

CITY OF DENTON CITY COUNCIL MINUTES
July 16, 2019

After determining that a quorum was present, the City Council of the City of Denton, Texas convened in a Work Session on Tuesday, July 16, 2019, at 10:30 a.m. in the Council Work Session Room at City Hall, 215 E. McKinney Street, Denton, Texas.

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

ABSENT: None

Also present were City Manager Todd Hileman, City Attorney Aaron Leal, and First Assistant City Attorney Larry Collister

WORK SESSION

1. Citizen Comments on Consent Agenda Items

- Consent Item 4.U (ID 19-1648) - Jane Piper Lunt, 1205 Austin
- Consent Item 4.U (ID 19-1648) - Kevin Sample, 2007 Teasley Lane

2. Requests for clarification of agenda items listed on this agenda.

- Consent Item 4.A (ID 19-1123) - Pulled for Individual Consideration. (Hudspeth, Ryan, Davis)
- Consent Item 4.B (ID 19-1124) - Pulled for Individual Consideration. (Davis)
- Consent Item 4.E (ID 19-1441) - Pulled for Individual Consideration. (Armintor)
- Consent Item 4.H (ID 19-1509) - Pulled for Individual Consideration. (Meltzer)
- Consent Item 4.S (ID 19-1597) - Pulled for Individual Consideration. (Briggs, Armintor)
- Consent Item 4.U (ID 19-1648) - Pulled for Individual Consideration. (Briggs, Armintor)

3. Work Session Reports

- A. ID 19-1324 Receive a report, hold a discussion, and give staff direction regarding the Board of Ethics recommended amendments to the Ethics Ordinance and City Attorney's role in relation to the Ethics Board.

Council Member Meltzer had a conflict of interest and left the Council Chambers.

The presentation was made and discussion followed.

The meeting was recessed for a short break at 11:40 a.m. and reconvened at 11:50 a.m.

Following discussion, the Board of Ethics was directed to bring back recommendations regarding the conflict of interest and any other relevant items.

The meeting was recessed for a short break at 1:11 p.m. and reconvened at 1:17 p.m.

- B. ID 19-1647 Receive a report, hold a discussion, and give staff direction regarding a policy for the use of city facilities during inclement weather.

The presentation was made and discussion followed.

Following discussion, staff was directed to modify the proposed policy as related to the temperature changes noted under Section 2.4. Formal action would follow under Individual Consideration Item 4.U (ID 19-1648) being considered during the Special Meeting being held later in the day.

The meeting was recessed for a short break at 3:09 p.m. and reconvened at 3:18 p.m.

- C. ID 19-1600 Receive a report, hold a discussion, and give staff direction regarding gas well issues including setback distances in Denton, setback requirements in other area cities, legal and development issues, notification and disclosure requirements, and information concerning a gas well setback distance study.

The presentation was made, and discussion followed.

Following discussion, staff was directed to conduct additional research and provide information at a future meeting prior to drafting an ordinance.

The meeting was recessed for a short break at 4:40 p.m. and reconvened at 4:45 p.m.

- D. ID 19-1538 Receive a report, hold a discussion and give staff direction regarding the Denton Municipal Electric (DME) Fiscal Year 2019-20 Operating Budget and Capital Improvement Program.

Prior to the item being presented, staff reported the item was pulled from discussion and was being rescheduled to July 23rd Work Session.

- E. ID 19-1512 Receive a report, hold a discussion, and give staff direction regarding the General Fund preliminary FY 2019-20 Proposed Budget, Capital Improvement Program, and Five Year Financial Forecast.

The presentation was made and discussion followed.

There was no direction provided as the item was only for presentation purposes in preparation for the FY 2019-20 Budget process.

- F. ID 19-1453 Receive a report, hold a discussion, and give direction regarding departmental presentations in preparation for the FY 2019-20 Proposed Budget, Capital Improvement Program, and Five Year Financial Forecast.

The presentation was made and discussion followed.

There was no direction provided as the item was only for presentation purposes in preparation for the FY 2019-20 Budget process.

- G. ID 19-1688 Receive a report, hold a discussion, and provide staff direction regarding revisions to the Special Citizens Bond Advisory Committee establishing resolution.

The presentation was made and discussion followed.

Following discussion, staff was directed to proceed with drafting a resolution for presentation at a future meeting.

