

CITY OF DENTON CITY COUNCIL MINUTES
December 18, 2018

After determining that a quorum was present, the City Council convened in a Work Session on Tuesday, December 18, 2018 at 12:00 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 Meltzer, and Mayor Watts.

ABSENT: Council Member Armintor

Mayor Watts polled Council to change the agenda order and start the meeting with Citizen Comments and Requests for Clarification of Agenda items before going into Closed Session. Council did not have any objections to the change.

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 18, 2018.

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

Council Member Briggs – pull Consent Agenda Item H; Consent Agenda Item D

City Manager Hileman noted that staff was postponing consideration of Consent Agenda Item H to a future agenda.

Council Member Armintor arrived at meeting.

Council convened in the Closed Meeting at 12:05 p.m.

1. Closed Meeting:

- A. ID 18-2067 Deliberations Regarding Personnel Matters - Under Texas Government Code Section 551.074.

Discuss and deliberate regarding the evaluation of candidates and the appointment/employment of a Municipal Judge.

- B. ID 18-2164 Consultation with Attorneys - Under Texas Government Code Section 551.071; Deliberations regarding Personnel Matters - Under Texas Government Code Section 551.074.

Consult with the City's attorneys for legal advice regarding legal status and strategy of threatened litigation involving Cleopatra Birkbichler, as well as with regard to legal matters closely related to that threatened litigation, where the City's attorneys' duties to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflict with Chapter 551 of the Texas Open Meetings Act. This closed

session also concerns deliberations involving a public officer or employee, under circumstances allowing closed session under section 551.074 of the Texas Open Meetings Act.

Council Member Armintor did not participate in deliberation of this item.

C. ID 18-2165 Consultation with Attorneys - Under Texas Government Code Section 551.071.

Consult with the City's attorneys and discuss legal status and strategy in litigation styled "City of Denton, Texas vs. Brian Rushing, Calvin Patterson and Michael Marshall" pending in the Supreme Court of Texas, Cause No. 17-0336, 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.

D. ID 18-2169 Deliberations regarding Real Property - Under Texas Government Code Section 551.072; and Consultation with Attorneys - Under Texas Government Code Section 551.071.

Discuss, deliberate, and receive information from staff and provide staff with direction pertaining to the disposition of real property interests located in the Hiram Sisco Survey, Abstract No. 1184, Denton County, Texas, generally located in the 200 block of East Hickory Street, City of Denton, Texas. Consultation with the City's attorneys regarding legal issues associated with the disposition of the real property described above where a public discussion of these legal matters would conflict with the duty of the City's attorneys to the City of Denton and the Denton City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas, or would jeopardize the City's legal position in any administrative proceeding or potential litigation.

E. ID 18-2174 Deliberations regarding Real Property - Texas Government Code Section 551.072; Consultation with Attorneys - Texas Government Code Section 551.071.

Discuss, deliberate, and receive information from staff and provide staff with direction pertaining to the Lease Agreement between the City and American Biosource, LLC, dated January 7, 2014 and approved and authorized by Ordinance No. 2014-020 ("Lease Agreement"). Discuss, deliberate, and receive information from the City's attorneys and provide the City's attorneys with direction regarding legal issues associated with the Lease Agreement where a public discussion of these legal matters would conflict with the duty of the City's attorneys to the City of Denton and the Denton City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas, or would jeopardize the City's legal position in any administrative proceeding or potential litigation.

Following the completion of the Closed Meeting, the City Council convened in a Work Session.

3. Work Session Reports

- A. ID 18-2153 Receive a report from staff, hold a discussion, and give staff direction regarding the funding and improvement plan of the IOOF Cemetery and related infrastructure.

Gary Packan, Director of Parks and Recreation, reviewed the funding and improvement plan for the IOOF cemetery. Parks was going to replace fencing on Highland Street with black vinyl coating chain link. Chain link fence was not on the approved list.

