

## CITY OF DENTON CITY COUNCIL MINUTES

December 4, 2018

After determining that a quorum was present, the City Council of the City of Denton, Texas convened in a Work Session on Tuesday, December 4, 2018 at 2:00 p.m. in the Council Work Session Room at City Hall.

**PRESENT:** Council Member Hudspeth, Council Member Briggs, Council Member Duff, Mayor Pro Tem Ryan, Council Member Armintor, Council Member Meltzer, and Mayor Watts.

**ABSENT:** None.

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

There were no citizen comments on Consent Agenda items.

### **2. Requests for clarification of agenda items listed on the agenda for December 4, 2018.**

Staff responded to the Council's requests for clarification on the following items:

Council Member Hudspeth - requested clarification on Consent Agenda Item Y and requested a brief overview of the Denton County Livestock Association.

Council Member Armintor requested clarification on Consent Agenda Item A. She stated that she would like the wording "gender expression" added to the ordinance in addition to gender orientation.

Mayor Watts stated that the item should be pulled for individual consideration.

Sarah Kuechler, Director of Public Affairs, stated that she would need to review the term with Legal.

### **3. Work Session Reports**

- A. ID 18-2044 Receive a report, hold a discussion, and give staff direction regarding the results of the US 380 street lighting feasibility and photometric study conducted by HDR Engineering, Inc.

Pritam Deshmukh, City Engineer, stated that after the widening of US 380 between I-35 and US 77, the City Council directed staff to perform a street lighting study for US 380. He reviewed existing conditions and the proposed system design. He provided an estimated cost for engineering design and construction from I-35 to N. Mayhill Road.

Deshmukh stated that the design phase would be about six months and construction phase would be about nine months. Council discussed leaving the lighting on the corridor as it was currently, building all from I-35 and Mayhill at a cost of approximately \$5.2 million or building it in segments — Phase I between I-35 and Bonnie Brae (\$1.2 million) and Phase II between Carroll and Bell (\$510,000).

Deshmukh also briefed Council that current City transportation projects had included street lights - Bonnie Brae, Mayhill, Hickory Creek West. Other major TxDOT corridors that needed retrofitting included FM 2499 - City limits to I-35, US 377 - Hobson to I-35, and FM 2181 - City limits to Lillian Miller.

Council discussed the cost, additional development providing any additional lighting, whether it would have been cheaper to do when the widening was being done, and funding for these street light projects such as from bonds, cost analysis of costs to City from accidents in poorly lit areas, comprehensive study on how to solve lighting needs on a city-wide basis.

General consensus of Council was to move forward on the build all.

Council Member Briggs asked for slides be sent to Council on the other lighting projects.

- B. ID 18-1941 Receive a report, hold a discussion, and give staff direction regarding multi-family dwelling and collegiate housing.

Ron Menguita, Senior Planner, reviewed the background of collegiate housing (dormitory) around universities. The Development Code Review Committee requested that the entire Council look at this. The main concerns for Collegiate Housing were parking, traffic and compatibility. He stated that there were 26 rent-by-the-bedroom developments located close to universities and served by shuttle service.

Menguita stated that the question was whether dormitory should include single-family and duplex.

Menguita stated that staff had reviewed development standards in several college cities.

Council discussion included where these type of developments should go, provide a separate category for each use, the difference between multi-family unit and SRO (single resident occupancy), if we were asking for a separate category how were we going to define them, number of units, layout and business practice, separate classification for multi-family, classification of use - multi-family dwelling or collegiate housing (dormitory) maybe not have as many permitted by right.

General consensus of Council was to have a separate zoning classification and determine criteria and definitions.

- C. ID 18-2040 Receive a report, hold a discussion, and provide direction concerning the City's Homestead Exemption.

David Gaines, Assistant Director of Finance, reviewed the current homestead exemption and the homestead exemption history for the past 10 years. Currently 0.5% of value or \$5,000 whichever was greater. 2018 Certified Values reflected that there were 19,276 single family homes with a homestead exemption (65%). There were 29,595 total single family homes in the City and exempted value equals \$93,399,453 or approximately \$579,522 in revenue to City. Average taxable home value was \$233,241. Denton Central Appraisal District encompassed 42 cities. 17 cities had a homestead exemption and those ranged from 0.5% to 20%. The majority of households

utilizing the Homestead Exemption were at the minimum \$5,000 exemption. 2018 was the first year of Over 65 Exemption resulting in approximately \$113 million less taxable value from frozen properties and \$700,000 less property tax due. To receive equivalent property tax revenue on any new or increased exemption, the tax burden would spread to all property taxpayers.

