 p.m. and reconvened at 4:01 p.m.

- D. ID 19-716 Receive a report, hold a discussion, and give staff direction regarding the potential leasing of a 3.5 acres property at 308 Bradley Street, the former site of Veterans Village and Bradley Street Apartments.

Mayor Watts announced Council Member Armintor and Council Member Meltzer had a conflict of interest on the item and had left the Work Session Room.

The presentation centered on (1) park facts; (2) street views of property areas adjacent to the proposed project site; (3) review of the draft concept design; (4) financial considerations; and (5) next steps toward accomplishing the project. As the proposed project draws nearer, and the lease issue closer to finalization, there will be a need to discuss the matter in a Closed Meeting with the City Council.

- E. ID 19-743 Provide a report, hold a discussion, and give staff direction regarding appointment to, and removal from, all boards and commissions of the City.

The presentation centered on (1) addressing "leave of absence" reported by members of the Board of Ethics; (2) a "leave of absence" not being addressed in the City Code; (3) attendance requirements currently addressed in the City Code [excused and unexcused]; (4) quorum concerns resulting from a reported leave of absence; (5) policy on removing board/commission members for "cause"; and (6) options available to address noted concerns.



City Council reached a general consensus on the following, with staff to return at a later date detailing the following options:

- Recognize a leave of absence with the reason for the leave of absence clearly identified;
- Appoint an Alternate with that appointment to be solely for the timeframe that a leave of absence is in place;
- Establish criteria on what “reasons” will be excused or not and the timeframe that would trigger the interim appointment;
- Leave of absence to be submitted to the board/commission, and as provided in the Code, the board will declare if excused or unexcused;
- Only one Alternate being appointed by any one council member;
- If an alternate is called to serve, and can't, count that as an absence, be it excused or unexcused, under the process established in the Code.

Staff was asked to provide information on what boards/commissions have had the inability to meet due to lack of a quorum. Further, attendance reports for members are to be provided quarterly.

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

The presentation centered on (1) Manufactured Home Development (HUD Code); (2) Manufactured Home (HUD Code) Dwelling; (3) Tiny Home Development; (4) RV Park; (5) Cluster Home Development; (6) Short-Term Rental and establishing a fee schedule wherein the City can collect fees, that being the hotel occupancy tax rate; (7) Community Garden; and (8) Urban Farm, with the definition to be changed to include “*for the primary purpose of*” farming...

The meeting was recessed for a short break at 5:25 p.m. and reconvened at 5:32 p.m.

Anticipated timeline for continued discussion, public hearings, and approval of all components of the Development Code were discussed. Staff reiterated their commitment toward meeting with citizens before and after public hearings, as well as presenting their concerns on their behalf while still having the opportunity to also address the City Council themselves. The conditions under which an SUP would be required will be detailed at a future meeting.

With no other business, the Work Session ended at 6:04 p.m.

## **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 19-692 2019 Arbor Day - ISSUED

## **ANNOUNCEMENT**

Mayor Watts announced that for Public Hearing Item 6.A (File ID S18-0008h), as requested by the applicant, consideration was being postponed to April 16, 2019, but that the public hearing would be opened to allow those in attendance to speak.

### **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.

None.

C. Additional Citizen Reports

None.

### **4. CONSENT AGENDA**

The consent agenda consisted of Items 4.A - D. No items were pulled for individual consideration.

Council Member Briggs moved to adopt the Consent Agenda as presented. 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 19-396 Consider adoption of an ordinance approving an Airport Land Lease Agreement between the City of Denton and Mark Hicks Transport, LLC; and providing an effective date. The Council Airport Committee recommends (3-0).

**ASSIGNED ORDINANCE NO. 19-396**

- B. ID 19-638 Consider adoption of an ordinance of the City of Denton authorizing the City Manager, or his designee, to accept on behalf of the City an offer from the Texas Department of Transportation ("TxDOT") relating to a grant of \$693,260.00; requiring the City to provide \$176,740.00 in contributory funds, for engineering and construction of parallel runway lighting improvements at the Denton Enterprise Airport; and providing for an effective date. The Council Airport Committee recommends (3-0).

**ASSIGNED ORDINANCE NO. 19-638**

- C. ID 19-645 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager to execute a Professional Services Agreement with Teague Nall and Perkins, Inc., for professional surveying services as set forth in the contract; providing for the expenditure of funds therefor; and providing an effective date (RFQ 6965- Professional Services Agreement for professional surveying services awarded to Teague Nall and Perkins, Inc., in the three (3) year not-to-exceed amount of \$900,000). The Public Utilities Board recommends approval (7-0).