Council discussion included seeing the difference between the two types of fences; whether there would be less damage to the fence if it was moved further back which would involve making the street narrower; discussed consistency and using the same type of fencing all around it.

General consensus was be consistent and use the ornamental fencing all around.

Packan stated that building improvements were to be done during Phase 2 which included door and windows, siding and trim, front columns, painting, masonry, and power washing stone. Monument improvements would be done during Phase 3.

He reviewed funded improvements and unfunded improvements. The cost to redo the street from Highland to Eagle and Highland to the north end was roughly \$400,000. Water line improvements from Eagle to IOOF north of Highland and wastewater improvements from Eagle to W. Highland would be roughly \$1,000,000.

Council discussion included whether there were any bond funds that could be used.

- B. ID 18-1894 Receive a report update from staff, hold a discussion, and give staff direction regarding the design and construction of the new North Lakes Park Dog Park.

Gary Packan, Director of Parks and Recreation, provided an update on the North Lakes Park Dog Park. He reviewed the outcome from the public meeting which included large space/minimum of 3 play areas, shade structures, adjacent to animal center, waste disposal areas, washing stations/features, water features, events space, ecofriendly parking lot, natural/artificial turf, restrooms, concern about traffic, enforcement of rules, over development of North Lakes Park.

He reviewed the options -- Option 1 - Select a proposed Option 1-2-3-4 at "full build out" as presented; Option 2 - Select a proposed Option 1a-2a-3a and "phase" or "grow" into the park; Option 3 - Make modifications or design a new concept, Option 4 – Do not proceed at this time.

Consensus of Council was to move forward with option 3.

Mayor Watts asked for information on tree planting code requirements for park development projects.

- C. ID 18-2065 Receive a report, hold a discussion, and give staff direction regarding a report and recommendations from the Denton County Homeless Leadership Team's Shelter Planning Workgroup and other homelessness initiatives.

Sarah Kuechler, Director of Public Affairs, stated that the Shelter Planning Workgroup was formed to assess the current environment and determine direction for the future of emergency shelter services for people experiencing homelessness in Denton County. Sarah introduced Courtney Cross with the United Way of Denton County.

Cross reviewed the definition of sheltered and unsheltered. She reviewed the current emergency shelter inventory. Total beds for Denton County were 150. Beds were available for the days shelters were operating. Future plans to increase access to emergency shelter or temporary housing solutions were that the Salvation Army had plans to expand their shelter in the future, but were legally restricted. Grace Like Rain Ministries had plans to increase stays at the Wheeler House. She provided data reported from the homeless population regarding accessibility and quality of shelter services.

Kuechler reviewed feedback on inclement weather shelter plans for the cities of Denton and Lewisville - workgroup recommendations were broken into two sections. First recommendation was to improve and leverage the current emergency shelter environment which included reducing barriers to entry, increasing transportation resources, and improving communications. Second recommendation was to expand emergency shelter service level which included exploring expanding shelter hours, exploring expanding shelter nights, and continuing shelter planning workgroup. Kuechler stated that next step was to investigate cost options for expanded service level for potential FY 2019-20 budgets supplemental for City Council consideration.

Council discussion included expanding Monsignor King Facility, expanding shelter hours and days, including some homeless people in the workgroup, making community more aware of services available, identify gaps in service for those in need of assistance, privacy of clients, stuff being stolen.

- D. ID 18-2122 Receive a report, hold a discussion, and give staff direction regarding research on fee waiver or fee reimbursement programs for affordable housing and the potential for an affordable housing fee program.

Dani Shaw, Community Development Manager, stated that Council had requested information on programs available in the Metroplex for waiving building and impact fees for affordable housing development and a request had been received from Habitat for Humanity for assistance with impact fees. She reviewed the grant program history. She stated that staff had surveyed 15 cities and five cities did not have a similar program; but ten cities did.