Options for consideration were – Option 1 - No change; Option 2 - Gradually increase to desired amount; Option 3 - Increase in 2019 to desired amount; Option 4 - Consider desired amount as part of FY 2019-20 Proposed Budget.

Council discussion included increasing homestead exemption amount from .5% to 5%, doing nothing, how the effective tax rate affected this, and keeping the overall tax rate at the lowest rate possible would encourage more commercial development.

City Manager Hileman stated that this item could be brought back in the April-May timeframe when they would be able to get a better idea of the tax trend.

Regular Meeting of the City of Denton City Council at 6:30 p.m. in the Council Chambers at City Hall.

**1. PLEDGE OF ALLEGIANCE**

The Council and members of the audience recited the Pledge of Allegiance to the U.S. and Texas flags.

**2. PROCLAMATIONS/PRESENTATIONS**

A. ID 18-2052 Police Appreciation Day

Mayor Watts presented the proclamation for Police Appreciation Day.

**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 18-1872 Vicki Oppenheim regarding the Denton Community Market.

Vicki Oppenheim, 600 Winfield, presented a proposal to the Council for financial support for funding for positions and funding for banners.

2. ID 18-1935 Pat Smith regarding Dallas Dinner Table as an initiative of the Denton Together Coalition.

Pat Smith, 1417 Cambridge, briefed the Council on an initiative called Dallas Dinner Table.

3. ID 18-2084 Ed Soph regarding gas wells and the future.

Ed Soph 1620 Victoria, spoke on behalf of the Denton Drilling Awareness Group regarding mineral rights.

C. Additional Citizen Reports

Diana Leggett, 1019 Aileen Street, spoke regarding safe gas well setbacks.

LeeAnn Todd, 3316 Roselawn, spoke regarding a proposed concrete batch plant on Roselawn.

**4. CONSENT AGENDA**

Mayor Pro Tem Ryan motioned, Council Member Armintor seconded to adopt the Consent Agenda and accompanying ordinances and resolutions except for Item A pulled for individual consideration. On roll call vote, Council Member Hudspeth "aye", Council Member Briggs "aye", Council Member Duff "aye", Mayor Pro Tem Ryan "aye", Council Member Armintor "aye", Council Member Meltzer "aye", and Mayor Watts "aye". Motion carried unanimously.

Ordinance No. 18-1877

- B. ID 18-1877 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the approval of a First Amendment to the contract between the City of Denton and Globus Management Group, LLC, to reduce the roofing services provided by Globus Management Group, LLC to the City in order to remove the remaining roof work to be done at City Hall and the associated reduction of required services; and providing an effective date (RFP 6683- First Amendment reduces the contract by \$342,280.01 for a total contract award aggregating to \$1,012,492.12).

Ordinance No. 18-1880

- C. ID 18-1880 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 through the Department of Information Resources (DIR) Cooperative Purchasing Network Contract Number DIR-TSO-3763 with Dell Marketing, L.P., for the supply of desktop Personal Computers (PCs), notebook PCs, peripherals, and services; providing for the expenditure of funds therefor; and providing an effective date (File 6931 - awarded to Dell Marketing, L.P., in the one (1) year not-to-exceed amount of \$2,433,779.70).

Ordinance No. 18-1961

- D. ID 18-1961 Consider adoption of an ordinance authorizing the City Manager to execute an agreement between the City of Denton and the Denton Chamber of Commerce (Convention & Visitors Bureau) for the payment and use of hotel tax revenue; and providing an effective date. (\$1,370,781 - The Hotel Occupancy Tax and Sponsorship Committee recommends approval 3-0)

Ordinance No. 18-1962

- E. ID 18-1962 Consider adoption of an ordinance authorizing the City Manager to execute an agreement between the City of Denton and the Denton Community Market, Inc. for the

payment and use of hotel tax revenue; and providing an effective date. (\$25,000 - The Hotel Occupancy Tax and Sponsorship Committee recommends approval 3-0)