CLOSED MEETING - NOT HELD

1. The Closed Meeting was not held. Therefore, there was no deliberation of the following items.
 - A. ID 19-1609 Deliberations Regarding Certain Public Power Utilities: Competitive Matters - Under Texas Government Code Section 551.086. Deliberate and discuss competitive information regarding public power operational and financial matters pertaining to the purchases and risks of wholesale energy supply pertaining to the proposed electric budget.
NOT DELIBERATED
 - B. ID 19-1691 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, consult with the City's attorneys, and provide direction pertaining to potential acquisition and use of the facility located at 401 North Elm Street, 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, or otherwise compromise the City's legal position in any administrative proceeding or potential litigation.
NOT DELIBERATED

SPECIAL CALLED MEETING

After determining that a quorum was present, the City Council of the City of Denton, Texas convened in a Special Called Meeting on Tuesday, July 16, 2019, at 6:35 p.m. in the Council Chambers at City Hall, 215 E. McKinney Street, Denton, Texas.

PRESENT: Mayor Chris Watts, Mayor Pro Tem Gerard Hudspeth and Council Members Keely Briggs, Jesse Davis, John Ryan, 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 19-1480 International Order of Odd Fellows Denton Lodge, No. 82, 160-Year Anniversary - ISSUED
- B. ID 19-1519 Denton Disability Rights Day - ISSUED
- C. ID 19-1606 2019 Citizen's Academy - 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 19-1683 Petra Kelly regarding the Denton Music and Arts Collaborative (DMAC) and Spiderweb Salon Committee's "You Are Here" project, which provides a safe and supportive environment open to artists, writers, and musicians who live in Denton to address personal and collective issues of anxiety, depression, trauma, and grief in our community and subsidizes counseling/therapy for qualifying individuals who identify as artists, musicians, or writers. Requesting the City assist with meeting space accessibility and allocation of monetary resources to the project. - PRESENTED
- C. Additional Citizen Reports (Open Microphone)
 - Lauren Taylor, 2420 E. McKinney - regarding her platform on public access for the disabled and the Denton Disabilities Rights Day Proclamation issued earlier in the meeting

4. CONSENT AGENDA

The consent agenda consisted of Items 4.A-V. Item 4.A (ID 19-1123) was pulled for individual consideration by Mayor Pro Tem Hudspeth and Council Members Ryan and Davis. Item 4.B (ID 19-1124) was pulled for individual consideration by Council Member Davis. Item 4.E (ID 19-1441) was pulled for individual consideration by Council Member Armintor. Item 4.H (ID 19-1509) was pulled for individual consideration by Council Member Meltzer. Item 4.S (ID 19-1597) and Item 4.U (ID 19-1648) were pulled for individual consideration by Council Members Briggs and Armintor.

Council Member Ryan moved to adopt the Consent Agenda, now consisting of items 4.C, 4.D, 4.F, 4.G, 4.I-R, 4.T and 4.V. Motion seconded by Council Member Davis. Motion carried.

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

NAYS (0): None

C. ID 19-1405 Consider approval of the minutes of June 18 and June 25, 2019.

D. ID 19-1094a Consider an amended resolution, Nunc Pro Tunc, of the City Council of the City of Denton, Texas, correcting an inadvertent mistake in the purported scope of Resolution 19-1094, to approve properties at 607 E. College and 900 Egan as historically significant sites in need of tax relief to encourage their preservation, pursuant to the terms and limitations of Article VI of Chapter 10 of the Denton Code of Ordinances, and to remove references to previously approved properties that were not before the city council. (ID 19-1094, Roman McAllen)

ASSIGNED RESOLUTION NO. 19-1094a

F. ID 19-1488 Consider adoption of an ordinance of the City of Denton, Texas authorizing the expenditure of funds for the payment of wholesale transmission charges in the total amount of \$188,564.50 to Texas Municipal Power Agency; and, providing an effective date. The Public Utilities Board recommends approval (5-0).

ASSIGNED ORDINANCE NO. 19-1488

G. ID 19-1506 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 Gupta & Associates Inc., for Development of Water Reclamation SCADA Master Plan for the City of Denton as set forth in the contract; providing for the expenditure of funds therefor; and providing an effective date (RFQ 6919 - Professional Services Agreement awarded to Gupta & Associates Inc., in the not-to-exceed amount of \$216,102). The Public Utilities Board recommends approval (6 - 0).