The following programs would be eligible - Nonprofit Developer of Single Family such as Habitat for Humanity; City Housing Program – home improvement, minor repair, homebuyer improvement program; and Nonprofit Developer Housing Program funded by CDBG or HOME. Key elements of the program included grant program to assist nonprofit and city housing programs with building permits and utility fees including water and wastewater impact fees; require execution of agreements to ensure compliance; establish eligibility requirements that require the units be sold/rented to low and moderate income households; determine compliance requirements for a minimum number of years; set forth a process for submitting a grant application request to the City; establish monitoring requirements for the program participants and authorize actions in the event of non-compliance; require the participants to submit reports to evaluate the

effectiveness of the program. She reviewed fiscal information which included a proposed annual budget of \$75,000.

Shaw stated that the options were: (1) Proceed with an Affordable Housing Fee Grant Program - Funding in FY 2019/20 or Current FY 2018/19. (2) Do not proceed with an Affordable Housing Fee Grant Program. (3) Provide other direction regarding an Affordable Housing Fee Grant Program.

Council discussion included waiver with accountability; how many were on the list for homes through habitat for humanity; how much the fees were for a home; habitat homes should be spread throughout the City and not concentrated in one area; criteria of how people would qualify.

Consensus of Council was to start simple and develop a policy.

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

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

2. PROCLAMATIONS/PRESENTATIONS

There were no proclamations / presentations.

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 18-2166 Kathy Glasschroeder regarding an update on the Dallas Drive mural.

Kathy Glasschroeder, 303 N Carroll Blvd., provided an update on the Dallas Drive mural.

C. Additional Citizen Reports.

Diana Leggett, 1019 Aileen, spoke regarding landlord/tenant conflict and tenants' rights.

4. CONSENT AGENDA

Council Member Hudspeth motioned, Mayor Pro Tem Ryan seconded to approve the Consent Agenda and accompanying ordinances and resolutions with the exception of Item H. 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.

Approved the minutes listed below

- A. ID 18-2043 Consider approval of the minutes of November 5, November 6, November 13, and November 27, 2018.

Ordinance No. 18-2051

- B. ID 18-2051 Consider adoption of an ordinance of the City of Denton authorizing an agreement between the City of Denton and Denton County Friends of the Family; providing for the expenditure of funds; and providing for an effective date. (\$600)

Ordinance No. 18-2116

- C. ID 18-2116 Consider adoption of an ordinance of the City of Denton, Texas, a Texas home-rule municipal corporation, authorizing the City Manager to execute a Professional Services Agreement with Freese and Nichols, Inc. to assist in developing a Water Distribution Asset Management Plan, including, strategic planning, maturity assessment, and risk-based assessments of pipeline assets as set forth in the contract; providing for the expenditure of funds therefor; and providing an effective date (RFQ 6590-045 - Professional Services Agreement awarded to Freese and Nichols, Inc., in the not-to-exceed amount of \$215,200). The Public Utilities Board recommends approval (6-0).

Ordinance No. 18-2118

- D. ID 18-2118 Consider adoption of an ordinance of the City of Denton, Texas, a Texas home-rule municipal corporation, authorizing the City Manager, or his designee, to execute a contract through the Buy Board Cooperative Purchasing Network Contract # 515-16 for the acquisition of one (1) Directional Boring Machine for the Water Distribution Department; providing for the expenditure of funds therefor; and providing an effective date (File 6880 - awarded to Vermeer Equipment of Texas, Inc., in the amount of \$137,464.40). The Public Utilities Board recommends approval (6-0).

Ordinance No. 18-2119

- E. ID 18-2119 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 supply of Electric Utility Overhead Distribution Conductors for the City of Denton Distribution Center; providing for the expenditure of funds therefor; and providing an effective date (RFP 6563-awarded to Wesco Distribution, Inc., in the five (5) year not-to-exceed amount of \$500,000 and Anixter, Inc., in the five (5) year not-to-exceed amount of \$3,500,000, in a total not-to-exceed amount of \$4,000,000).