Ordinance No. 18-1963

F. ID 18-1963 Consider adoption of an ordinance authorizing the City Manager to execute an agreement between the City of Denton and Denton County for the payment and use of hotel tax revenue in support of the Denton County Office of History and Culture; and providing an effective date. (\$157,590 - The Hotel Occupancy Tax and Sponsorship Committee recommends approval 3-0)

Ordinance No. 18-1964

G. ID 18-1964 Consider adoption of an ordinance authorizing the City Manager to execute an agreement between the City of Denton and the Denton African American Scholarship Foundation, Inc. for the payment and use of hotel tax revenue; and providing an effective date. (\$16,000 - The Hotel Occupancy Tax and Sponsorship Committee recommends approval 3-0)

Ordinance No. 18-1965

H. ID 18-1965 Consider adoption of an ordinance authorizing the City Manager to execute an agreement between the City of Denton and the Denton Community Theatre, Inc. for the payment and use of hotel tax revenue; and providing an effective date. (\$25,500 - The Hotel Occupancy Tax and Sponsorship Committee recommends approval 3-0)

Ordinance No. 18-1966

I. ID 18-1966 Consider adoption of an ordinance authorizing the City Manager to execute an agreement between the City of Denton and Denton Dog Days, Inc. for the payment and use of hotel tax revenue; and providing an effective date. (\$19,001 - The Hotel Occupancy Tax and Sponsorship Committee recommends approval 3-0)

Ordinance No. 18-1967

J. ID 18-1967 Consider adoption of an ordinance authorizing the City Manager to execute an agreement between the City of Denton and the Denton Festival Foundation, Inc. for the payment and use of hotel tax revenue; and providing an effective date. (\$105,060 - The Hotel Occupancy Tax and Sponsorship Committee recommends approval 3-0)

Ordinance No. 18-1968

K. ID 18-1968 Consider adoption of an ordinance authorizing the City Manager to execute an agreement between the City of Denton and the Denton Holiday Festival Association, Inc. for the payment and use of hotel tax revenue; and providing an effective date. (\$23,500 - The Hotel Occupancy Tax and Sponsorship Committee recommends approval 3-0)

Ordinance No. 18-1969

L. ID 18-1969 Consider adoption of an ordinance authorizing the City Manager to execute an agreement between the City of Denton and Explorium Denton, for the payment and use of hotel tax revenue; and providing an effective date (\$7,000 - The Hotel Occupancy Tax and Sponsorship Committee recommends approval 3-0)

Ordinance No. 18-1970

- M. ID 18-1970 Consider adoption of an ordinance authorizing the City Manager to execute an agreement between the City of Denton and the Greater Denton Arts Council, Inc. for the payment and use of hotel tax revenue; and providing an effective date. (\$147,084 - The Hotel Occupancy Tax and Sponsorship Committee recommends approval 3-0)

Ordinance No. 18-1971

- N. ID 18-1971 Consider adoption of an ordinance authorizing the City Manager to execute an agreement between the City of Denton and Historic Denton for the payment and use of hotel tax revenue; and providing an effective date. (\$1,000 - The Hotel Occupancy Tax and Sponsorship Committee recommends approval 3-0)

Ordinance No. 18-1973

- O. ID 18-1973 Consider adoption of an ordinance authorizing the City Manager to execute an agreement between the City of Denton and the Denton Central Business District Association, Inc. for the payment and use of hotel tax revenue; and providing an effective date. (\$35,000 - The Hotel Occupancy Tax and Sponsorship Committee recommends approval 3-0)

Ordinance No. 18-1974

- P. ID 18-1974 Consider adoption of an ordinance authorizing the City Manager to execute an agreement between the City of Denton and Music Theatre of Denton for the payment and use of hotel tax revenue; and providing an effective date. (\$5,355 - The Hotel Occupancy Tax and Sponsorship Committee recommends approval 3-0)

Ordinance No. 18-1975

- Q. ID 18-1975 Consider adoption of an ordinance authorizing the City Manager to execute an agreement between the City of Denton and the North Texas State Fair Association for the payment and use of hotel tax revenue; and providing an effective date. (\$168,000 - The Hotel Occupancy Tax and Sponsorship Committee recommends approval 3-0)