**ASSIGNED ORDINANCE NO. 19-645**

- D. ID 19-648 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager to execute a contract for the purchase of three (3) American Signal Corporation early warning sirens with American Signal Corporation; which is the sole provider of this item in accordance with Texas Local Government Code 252.022, which provides that procurement of commodities and services that are available from one source are exempt from competitive bidding; and if over \$50,000 shall be awarded by the governing body; and providing an effective date (File 7010 - awarded to American Signal Corporation in the not-to-exceed amount of \$76,323).

**ASSIGNED ORDINANCE NO. 19-648**

## **5. ITEMS FOR INDIVIDUAL CONSIDERATION**

- A. ID 19-529 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the approval of a fourth amendment to a Professional Services Agreement between the City of Denton and Parkhill Smith & Cooper, amending the contract approved by City Council on April 5, 2016, in the not-to-exceed amount of \$274,150, amended by Amendments 1-3 approved by Purchasing Staff; said fourth amendment to provide professional and engineering services in the preparation,



development, and submittal of the permit application and the associated services required to secure a Permit Amendment for the City of Denton's Municipal Solid Waste (MSW) Facility, MSW Permit# 1590B in the amount of \$85,500; providing for the expenditure of funds therefor; and providing an effective date (File 6097 - providing for an additional fourth amendment expenditure amount not-to-exceed \$85,500, with the total contract amount not-to-exceed \$429,010). The Public Utilities Board recommends approval (7-0).

**ASSIGNED ORDINANCE NO. 19-529**

The presentation centered on (1) background of the current Landfill Permit, located at 1527 S. Mayhill Road; (2) why expansion of the landfill is being considered; (3) steps completed to date on the landfill permitting process and those remaining, with a public hearing to be held at a future date; (4) permit renewal required; and (5) proposed amendments. Remaining lifespan of the landfill is 17 years, which could be increased by 3-5 years by not taking outside refuse.

Mayor Pro-Tem Ryan moved to adopt the item as presented. Motion seconded by Council Member Hudspeth. 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. S18-0007c 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).

**ASSIGNED ORDINANCE NO. S18-0007c**

The presentation centered on (1) details of the request; and (2) site plan review. The public hearing was held on March 19, 2019; and while the public hearing was closed, the item was held for consideration at that time to allow the applicant to attend and answer questions. Staff and the Planning and Zoning Commission recommend approval with conditions.

The following individual spoke on the item:

- CJ Moyo (representing the Applicant), 208 E. McKinney St., on the proposed property use; and apologized for not being present at the previous meeting

Discussed in detail was Condition #3, which states, *"The proposed 6-foot wood screening fence shown on the Site Plan shall be installed and maintained so long as a vehicle repair use is located on the subject property, unless the vehicle storage area is paved and striped as a parking lot."*

Council Member Armintor moved to adopt the item as recommended by Staff and the Planning and Zoning Commission. Motion seconded by Council Member Briggs with a friendly amendment to provide that Condition #3, be modified as follows:

- *The proposed 6-foot wood screening fence shown on the Site Plan shall be installed and maintained so long as a vehicle repair use is located on the subject property, unless the vehicle storage area is paved and striped as a parking lot, was discussed in detail.*

The friendly amendment was accepted by Council Member Armintor. Amended motion carried.

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

## 6. PUBLIC HEARINGS

- A. S18-0008h Hold a public hearing and reconsider the February 5, 2019 denial of an ordinance for a Specific Use Permit to allow for a multi-family residential use as part of a mixed-use development on an approximately 31-acre site, generally located on the north side of Windsor Drive, east of the I-35 N 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 for severability; and establishing an effective date (S18-0008h, Windsor Drive Apartments, Hayley Zagurski).

Mayor Watts reiterated his earlier announcement that, as requested by the applicant, consideration was being postponed to April 16, 2019, but that the public hearing was being opened to allow those in attendance to speak. Therefore, no staff presentation was forthcoming.

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

- Ed Soph, 1620 Victoria Dr., in opposition to the item
- Larry Beck, 2301 Paxton Way, in opposition to the item

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

- Edwin Jones, 2821 Roland Dr., in opposition to the item

Council Member Meltzer moved to continue the public hearing to April 16, 2019. Motion seconded by Council Member Briggs. Motion carried.