Ordinance No. 18-2120

- F. ID 18-2120 Consider adoption of an ordinance of the City of Denton, Texas, a Texas home-rule municipal corporation, authorizing the approval of a first amendment to the Advisory Services Frame Agreement between the City of Denton and DNV GL Noble Denton USA, LLC, to develop an integration of their Synergi Electric planning software to the ITRON Meter Data Management System (MDMS) software for Denton Municipal Electric, amending the contract approved by Purchasing Staff on May 25, 2017, in the not-to-exceed amount of \$50,000. 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 6445 - providing for an additional expenditure amount not-to-exceed \$45,336, for a total contract amount not-to-exceed \$95,336). The Public Utilities Board recommends approval (6-0).

Resolution No. 18-2130

- G. ID 18-2130 Consider approval of a resolution by the City of Denton authorizing the City Manager, or his designee, to accept the 2018 State Homeland Security Program (SHSP) Grant (Grant No. 3324402) in the amount of \$24,000 from the State of Texas, Office of the Governor, through a grant from the US Department of Homeland Security for the period of October 1, 2018 through September 30, 2019; providing an effective date.
- H. ID 18-2143 Consider adoption of an ordinance of the City of Denton, Texas, a Texas home-rule municipal corporation, authorizing the approval of a fifth amendment to a Professional Services Agreement between the City of Denton and Freese and Nichols, Inc., amending the contract approved by City Council on October 19, 2010 in the not-to-exceed amount of \$4,501,530, amended by Amendments 1-4 approved by the City Manager and City Council, said fifth amendment to provide additional engineering and design services relating to the Mayhill Road Widening and Improvements project in the amount of \$537,376; providing for the expenditure of funds therefor; and providing an effective date (File 4511-providing for an additional fifth amendment expenditure amount not-to-exceed \$537,376, with the total contract amount not-to-exceed \$6,232,904).

This item was not considered.

Ordinance No. 18-2144

- I. ID 18-2144 Consider adoption of an ordinance of the City of Denton, Texas, a Texas home-rule municipal corporation, authorizing the City Manager to execute a facility public works contract with 308 Construction, LLC, for the remodel of the Fleet Services breakroom and restroom located at 804 Texas Street; providing for the expenditure of funds therefor; and providing an effective date (IFB 6881 - awarded to 308 Construction, LLC, in the not-to-exceed amount of \$173,625).

Ordinance No. 18-2145

- J. ID 18-2145 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 Texas Multiple Award Schedule Program (TXMAS) Contract Number TXMAS-17-7102 with Watson Furniture Group, for the purchase of Police department Public Safety Communications furniture consoles, freight, and installation services; providing for the expenditure of funds therefor; and providing an effective date (File 6939 - awarded to Watson Furniture Group in the not-to-exceed amount of \$131,578).

5. ITEMS FOR INDIVIDUAL CONSIDERATION

Ordinance No. 18-2121

- A. ID 18-2121 Consider adoption of an ordinance of the City of Denton, Texas, a Texas home-rule municipal corporation, authorizing the City Manager to execute an Individual and Aggregate Stop Loss Insurance contract with United Healthcare Insurance Company; providing for the expenditure of funds therefor; and providing an effective date (RFP 6922 - awarded to United Healthcare Insurance Company for three (3) years, with the option to renew for two (2) additional years, in a total five (5) year not-to-exceed amount of \$11,393,000).

Scott Payne, Risk Management, stated that this item was for Stop Loss Insurance for the City. It protected the City's self-funded health plan from catastrophic health claims. The City received two responses. United HealthCare provided the lowest option at \$185,000.

Mayor Pro Tem Ryan motioned, Council Member Meltzer 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.