Ordinance No. 18-1976

- R. ID 18-1976 Consider adoption of an ordinance authorizing the City Manager to execute an agreement between the City of Denton and the Tejas Storytelling Association, Inc. for the payment and use of hotel tax revenue; and providing an effective date. (\$54,829 - The Hotel Occupancy Tax and Sponsorship Committee recommends approval 3-0)

Ordinance No. 18-1977

- S. ID 18-1977 Consider adoption of an ordinance authorizing the City Manager to execute an agreement between the City of Denton and Texas Filmmakers' Corporation for the payment and use of hotel tax revenue; and providing an effective date. (\$16,567 - The Hotel Occupancy Tax and Sponsorship Committee recommends approval 3-0)

Ordinance No. 19-1978

- T. ID 18-1978 Consider adoption of an ordinance authorizing the City Manager to execute an agreement between the City of Denton and the Denton Black Chamber of Commerce, Inc.

for the payment and use of hotel tax revenue; and providing an effective date. (\$26,000 - The Hotel Occupancy Tax and Sponsorship Committee recommends approval 3-0)

Ordinance No. 18-1992

- U. ID 18-1992 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 Protech Service Company, LLC, for the provision of maintenance services at the City of Denton's automated truck and car wash facility; providing for the expenditure of funds therefor; and providing an effective date (IFB 6877 - awarded to Protech Service Company, LLC, for one (1) year, with the option for two (2) additional one (1) year extensions, in the total three (3) year not-to-exceed amount of \$234,000). The Public Utilities Board recommends approval (5-0).

Ordinance No. 18-2016

- V. ID 18-2016 Consider adoption of an ordinance of the City of Denton authorizing an agreement between the City of Denton, Texas and Denton African American Scholarship Foundation, Inc., for the purpose of the 2019 Denton Black Film Festival sponsorship; providing for the expenditure of funds; and providing for an effective date. (\$5,000 - Hotel Occupancy Tax and Sponsorship Committee recommends approval 3-0)

Ordinance No. 18-2017

- W. ID 18-2017 Consider adoption of an ordinance of the City of Denton authorizing an agreement between the City of Denton, Texas and Denton Black Chamber of Commerce, Inc. for the purpose of the 2019 Denton Blues Festival sponsorship; providing for the expenditure of funds; and providing for an effective date. (\$3,500 - Hotel Occupancy Tax and Sponsorship Committee recommends approval 3-0)

Ordinance No. 18-2018

- X. ID 18-2018 Consider adoption of an ordinance of the City of Denton authorizing an agreement between the City of Denton, Texas and Denton Community Market, Inc. for the purpose of 2019 Harvest Day sponsorship; providing for the expenditure of funds; and providing for an effective date. (\$4,000 - Hotel Occupancy Tax and Sponsorship Committee recommends approval 3-0)

Ordinance No. 18-2019

- Y. ID 18-2019 Consider adoption of an ordinance of the City of Denton authorizing an agreement between the City of Denton, Texas and Denton County Livestock Association, for the purpose of the Youth Fair Public Speaking Contest sponsorship; providing for the expenditure of funds; and providing for an effective date. (\$400 - Hotel Occupancy Tax and Sponsorship Committee recommends approval 3-0)

Ordinance No. 18-2020

- Z. ID 18-2020 Consider adoption of an ordinance of the City of Denton authorizing an agreement between the City of Denton, Texas and Denton Festival Foundation, Inc. for the purpose of 2019 Denton Arts and Jazz Festival sponsorship; providing for the expenditure

of funds; and providing for an effective date. (\$5,000 - Hotel Occupancy Tax and Sponsorship Committee recommends approval 3-0)

Ordinance No. 18-2021

AA. ID 18-2021 Consider adoption of an ordinance of the City of Denton authorizing an agreement between the City of Denton, Texas and Greater Denton Arts Council, Inc. for the purpose of Community Art Grants Program sponsorship; providing for the expenditure of funds; and providing for an effective date. (\$3,000 - Hotel Occupancy Tax Committee recommends approval 3-0)

Ordinance No. 18-2022

BB. ID 18-2022 Consider adoption of an ordinance of the City of Denton authorizing an agreement between the City of Denton, Texas and North Texas State Fair Association, Inc. for the purpose of 2019 North Texas State Fair and Rodeo sponsorship; providing for the expenditure of funds; and providing for an effective date. (\$5,000 - Hotel Occupancy Tax and Sponsorship Committee recommends approval 3-0)

