

CITY OF DENTON CITY COUNCIL MINUTES
December 17, 2019

After determining that a quorum was present, the City Council of the City of Denton, Texas convened in a Work Session on Tuesday, December 17, 2019, at 12:03 p.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, and Deb Armintor

ABSENT: Council Member Paul Meltzer

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

WORK SESSION

1. Citizen Comments on Consent Agenda Items

The following spoke:

- Eric Pruitt, 2111 Westwood Drive - Opposed to Consent Agenda Item 3.L (ID 19-2927); need for larger fire trucks.

Council Member Armintor arrived at 12:06 p.m.

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

- Consent Item 3.B (19-2867) - As requested, staff clarified how funded and paid through bonds allocated for the purpose. (Briggs)
- Consent Item 3.E (19-2905) - A requested, staff clarified funds remaining after related funds are allocated. (Briggs)
- Consent Item 3.J (19-2924) and 3.K (19-2925) - As requested, staff clarified how funds allocated with reporting provided to Council Committees and could also be provided to Council. (Briggs)
- Consent Item 3.L (19-2927) - As requested, staff clarified purpose of truck size and desire to standardize with current truck sizes used. (Briggs and Watts)
- Consent Item 3.P (19-2953) - As requested, staff clarified the item codifies fees. (Briggs)
- Consent Item 3.O (19-2944) - Pulled for individual consideration. (Davis)

3. Work Session Reports

- A. ID 19-2802 Receive a report, hold a discussion, and give staff direction regarding the development of the Hunter-Cole Ranch master planned community in southwest Denton.

The item was presented and discussion followed.

Also presenting material on the item were Brian Carlock with Hillwood and Clay Crawford with Crawford & Jordan.

The Work Session was recessed for a short break at 1:29 p.m. and reconvened at 1:41 p.m.

Discussion continued.

Following discussion, staff was directed to continue as proposed with work sessions on January 14, 2020 and January 28, 2020 (if needed), with a public hearing on February 4, 2020 and February 18, 2020 (if needed). Staff may need to review the possibility of making the City's Ethics Code applicable to the MMD Board of Directors as well as the use of specific facilities for their meetings, if allowed.

The Work Session was recessed for a short break at 2:48 p.m. and reconvened at 2:58 p.m.

- B. ID 19-2783 Receive a report, hold a discussion, and give staff direction regarding the 2019-20 audit plan.

The item was presented and discussion followed.

Following discussion, staff was directed to proceed with the HR Compliance with Laws audit as a substitute of the Fleet Services Audit.

- C. ID 19-018 Receive a report, hold a discussion, and give staff direction regarding proposed revisions to the Ethics Policy for all City of Denton employees.

The item was presented and discussion followed.

Following discussion, staff was directed to bring back a resolution for City Council adoption at a future meeting to adopt the policy as presented, conduct ethics training classes facilitated quarterly, notify employees of policy changes via email, and notify vendors of gift restrictions.

- D. ID 19-2485 Receive a report, hold a discussion, and give staff direction regarding the 2020 Denton Mobility Plan Update.

The item was presented and discussion followed.

Following discussion, staff was directed to proceed with work sessions on the Thoroughfare Plan on January 7 and 14, 2020 (with an Informal Staff Report on December 20, 2019) and a work session on the Bicycle & Pedestrian Plan on January 28, 2020 (an Informal Staff Report on January 17, 2019).

- E. ID 19-2258 Receive a report, hold a discussion, and give staff direction on pending City Council requests for: (1) Resolution of support for businesses near UNT

The item was presented and discussion followed.

Following discussion, there was no consensus to consider a resolution.

The Work Session ended at 4:19 p.m.

CLOSED MEETING

1. The City Council convened into a Closed Meeting at 4:19 p.m. consistent with Chapter 551 of the Texas Government Code, as amended, or as otherwise allowed by law, as follows:

- A. ID 19-2975 Consultation with Attorneys - Under Texas Government Code Section 551.071. Consult with the City's attorneys on the status, strategy, and potential resolution of litigation in Cause No. DC-17-08139, styled "Michael Grim and Jim Maynard v. City of Denton, Texas" pending in the 68th Judicial District Court, Dallas County, Texas; where 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 otherwise compromise the City's legal position in pending litigation.