Ordinance No. 18-2168

- B. ID 18-2168 Consider adoption of an ordinance authorizing a development agreement between the City of Denton and Marker Stone Realty Partners I, LLC and Marker Stone Realty Partners II, LLC; providing for acquisition of necessary property interest, installment of critical infrastructure, and provision of electrical services; authorizing the City Manager to execute the agreement, and providing for an effective date. (Evers Way and Beall Way Additions)

Todd Estes, City Engineer, stated that the development agreement was related to multiple public infrastructure improvements associated with two subdivisions and the Denton North Substation, all located on the west side of N. Locust Street. Infrastructure improvements included the extension of Hercules, installation of upsized 12" water lines in Evers Way and along Hercules Lane; underground electric conduit through easement in Beall Way; and improvements at Denton North Substation.

Council discussion included the drainage in that area; extension of Hercules Lane, and a detention pond in the area.

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.

6. PUBLIC HEARINGS

- A. Z18-0022a Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, regarding a request by Kirkman Engineering for a zoning change from Neighborhood Residential Mixed Use 12 (NRMU-12) zoning district and use classification to a Neighborhood Residential Mixed Use (NRMU) zoning district and use classification, on

approximately 9.91 acres of land generally located west of Mockingbird Lane and south of the Mingo 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 a severability clause and an effective date. THE PLANNING AND ZONING COMMISSION CONTINUED THIS ITEM TO A DATE INDEFINITELY (6-0). (Z18-0022, Mockingbird Multi-Family, Ron Menguita).

This item was not considered.

- B. S18-0005a Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, regarding a request by Kirkman Engineering for a Specific Use Permit (SUP) to allow for a multi-family dwelling use on approximately 9.91 acres of land generally located west of Mockingbird Lane and south of the Mingo 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 a severability clause and an effective date. THE PLANNING AND ZONING COMMISSION CONTINUED THIS ITEM TO A DATE INDEFINITELY (6-0). (S18-0005, Mockingbird Multi-Family, Ron Menguita).

This item was not considered.

Ordinance No. PDA18-0001a

- C. PDA18-0001a Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, amending Ordinance 2000-007 to provide for an amendment to the Concept Plan and approval of a Detailed Plan for Planned Development 115 (PD-115) District to depict a single-family residential development on approximately 78 acres of land generally located west side of North Bonnie Brae Street, approximately 250 feet south of US Highway 77/North Elm Street in the City of Denton, Denton County, Texas; adopting an amendment to the City's official zoning map; providing for a penalty in the maximum amount of \$2,000.00 for violations thereof; providing for severability; and establishing an effective date. The Planning and Zoning Commission recommended approval with conditions (7-0). (PDA18-0001, Kings Ridge, Julie Wyatt)

Julie Wyatt, Development Services, stated this was for approval of an amendment to the concept plan and approval of a detailed plan for Planned Development 115. The original mixed-use General Concept Plan for PD-115 District permitted commercial and office uses, multi-family, and single-family dwellings, and was approved in May 1986. The 240-acre PD-115 was bounded by US Highway 77/North Elm Street to the north, North Bonnie Brae to the east, and Westgate Drive to the west. While the original PD intended a mixed-use development, subsequent changes in ownership had prompted requests to modify the land uses.

The ownership changes of the original 240-acre tract had resulted in a split into three parcels: The northernmost nine acres was part of a recent request to rezone the property from PD-115 to Regional Center Commercial Downtown (RCC-D) District. The southern 150 acres had been acquired by Denton Independent School District (DISD) to develop the site with a new high school. A similar PD amendment request would soon be brought forth by DISD to facilitate the development. The remaining 78-acre site was the subject of the current request to reduce the

intensity of the development and replace commercial and multi-family uses with a low-density single-family development.

Wyatt reviewed the criteria for approval for the Concept Plan and the Detailed Plan. She reviewed mobility information related to the project. The Planning and Zoning Commission recommended approval with the condition that any development must conform to the General Concept Plan, Detailed Plan, and Landscape Plan, as presented.

The Mayor opened the public hearing.

The applicant, Corwin Engineering, spoke in support.

Jack Dawson, 1800 Valley View Lane, spoke in support.