Ordinance No. 18-2023

CC. ID 18-2023 Consider adoption of an ordinance of the City of Denton authorizing an agreement between the City of Denton, Texas and Texas Filmmakers' Corporation for the purpose of Thin Line Fest 2019 sponsorship; providing for expenditure of funds; and providing for an effective date. (\$10,000 - Hotel Occupancy Tax and Sponsorship Committee recommends approval 3-0)

Resolution No. 18-2029

DD. ID 18-2029 Consider approval of a resolution revising Administrative Policy No. 403.07 "Debt Service Management"; and providing for an effective date. The Audit/Finance Committee recommends approval (3-0).

Resolution No. 18-2039

EE. ID 18-2039 Consider approval of a Resolution revising Administrative Policy No. 403.06 "Investment Policy"; and providing for an effective date. The Audit/Finance Committee recommends approval (3-0).

Ordinance No. 18-2047

FF. ID 18-2047 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 for the purchase of cloud-based software for permitting and zoning requirements with Open Counter Enterprises, Inc., which is the sole provider of this software 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 6918 - awarded to Open Counter Enterprises, Inc., in the five (5) year not-to-exceed amount of \$125,000).

Ordinance No. 18-2049

GG. ID 18-2049 Consider adoption of an ordinance of the City of Denton, Texas, a Texas home-rule municipal corporation, authorizing the City Manager to execute an Intergovernmental Cooperative Purchasing Agreement with the Public Procurement Authority, under the Texas Local Government Code 271.102 to authorize City of Denton contracts for the purchase of various goods and services including community risk assessment and standards of cover for Fire/Emergency Medical Services; authorizing the expenditure of funds therefor; and declaring an effective date (File 6936 - Intergovernmental Cooperative Purchasing Agreement with the Public Procurement Authority).

Council considered Item A pulled for separate consideration.

A. ID 18-1825 Consider approval of a resolution of the City of Denton creating an anti-bullying and anti-harassment policy for all City facilities and programs; and providing an effective date.

Sarah Kuechler, Director of Public Affairs, stated that the policy prohibited bullying against any individual on the basis of race, color, religion, gender, sexual orientation, gender identity, age, disability status, national origin, genetics, or any protected classification under Federal or state law. The policy also defined what constituted bullying and harassment, and set a clear standard for behavior in City programs and facilities. She provided some background and definitions for gender identity and gender expression and offered additional language.

Council Member Hudspeth motioned to postpone to December 11, Mayor Pro Tem Ryan seconded. On roll call vote, Council Member Hudspeth "aye", Council Member Briggs "nay", Council Member Duff "aye", Mayor Pro Tem Ryan "aye", Council Member Armintor "nay"; Council Member Meltzer "nay", and Mayor Watts "aye". Motion carried (4-3).

**5. ITEMS FOR INDIVIDUAL CONSIDERATION**

Council Members Meltzer and Armintor recused themselves from consideration of Items A and B.

Ordinance No. 18-1902

A. ID 18-1902 Consider adoption of an ordinance of the City of Denton authorizing the City Manager to sign an Interlocal Cooperation Agreement between the City of Denton and the University of North Texas ("UNT") regarding traffic signal operation during UNT special events and upgrades to traffic control signal equipment at four specified intersections (North Texas Boulevard at I-35E and Bonnie Brae Street at I-35E) at a cost of \$60,000 (\$30,000 to the City and \$30,000 to UNT); providing for a severability clause; and providing for an effective date. Traffic Safety Commission recommends approval 4-0.

Council Member Briggs motioned, Mayor Pro Tem Ryan seconded to adopt the ordinance. On roll call vote, Council Member Hudspeth "aye", Council Member Briggs "aye", Council Member Duff "aye", Mayor Pro Tem Ryan "aye", and Mayor Watts "aye". Motion carried (5-0).

- B. ID 18-1904 Consider adoption of an ordinance of the City of Denton authorizing the City Manager to sign an amended Interlocal Agreement between the City of Denton and the University of North Texas ("UNT") for the enforcement of parking regulations by UNT, to include Kendolph Avenue from Wilshire Street to I-35E northbound Frontage Road; providing for a severability clause; and providing for an effective date. Traffic Safety Commission recommends approval 4-0.