ASSIGNED ORDINANCE NO. 19-1506

- I. ID 19-1504 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 Freese and Nichols, Inc., to perform risk and resiliency assessment to comply with the America Water Infrastructure Act (AWIA) of 2018 as set forth in the contract; providing for the expenditure of funds therefor; and providing an effective date (RFQ 6590-061 Professional Services Agreement awarded to Freese and Nichols, Inc. in the not-to-exceed amount of \$106,750). The Public Utilities Board recommends approval (6 - 0).

ASSIGNED ORDINANCE NO. 19-1504

- J. ID 19-1511 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 Techline, Inc., for the supply of Traffic Signal Poles for the City of Denton Distribution Center; providing for the expenditure of funds therefor; and providing an effective date (RFP 7081- awarded to Techline, Inc. for one (1) year, with the option for three (3) additional one (1) year extensions, in the total four (4) year not-to-exceed amount of \$2,500,000).

ASSIGNED ORDINANCE NO. 19-1511

- K. ID 19-1514 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager, or his designee, to execute an Interlocal Cooperative Purchasing Agreement with Purchasing Association of Cooperative Entities (PACE), under the Government Code, Chapter 791.001, to authorize City of Denton contracts for the purchase of various goods and services; authorizing the expenditure of funds therefor; and declaring an effective date (File 7113 - Interlocal Cooperative Purchasing Agreement with Purchasing Association of Cooperative Entities).

ASSIGNED ORDINANCE NO. 19-1514

- L. ID 19-1537 Consider adoption of an ordinance by the City of Denton, a Texas Home-Rule Municipal Corporation, authorizing the City Manager to execute a contract with Redflex Traffic Systems Inc for the removal of an automatic traffic signal enforcement system; and providing an effective date.

ASSIGNED ORDINANCE NO. 19-1537

- M. ID 19-1542 Consider adoption of an ordinance of the City of Denton releasing, abandoning, and vacating a 715.20 square foot electric utility easement granted to the City of Denton by James H. Jones, H.M. Burgess, Billy R. Jones, and J. Don Harvey, recorded as Instrument No. 1976-21419 in the Deed Records, Denton County, Texas; providing for severability and an effective date. (EAR19-0002 Park 7, electric easement abandonment - Mark Laird)

ASSIGNED ORDINANCE NO. 19-1542

- N. ID 19-1543 Consider adoption of an ordinance of the City of Denton releasing, abandoning, and vacating a 0.054 acre sanitary sewer easement reserved by the City of Denton in the deed without warranty to Texas SB Holdings, LLC., a Texas limited liability company, recorded as Instrument No. 2013-30090 in the Real Property Records, Denton County, Texas; providing for severability and an effective date. (EAR19-0003 PODS at Hickory Addition, sewer easement abandonment - Mark Laird)
ASSIGNED ORDINANCE NO. 19-1543

- O. ID 19-1586 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager, or his designee, to execute a contract with Rush Truck Center through the Buy Board Cooperative Purchasing Network Contract Number 521-16 for the acquisition of one (1) medium duty rear load refuse truck for the Solid Waste Department; providing for the expenditure of funds therefor; and providing an effective date (File 7106 - awarded to Rush Truck Center, in the amount of \$104,016.59). The Public Utilities Board recommends approval (6 - 0).
ASSIGNED ORDINANCE NO. 19-1586

- P. ID 19-1589 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 North Central Texas Council of Governments (NCTCOG) under the Government Code, Section 791.001, to authorize the City of Denton to purchase new Digital 2019 Orthophotography and Planimetrics data from the NCTCOG Geographic Information System; authorizing the expenditure of funds therefor; and declaring an effective date (File 7107 - award an Interlocal Cooperative Purchasing Agreement to North Central Texas Council of Governments for a five (5) year not-to-exceed amount of \$393,963).
ASSIGNED ORDINANCE NO. 19-1589

- Q. ID 19-1590 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager, or his designee, to execute a contract with Sigma Surveillance, Inc. through the Buy Board Cooperative Purchasing Network Contract Number 574-18 for the acquisition of networked Video Surveillance Camera System for the Technology Services Department; providing for the expenditure of funds therefor; and providing an effective date (File 7053 - awarded to Sigma Surveillance, Inc. dba STS360, in the amount of \$1,040,435).
ASSIGNED ORDINANCE NO. 19-1590