DELIBERATED

The Closed Meeting started at 4:23 p.m. and ended at 5:17 p.m. No votes or actions were taken during the Closed Meeting.

REGULAR MEETING

After determining that a quorum was present, the City Council of the City of Denton, Texas convened in a Work Session on Tuesday, December 17, 2019, at 6:31 p.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, and Deb Armintor

ABSENT: Council Member Paul Meltzer

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

1. PLEDGE OF ALLEGIANCE

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

2. 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 19-2962 Willie Hudspeth, 623 Newton, regarding homelessness and statement about Confederate Statue on the Square - PRESENTED
- C. Additional Citizen Reports (Open Microphone)
 - Queen Janata Montgomery, address not provided, Denton - Opposed to Item for Individual Consideration 4.C (ID 19-2886) appointment same members that served on other bond committees; public not aware; discussions not held in accordance with Public Information Act

3. CONSENT AGENDA

The Consent Agenda consisted of Items 4.A-U. Item 4.0 (ID 19-2944) was pulled for Individual Consideration by Council Member Davis.

Council Member Briggs moved to adopt the Consent Agenda, now consisting of Items 4.A-N and 4.P-U. Motion seconded by Council Member Ryan. Motion carried.

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

NAYS (0): None

ABSENT (1): Council Member Meltzer

- A. ID 19-2820 Consider approval of the minutes of December 2 and December 3, 2019.
- B. ID 19-2867 Consider adoption of an ordinance of the City of Denton authorizing a service agreement between the City of Denton and the Denton African American Scholarship Foundation, Incorporated; 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 two hundred and fifty dollars (\$250); and providing for an effective date.

ASSIGNED ORDINANCE NO. 19-2867

- C. ID 19-2868 Consider adoption of an ordinance of the City of Denton authorizing a service agreement between the City of Denton and Giving Hope, Incorporated; 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 five hundred dollars (\$500); and providing for an effective date.

ASSIGNED ORDINANCE NO. 19-2868

- D. ID 19-2903 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the approval of a second amendment to a Professional Services Agreement between the City of Denton and POWER Engineers, Inc., amending the contract approved by City Council on October 9, 2018, in the not-to-exceed amount of \$776,600; amended by Amendment 1 approved by the Purchasing Staff; said second amendment to provide services for CIP projects, where relay and control commissioning is required, for periodic NERC testing, meeting obligations of the Texas Municipal Power Agency (TMPA) Transmission Operator, Maintenance, and Construction Services Agreement; providing for the expenditure of funds therefor; and providing an effective date (File 6861 - providing for an additional second amendment expenditure amount not-to-exceed \$604,800, with the total contract amount not-to-exceed \$1,381,400). The Public Utilities Board recommends approval (7 - 0).

ASSIGNED ORDINANCE NO. 19-2903

- E. ID 19-2905 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, approving proposals from Ameri-Mex Contractors Inc., and authorizing the expenditure of funds for the reconstruction of three (3) properties under the City of Denton Home Improvement Program; and providing an effective date (RFP 7142-2 -Ameri-Mex Contractors Inc., in the not-to-exceed amount of \$519,035).

ASSIGNED ORDINANCE NO. 19-2905

- F. ID 19-2906 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 Kronos Incorporated, through the US Communities Government Purchasing Alliance Contract #18220 for Automated Timekeeping and Attendance software, maintenance and purchase of licenses; providing for the expenditure of funds therefor; and providing an effective date (File 7144 - awarded to Kronos Incorporated, in the five (5) year not-to-exceed amount of \$1,634,025).

ASSIGNED ORDINANCE NO. 19-2906

- G. ID 19-2907 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager, or his designee, to utilize a contract through the City of Frisco Contract Number RFP #1303-035, for Healthcare Consulting Services regarding transparent pricing and quality metric for City of Denton employees; providing the expenditure of funds therefor; and providing an effective date (File 7250 - awarded to Alight Solutions, LLC, at the rate of \$4.50 per employee per month, in the three (3) year not-to-exceed amount of \$250,000).