The item died for lack of a motion.

Ordinance No. 18-2046

- C. ID 18-2046 Consider adoption of an ordinance of the City of Denton ("City") authorizing the City Manager, or his designee, to execute a Contract of Sale by and between Margaret Hudnall (the "Owner"), and the City, regarding the sale and purchase of fee simple to an approximate 0.472 acre tract, more or less, situated in Eugene Puchalski Survey, Abstract No. 996, Denton County, Texas for the purchase price of Two Hundred Forty-Six Thousand Nine Hundred Eighty Dollars and No Cents (\$246,980.00), as prescribed in the Contract of Sale; authorizing the expenditure of funds therefor; authorizing relocation expenditures; providing for severability and an effective date. (Bonnie Brae Street project - Phase 4 - Parcel 29 - 2293 Scripture Street - Hudnall)

Council Member Hudspeth recused himself from consideration of this item.

Mayor Pro Tem Ryan motioned, Council Member Briggs seconded to adopt the ordinance. On roll call vote, Council Member Briggs "aye", Council Member Duff "aye", Mayor Pro Tem Ryan "aye", Council Member Armintor "aye", Council Member Meltzer "aye", and Mayor Watts "aye". Motion carried (6-0).

Ordinance No. 18-1972

- D. ID 18-1972 Consider adoption of an ordinance authorizing the City Manager to execute an agreement between the City of Denton and Kiwanis Club of Denton, Breakfast, Denton, TX for the payment and use of hotel tax revenue; and providing an effective date. (\$6,000 - The Hotel Occupancy Tax and Sponsorship Committee recommends approval 3-0)

Mayor Pro Tem Ryan recused himself from consideration of this item.

Council Member Briggs motioned, Council Member Hudspeth seconded to adopt the ordinance. On roll call vote, Council Member Hudspeth "aye", Council Member Briggs "aye", Council Member Duff "aye", Council Member Armintor "aye", Council Member Meltzer "aye", and Mayor Watts "aye". Motion carried (6-0).

- E. ID 18-2095 Consider an appeal of the Historic Landmark Commission denial of an amendment to an existing Certificate of Appropriateness for the expansion of a mural to the front façade of a local designated landmark building located at 122 North Locust (COA17-0010, 122 N. Locust) The Historic Landmark Commission recommends denial (7-0).

Richard Cannone, Director of Planning, stated that this item was continued from the last Council meeting. There were three criteria for denial. The company had to meet at least one.

Eric Pulido, 1209 Piping Rock, briefed the Council on the project. The main mural was approved unanimously.

Mayor Pro Tem Ryan motioned, Council Member Meltzer seconded to postpone this item to an event certain. On roll call vote, Council Member Hudspeth "aye", Council Member Briggs "aye", Council Member Duff "nay", Council Member Armintor "nay", Mayor Pro Tem Ryan "aye", Council Member Meltzer "aye", and Mayor Watts "aye". Motion carried (5-2).

Resolution No. 18-2099

F. ID 18-2099 Consider approval of a resolution of the City Council of the City of Denton appointing a primary representative to the Denton County Transportation Authority Board of Directors; providing a repealer; and providing an effective date.

Mario Canizares, Assistant City Manager, stated this resolution would be for the appointment of the primary representation to the DCTA Board.

Council Member Briggs motioned, Council Member Armintor seconded to appoint Sara Bagheri as the primary representative to the DCTA Board. On roll call vote, Council Member Hudspeth "nay", Council Member Briggs "aye", Council Member Duff "nay", Mayor Pro Tem Ryan "aye", Council Member Armintor "aye", Council Member Meltzer "nay", and Mayor Watts "aye". Motion carried (4-3)

**6. PUBLIC HEARINGS**

A. Z17-0004c Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, assigning an initial zoning classification and use designation of Neighborhood Residential 6 (NR-6) with an overlay, on approximately 118.04 acres of land, generally located, north of East McKinney Street west of South Trinity 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 recommend approval (7-0). (Z17-0004, The Woodlands of McKinney, Cindy Jackson)

The Mayor opened the public hearing.

Nancy Carson, 2908 Oakshire, spoke against the development.

Comment cards were submitted for this item. One comment card was submitted in support, 148 were submitted in opposition. A copy of the cards is included at the end of these minutes.