- R. ID 19-1593 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager, or his designee, to execute an Interlocal Cooperative Purchasing Agreement with City of Irving, under the Government Code, Chapter 791 and the Local Government Code, Chapter 271, to authorize City of Denton contracts for the purchase of various goods and services; authorizing the expenditure of funds therefor; and declaring an effective date (File 7114 - Interlocal Cooperative Purchasing Agreement with City of Irving).
ASSIGNED ORDINANCE NO. 19-1593

- T. ID 19-1604 Consider adoption of an ordinance of the City Council of the City of Denton, Texas, a Texas home-rule municipal corporation, authorizing the city manager to execute an agreement with ASG Harvest Hill, LTD., a Texas Limited Liability Company, for the city's participation in the oversizing of water mains for the City of Denton; providing for the expenditure of funds therefor; and providing an effective date (awarded to ASG Harvest Hill, LTD. in the not to exceed amount of \$20,311.00). The Public Utilities Board recommends approval (6-0).

ASSIGNED ORDINANCE NO. 19-1604

- V. ID 19-1687 Consider approval of a resolution amending Resolution 19-920 with respect to the \$210 million limitation on the 2019 Bond Program; and, declaring an effective date.

ASSIGNED RESOLUTION NO. 19-1687

ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

- A. ID 19-1123 Consider adoption of an ordinance of the City of Denton prohibiting parking on the south side of Hickory Street from Avenue B to Welch Street; providing a repealer clause; providing a savings clause; providing for a penalty not to exceed \$500 for violations of this ordinance; providing that violations of this ordinance shall be governed by Chapter 18 of the Code of Ordinances of the City of Denton; and providing for an effective date. The Traffic Safety Commission recommended approval (6-0).

ASSIGNED ORDINANCE NO. 19-1123

Pulled for individual consideration by Mayor Pro Tem Hudspeth and Council Members Davis and Ryan.

Items 4.A (ID 19-1123) and 4.B (ID 19-1124) were collectively presented and discussed, with each item voted on individually.

The following registered speakers were called on the items:

- Suzanne Rumohr, 1700 Crescent Street - in support of item 4.A
- Gary Rumohr, 1700 Crescent Street - in support of items 4.A and 4.B
- Clay Thurmond, 1524 Snyder Street - in support of items 4.A and 4.B

Council Member Briggs moved to approve the item as presented. Motion seconded by Council Member Meltzer. Motion carried.

AYES (5): Mayor Watts, Mayor Pro Tem Hudspeth and Council Members Briggs, Armintor, and Meltzer

NAYS (2): Council Members Davis and Ryan

- B. ID 19-1124 Consider adoption of an ordinance of the City of Denton converting the traffic pattern on Avenue A (from Hickory to Mulberry) and Mulberry Street (from Avenue A to Welch) from two-way traffic to one-way (north and west bound); providing a repealer clause; providing a severability clause; providing for a penalty not to exceed \$500 for violations of this ordinance; providing that violations of this ordinance shall be governed by Chapter 18 of the Code of Ordinances of the City of Denton, and providing for an effective date. The Traffic Safety Commission has recommended approval (5-0).

ASSIGNED ORDINANCE NO. 19-1124

Pulled for individual consideration by Council Member Davis.

Items 4.A (ID 19-1123) and 4.B (ID 19-1124) were collectively presented and discussed, with each item voted on individually.

- Gary Rumohr, 1700 Crescent Street - in support of items 4.A and 4.B
- Clay Thurmond, 1524 Snyder Street - in support of items 4.A and 4.B

Council Member Briggs moved to approve the item as presented. Motion seconded by Council Member Meltzer. Motion carried.

AYES (6): Mayor Watts, Mayor Pro Tem Hudspeth and Council Members Briggs, Ryan, Armintor, and Meltzer

NAYS (1): Council Member Davis

- E. ID 19-1441 Consider approval of a resolution of the City Council of the City of Denton superseding Resolution 18-1377 regarding the Denton Handbook for Boards, Commissions, and Council Committees to correct a prior clerical error in Resolution 18-1377, which was previously adopted by City Council to clarify which sections of the Denton Handbook for Boards, Commissions, and Council Committees are applicable to citizen boards, commissions, committees, task forces and ad hoc committees; and declaring an effective date.

ASSIGNED RESOLUTION NO. 19-1441

Pulled for individual consideration by Council Member Armintor.

The presentation was made and discussion followed.