ASSIGNED ORDINANCE NO. 19-2907

- H. ID 19-2926 Consider approval of a resolution of the City of Denton, Texas adopting the Human Services Advisory Committee recommendations to reallocate \$42,000 in FY2019-20 Human Services Grant funds; and providing an effective date.

ASSIGNED ORDINANCE NO. 19-2926

- I. ID 19-2923 Consider adoption of an ordinance of the City of Denton authorizing the City Manager, or his designee, to execute a service agreement by and between Our Daily Bread and the City of Denton and providing for the expenditure of funds in an amount not to exceed \$64,600 for Street Outreach in furtherance of the coordinated system of homeless assistance programs; authorizing the expenditure of funds therefor; and providing an effective date.

ASSIGNED ORDINANCE NO. 19-2923

- J. ID 19-2924 Consider adoption of an ordinance of the City of Denton authorizing the City Manager, or his designee, to execute a service agreement by and between Our Daily Bread and the City of Denton and providing for the expenditure of funds in the amount of \$67,100 for Rapid Re-Housing rental assistance in furtherance of the coordinated system of homeless assistance programs; authorizing the expenditure of funds therefor; and providing an effective date.

ASSIGNED ORDINANCE NO. 19-2924

- K. ID 19-2925 Consider adoption of an ordinance of the City of Denton authorizing the City Manager, or his designee, to execute a Service Agreement by and between Monsignor King Outreach Center and the City of Denton and providing for the expenditure of funds in the amount of \$60,000 for Rapid Re-Housing rental assistance in furtherance of the coordinated system of homeless assistance programs; authorizing the expenditure of funds therefor; and providing an effective date.

ASSIGNED ORDINANCE NO. 19-2925

- L. ID 19-2927 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 Siddons-Martin Emergency Group, LLC, through the Buy Board Cooperative Purchasing Network Contract # 571-18, for the acquisition of one (1) Pierce Velocity TM Pumper Engine for the Fire Department; providing for the expenditure of funds therefor; and providing an effective date (File 7223 - awarded to Siddons-Martin Emergency Group, LLC, in the amount of \$739,631).

ASSIGNED ORDINANCE NO. 19-2927

- M. ID 19-2928 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, rejecting any and all competitive proposals under RFP 7102 for only 651 Mayhill Road and alternate items thereto (Lines 6-12), for the expansion of locations for the City's Traffic Control, Warehouse, and Purchasing Departments; and providing an effective date (RFP 7102).

ASSIGNED ORDINANCE NO. 19-2928

- N. ID 19-2943 Consider adoption of an ordinance of the City of Denton amending Ordinance No. 19-2520, establishing the classifications and prescribing the number of positions in each classification for the Police Department pursuant to Chapter 143 of the Texas Local Government Code; providing repealer, cumulative, and severability clauses; and declaring an effective date.

ASSIGNED ORDINANCE NO. 19-2943

- P. ID 19-2953 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, setting the amount to be charged for each fee created in Division 3, Rights-of-Way Construction Management, Article II - Construction and Repair, Chapter 25 - Streets, Sidewalks and Public Places, of the City's Code of Ordinances; providing for severability; and establishing an effective date.

ASSIGNED ORDINANCE NO. 19-2953

- Q. ID 19-2964 Consider adoption of an ordinance of the City of Denton, Texas, a Texas home-rule municipal corporation, authorizing the City Manager to execute a contract with SAE Towers, LTD, for galvanized steel transmission poles, anchor cages, and associated hardware for Denton Municipal Electric; providing for the expenditure of funds therefor; and providing an effective date (RFP 7152 - awarded to SAE Towers, LTD, in the not-to-exceed amount of \$1,718,905).