The Mayor closed the public hearing.

Council Member Hudspeth motioned, Mayor Pro Tem Ryan seconded to adopt the ordinance with the Planning and Zoning Commission recommendation and include wording that “70% Masonry means brick and stone exclusively”. 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. S18-0009b

D. S18-0009b Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas approving a specific use permit to allow a 70-foot monopole tower with a ten-foot lightning rod and associated equipment room on approximately 0.0091 acres of land situated in a self-storage facility located at 816 Frame Street in the City of Denton, Denton County, Texas; adopting an amendment to the City’s official zoning map; providing for a penalty in the maximum amount of \$2,000.00 for violations thereof; providing for severability and establishing an effective date. The Planning and Zoning Commission recommends approval (7-0). (S18-0009, Verizon Wireless I, Cindy Jackson)

Hayley Zagurski, Development Services, stated that the applicant, Vincent G. Huebinger on behalf of Verizon Wireless, was requesting approval of a Specific Use Permit (SUP) for a 70-foot tall monopole tower and associated equipment room. The subject site was located within the DC-G zoning district which required approval of a SUP for monopole towers up to 85 feet in height. The tower and equipment room would be located within an existing self-service storage facility. Three existing storage units would be removed and replaced with the proposed monopole and equipment room. The proposed tower was expected to address lack of capacity issues in the area. The Planning and Zoning Commission recommended approval.

The Mayor opened the public hearing.

Someone with Vincent Gerard & Associates, representing Verizon Wireless, stated that this site would have 5G capacity.

The Mayor closed the public hearing.

Council Member Meltzer 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.

Ordinance No. S18-0002c

E. S18-0002c Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, approving a specific use permit to allow Quick Vehicle Servicing with conditions in Suite #110 and Suite #111 of a self- storage facility located at 2820 Virginia Circle 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. (S18-0002)

Hayley Zagurski, Development Services, stated this was a request for a Specific Use Permit for two existing automobile repair facilities located on the site. Quick Vehicle Service was permitted with the approval of a Specific Use Permit in the NRMU zoning district. The building in which the two subject automotive repair facilities were located was designed as an office/warehouse building comprising ten office/warehouse suites.

The Planning and Zoning Commission recommended approval with the following conditions: a new Certificate of Occupancy for the correct use, Quick Vehicle Servicing, must be applied for and approved; this Specific Use Permit shall be limited to these two particular business owners and these two particular suites; this Specific Use Permit will be limited to the use description and floor plan shown in Exhibit 10 and Exhibit 11; overnight outdoor storage of automobiles is prohibited; no more than two customer vehicles per each business can be parked in the parking spaces in front of the building during business hours.

The Mayor opened the public hearing.

Chris Haynie, 17787 W. FM 922, Forestburg, owner of the business, spoke in support.

The Mayor closed the public hearing.

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", Council Member Armintor "aye", Council Member Meltzer "aye", and Mayor Watts "aye". Motion carried unanimously.

F. ID 18-2101 Hold a public hearing regarding the 2018 Water and Wastewater Impact Fee Study.

Kenny Banks, General Manager of Utilities, introduced John Atkins with Kimley Horn who provided a brief overview of the Water and Wastewater Impact Fees. He reviewed what an impact fee was and the purpose, land use assumptions for the next ten years; growth projections consistent with water and wastewater master plans, water and wastewater service areas based on CCN Boundaries. He showed the Water Service areas map. He reviewed the proposed 10-year CIP for water. He reviewed how impact fees were calculated. He provided an overview of the Wastewater

Impact Fees. He provided the CIAC recommendation for the impact fee update for water and wastewater.

The Mayor opened the public hearing.

No one spoke during the public hearing.

The Mayor closed the public hearing.

Ordinance 18-2150

- G. ID 18-2150 Hold a public hearing and consider adoption of an ordinance of the City of Denton, amending the Water & Wastewater Design Criteria Manual to update it; and providing for severability, a savings clause and an effective date.