The following registered speakers were called on the item:

- Queen Janata Montgomery, address not provided - on the notification of appointment to the Special Citizens Bond Advisory Committee, and not being required to take Open Government training but to become familiar with it

Council Member Ryan moved to approve the item as presented. Motion seconded by Council Member Davis. Motion carried.

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

NAYS (0): None

- H. ID 19-1509 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 Last Chance Redi-Mix, LLC for the disposal of spoil materials resulting from internal City construction and maintenance activities; providing for the expenditure of funds therefor; and providing an effective date (IFB 7075 - awarded to Last Chance Redi-Mix, LLC, in the three (3) year not-to-exceed amount of \$3,600,000). The Public Utilities Board recommends approval (6 - 0).

ASSIGNED ORDINANCE NO. 19-1509

Pulled for individual consideration by Council Member Meltzer.

The presentation was made and discussion followed.

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

AYES (5): Mayor Watts, Mayor Pro Tem Hudspeth and Council Members Davis, Briggs, and Ryan

NAYS (2): Council Members Armintor and Meltzer

The meeting was recessed for a short break at 7:54 p.m. and reconvened at 8:04 p.m.

- S. ID 19-1597 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 Wärtsilä North America, Inc. for the supply of parts and services for the electric generating equipment at the Denton Energy Center, which is the sole provider of this service in accordance with Texas Local Government Code 252.022, 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 7104 - awarded to Wärtsilä North America, Inc., in the two (2) year not-to-exceed amount of \$287,096). The Public Utilities Board recommends approval (6 - 0).

ASSIGNED ORDINANCE NO. 19-1597

Pulled for individual consideration by Council Members Briggs and Armintor.

The presentation was made and discussion followed.

The following registered speakers were called on the item:

- Jennifer Lane, 1526 Willowwood Street - on high cost of project and not factoring in the past and looking at cost of items being considered

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

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

NAYS (2): Council Members Briggs and Armintor

- U. ID 19-1648 Consider adoption of a resolution of the City of Denton, Texas, establishing a Use of City Facilities for Inclement Weather Policy Reference Number 500.07; and declaring an effective date.

ASSIGNED ORDINANCE NO. 19-1648

Pulled for individual consideration by Council Members Briggs and Armintor.

A presentation was made under Item 3.B (ID 19-1647) during the Work Session held earlier in the day which related to this particular item.

The presentation was made and discussion followed.

The following registered speakers were called on the item:

- Kevin Sample, 2007 Teasley Lane - asked for compromise on locations for homeless during inclement weather
- Sam Alphonse, 326 Mill Street #3 - on need for inclement weather stations

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

- Mateo Granados, 1201 Cockrell Trail - in support of the item
- Angelica Fraga, 1201 Paco Trail - in support of the item
- Emily Thygesen, 411 Panhandle B - in support of the item

Council Member Meltzer moved to postpone the item to an event certain when shelter options would be open and available in the City and after the Emergency Shelter Task Force was reconvened. Motion seconded by Council Member Briggs. Motion failed.

AYES (3): Council Members Briggs, Armintor, and Meltzer

NAYS (4): Mayor Watts, Mayor Pro Tem Hudspeth and Council Members Davis, and Ryan

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

AYES (4): Mayor Watts, Mayor Pro Tem Hudspeth and Council Members Davis, and Ryan

NAYS (3): Council Members Briggs, Armintor, and Meltzer

The meeting was recessed for a short break at 8:48 p.m. and reconvened at 8:55 p.m.

5. ITEMS FOR INDIVIDUAL CONSIDERATION

- A. ID 19-1439 Consider adoption of an ordinance considering all matters incident and related to the issuance, sale and delivery of up to \$30,720,000 in principal amount of "City of Denton Certificates of Obligation, Series 2019" for General Government, Technology Services, Water, Wastewater and Electric; authorizing the issuance of the Certificates; delegating the authority to certain City officials to execute certain documents relating to the sale of the Certificates; approving and authorizing instruments and procedures relating to said Certificates; enacting other provisions relating to the subject; and providing an effective date.

ASSIGNED ORDINANCE NO. 19-1439

Items 5.A (ID 19-1439) and 5.B (ID 19-1440) were collectively presented and discussed, with each item voted on individually.

Council Member Ryan moved to approve the item as presented. Motion seconded by Council Member Briggs. Motion carried.