ASSIGNED ORDINANCE NO. 19-2964

- R. ID 19-2966 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing, and approving the purchase of Excess Workers' Compensation Insurance Coverage for the City of Denton, through the City's sole broker of record, McGriff, Seibels, and Williams of Texas, Inc., and in accordance with Chapter 252.024 of the Texas Local Government Code such coverage is exempt from the requirements of competitive bidding; and providing an effective date (File 7263 - awarded to Midwest Employers Casualty Company at a rate of \$0.1779 per \$100 of payroll, in the three (3) year not-to-exceed amount of \$675,000).

ASSIGNED ORDINANCE NO. 19-2966

- S. ID 19-2967 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing, and approving the purchase of Excess Liability Insurance Coverage for the City of Denton, through the City's sole broker of record, McGriff, Seibels, and Williams of Texas, Inc., and in accordance with Chapter 252.024 of the Texas Local Government Code such coverage is exempt from the requirements of competitive bidding; and providing an effective date (File 7264 - awarded to Argo Group International Holdings Ltd., in the three (3) year not-to-exceed amount of \$755,000).

ASSIGNED ORDINANCE NO. 19-2967

- T. ID 19-2971 Consider adoption of an ordinance of the City of Denton approving a second amendment to an economic development program grant agreement with GTM Development, Ltd. ("GTM Development"), dated August 16, 2011, authorizing the assignment of the agreement to GTM Denton, Ltd.; and providing an effective date.

ASSIGNED ORDINANCE NO. 19-2971

- U. ID 19-2982 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 Walker Industrial, LLC, for the supply of two (2) 500 horsepower variable frequency drives at the Lake Ray Roberts Water Treatment Plant (LRRWTP); providing for the expenditure of funds therefor; and providing an effective date (IFB 7213 - awarded to Walker Industrial, LLC, in the not-to-exceed amount of \$275,035.61)

ASSIGNED ORDINANCE NO. 19-2982

ITEM PULLED FOR INDIVIDUAL CONSIDERATION

- O. ID 19-2944 Consider approval of a resolution of the City of Denton authorizing the City Manager or his designee to amend the Memorandum of Understanding with the Denton Independent School District (DISD), for a reimbursement to the City in the increased estimated amount of \$610,456 for compensation and benefits of Student Resource Officers (SROs) assigned at DISD for the period of July 1, 2019, through June 30, 2020, and providing an effective date.

ASSIGNED RESOLUTION NO. 19-2944

Pulled for individual consideration by Council Member Davis

Council Member Davis had a conflict of interest on the item and left the Council Chambers.

The item was not presented and no discussion followed.

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

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

NAYS (0): None

ABSTAIN (1): Council Member Davis

ABSENT (1): Council Member Meltzer

4. ITEMS FOR INDIVIDUAL CONSIDERATION

- A. ID 19-2772 Consider approval of a resolution of the City of Denton accepting the donation of public art from the Hudspeth family in the form of a mural painted on property located at 178 N. Bonnie Brae Street by artist Dan Black, and authorizing the City Manager to execute any and all documents necessary to formalize the acceptance of the donation; and providing an effective date. The Public Art Committee recommends approval (7-0).

ASSIGNED RESOLUTION NO. 19-2772

Mayor Pro Tem Hudspeth had a conflict of interest on the item and left the Council Chambers.

The item was presented and discussion followed.

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

AYES (5): Mayor Watts and Council Members Briggs, Davis, Ryan, and Armintor

NAYS (0): None

ABSTAIN (1): Mayor Pro Tem Hudspeth

ABSENT (1): Council Member Meltzer

- B. ID 19-2896 Consider adoption of an ordinance of the City of Denton authorizing the City Manager, or his designee, to convey an underground gas line easement to the University of North Texas containing approximately 900 square feet of land (0.021 acres) on a tract of land in the E. Puchalski Survey, Abstract No. 996, City and County of Denton, Texas, being a portion of West Mulberry Street, providing for severability and an effective date.

ASSIGNED ORDINANCE NO. 19-2772

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

The item was presented and discussion followed.

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

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

NAYS (0): None

ABSTAIN (1): Council Member Armintor

ABSENT (1): Council Member Meltzer

- C. ID 19-2886 Consider approval of a resolution creating and appointing members to a special seven member Oversight Committee to monitor, evaluate, and report on progress of the six year capital improvement program, which was approved by the voters at the bond election on November 5, 2019, and all prior bond elections; dissolving prior bond oversight committees and repealing related creation resolutions; and provide for an effective date.