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



- B. HL19-0001b Hold a public hearing and consider adoption of an ordinance of the City of Denton designating the property at 900 Egan Street, legally known as Block 18 Lot 16 of the High School Addition, a Historic Landmark under section 35.7.6 of the Denton Development Code; providing for a penalty in the maximum amount of \$2,000.00 for violations thereof; providing a severability clause and effective date. (HL19-0001, 900 Egan Street, Roman McAllen)

**ASSIGNED ORDINANCE NO. HL19-0001b**

The presentation outlined (1) details of the request; and (2) site plan review. Particulars on how the home meets the criteria as a historic landmark designation were detailed. The Staff, the Historic Landmark Commission, and Planning and Zoning Commission recommend the historic designation.

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

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

NAYS (0): None

The item was recalled to allow for public comments under the public hearing. With the public hearing opened, speakers were called. With no speakers coming forward, the public hearing was closed.

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

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

NAYS (0): None

- C. Z18-0027c Hold a public hearing and consider adoption of an ordinance of the city of Denton, Texas, regarding a change in the zoning classification and use classification on a site made up of fifteen adjacent tracts of land, including a change from a Downtown Residential 1 (DR-1) zoning district and use classification to a Downtown Commercial General (DC-G) zoning district and use classification on approximately 0.39 acres of land, a change from a mix of a DR-1 and a Neighborhood Residential 4 (NR-4) zoning district and use classification to a DC-G zoning district and use classification on two tracts of land totaling approximately 13.85 acres of land, a change from a NR-4 zoning district and use classification to a DC-G zoning district and use classification on nine tracts totaling approximately 22.07 acres of land, and a change from a Neighborhood Residential Mixed-Use 12 (NRMU-12) zoning district and use classification to a DC-G zoning district and use classification on three tracts totaling approximately 8.81 acres, the subject site, composed of



all 15 tracts listed above and totaling approximately 45.13 acres of land, is generally located on the southeast side of Mingo Road, north of Paisley Street, northwest of Lattimore Street, and west of Pertain 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. (Z18-0027, Fleet Services Facility)

**ASSIGNED ORDINANCE NO. Z18-0027c**

The presentation outlined (1) city-issued rezoning request for the City of Denton Service Center, covering 15 different parcels; (2) current zoning to proposed zoning; (3) criteria for approval; (4) notification results; and (5) public hearings held. Staff and the Planning and Zoning Commission recommend approval.

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

Council Member Meltzer 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

- D. ID 19-670 Hold a public hearing and consider adoption of an ordinance granting approval, in accordance with Chapter 26 of the Texas Parks and Wildlife Code, of the non-park use of a part of Southwest Park for the purpose of installing and maintaining water line for the Allred Water Transmission Main Project and for the maintenance of the existing water transmission line parallel to South Bonnie Brae Street; providing for a notice by the City of Denton of non-park use for installation and maintenance of water line and reservation of easement in the event of sale of park; and providing an effective date. The Public Utilities Board recommended approval (7-0). Parks, Recreation & Beautification Board recommended the approval (4-0).

**ASSIGNED ORDINANCE NO. 19-670**

The presentation outlined (1) purpose of the request; (2) site overview; (3) area of dedication; and (4) fiscal information. Staff reported there were no removal of trees.

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 Council Member Meltzer. Motion carried.


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

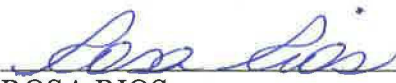
NAYS (0): None

7. CONCLUDING ITEMS

- (1) Report on feasibility and desirability on site specific gas well pads setbacks including factors such as differing number of wellheads per site. (Meltzer)
- (1) Police use of drones on SWAT operations to increase police officer safety; (2) DTV staff look at meeting video visibility; and (3) look at feasibility of presenting ordinance in support of craft brewery legislation. (Hudspeth)
- (1) Ordinance in support of craft beer; (2) staffing needs for police officers and how gap will be addressed; (3) thanked students for attending the meeting; and (4) information on economic incentive for Rayzor Ranch Town Center and if it includes single family residential. (Briggs)
- (1) Staff report and resolution in opposition of HB 3806 restricting nonprofits from providing low cost veterinary services; (2) resolution from the Council Committee on the Environment that needs to be ratified by City Council; (3) Work Session on jurisdiction of Council Committees; and (3) staff report on Rayzor Ranch Town Center change of ownership, information on the land overlays and process to amend such, and effect on incentives. (Watts)

With no further business, the meeting was adjourned at 7:45 p.m.

  
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CHRIS WATTS  
MAYOR  
CITY OF DENTON, TEXAS

  
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ROSA RIOS  
CITY SECRETARY  
CITY OF DENTON, TEXAS

MINUTES APPROVED ON: 5/7/2019