Mayor Pro Tem Ryan motioned to continue the public hearing to the January 8, 2019 Council meeting; Council Member Meltzer seconded. On roll call vote, Council Member Hudspeth "aye", Council Member Briggs "aye", Council Member Duff "aye", Mayor Pro Tem Ryan "aye", Council Member Armintor "aye", Council Member Meltzer "aye", and Mayor Watts "aye". Motion carried unanimously.

- B. S17-0008c Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, approving a Specific Use Permit to allow a manufactured housing park with conditions on approximately 126.1 acres, generally located north of East McKinney Street and west of South Trinity 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 recommend approval (7-0). (S17-0008, The Woodlands of McKinney, Cindy Jackson)

The Mayor opened the public hearing.

Mayor Pro Tem Ryan motioned to continue the public hearing to the January 8, 2019 Council meeting; Council Member Meltzer seconded. On roll call vote, Council Member Hudspeth "aye", Council Member Briggs "aye", Council Member Duff "aye", Mayor Pro Tem Ryan "aye", Council Member Armintor "aye", Council Member Meltzer "aye", and Mayor Watts "aye". Motion carried unanimously.

- C. S18-0008d 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 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. (S18-0008, Windsor Drive Apartments)

The Mayor opened the public hearing.

Council Member Meltzer motioned to continue the public hearing to the January 15, 2019 Council meeting, Mayor Pro Tem Ryan seconded. On roll call vote, Council Member Hudspeth "aye", Council Member Briggs "aye", Council Member Duff "aye", Mayor Pro Tem Ryan "aye", Council Member Armintor "aye", Council Member Meltzer "aye", and Mayor Watts "aye". Motion carried unanimously.

- D. DCA18-0006b Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, regarding an amendment to the Denton Development Code (DDC), amending Subchapter 35.3 - Procedures by adding a citizen participation section; providing for a penalty in the maximum amount of \$2,000.00 for violations thereof; providing a severability clause and an effective date. **THIS ITEM HAS BEEN WITHDRAWN AND WILL BE CONSIDERED WITH THE DDC UPDATE.** (DCA18-0006, Citizen Participation, Ron Menguita)

This item was not considered.

- E. Z18-0021e Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, regarding a zoning change from Neighborhood Residential 2 (NR-2) to a Neighborhood Residential Mixed-Use (NRMU) District on two adjacent tracts, one of approximately 5.723 acres and the other of approximately 4.389 acres. The subject site is

generally located southwest of the intersection of Teasley Lane and Pennsylvania Drive, 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. STAFF HAS POSTPONED THIS ITEM TO A LATER DATE.

This item was not considered.

Ordinance No. Z18-00018c

F. Z18-0018c Hold a public hearing and consider an ordinance of the city of Denton, Texas, regarding a change in the zoning classification from a Neighborhood Residential 4 (NR-4) zoning district and use classification to a Neighborhood Residential Mixed Use 12 (NRMU-12) zoning district and use classification, with an overlay on approximately 20.7 acres of land, generally located west of Lane Street and Mockingbird Lane, and north of the terminus of Trailhead 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; and providing for severability and an effective date. The Planning and Zoning Commission recommend approval (7-0) (Z18-0018, Oak Vista Townhomes, Cindy Jackson)

The Mayor opened the public hearing.

Cindy Jackson, Senior Planner, stated this was a request for a zoning change from a Neighborhood Residential 4 (NR-4) zoning district to a Neighborhood Residential Mixed Use 12 (NRMU-12) zoning district for property located west of Lane Street and Mockingbird Lane and north of the terminus of Trailhead Lane. The applicant was proposing a multifamily townhouse type development consisting of 120 town house units with a maximum density of six dwelling units per acre. The subject site was currently undeveloped.

The Planning and Zoning Commission recommended approval of the request with a mixed use protection overlay including the following conditions: (1) the use of the site was limited to a multifamily townhouse development with a maximum permitted density of six dwelling units per acre; (2) the proposed northern access drive to McKinney Street shall be utilized as an EMS access only.

Rick Baria, 5112 Edwards Road, the applicant, spoke regarding the development.

The Mayor closed the public hearing.

Council discussion included size of the units, price of the units, traffic concerns, and buffer between adjacent properties.