ASSIGNED RESOLUTION NO. 19-2886

The item was presented and discussion followed.

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

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

NAYS (2): Council Members Briggs and Armintor

ABSENT (1): Council Member Meltzer

- D. ID 19-2757 Consider adoption of an ordinance of the City of Denton authorizing the City Manager, or his designee, to execute a Contract of Sale between the City of Denton, as buyer, and 612 E McKinney, LLC, as seller, for the purchase of a 1.22 acre tract of land, more or less, being situated in the Hiram Sisco Survey, Abstract No. 1184, located in the City of Denton, Denton County, Texas, and known as 612 East McKinney Street, for the purchase price of One Million Seven Hundred Thousand Dollars and No/100 (\$1,700,000.00); authorizing the expenditure of funds therefor; providing for severability; and providing an effective date.

ASSIGNED ORDINANCE NO. 19-2757

Council Member Briggs had a conflict of interest on the item and left the Council Chambers.

The item was presented and discussion followed.

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

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

NAYS (0): None

ABSTAIN (1): Council Member Briggs

ABSENT (1): Council Member Meltzer

- E. ID 19-2950 Consider adoption of an ordinance of the City of Denton authorizing the City Manager, or his designee, to execute and deliver an Advance Funding Agreement for a Highway Safety Improvement Off-System Project, between the City of Denton and the Texas Department of Transportation ("TxDOT"), regarding TxDOT's request for reimbursement of 10% of the total construction cost of \$329,149.00 for the installation of traffic signal upgrades related to the off-system intersections of E. McKinney Street at Woodrow Lane and E. McKinney Street at Mockingbird Lane; authorizing the expenditure of funds thereof; and providing an effective date.

ASSIGNED ORDINANCE NO. 19-2950

The item was presented and discussion followed.

Council Member Armintor moved to adopt the item as presented. Motion seconded by Council Member Davis. Motion carried.

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

NAYS (0): None

ABSENT (1): Council Member Meltzer

- F. ID 19-2617 Consider nominations/appointments to the City's Boards, Commissions, and Committees: Airport Advisory Board and Community Development Advisory Committee.

There was no presentation or discussion on the item.

Council Member Ryan moved to appoint the following as noted:

BOARD/COMMITTEE/COMMISSION	COUNCIL PLACE	NOMINATING CCM	MEMBER FIRST NAME	MEMBER LAST NAME	PRESENT TERM	NEW TERM	STATUS & QUALIFICATION OR PREFERENCE, IF ANY
Alport Advisory Board	6	Meltzer	Ann	Patterson	N/A	UNEXPIRED September 1, 2019 through August 31, 2021	New
Community Development Advisory Committee	1	Hudspeth	Nancy	Criscó	N/A	UNEXPIRED September 1, 2019 through August 31, 2021	New

Motion seconded by Mayor Pro Tem Hudspeth. Motion carried.

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

NAYS (0): None

ABSENT (1): Council Member Meltzer

5. PUBLIC HEARINGS

- A. ID 19-2952 Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, amending the Solid Waste Design Criteria Manual; providing for severability, a savings clause and an effective date. STAFF IS REQUESTING THAT THIS ITEM BE WITHDRAWN.

The item was not considered as noted above at the request of staff.

- B. PD19-0003a Hold a public hearing and consider adoption of an ordinance of the City of Denton regarding a change in the zoning district and use classification from Residential 2 (R-2) on 34.31 acres and Residential 3 (R3) on 2.34 acres to a Planned Development (PD) District on a total of approximately 36.66 acres of land generally located north of Ryan Road, approximately 120 feet east of Monte Carlo 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 a severability clause and an effective date. (PD19-0003a, Ryan Way, Hayley Zagurski).

ASSIGNED ORDINANCE NO. PD19-0003a

The item was presented and discussion followed.

The meeting was recessed for a short break at 7:36 p.m. and reconvened at 7:43 p.m.

