

CITY OF DENTON CITY COUNCIL MINUTES

February 5, 2019

After determining that a quorum was present, the City Council of the City of Denton, Texas convened in a Work Session on Tuesday, February 5, 2019 at 1:30 p.m. in the Council Work Session Room at City Hall, 215 E. McKinney Street, Denton, Texas.

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.

WORK SESSION

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 February 5, 2019.

Council Member Armintor asked for clarification on Consent Agenda items G and H.

3. Work Session Reports

B. ID 19-128 Receive a report, hold a discussion, and give staff direction regarding a request for a resolution of support from a developer applying for 9% housing tax credit with the Texas Department of Housing and Community Affairs.

Dani Shaw, Community Development Manager, presented the item. Community Development received an application seeking a Resolution of Support for a 9% application. This project was previously submitted to the City Council and was provided a Resolution for Support for that HTC 9% application to TDHCA in 2018 but they did not receive sufficient points to be awarded housing tax credits. This project has been modified to include additional partners as well as slight modifications to the site plan and unit breakdown. Shaw stated that the project was Riva Denton and Riva Switzerland was partnering with Casa Linda Development Corporation. The development would have 120 units on 6.84 acres; current zoning was CM-G District. This would be a three-story community with 1, 2 & 3 bedroom units - 804 square feet to 1,154 square feet. Riva Denton would pay all property tax.

Staff believed that this complied with the principles and policies in the City's Denton 2030 Plan and the 5-Year Consolidated Plan for Housing and Community Development as well as the Housing Tax Credit Request for Support Policy. The project would still be required to go through full development review process if their project was selected by TDCHA and they moved forward with the development.

Consensus of Council was Option 1 – approve a resolution of support.

- C. ID 19-201 Receive a report, hold a discussion, and give staff direction regarding the feasibility and cost to reduce and/or eliminate utility poles along Dallas Drive and Teasley Lane.

George Morrow, General Manager of DME, introduced Jerry Fielder with DME, who presented the item. The Parks Department had budgeted to improve the northeast corner of Dallas Drive and Teasley Lane through development of a median park. DME had been asked to investigate the possibilities of reducing and/or eliminating the number of utility poles near this intersection. Both Verizon and Charter had assets in this same area. Some of their assets currently occupied space on DME's overhead construction; however, both utilities also had facilities on topped-off poles that were adjacent to the road's right-of-way or directly adjacent to DME's existing overhead construction. DME has had conversations with both Verizon and Charter during which two potential options were discussed. Option 1 was for both Verizon and Charter to move as much of their assets as practical from "topped-off" poles to DME's poles allowing the potential removal of up to nine (9) poles providing for a cleaner look in this area. The cost would be minimal. Option 2 was to convert all, or some portion, of DME's, Charter's, and Verizon's facilities underground which could potentially remove as many as 121 poles (both DME and topped-off poles") in the area.

Consensus of Council was to go with Option 1.

- A. ID 19-027 Receive a report, hold a discussion, and give staff direction regarding the development of the Cole Ranch and Hunter Ranch master planned communities in southwest Denton.

Bryan Langley Deputy City Manager, presented the item. He provided follow-up information from the January 15 work session. He stated that the documents required to create an MMD would be the ordinance, MMD Operating Agreement and Developer Agreement. Development Services staff confirmed that the future land use map reflected the development of master planned communities in this area. Staff confirmed that the preferred project phasing was at the north of Cole Ranch near the future Loop 288 and I-35 moving south and west, and at the south of Hunter Ranch near I-35 and Robson Ranch and moving north and west. Limits on the MMD's use of economic development tools could be included in the MMD operating agreement. The Council could make a policy decision on whether to use City economic development tools within the MMD. Estimated off-site infrastructure costs were \$65 million; estimated regional infrastructure costs were \$240 million; and estimated on-site public infrastructure costs were \$300 million. Roughly two-thirds of the development could be served by DME. The developer agreement can specify that DME will be the electric provider in all the areas where it was certified to serve. Questions regarding donation of land for public safety facilities, park land, trees, gas well sites and setbacks, affordable housing, and other issues of importance to the City Council could be negotiated and included in either the MMD operating agreement or the developer agreement.

Consensus of Council was to move forward with the MMD process.