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

NAYS (0): None

- B. ID 19-1440 Consider adoption of an ordinance considering all matters incident and related to the issuance, sale and delivery of up to \$47,990,000 in principal amount of "City of Denton General Obligation Refunding and Improvement Bonds, Series 2019"; authorizing the issuance of the Bonds; delegating the authority to certain City officials to execute certain documents relating to the sale of the Bonds; approving and authorizing instruments and procedures relating to said Bonds; enacting other provisions relating to the subject; and providing an effective date.

ASSIGNED ORDINANCE NO. 19-1440

Items 5.A (ID 19-1439) and 5.B (ID 19-1440) were collectively presented and discussed, with each item voted on individually.

Council Member Ryan moved to approve the item as presented. Motion seconded by Council Member Davis. Motion carried.

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

NAYS (0): None

- C. ID 19-1508 Consider appointing a nominating committee to recommend appointees to serve on the Economic Development Partnership Board.

Council Member Davis nominated himself. Council Member Briggs nominated Mayor Watts.

Council Member Ryan moved to appoint Mayor Watts and Council Member Davis to serve as the nominating committee in recommending appointees to serve on the Economic Development Partnership Board. Motion seconded by Mayor Pro Tem Hudspeth. Motion carried.

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

6. PUBLIC HEARINGS

- A. S18-0005g 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 multi-family dwelling use on an approximately 9.91 acre site, generally located west of Mockingbird Lane, south of Mingo Road, in the City of Denton, Denton County, Texas; providing for a penalty in the maximum amount of \$2000.00 for violations thereof; providing for severability; and establishing an effective date. The Planning and Zoning Commission recommends approval 6-0, with conditions. THIS ITEM WAS POSTPONED BY CITY COUNCIL ON MAY 7, 2019. SUBSEQUENTLY THIS ITEM WAS FURTHER POSTPONED AT THE REQUEST OF THE APPLICANT. (S18-0005g, Mockingbird Multifamily, Ron Menguita) **ASSIGNED ORDINANCE NO. S18-0005g**

The presentation was made and discussion followed.

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

- Patrick Fkson, 4821 Merlot Avenue Grapevine, TX (Applicant) - presented an overview of the proposed project
- Cameron Williams, 1200 Northlake Drive, Richardson, TX (Applicant) - continued with the overview of the proposed project
- Nancy Carson, 2908 Oakshire - in opposition to the item
- Mukesh Parna, 5811 Kerry Drive, Frisco, TX - in support of the item

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

City Attorney Leal advised as to the City's ability to enforce the penalty included in the ordinance after September 1st (as it relates to building materials).

Mayor Watts called for a motion; and with none forthcoming, the item stayed on the table.

Council Member Davis moved to approve the item with staff conditions as presented. Motion seconded by Council Member Meltzer. Motion carried.

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

The meeting was recessed for a short break at 9:57 p.m. and reconvened at 10:05 p.m.

- B. Z18-0011g Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, approving initial and amended zoning classifications of NR-2 and NR-3, with overlay, on approximately 92.06 acres of land generally located on the east side of East Sherman Drive (FM 428), approximately 1,465 feet north of Hartlee Field Road 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 recommended approval with overlay conditions (6-0). (Z18-0011g, Agave Ranch, Julie Wyatt)

ASSIGNED ORDINANCE NO. Z18-0011g

The presentation was made and discussion followed.

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

- Jason Faigle, 2415 N. Elm (Applicant) - presented an overview of the proposed development
 - Also representing the applicant were Aimee Bisset, Lee Allison, Todd Price, and John Heilman
- Nathan Tune, 3717 Merrimack Drive - in support of the item
- Sharon Kremer, 3674 Pine Trail - in opposition to the item
- Bridget Marshall, 3539 Pine Trail - in opposition to the item
- Susie Autry, 1501 Eufemia - in support of the item

The following requested to have their name read into the record as noted. Names are as listed on the speaker cards and not how presented.