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

- Jim Strange (Applicant), 3613 Falcon Court - presented an overview of the proposed project
- Thomas Fletcher (Representing the applicant), 6160 Warren Parkway - continued with the overview of the proposed project
- Steven Flowers, 3811 Monte Carlo Lane - in opposition to the item, but does appreciate some of the changes made by the developer
- Jacob Scott, 1400 San Marino Lane - in opposition to the item
- Beverly Hoch-Steinel, 3819 Monte Carlo Lane - appreciates changes on the proposed development but still concerned about parallel street to Monte Carlo
- Matt Wenthold, 1405 San Marino Lane - in opposition to the item
- Rae Mowry, 3800 Ridgemont Lane - in opposition to the item
- Donna DeSpain, 1409 Monte Cristo Court - 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 8:59 p.m. and reconvened at 9:05 p.m.

Discussion continued.

Council Member Davis moved to adopt the item as presented. Motion was not seconded, however, Council Member Briggs initiated discussion which was taken as an automatic second.

Mayor Pro Tem Hudspeth presented a friendly amendment to Council Member Davis' motion to provide for a straight through design but install an emergency exit for fire/police. Council Member Davis did not accept the friendly amendment.

Discussion continued.

Council Member Armintor presented a friendly amendment to Council Member Davis' motion to include holding off on opening the homes for people to inhabit until the construction of Ryan Road was done. Council Member Davis did not accept the friendly amendment.

Council Member Armintor presented a friendly amendment to Council Member Davis' motion to have the developer outline in the PD where the construction routes would be located and hold them to it legally. Council Member Davis found the friendly amendment to have merit but did not accept it since clarification was provided that for any construction project, a private developer has to identify where the construction entrances/routes will be located; and if traffic deviates, the City has the ability to stop construction until the issue is corrected.

Discussion continued.

The applicant, Jim Strange, stated he accepted the proposed amendments regarding the conservation easement, tree placement and proposed concept plan.

Council Member Ryan presented a friendly amendment to require the construction ingress and egress be off Ryan Road. Council Member Davis accepted the friendly amendment and revised his original motion as follows:

- Adopt the draft ordinance as presented with the agenda backup material;
- Add that the construction entrance be from Ryan Road; and
- Substitute Exhibit D, as updated and provided during the meeting, to include staff recommendations for Section 5 which include the conservation easement and buffer tree zone on the southwestern corner.

Amended motion seconded by Council Member Ryan.

Discussion continued.

The meeting was recessed to allow staff to review the impact of the amended motion at 9:54 p.m. and reconvened at 9:56 p.m.

Staff reported the developer would be required to go to the Zoning Board of Adjustment as to the crash gate and request a variance, then return to City Council for final approval.

Discussion continued.

Council Member Briggs moved a substitute motion to postpone the item until a full quorum of the City Council was present. Motion died due to lack of a second.

Discussion continued.

Mayor Watts moved a friendly amendment to Council Member Davis' amended motion to provide that after building Monte Carlo Street, the developer construct a moveable barricade across Monte Carlo Street at the southern edge of the property. Council Member Davis accepted the friendly amendment, as did Council Member Ryan who had seconded the amended motion.

Mayor Watts called the vote on Council Member Davis' amended motion, as further modified by the accepted friendly amendment, and seconded by Council Member Ryan to:

- Approve the requested rezoning to Planned Development (PD) District, including the PD Standards and PD Development Plan Map, with the following conditions:

1. The construction entrance for the development of the property shall be designated directly along Ryan Road.
2. The PD Development Plan Map shall be the revised plan provided in hard copy to the City Council at the December 17, 2019 public hearing rather than the plan originally submitted as part of the December 17, 2019 agenda.
3. Section 5 of the PD Development Standards shall be revised to reflect:
 - a. Conservation easements for tree preservation areas as shown on the Concept Plan shall be provided at the time of platting and benefit the HOA and
 - b. Buffer trees are required to be planted at a rate of 1 tree per 50 linear feet in the southwestern portion of the buffer behind the lots on Street D of the PD Development Plan Map.
4. An emergency-access-only gate shall be installed at the southern-most connection to Monte Carlo Lane abutting the Ridgemont Addition. Monte Carlo Lane shall be fully improved underneath the gate to allow for emergency access and utility connections.