Pritam Deshmukh, Deputy City Engineer, stated that to assist developers, design engineers, and city staff in preparing and submitting design plans for proposed developments and/or capital improvement projects, the City had prepared a number of Design Criteria Manuals and Standard Details to guide them in these efforts. City staff had undertaken the process of completing annual updates for the Manuals and Standard Details. Draft amendments were received for the Water & Wastewater Design Criteria Manual which were primarily proposed by internal City departments. The draft amendments were collated and then posted for public comment for 30 days on the City's website beginning in October, 2018. During the 30 day comment period, staff conducted a public presentation to local design engineers. Revisions to the amendments were made based on the comments received and then posted for another 10 day public comment period. Final revisions presented to City Council at this time were made based on all comments received during both comment periods. Staff believes they have resolved all issues raised by the comments.

The Mayor opened the public hearings for Items G, H and I.

No one spoke during the public hearings.

The Mayor closed the public hearings.

Mayor Pro Tem Ryan motioned, Council Member Briggs 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.

Ordinance No. 18-2151

- H. ID 18-2151 Hold a public hearing and consider adoption of an ordinance of the City of Denton amending the Stormwater Design Criteria Manual to update it; and providing for severability, a savings clause, and an effective date.

Mayor Pro Tem Ryan motioned, Council Member Briggs 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.

Ordinance No. 18-2152

- I. ID 18-2152 Hold a public hearing and consider adoption of an ordinance of the City of Denton amending the Standard Detail Drawings referenced in City Criteria Manuals to update them; and providing for severability, a savings clause, and an effective date.

Mayor Pro Tem Ryan motioned, Council Member Briggs 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.

Ordinance No. DCA18-0005d

- J. DCA18-0005d Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, amending the Denton Development Code, specifically to update the Zoning Amendment Procedure in Section 35.3.4, related to motions resulting in a tie-vote; providing for a penalty in the maximum amount of \$2,000.00 for violations thereof; providing for severability and savings, and establishing an effective date. The Planning and Zoning Commission voted 6-0 to approve the request. THIS ITEM WAS POSTPONED FROM THE NOVEMBER 6, 2018 CITY COUNCIL MEETING. (DCA18-0005, Tie Vote Procedure, Julie Wyatt)

Julie Wyatt, Development Services, reviewed the background of the item. Staff recommended approval of the revised language. It provided for a clear process; maintained the integrity of the public hearing; provided for an additional opportunity to reach a decision; laid out a path; provided certainty for applicants, citizens, and stakeholders; amendment would prevent leaving projects in an indeterminate state; since the tie-vote is a failure to reach a majority decision, the super-majority requirement had been removed; City Council would be apprised of the P&Z meeting minutes, points of discussion, and final vote to fully inform City Council of the issues.

The Mayor opened the public hearing.

No one spoke during the public hearing.

The Mayor closed the public hearing.

Mayor Pro Tem Ryan motioned, Council Member Briggs 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 salutory 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 Hudspeth asked for information on the new Uber flights program including details on if the Denton Enterprise Airport met the specifications of the program.

Council Member Briggs requested an update on the red light camera pilot project.

Council Member Armintor requested a report on ADA compliance issues regarding dumpsters left on sidewalks.

Council Member Armintor requested information on the pros and cons of developing a policy requiring certificates of obligation and economic development incentives to have a public vote.

Mayor Pro Tem Ryan asked for a developer and economic development engagement policy similar to what Council had adopted for items resulting in a tie-vote or where a request was subject to a motion for reconsideration for the Planning and Zoning Commission.

Mayor Watts requested a report on options to have curbside bulky item collection for commercial dumpsters.

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 8:52 p.m.

CHRIS WATTS
MAYOR
CITY OF DENTON, TEXAS

JANE RICHARDSON
ASSISTANT CITY SECRETARY
CITY OF DENTON, TEXAS