- John Heilman, 300 Lamar Drive, Roanoke, TX - in support of the item
- George Price, 2034 Churchill Downs, Trophy Club, TX - in support of the item
- Sondra Price, 2034 Churchill Down, Trophy Club, TX - in support of the item
- Gage Price, 2034 Churchill Downs, Trophy Club, TX - in support of the item
- Donnie Dobson, 2103 Vista Court, Corinth, TX - in support of the item
- Nina and Jenna Rushton, 709 Ashleigh Lane, Southlake, TX - in support of the item
- Rick Rushton, 900 Rhonr Lane, Southlake, TX - in support of the item
- Paul Crowe, 4722 Pebble Creek Drive, Aubrey, TX - in opposition to the item
- James Crowe, 4722 Pebble Creek Drive, Aubrey, TX - in opposition to the item
- Susan Wheeler, 5540 Woodland Hills Drive - in support of the item
- Terry and Stephanie Lundgren, 6219 Tom Maxwell Road - in opposition to the item
- Stephanie Crowe, 4722 Pebble Creek Drive, Aubrey, TX - in opposition to the item
- Kim Heilman, 300 Lamar Street - in support of the item
- Linda Carter, 3615 Hartler Field Road - in support of the item

Also speaking on the item were the following:

- Walter McGovern, 3110 Hartlee Field Road - in support of the item
- Brenda Ashley, 2905 Osage Lane - in support of the item
- Caitlyn Ashely, 3601 Meadowtrail Lane - in support of the item
- Ronald Carter, 4105 Hartlee Field Road - in support of the item
- Bessie Lou Dobson, 5547 Woodland Hills - in support of the item
- Jenna Rushton, 709 Ashleigh Lane - in support of the item

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

Council Member Davis moved to approve the item with staff conditions as presented. Motion seconded by Council Member Ryan. Motion carried.

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

NAYS (0): None

The meeting was recessed for a short break at 12:24 a.m. on Wednesday, July 17, 2019, and reconvened at 12:35 a.m.

- C. Z18-0025d Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, amending Ordinance 2014-075 to remove one specific overlay restriction on approximately 8.627 acres of land zoned Neighborhood Residential Mixed Use (NRMU) District, generally located on the north side of East Ryan Road, approximately 850 feet west of Teasley Lane, 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 recommended approval of the request (6-0). (Z18-0025, Hunters Creek, Julie Wyatt)

ASSIGNED ORDINANCE NO. Z18-0025d

Items 6.C (ID Z18-0025d) and 6.D (ID S19-0004d) were collectively presented and discussed with the public hearings being opened and closed, with each item voted on individually.

With the public hearing opened, the following spoke on the item(s) as noted:

- Thomas Fletcher, 6160 Warren Parkway, Frisco, TX (Applicant) - presented an overview of the proposed development
- Richard Anson, 3809 Gennaker Drive - in opposition to items C and D
- John Whitener, 4005 Gennaker Drive - in opposition to items C and D
- Amy Frisbie, 2209 Corsair Lane - in opposition to items C and D
- Nathan Tune, 3717 Merrimack Drive - in support of item C

- Brandon Kukla, 4013 Gennaker Drive - in opposition to items C and D
- Chris Hill, 4013 Gennaker Drive - in opposition to items C and D
- Debbie Kukla, 4013 Gennaker Drive - in opposition to items C and D
- Valerie Martinez, 2700 Cedar Creek Lane #3216 - in support of item D

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

- Danielle Rosencrans, 3901 Cuddy - in opposition to items C and D
- Charles Beago, 226 Timberview Court - in support of items C and D
- Mike McGovern, 224 Sunken Meadow - in support of items C and D
- Keri Holub, 224 Sunken Meadow Court - in support of item C
- Mike Johnson, 3504 Bighorn - in support of item C
- Raji Dhital, 3909 Crosstrees Drive - in opposition to items C and D
- Clare Han, 2216 Corsair Lane - in opposition to item C
- Jerry & Thomas John, 2205 Corsair Lane - in opposition to items C and D
- Cindy McManaway, 3900 Roxbury Street - in opposition to items C and D
- Brenna Pennington, 2204 Makena Court - in support of items C and D

Also speaking on the item were the following:

- Marty Beagoy, 3804 Gennaker Drive - in support of the item
- Daniel Browning, 2209 Corsair - in opposition to the item

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

The meeting was recessed for a short break at 2:04 a.m. on Wednesday, July 17, 2019, and reconvened at 2:12 a.m.

Mayor Pro Tem Hudspeth moved to approve the item with the condition that the developer add live oak trees and a quarter of covered parking. Motion seconded by Council Member Meltzer.

The meeting was recessed for a short break at 2:33 a.m. on Wednesday, July 17, 2019 to allow staff time to clarify the opposition rate and reconvened at 2:45 a.m.

Staff provided clarification and advised opposition for rezoning was approximately 15.84% and approximately 19% for the specific use permit.