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

NAYS (1): Council Member Armintor

ABSENT (1): Council Member Meltzer

- D. Z19-0009b Hold a public hearing and consider adoption of an ordinance of the City of Denton approving a change in the zoning district and use classification from Rural Residential (RR) zoning district to Mixed Use Neighborhood (MN) zoning district on 2.430 net acres of land and from Residential 6 (R6) to Mixed Use Neighborhood (MN) zoning district and use classification on 0.838 net acres of land, totaling 3.40 gross acres, generally located on the north side of Blagg Road, approximately 430 feet east of the intersection of Blagg Road and Geesling 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 (6-0). (Z19-0009, Blagg Road Substation, Cindy Jackson)

ASSIGNED ORDINANCE NO. Z19-0009b

Items 5.C (ID S19-0011b) and 5.D (ID Z19-0009b) were collectively read into the record, presented, and discussed, with each item voted on individually.

Mayor Watts clarified Item 5.D. (ID Z19-0009b) would be voted on first, followed by Item 5.C (ID S19-0011b).

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

- Seth Samson (Applicant), 115 W. 7th Street, Fort Worth - availed himself to answer questions from City Council

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

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

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

NAYS (2): Council Members Briggs and Armintor

ABSENT (1): Council Member Meltzer

- C. S19-0011b Hold a public hearing and consider adoption of an ordinance of the City of Denton approving a Specific Use Permit to allow an electric substation on approximately 3.27 acres of land generally located at on the north side of Blagg Road, approximately 430 feet east of the intersection of Blagg Road and Geesling 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 (6-0). (S19-0011, Blagg Road Substation, Cindy Jackson)

ASSIGNED ORDINANCE NO. S19-0011b

Items 5.C (ID S19-0011b) and 5.D (ID Z19-0009b) were collectively read into the record, presented, and discussed, with each item voted on individually.

Mayor Watts clarified Item 5.D. (ID Z19-0009b) would be voted on first, followed by Item 5.C (ID S19-0011b).

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

- Seth Samson (Applicant), 115 W. 7th Street, Fort Worth - availed himself to answer questions from City Council

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

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

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

NAYS (2): Council Members Briggs and Armintor

ABSENT (1): Council Member Meltzer

- E. S19-0003c Hold a public hearing and consider adoption of an ordinance of the City of Denton approving a Specific Use Permit to allow for a multifamily dwelling use on approximately 12.33 acres of land, generally located on the north side of Poinsettia Boulevard, approximately 945 feet east of East Sherman Drive, 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 voted 7-0 to approve the request with conditions. THIS ITEM WAS POSTPONED FROM THE DECEMBER 3, 2019 CITY COUNCIL MEETING. (S19-0003, Oxford at Sherman Drive, Julie Wyatt)
ASSIGNED ORDINANCE NO. S19-0003c

The item was presented and discussion followed.

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

- Justin Swords (Applicant), 8411 Preston Road, Dallas - presented an overview of the proposed project

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

Mayor Pro Tem Hudspeth moved to adopt the item as presented with staff recommendations and amend the item for the Material for the perimeter fence along Poinsettia Drive (identified as "Poinsettia Drive" on the Site Plan in Exhibit "B") shall be masonry. Motion then seconded by Council Member Armintor. Motion carried.

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


NAYS (0): None

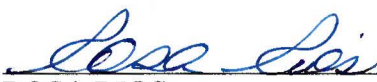
ABSENT (1): Council Member Meltzer

6. CONCLUDING ITEMS

Council Members expressed items of interest, congratulatory remarks and provided general announcements.

With no further business, the meeting was adjourned at 11:15 p.m.


CHRIS WATTS
MAYOR
CITY OF DENTON, TEXAS


ROSA RIOS
CITY SECRETARY
CITY OF DENTON, TEXAS

MINUTES APPROVED ON: January 14, 2020