Following the completion of the Work Session, the City Council convened in a Closed Meeting to consider the specific items listed below.

1. Closed Meeting:

- A. ID 19-146 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 the City's attorneys and provide staff and the City's attorneys with direction pertaining to the status, strategy, current discussions with opposing counsel, and possible outcomes of the condemnation case styled City of Denton v. Tommy R. Holamon and Sharlet Y. Holamon, Cause No. PR-2018-00005, currently pending in the Probate Court of Denton County, Texas regarding the acquisition of real property interests generally located in the 3400 block of south Bonnie Brae Street, City of Denton, Texas; 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. (Bonnie Brae Widening and Improvements project - Parcel 42 - Holamon & Hickory Creek Sanitary Sewer Interceptor project - Phase II - Holamon)

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

There were no proclamations or 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 19-158 Matt Farmer regarding the development of Cole Ranch/Hunter Ranch and the environmental impact.

Matt Farmer, 2042 Scripture Street, spoke regarding a regulatory floodway and hazard area in the proposed Cole Ranch/Hunter Ranch developments. Armintor asked for a link to the FEMA map and a staff report with a transposition of the Cole Ranch/Hunter Ranch.

2. ID 19-177 Rena Hardeman regarding proposed Municipal Management District.

Ms. Hardeman was not present.

3. ID 19-204 Ed Soph regarding City Council action on disclosure and reverse setbacks.

Ed Soph, 1620 Victoria Drive, spoke regarding gas well sites and setbacks in new developments. Armintor asked how he felt about having schools notify parents and students of close proximity to gas well sites.

4. ID 19-282 Diana Leggett regarding SUPs and SROs.

Diana Leggett, 1019 Aileen Street, spoke regarding Denton Development Code regarding SUPs and SROs. Armintor asked if she was aware of the violation under the Fair Housing Act.

C. Additional Citizen Reports.

George Ferrie, 2932 Stockton Street, spoke in support of the LGBTQ community (Carrollton just passed a policy re anti-bullying, etc. and they were asking for inclusive policies.

Carol Soph, 1620 Victoria Street, spoke regarding the Chairy Orchard at the end of her street.

4. CONSENT AGENDA

Council Member Briggs motioned, Mayor Pro Tem Ryan seconded to adopt the Consent Agenda and accompanying ordinances and resolutions. 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. 19-041

A. ID 19-041 Consider adoption of a resolution adopting a policy informing Planning & Zoning Commission interactions with developers or parties/entities interested beyond that of the public at large while a matter is on the Planning & Zoning Commission agenda due to a tie-vote or subject to a motion for future reconsideration, and a voluntary disclosure of meetings on any pending development case; and providing an effective date. The Planning and Zoning Commission recommends approval (7-0).

Ordinance No. 19-115

B. ID 19-115 Consider adoption of an ordinance ordering an election to be held in the City of Denton, Texas, on May 4, 2019 and, if a runoff election is required said runoff election is to be held on June 8, 2019, for the purpose of electing Council Members to Districts 1, 2, 3 and 4 of the City Council of the City of Denton, Texas; prescribing the time and manner of the conduct of the election to be in accordance with an agreement with the Election Administrator of Denton County; providing a severability clause; providing an open meetings clause; and providing an effective date.

Ordinance No. 19-142

C. ID 19-142 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 Rush Truck Center of Texas, LP, for Peterbilt repair services; which is the sole provider of these services 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 6951 - awarded to Rush Truck Center of Texas, LP, in the five (5) year not-to-exceed amount of \$450,000). The Public Utilities Board recommends approval (5-0).

Ordinance No. 19-144

- D. ID 19-144 Consider adoption of an ordinance of the City of Denton, 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-SDD-2502 with Granicus, LLC, for the supply of agenda management software; providing for the expenditure of funds therefor; and providing an effective date (File 6928 - awarded to Granicus, LLC, in the three (3) year not-to-exceed amount of \$95,524.73).

Ordinance No. 19-149

- E. ID 19-149 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 N. Harris Computer Corporation, for the purchase of Harris Public Utility Billing System, software maintenance, continued vendor support and associated software modules which is the sole provider of this software in accordance with Texas Local Government Code Chapter 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 6952 - awarded to N. Harris Computer Corporation in the three (3) year not-to-exceed amount of \$775,526.65).

Resolution No. 19-150

- F. ID 19-150 Consider approval of a resolution by the City of Denton authorizing the City Manager, or his designee, to accept the 2018 UASI - Denton - Fire EMS Rescue Task Force Grant (Grant No. 3690801) in the amount of \$100,000 from the State of Texas, Office of the Governor, through a grant from the US Department of Homeland Security for the period of September 1, 2018 through August 31, 2019; and providing an effective date.

Resolution No. 19-151

- G. ID 19-151 Consider approval of a resolution by the City of Denton authorizing the City Manager, or his designee, to accept the 2018 UASI - City of Denton - SWAT Equipment Grant (Grant No. 3692101) in the amount of \$26,000 from the State of Texas, Office of the Governor, through a grant from the US Department of Homeland Security for the period of September 1, 2018 through August 31, 2019; and providing an effective date.

Resolution No. 19-152

- H. ID 19-152 Consider approval of a resolution by the City of Denton authorizing the City Manager, or his designee, to accept the 2018 SHSP - Denton - SWAT Equipment Enhancement (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; and providing an effective date.

Ordinance No. 19-157

- I. ID 19-157 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 through the Buy Board Cooperative Purchasing Network Contract Number 498-15 for the purchase of the Palo Alto Firewall software and continued vendor support; providing for the expenditure of funds therefor; and providing an effective date. (File 6962 - awarded to Solid Border, Inc., in the three (3) year not-to-exceed amount of \$847,935).

Ordinance No. 19-160

- J. ID 19-160 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 through the State of Texas Smart Buy Program Contract Number 680-A1 for the purchase of ammunition for the City of Denton Police Department; providing for the expenditure of funds therefor; and providing an effective date (File 6966 - awarded to Precision/Delta Corporation, in the five (5) year not-to-exceed amount of \$380,000).

Ordinance No. 19-176

- K. ID 19-176 Consider adoption of an ordinance of the City of Denton approving and authorizing the City Manager or his designee to execute an Interlocal Cooperation Agreement between the City of Denton and Denton County for Ambulance Services; and declaring an effective date.

Ordinance No. 19-182

- L. ID 19-182 Consider adoption of an ordinance of the City of Denton approving and authorizing the City Manager or his designee to execute an Interlocal Cooperation Agreement between the City of Denton and Denton County for Fire Protection Services; and declaring an effective date.

Ordinance No. 19-183

- M. ID 19-183 Consider adoption of an ordinance of the City of Denton, Texas appointing Holly Fox as Presiding Judge for the City of Denton Municipal Court of Record; establishing a term of office for the Presiding Judge beginning on the 11th day of February, 2019, and extending through 10th day of February, 2021; authorizing the Mayor to execute an employment agreement for term of office; ratifying terms of said agreement; and declaring an effective date.

Ordinance No. 19-184

- N. ID 19-184 Consider adoption of an ordinance of the City of Denton, 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-3755 with ImageNet Consulting, LLC, for the purchase of Laserfiche Document Imaging Application software maintenance, additional licensing for Laserfiche Forms Package, and software enhancements; providing for the expenditure of funds therefor; and providing an effective date (File 6956 - awarded to ImageNet Consulting, LLC, in the three (3) year not-to-exceed amount of \$286,425.98).

Ordinance No. 19-272

- O. ID 19-272 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager to execute a contract for the development of an Urban Forest Master Plan for the City of Denton; providing for the expenditure of funds therefor; and providing an effective date (RFP 6949 - awarded to Davey Resource Group, Inc., in the not-to-exceed amount of \$71,741).

Resolution No. 19-290

- P. ID 19-290 Consider approval of a resolution of the City of Denton, Texas authorizing the Mayor to sign a letter to members of Congress requesting their commitment to address infrastructure funding during the 116th Congress; and providing an effective date.

5. PUBLIC HEARINGS

- A. Z18-0023b 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 Regional Center Commercial Downtown (RCC-D) district to Employment Center Industrial (EC-I) district with overlay conditions on approximately 8.7 acres of land, and a change in the zoning district and use classification from Regional Center Commercial Neighborhood (RCC-N) district to Employment Center Industrial (EC-I) district with overlay conditions on approximately 7.7 acres of land, all of which is generally located at the northwest corner of Worthington Drive and Schuyler Street in 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 voted 7-0 to approve the request. (Z18-0023, Worthington Truckport, Julie Wyatt)

Julie Wyatt, Development Services, presented the item. The request was for a rezoning from Regional Center Commercial Neighborhood to Employment Center Industrial. The Planning & Zoning Commission recommended approval with the following condition – Electric Substations and Switch Stations were not a permitted use and a Type C Buffer was required between any new private improvements and the west property boundary. A Type C Buffer was a fifteen (15) foot planted strip that included a combination of six (6) evergreen and deciduous trees and twenty (20) shrubs per one hundred (100) linear feet. Staff recommended approval of this request.

The Mayor opened the public hearing.

Aimee Bissett, 212 S. Elm Street, representing the applicant, spoke in support.

Dan Hite, 3800 Hampton Road, spoke in opposition and asked that Council protect the neighborhood regarding noise concerns.

Willie Hudspeth, 623 Newton, expressed concerns that the homeowners be protected.

Rebecca Hite submitted a comment card in opposition.

The Mayor closed the public hearing.

Council Member Briggs motioned, Council Member Meltzer seconded to postpone the item.

Council Member Briggs withdrew the motion to postpone.

Council Member Meltzer motioned, Council Member Briggs seconded to adopt the ordinance with the following conditions – Electric Substations and Switch Stations, Craft Alcohol Production, and Kennels were not permitted uses; a Type C Buffer was required between any new private improvements and the west property boundary. A Type C Buffer was a fifteen (15) foot planted strip that included a combination of six (6) evergreen and deciduous trees and twenty (20) shrubs per one hundred (100) linear feet; and engines on parked tractor trucks may not be allowed to idle for more than one hour at a time. On roll call vote, Council Member Hudspeth "aye", Council Member Briggs "aye", Council Member Duff "aye", Mayor Pro Tem Ryan "aye", Council Member Meltzer "aye", and Mayor Watts "aye". Council Member Armintor "nay". Motion carried (6-1).

6. ITEMS FOR INDIVIDUAL CONSIDERATION

Ordinance No. 19-111

- B. ID 19-111 Consider adoption of an ordinance of the City of Denton, Texas authorizing the expenditure of funds for the payment of wholesale transmission charges in the total amount of \$4,655,183.48 to Cross Texas Transmission, LLC (\$269,987.38), Electric Transmission Texas, LLC (\$1,103,574.81), Lone Star Transmission, LLC (\$333,779.25), Lower Colorado River Authority (\$1,597,852.36), Sharyland Utilities, LP (\$943,784.53), Wind Energy Transmission Texas, LLC (\$406,205.15); and, providing an effective date. The Public Utilities Board recommends approval (5-0).

George Morrow, General Manager of DME, presented the item. Approval of this item would authorize the issuance of purchase orders to each of the entities to reimburse them for DME's share of their transmission costs, less the amount that each entity owes DME for DME's transmission costs. These payments were mandated by the Texas Public Utility Regulatory Act and the Public Utility Commission of Texas.

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. 19-148

- C. ID 19-148 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager to execute a public works contract with Jagoe-Public Company for the construction of the Hickory Creek Road Widening Project for the City of Denton; providing for the expenditure of funds therefor; and providing an effective date (IFB 6903 - awarded to Jagoe-Public Company, in the not-to-exceed amount of \$5,320,870).

Todd Estes, City Engineer, presented the item. This part of the project included 4,000 linear feet of storm drain (18-48 inches in diameter). The drainage system that would be constructed was designed to provide capacity for the 100-year storm event. A new bridge would be constructed next to the existing bridge over Fletcher Branch to carry the eastbound traffic. This covered Hickory Creek Road from Teasley Lane to Riverpass Drive.

Emily Meisner, 1700 Cordero Court, thanked the Council for working with the County on this project.

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.

Ordinance No. 19-165

- D. ID 19-165 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager to execute a public works contract with Quality Excavation, Ltd., for the construction of the Hinkle and Windsor Paving and Drainage Project (Magnolia Phase II) for the City of Denton; providing for the expenditure of funds therefor; and providing an effective date (IFB 6902 - awarded to Quality Excavation, Ltd., in the not-to-exceed amount of \$6,227,259). The Public Utilities Board recommends approval (4-0).

Todd Estes, City Engineer, presented the item. The project would improve storm water drainage conditions and prevent flooding on Hinkle Drive and in the adjacent neighborhoods between West Windsor Drive to the north and University Drive to the south.

Council Member Hudspeth 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.

- E. ID 19-181 Consider nominations/appointments to the City's Boards, Commissions, and Committees: Animal Shelter Advisory Committee, Health & Building Standards Commission, Library Board, Traffic Safety Commission, and Committee on Persons with Disabilities.

Council Member Briggs motioned, Mayor Pro Tem Ryan seconded to approve the nominations of Randi Weinberg to the Animal Shelter Advisory Committee and Sonya Redwine to the Committee on Persons with Disabilities. 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.

5. PUBLIC HEARINGS

- B. Z18-0017c 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 4 (NR-4) on approximately 86 acres of land, and rezoning approximately 6 acres of land from the existing Neighborhood Residential 2 (NR-2) zoning classification and use designation to a Neighborhood Residential 4 (NR-4) zoning classification and use designation; all generally located between Creekdale Drive and Hickory Creek Road, east of the railroad tracks 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. (Z18-0017, Lakeside Place, Cindy Jackson).

Cindy Jackson, Development Services, presented the item. The request was for an initial zoning designation of Neighborhood Residential 4 (NR-4) on approximately 86 acres of land and a request to rezone approximately six acres of land from Neighborhood Residential 2 (NR-2) to Neighborhood Residential 4 (NR-4) to facilitate the development a single family residential development.

The Mayor opened the public hearing.

Abra Nusser, Southlake, representing the applicant, spoke in support.

The Mayor closed the public hearing.

Council discussed placing a condition on the platting that the first home couldn't be built until the construction on Hickory Creek Road was completed.

Council Member Hudspeth motioned, Mayor Pro Tem Ryan seconded to adopt the ordinance. On roll call vote, Council Member Hudspeth "aye", Council Member Duff "aye", and Mayor Pro Tem Ryan "aye". Council Member Briggs "nay", Council Member Armintor "nay", Council Member Meltzer "nay", and Mayor Watts "nay". Motion failed (3-4).

- C. S18-0008g 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). THIS PUBLIC HEARING HAS BEEN CONTINUED FROM THE JANUARY 15, 2019 CITY COUNCIL MEETING.

Hayley Zagurski, Development Services, presented the item. The request was for a Specific Use Permit (SUP) to permit a multi-family use on approximately 31 acres of property generally located on the north side of Windsor Drive east of Interstate 35 north. The subject property was zoned Neighborhood Residential Mixed Use (NRMU) District, which permitted multi-family developments with an SUP and Limitation (4) = Multi-family is permitted only: with a Specific Use Permit; or as part of a Mixed-Use Development; or as part of a Master Plan Development, Existing; or if the development received zoning approval allowing multi-family use within one (1) year prior to the effective date of Ordinance No. 2005-224; or if allowed by a City Council approved neighborhood (small area) plan. There were two existing gas wells in operation on the site – Payne #1 and Payne #2 and a 250' reverse setback was required.

The Planning and Zoning Commission recommended approval [4-3] of the request with staff's conditions, which were:

1. The City Council recognizes that driveway access locations from state highways must be approved by the Texas Department of Transportation ("TxDOT"), and that alterations in the configuration of I-35 are currently in planning. Any driveway access locations from the northbound I-35 frontage road which must be altered in response to changing TxDOT requirements during the permitting process may be administratively approved by City staff, provided that such alterations comply with all DDC and criteria manual requirements, and that all remaining elements of the approved site plan are satisfied.
2. Landscaping in the attached site plan reflects an intent to comply with the DDC requirements for parking, street trees, minimum landscape and canopy areas, and compatibility buffers, with administrative approval of alternative buffer elements permitted in accordance with DDC 35.13.8. Minor alterations to the depicted locations of individual plantings may be approved by City staff, provided that the final landscaping, as planted, complies with the attached site plan in terms of buffer and open space locations, as well as all elements of the DDC.
3. The Agreement entered into and executed by CL Ventures LLC and Sage Natural Resources, LLC, which sets forth the 250 foot reverse setbacks for the multi-family development from the two wells as shown on the attached site plan, must be filed in the records of Denton County prior to approval of a plat for the subject property, and a note on the plat shall reference the Agreement and setbacks.
4. Notwithstanding the limited administrative approvals authorized in conditions 1 and 2, the City reserves the right to require approval by ordinance of any amendments to the SUP, the attached site plan, and the elements described in the Site Plan Requirements (Section 3 of ordinance), including those referenced in conditions 1 and 2.

The Mayor opened the public hearing.

Lee Allison, 2415 N. Elm Street, representing the applicant, spoke in support of the item.

The Mayor closed the public hearing.

Council Member Armintor motioned, Council Member Briggs seconded to deny the Specific Use Permit. On roll call vote, Council Member Briggs "aye", Council Member Armintor "aye", Council Member Meltzer "aye", and Mayor Watts "aye". Council Member Hudspeth "nay", Council Member Duff "nay", and Mayor Pro Tem Ryan "nay". Motion carried (4-3).

Ordinance No. 19-159

- D. ID 19-159 Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas designating a certain area within the city limits of Denton as Tyson Sales and Distribution Reinvestment Zone No. XIV for commercial/industrial tax abatement; establishing the boundaries of such zone; making findings required in accordance with Chapters 311 and 312 of the Texas Tax Code; ordaining other matters relating thereto; providing a severability clause; providing for repeal; and providing an effective date.

Caroline Booth, Director of Economic Development, presented this item and the tax abatement item. Booth stated that under Chapter 312 of the Texas Tax Code, businesses that received tax

abatements must be located within a reinvestment zone, which was a designated area where economic development was encouraged. Tyson Sales and Distribution plans to build a 350,000+ square foot, highly automated refrigerated distribution center on an approximately 50-acre site located at the southeast corner of Jim Christal Road and Western Boulevard. The adoption of the ordinance establishing the reinvestment zone would allow Council to consider a tax abatement agreement with Tyson Sales and Distribution.

Booth stated that Tyson had requested an incentive to offset development costs and to enable application for a Denton County tax abatement and a Texas Enterprise Zone Program grant. Tyson met the following priority considerations under the 2018 Council-adopted economic development incentive policy: business and community investment, expanding the tax base, increasing jobs with wages above the Denton County average, and generating significant new customers for municipal utilities. The Tax Abatement Agreement contained the following safeguards for the City: operations must begin by Dec. 31, 2021; set minimum thresholds for appraised value of business personal property, number of jobs, and weighted average hourly wage; capped the total amount of the tax abatement; and required submission of an annual certificate of compliance.

The Mayor opened the public hearing.

The following individuals spoke during the public hearing:

George Ferrie, 2932 Stockton, stated that the carbon footprint of Tyson would be large.
Jennifer Lane, 1526 Willowwood, spoke in opposition.
Christopher Wilkins, 708 IOOF Street, spoke in opposition.

Comment cards were submitted by:

Sidney Hartz, 922 Fannin Street – opposition
Dacen Kinser, 3504 Shadow Trail - opposition

The Mayor closed the public hearing.

The Mayor called for comments on Item 6A.

Amina Abiola, 1702 N. Ruddell Street, spoke in opposition.
Dewey Marshall, 1215 Scripture Street, spoke in opposition.
Marty Rivers, 120 Industrial, spoke in support.

Comment cards were submitted by:

Eric Clark, 3913 Andrew Avenue – support
Matthew Morgan, 1213 Linden Drive – support
Persephone Abrahamson, 722 Fannin Street – support
Kyra Solis, 4505 Shy Creek Lane – opposition
Dacen Kinser, 3504 Shadow Trail – opposition
Sidney Hartz, 922 Fannin Street – opposition
Brandon Beach, 4505 Shy Creek Lane – opposition

Council discussion included energy rider, wages of employees, Tyson business practices, establishment of the Reinvestment Zone.

Council Member Hudspeth motioned, Council Member Duff seconded to adopt the ordinance. On roll call vote, Council Member Hudspeth "aye", Council Member Duff "aye", Mayor Pro Tem Ryan "aye", Council Member Meltzer "aye", and Mayor Watts "aye". Council Member Briggs "nay", and Council Member Armintor "nay". Motion carried (5-2).

6. ITEMS FOR INDIVIDUAL CONSIDERATION

Ordinance No. 19-161

- A. ID 19-161 Consider adoption of an ordinance authorizing the Mayor to execute a tax abatement agreement with Tyson Sales and Distribution, Inc. setting forth all the required terms of the tax abatement agreement in accordance with the terms of Chapter 312 of the Texas Tax Code; setting forth the various conditions to Tyson Sales and Distribution, Inc. receiving the tax abatement; providing for a severability clause; and providing an effective date.

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

- F. ID 19-116 Consider approval of a resolution authorizing Election Day polling locations for the City of Denton City Council Election to be held on May 4, 2019; and providing an effective date.

Rachel Wood, Chief of Staff and Interim City Secretary, presented the item. On January 7, 2019 Council provided staff with direction on polling locations for the May 4, 2019 City Council election. At that time, consensus of the Council was to proceed with the eight locations that were used for the 2018 Council election. The DISD has confirmed that Pecan Creek Elementary School and LA Nelson Elementary School can be used as Election Day polling locations. However, Ryan High School is not available due to multiple events being held at the school. Staff has researched alternative locations in the general vicinity of Ryan High School and determined that the DISD Annex, located at 230 N. Mayhill Road is the most viable option. Exact precincts for each polling location will be determined after consultation with the Denton County Elections Administrator.

Council discussion included adding an additional location on the UNT campus or close to the center of District 3.

Council Member Armintor recused herself.

The following individuals spoke regarding this item:

Alfred Sanchez, 711 Jackson Street, spoke in support of an additional polling location at UNT
Matt Farmer, 2042 Scripture Street, spoke in support of an additional polling location at UNT

Christopher Wilkins, 708 IOOF Street, spoke in support of an additional polling location at UNT
Jennifer Lane, 1526 Willowwood, spoke in support of an additional polling location at UNT
David Urbanek, 714 W. Hickory, spoke in support of an additional polling location at UNT
George Ferrie, 2932 Stockton Street, spoke in support of an additional polling location at UNT
and in District 1
Emily Meisner, 1700 Cordero Court, spoke in support of any additional polling location

Comment cards were submitted by:

Mary Infante, 321 Cross Timbers Drive – support
Jordan Villarreal, 707 Bernard Street – support

Council Member Meltzer motioned, Council Member Briggs seconded to postpone the item to March 5. On roll call vote, Council Member Hudspeth "aye", Council Member Briggs "aye", Mayor Pro Tem Ryan "aye", Council Member Armintor "aye", Council Member Meltzer "aye", Mayor Watts "aye", and Council Member Duff "nay". Motion carried (6-1).

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 Hudspeth requested information on if the City had mobile home building standards criteria. If current criteria did not exist, he requested that staff develop and ensure there were requirements for adequate parking.

Council Member Hudspeth asked staff to coordinate with the DISD to explore community parking options at the Elm Street facility when it is not in use for DISD purposes.

Council Member Briggs requested a staff report on the criteria used to determine when traffic signals move to flashing red/yellow lights during the evening and early morning hours – particularly University and Malone.'

Council Member Briggs asked if voting information could be posted on the Civic Center's electronic sign and provide voter education and notification about the voting process to the Committee on Citizen Engagement.

Council Member Briggs asked that the gas well ordinance be brought back to the full Council for conversation and include a survey of the active and inactive gas wells and a policy discussion on the City's ability to determine setback distances.

Council Member Briggs asked about changing the weighted average used for economic development incentives.

Council Member Armintor asked for a work session item on sobering centers following the February 1 Informal Staff Report and ensure Chief Dixon was invited to participate.

Mayor Watts asked for a work session item on a policy discussion on setbacks for gas wells and a survey on plugged gas wells.

Mayor Watts asked about TWU being left out of polling location discussions.

With no further business, the meeting was adjourned at 12:43 a.m.

CHRIS WATTS
MAYOR
CITY OF DENTON, TEXAS

JANE RICHARDSON
ASSISTANT CITY SECRETARY
CITY OF DENTON, TEXAS