Council Member Meltzer motioned, Council Member Hudspeth seconded to adopt the ordinance with the mixed use protection overlay and conditions recommended by P&Z. On roll call vote, Council Member Hudspeth "aye", Council Member Briggs "aye", Council Member Duff "aye", Mayor Pro Tem Ryan "aye", Council Member Armintor "aye", Council Member Meltzer "aye", and Mayor Watts "aye". Motion carried unanimously.

Ordinance No. Z18-0014b

- G. Z18-0014b Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, regarding a change in the zoning district and use classification from Planned Development 115 District to a Regional Center Commercial Downtown (RCC-D) District on approximately 9.08 acres of land generally located on the south side of US Highway 77/North Elm Street, approximately 450 feet southeast of North Loop 288 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; and providing for severability and an effective date. The Planning and Zoning Commission voted 7-0 to approve the request. (Z18-0014, Commercial Rezoning, Julie Wyatt)

The Mayor opened the public hearing.

Richard Cannone, Deputy Director of Development Services, stated that this was a request for a zoning change from Planned Development 115 (PD 115) District to a Regional Center Commercial Downtown (RCC-D) District on a 9-acre tract. The Concept Plan for PD-115 District was approved in May 1986 and originally contemplated general retail, research laboratories, engine and motor repair, wholesale office, or sample room uses on the subject property. In 2004, the Concept Plan was modified to permit churches and related facilities. The Detailed Plan, approved in April 2004, further refined development of the site, delineating the construction phasing, landscaping, building orientation, parking, and building elevations.

The subject property's permitted uses and development standards outlined in the Concept and Detailed Plans have remained in effect since their approval in 2004; however, the site was never developed as proposed. Any development inconsistent with the approved plans required either an amendment to the Concept and Detailed Plans or a rezoning to one of the districts described in the Denton Development Code (DDC). Since the proposed mixed-use development does not conform to the approved plans, rather than amend the Planned Development, the applicant has requested to rezone the subject property to RCC-D District. The Planning and Zoning Commission recommended approval of the request.

No one spoke during the public hearing.

The Mayor closed the public hearing.

Council Member Hudspeth motioned, Mayor Pro Tem Ryan seconded to adopt the ordinance. On roll call vote, Council Member Hudspeth "aye", Council Member Briggs "aye", Council Member Duff "aye", Mayor Pro Tem Ryan "aye", Council Member Armintor "aye", Council Member Meltzer "aye", and Mayor Watts "aye". Motion carried unanimously.

**7. CONCLUDING ITEMS**

- A. Under Section 551.042 of the Texas Open Meetings Act, respond to inquiries from the City Council or the public with specific factual information or recitation of policy, or accept a proposal to place the matter on the agenda for an upcoming meeting AND Under Section 551.0415 of the Texas Open Meetings Act, provide reports about items of community interest regarding which no action will be taken, to include: expressions of thanks,

congratulations, or condolence; information regarding holiday schedules; an honorary or salutary recognition of a public official, public employee, or other citizen; a reminder about an upcoming event organized or sponsored by the governing body; information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official or employee of the municipality; or an announcement involving an imminent threat to the public health and safety of people in the municipality that has arisen after the posting of the agenda

Council Member Meltzer requested an Informal Staff Report on the feasibility of adopting a policy related to gas well setbacks.

Council Member Briggs asked for information on the batch plant on Roselawn.

Council Member Briggs asked for information on community banners.

Council Member Armintor asked for a work session item on the Community Market.

Council Member Armintor requested an Informal Staff Report about a townhome classification.

Council Member Hudspeth asked for a staff report on on-street parking that was turned over to UNT, including a feasibility analysis of allowing residents to use that parking.

Council Member Hudspeth asked if staff could develop a way to brand each slide presentation with a unique identifier for each slide for easier reference.

Council Member Hudspeth asked staff to explore installing a natural / planted trash can screen at the MLK Recreation Center.

B. Possible Continuation of Closed Meeting topics, above posted.

There was no continuation of the Closed Meeting.

With no further business, the meeting was adjourned at 8:55 p.m.

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CHRIS WATTS  
MAYOR  
CITY OF DENTON, TEXAS

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JANE RICHARDSON  
ASSISTANT CITY SECRETARY  
CITY OF DENTON, TEXAS