Motion carried.

AYES (6): Mayor Watts, Mayor Pro Tem Hudspeth and Council Members Davis, Ryan, Armintor, and Meltzer

NAYS (1): Council Member Briggs

- D. S19-0004d 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 multi-family residential use on an approximately 8.627-acre site, generally located on the north side of East Ryan road, approximately 850 feet west of Teasley Lane, 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. The Planning and Zoning Commission recommended approval of the request (6-0). (S19-0004, Hunters Creek, Julie Wyatt)

ASSIGNED ORDINANCE NO. S19-0004d

Items 6.C (ID Z18-0025d) and 6.D (ID S19-0004d) were collectively presented and discussed with the public hearings being opened and closed, with each item voted on individually.

With the public hearing opened, the following spoke on the item(s) as noted:

- Thomas Fletcher, 6160 Warren Parkway, Frisco, TX (Applicant) - presented an overview of the proposed development
- Richard Anson, 3809 Gennaker Drive - in opposition to items C and D
- John Whitener, 4005 Gennaker Drive - in opposition to items C and D
- Amy Frisbie, 2209 Corsair Lane - in opposition to items C and D
- Brandon Kukla, 4013 Gennaker Drive - in opposition to items C and D
- Chris Hill, 4013 Gennaker Drive - in opposition to items C and D
- Debbie Kukla, 4013 Gennaker Drive - in opposition to items C and D
- Valerie Martinez, 2700 Cedar Creek Lane #3216 - in support of item D
- John Harris, 2700 Cedar Creek Lane #1104 - in support of item D

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

- Danielle Rosencrans, 3901 Cuddy - in opposition to items C and D
- Charles Beago, 226 Timberview Court - in support of items C and D
- Mike McGovern, 224 Sunken Meadow- in support of items C and D
- Keri McGovern, 224 Sunken Meadow - in support of item D
- Raji Dhital, 3909 Crosstrees Drive - in opposition to items C and D
- Jerry & Thomas John, 2205 Corsair Lane - in opposition to items C and D
- Cindy McManaway, 3900 Roxbury Street - in opposition to items C and D
- Brenna Pennington, 2204 Makena Court - in support of items C and D

Also speaking on the item were the following:

- Marty Beagoy, 3804 Gennaker Drive - in support of the item
- Daniel Browning, 2209 Corsair - in opposition to the item

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

Mayor Pro Tem Hudspeth moved to approve the item as presented. Motion seconded by Council Member Davis. Motion carried.

AYES (6): Mayor Watts, Mayor Pro Tem Hudspeth and Council Members Davis, Ryan, Armintor, and Meltzer

NAYS (1): Council Member Briggs

NOTE: Due to technical difficulties with the voting system, the vote was taken by a show of hands.

- E. S19-0002a 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 multi-family residential use on an Approximately 15.466-acre site, generally located on the north side of East McKinney Street, approximately 1,130 feet east of north loop 288, 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. The Planning and Zoning Commission recommended approval of the request (6-0). (S19-0002, Forest Crossing, Julie Wyatt)

ASSIGNED ORDINANCE NO. S19-0002a

The presentation was made and discussion followed.

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

- Aimee Bissett, 212 S. Elm (Applicant) - presented an overview of the proposed development

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

- Richard Lapp, 3 Royal Terrace Court, Dallas, TX - in support of the item
- J. Mikel Reynolds, 11904 Forest Lakes Lane, Dallas, TX - in support of the item
- David B. Hendricks, 3706 W. Davis, Suite D, Conroe, TX - in support of the item
- Steven Charnquist, 5799 Doliver Drive, Houston, TX - in support of the item
- Daniel Crain, 5921 Masterson Drive, Plano, TX - in support of the item

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

Mayor Pro Tem Hudspeth moved to approve the item as presented with staff recommendations. Motion seconded by Council Member Ryan. Motion carried.

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

NAYS (0): None

7. CONCLUDING ITEMS

Council Members expressed items of interest, congratulatory remarks and provided general announcements. Staff to provide responsive information to those requests for information as part of the Friday Report process.

With no further business, the meeting was adjourned on Wednesday, July 17, 2019, at 3:22 a.m.



CHRIS WATTS
MAYOR
CITY OF DENTON, TEXAS



ROSA RIOS
CITY SECRETARY
CITY OF DENTON, TEXAS

MINUTES APPROVED ON:

