



City of Denton

City Hall
215 E. McKinney St.
Denton, Texas 76201
www.cityofdenton.com

Meeting Agenda

City Council

Tuesday, August 16, 2022

2:00 PM

Council Work Session Room
&
Council Chambers

WORK SESSION BEGINS AT 2:00 P.M. IN THE COUNCIL WORK SESSION ROOM

CLOSED MEETING BEGINS IMMEDIATELY FOLLOWING THE WORK SESSION IN THE COUNCIL WORK SESSION ROOM

REGULAR MEETING BEGINS AT 6:30 P.M. IN THE COUNCIL CHAMBERS

REGISTRATION GUIDELINES FOR ADDRESSING THE CITY COUNCIL

Individuals may speak during a Council meeting under one of the following categories:

Open Microphone:

At regular meetings only, individuals can speak on any topic that is not on the agenda for no longer than four (4) minutes per individual. This portion of the meeting occurs immediately after the start of the regular meeting session. Please note, Council members cannot engage in a discussion on topics presented during this portion and there are limited slots available for this portion of the meeting.

Comments on Agenda Items:

Public comments can be given for any item considered by the Council, EXCEPT work session reports or closed meetings. Individuals are only able to comment one time per agenda item and cannot use more than one method to comment on a single agenda item. Public comments are limited to three (3) minutes per citizen.

Public Hearing Items:

Individuals are limited to four (4) minutes per public hearing item.

Individuals may participate by using one of the following methods:

1. In Person for Regular or Consent Agenda Items:

To provide in-person comments regular or consent agenda items (excluding public hearing items), Individuals must be present at the meeting and submit a speaker card (available at the meeting location) to the City Secretary prior to the item being called.

2. In Person for Public Hearing Items:

For public hearing items, speaker cards are encouraged but not required.

3. eComment:

The agenda is posted online at <https://tx-denton.civicplus.com/242/Public-Meetings-Agendas>. Once the agenda is posted, a link to make virtual comments using the eComment module will be made available next to the meeting listing on the Upcoming Events Calendar. Using eComment, Individuals may indicate support or opposition and submit a brief comment about a specific agenda item. eComments may be submitted up until the start of the meeting at which time the ability to make an eComment will be closed. eComments will be sent directly to members of the City Council immediately upon submission and recorded by the City Secretary into the Minutes of the Meeting.

4. By Phone:

Individuals may register to provide comments by phone. Instructions and a link to register to comment by phone will be available at www.cityofdenton.com/publicmeetings until noon of the meeting date. Residents will submit contact information using the link provided and receive further instructions via email on how to join the meeting by phone and provide comments.

After determining that a quorum is present, the City Council of the City of Denton, Texas will convene in a Work Session on Tuesday, August 16, 2022, at 2:00 p.m. in the Council Work Session Room at City Hall, 215 E. McKinney Street, Denton, Texas at which the following items will be considered:

WORK SESSION**1. Citizen Comments on Consent Agenda Items**

This section of the agenda allows citizens to speak on any item listed on the Consent Agenda prior to its consideration. Each speaker will be given a total of three (3) minutes to address any item(s). Any person who wishes to address the City Council regarding these items may do so by utilizing the "By Phone" registration process as referenced under the REGISTRATION GUIDELINES FOR ADDRESSING THE CITY COUNCIL detailed at the beginning of this agenda. Registration is required prior to the time the City Council considers this item. Registrants may call in and remain on hold or receive a call back at the time the Work Session is called to Order and are encouraged to ensure they remain accessible to accept the call.

2. Requests for clarification of agenda items listed on this agenda.**3. Work Session Reports**

- A. [ID 22-1534](#) Receive a report, hold a discussion, and give staff direction regarding the City of Denton ordinance and guidelines in issuing utility bill payment agreements.

[Estimated Presentation/Discussion Time : 45 minutes]

Attachments: [Exhibit 1 - Agenda Information Sheet](#)

[Exhibit 2 - Presentation](#)

- B. [ID 22-1674](#) Receive a report, hold a discussion, and give staff direction regarding the preliminary FY 2022-23 Proposed Budget, Tax Rate, Capital Improvement Program and Five-Year Financial Forecast.

[Estimated Presentation/Discussion Time: 1 hour]

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
 [Exhibit 2 - Presentation](#)
 [Exhibit 3 - Budget Follow Up Memo](#)

Following the completion of the Work Session, the City Council will convene in a Closed Meeting in the Council Work Session Room to consider specific item(s) when these items are listed below under the Closed Meeting section of this agenda. The City Council reserves the right to adjourn into a Closed Meeting on any item on its Open Meeting agenda consistent with Chapter 551 of the Texas Government Code, as amended, or as otherwise allowed by law.

1. Closed Meeting:

- A. [ID 22-1517](#) Deliberations regarding Personnel Matters - Under Texas Government Code Section 551.074.
- Deliberate and discuss the evaluation, duties, discipline, dismissal, compensation, and/or contract of the City Manager.
- B. [ID 22-1518](#) Deliberations regarding Personnel Matters - Under Texas Government Code Section 551.074.
- Deliberate and discuss the evaluation, duties, discipline, dismissal, compensation, and/or contract of the City Attorney.
- C. [ID 22-1629](#) Consultation with Attorneys - Under Texas Government Code Section 551.071.
- Consult with the City’s attorneys on the legal status, expenses, strategy and options for resolution of litigation in Cause No. 22-4543-431, styled “Alison Maguire, Keri Caruthers, Tracy Runnels, and Emily Meisner v. Rosa Rios, in her Official Capacity as City Secretary of the City of Denton, Texas, the City of Denton, Texas, Donald Duff, in his Official Capacity as Representative of a Committee of Electors in the City of Denton, Texas; and, Frank Phillips, in his Official Capacity as Denton County Elections Administrator” pending in the 431st District Court, Denton County, Texas; where public discussion of these legal matters would conflict with the duty of the City’s attorneys to the City of Denton and the Denton City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas, or otherwise compromise the City’s legal position in pending litigation.
- D. [ID 22-1673](#) Consultation with Attorneys - Under Texas Government Code Section 551.071.
- Consult with the City’s attorneys on the legal status, strategy and options for resolution of litigation in Cause No. 21-6356-431, styled “Opala, LLC v. City of Denton, Texas” pending in the 431st District Court, Denton County, Texas; where public discussion of these legal matters would conflict with the duty of the City’s attorneys to the City of Denton and the Denton City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas, or otherwise compromise the City’s legal position in pending litigation.

Any final action, decision, or vote on a matter deliberated in a Closed Meeting will only be taken in an Open Meeting that is held in compliance with Texas Government Code, Chapter 551, except to the extent such final decision, or vote is taken in the Closed Meeting in accordance with the provisions of Section 551.086 of the Texas Government Code (the ‘Public Power Exception’). The City Council reserves the right to adjourn into a Closed Meeting or Executive Session as authorized by Texas Government Code, Section 551.001, et seq. (The Texas Open Meetings Act) on any item on its open meeting agenda or to reconvene in a continuation of the Closed Meeting on the Closed Meeting items noted above, in accordance with the Texas Open Meetings Act, including, without limitation Sections 551.071-551.086 of the Texas Open Meetings Act.

NOTE: Any item for which a formal action at the Regular Meeting has been taken by Council may be subject to a request for a motion for reconsideration at any time during the meeting, at the Concluding Items Section, or after the meeting. In order to comply with the Texas Open Meetings Act, a request for a motion for reconsideration made during, at the end of, or after a Council meeting will be placed on the agenda and considered at the next official meeting of the City Council.

Following the Closed Meeting, the City Council will reconvene in Open Meeting to take action, if any, on matters discussed in closed session.

AFTER DETERMINING THAT A QUORUM IS PRESENT, THE REGULAR MEETING OF THE CITY OF DENTON CITY COUNCIL WILL CONVENE AT 6:30 P.M. IN THE COUNCIL CHAMBERS AT CITY HALL, 215 E. MCKINNEY STREET, DENTON, TEXAS AT WHICH THE FOLLOWING ITEMS WILL BE CONSIDERED:

1. PLEDGE OF ALLEGIANCE

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

“Honor the Texas Flag – I pledge allegiance to thee, Texas, one state under God, one and indivisible.”

2. PROCLAMATIONS/PRESENTATIONS

- A. [ID 22-1216](#) Proclamation: North Texas Overdose Awareness Day
- B. [ID 22-1441](#) Proclamation: Constitution Week
- C. [ID 22-1650](#) Proclamation: National Senior Center Month
- D. [ID 22-1661](#) Proclamation: National Payroll Week
- E. [ID 22-1662](#) Proclamation: Suicide Prevention Awareness Month

3. PRESENTATIONS FROM MEMBERS OF THE PUBLIC

- A. Review of procedures for addressing the City Council.
- B. Reports from members of the public shall be received through the following two (2) methods. A total of up to seven (7) speakers are permitted to provide public comment and may include any combination of prior registration and open microphone speakers.

1) Pre-registration. This section of the agenda permits any person who has registered in advance to make a citizen report regarding a public business item he or she wishes to be considered by the City Council. Each speaker is allowed a maximum of four (4) minutes to present their report. At the conclusion of each report, the City Council may pose questions to the speaker or may engage in discussion. If the City Council believes that a speaker's report requires a more detailed review, the City Council will give the City Manager or City Staff direction to place the item on a future work session or regular meeting agenda and advise staff as to the background materials to be desired at such meeting.

- A. [ID 22-1669](#) Ms. Wanda Bowman regarding retaliation for filing grievances for denial of services, and oversight of United Way.
- B. [ID 22-1671](#) Mr. Stephen Dillenburg regarding betrayal of public trust, conscious disregard for life, fraudulent inducement of dangerous behavior from fiduciary positions (of trust.)

2) Open Microphone. This section of the agenda permits any person who has not registered in advance for a citizen report to make comments about public business items not listed on the agenda. Such person(s) shall have registered using the "Virtual White Card" or "By Phone" process outlined by the City on its website or meeting notice.

During open microphone reports under this section of the agenda, the Council may listen to citizens speak. However, because notice of the subject of the open microphone report has not been provided to the public in advance, the Texas Open Meetings Act limits any deliberation or decision by the Council to: a proposal to place the item on a future agenda; a statement of factual information; or a recitation of existing policy. Council Members may not ask the open microphone speakers questions or discuss the items presented during open microphone reports.

NOTE: If audio/visual aids during presentations to Council are needed, they must be submitted to the City Secretary 24 hours prior to the meeting.

4. CONSENT AGENDA

Each of these items is recommended by Staff or a board, commission, and committee. Approval thereof will be strictly on the basis of the those recommendations. Approval of the Consent Agenda authorizes the City Manager or his designee to implement each item in accordance with the Staff recommendations. The City Council has received background information and has had an opportunity to raise questions regarding these items prior to consideration.

For those items recommended by a specific board, commission, or committee, the agenda item will reference that recommendation. To view the video of the related board, commission, or committee meeting, as applicable, a link can be found within the applicable supporting documentation (Exhibit 1).

Listed below are bids, purchase orders, contracts, and other items to be approved under the Consent Agenda (Agenda Items A – AP). This listing is provided on the Consent Agenda to allow Council Members to discuss or withdraw an item prior to approval of the Consent Agenda. If no items are pulled, the Consent Agenda Items will be approved with one motion. If items are pulled for separate discussion, they may be considered as the first items following approval of the Consent Agenda.

- A. [ID 22-819](#) Consider approval of the minutes of July 26, August 2, and August 6, 2022 Meetings.

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
[Exhibit 2 - July 26, 2022 - Minutes Special Called - Draft](#)
[Exhibit 3 - August 2, 2022 Minutes Regular - Draft](#)
[Exhibit 4 - August 6, 2022 Minutes](#)

- B. [ID 22-1388](#) Consider nominations/appointments to the City's Boards, Commissions, and Committees: Planning & Zoning Commission.

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
[Exhibit 2 - Nominations List](#)

- C. [ID 22-1401](#) Consider approval of a resolution of the City of Denton providing the July 11, 2022 meeting absence of a Public Utilities Board Member be excused; and providing an effective date.

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
[Exhibit 2 - Draft Resolution & Exhibit](#)

- D. [ID 22-1471](#) Consider approval of a resolution of the City of Denton providing the August 8, 2022 meeting absence of a Public Utilities Board Member be excused; and providing an effective date.

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
[Exhibit 2 - Draft Resolution & Exhibit](#)

- E. [ID 22-1683](#) Consider approval of a resolution of the City of Denton providing the August 8, 2022 meeting absence of a Public Utilities Board Member be excused; and providing an effective date.

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
[Exhibit 2 - Draft Resolution & Exhibit](#)

- F. [ID 22-1499](#) Consider nominations and appointments to the Downtown Denton Tax Increment Financing Reinvestment Zone No. One Board (Downtown TIRZ #1).

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
[Exhibit 2 - Nominations List](#)

- G. [ID 22-1524](#) Consider adoption of an ordinance of The City of Denton approving a grant to Steve's Wine Bar, LLC., located at 111 Industrial St. from the Downtown Reinvestment Grant Program in an amount not to exceed \$20,000.00; and providing for an effective date. The Downtown Denton Tax Increment Reinvestment Zone No.1 Board recommends approval (5-0).

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
[Exhibit 2 - Ordinance](#)
[Exhibit 3 - Agreement](#)
[Exhibit 4 - LLC Information](#)

- H. [ID 22-1545](#) Consider adoption of an ordinance of The City of Denton approving a grant to The Chestnut Tree LC., located at 107 W. Hickory St. from the Downtown Reinvestment

Grant Program in an amount not to exceed \$50,000.00; and providing for an effective date. The Downtown Denton Tax Increment Reinvestment Zone No.1 Board recommends approval (4-0-1).

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
 [Exhibit 2 - Ordinance](#)
 [Exhibit 3 - Agreement](#)
 [Exhibit 4 - LLC](#)

- I. [ID 22-1672](#) Consider adoption of an ordinance amending Chapter 2, Article IX of the Code of Ordinances of the City of Denton relating to the creation, appointments, and duties of the Economic Development Partnership Board to amend the qualifications and limitations of board members, and repealing Ordinance No. 2003-258 and subsequent amendments of Ordinance No. 2011-042, Ordinance No. 2014-009, Ordinance No. 2015-074, and Ordinance No. 2016-249; and providing for repealer and conflicts clauses and an effective date.

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
 [Exhibit 2 - Draft Redline EDPB Ordinance Changes \(REV\)](#)
 [Exhibit 3 - EDPB Amendment Ordinance](#)

- J. [ID 22-1371](#) Consider adoption of an ordinance of the City of Denton approving a service agreement between the City of Denton, by and through its Fire Department, and Recovery Resource Council (RRC), a 501(C)(3) charitable organization, providing for an Overdose Response Team (ORT); and declaring an effective date.

Attachments: [Exhibit 1 Agenda Information Sheet Resource Recovery Council](#)
 [Exhibit 2 Ordinance](#)
 [Exhibit 3 Business Associates Agreement](#)
 [Exhibit 4 Overdose Response Team Information](#)

- K. [ID 21-2817](#) Consider adoption of an ordinance of the City of Denton approving the Fiscal Year 2022-23 Annual Internal Audit Plan; and providing an effective date.

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
 [Exhibit 2 - Ordinance](#)

- L. [ID 22-1458](#) Consider approval of a resolution of the City Council of the City of Denton confirming the City Manager's reappointment of Darhyl Ramsey to the Civil Service Commission to serve for the term beginning September 1, 2022 and ending August 31, 2025; and providing an effective date.

Attachments: [Agenda Information Sheet](#)
 [Darhyl Ramsey Vita](#)
 [Resolution](#)

- M. [ID 22-1486](#) Consider adoption of an ordinance of the City of Denton approving a City co-sponsorship in an amount not to exceed \$26,318.33 of in-kind services and resources for the Denton Blues Festival, which will be held on Friday, September 16, 2022, from

8:00 a.m. to 8:00 p.m., Saturday, September 17, 2022, from 12:00 p.m. to 10:00 p.m., and Sunday, September 18, 2022, from 11:00 a.m. to 8:00 p.m., at the Quakertown Park; and providing an effective date.

Attachments: [Exhibit 1- Agenda Information Sheet](#)
 [Exhibit 2- Ordinance](#)
 [Exhibit 3- Co-Sponsorship Approval Letter](#)
 [Exhibit 4- Year to Date Co-Sponsorship Awards-FY21-22](#)

- N. [ID 22-1487](#) Consider approval of a resolution of the City of Denton allowing the Denton Black Chamber of Commerce to sell alcoholic beverages at the Denton Blues Festival, on Friday, September 16, 2022, from 6:00 p.m. to 10:00 p.m., Saturday, September 17, 2022, from 12:00 p.m. to 10:00 p.m., and Sunday, September 18, 2022, from 11:00 a.m. to 8:00 p.m., at Quakertown Park, upon satisfying certain conditions; authorizing the City Manager to execute an Agreement in conformity with this Resolution; and providing for an effective date. The Parks, Recreation, and Beautification Board recommends approval (4-0).

Attachments: [Exhibit 1- Agenda Information Sheet](#)
 [Exhibit 2 - Resolution and Agreement](#)

- O. [ID 22-1488](#) Consider adoption of an ordinance of the City of Denton granting the Denton Black Chamber of Commerce a three-year noise exception pursuant to Section 17-20 of the City of Denton Code of Ordinances for the Denton Blues Festival, which will be held on September 16-18, 2022, September 15-17, 2023, and September 20-22, 2024, Friday from 8:00 a.m. to 8:00 p.m., Saturday from 12:00 p.m. to 11:00 p.m., and Sunday from 10:00 a.m. to 9:00 p.m. at Quakertown Park; granting an exception for sound levels and a variance in the hours of operation on said dates; and providing an effective date.

Attachments: [Exhibit 1- Agenda Information Sheet](#)
 [Exhibit 2- Ordinance](#)

- P. [ID 22-1489](#) Consider approval of a resolution of the City of Denton allowing the Denton Parks Foundation to sell alcoholic beverages at Dog Days of Denton, on Saturday, September 10, 2022, from 9:00 a.m. to 3:00 p.m., at the Quakertown Park and the Civic Center Pool, upon satisfying certain conditions; authorizing the City Manager to execute an agreement in conformity with this resolution; and providing for an effective date. The Parks, Recreation, and Beautification Board recommends approval (4-0).

Attachments: [Exhibit 1- Agenda Information Sheet](#)
 [Exhibit 2- Resolution and Agreement](#)

- Q. [ID 22-1490](#) Consider adoption of an ordinance of the City of Denton approving a city co-sponsorship in an amount not to exceed \$11,692.50 of in-kind services and resources for the Dog Days of Denton, which will be held on Saturday, September 10, 2022, from 9:00 a.m. to 3:00 p.m., at the Civic Center Pool and Quakertown Park; and providing an effective date.

Attachments: [Exhibit 1- Agenda Information Sheet](#)
 [Exhibit 2- Ordinance](#)
 [Exhibit 3- Co-Sponsorship Approval Letter](#)
 [Exhibit 4- Year to Date Co-Sponsorship Awards-FY21-22](#)

- R. [ID 22-1491](#) Consider adoption of an ordinance of the City of Denton approving a City co-sponsorship in an amount not to exceed \$5,615.66 of in-kind services and resources for the Arts & Autos Extravaganza event hosted by the Denton Main Street Association, which will be held on Saturday, September 10, 2022, from 9:00 a.m. to 3:00 p.m., at the Denton Downtown Square, 110 W. Hickory St; and providing an effective date.

Attachments: [Exhibit 1- Agenda Information Sheet](#)
 [Exhibit 2- Ordinance](#)
 [Exhibit 3- Co-sponsorship Approval Letter](#)
 [Exhibit 4- Year to Date Co-Sponsorship Awards-FY21-22](#)

- S. [ID 22-1492](#) Consider adoption of an ordinance of the City of Denton granting the Denton Festival Foundation Inc., a three-year noise exception pursuant to Section 17-20 of the City of Denton Code of Ordinances for the Denton Arts and Jazz Festival, which will be held on October 7-9, 2022, October 6-8, 2023, and October 4-6, 2024, Friday and Saturday from 10:00 p.m. to midnight and Sunday from 11:00 a.m. to 11:00 p.m. at Quakertown Park in Denton, Texas; granting an exception for sound levels exceeding seventy (70) decibels and a variance in the hours of operation on said date; and providing an effective date.

Attachments: [Exhibit 1- Agenda Information Sheet](#)
 [Exhibit 2- Ordinance](#)

- T. [ID 22-1493](#) Consider approval of a resolution of the City of Denton allowing Profest, Inc. to sell alcoholic beverages at the Denton Arts and Jazz Festival, on Friday, October 7, from 3:00 p.m. to 11:00 p.m., Saturday, October 8, from 10:00 a.m. to 11:00 p.m., and Sunday, October 9, 2022, from 11:00 a.m. to 9:00 p.m., at Quakertown Park, upon satisfying certain conditions; authorizing the City Manager to execute an agreement in conformity with this resolution; and providing an effective date. The Parks, Recreation, and Beautification Board recommends approval (4-0).

Attachments: [Exhibit 1- Agenda Information Sheet](#)
 [Exhibit 2- Resolution and Agreement](#)

- U. [ID 22-1503](#) 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 Heritage-Crystal Clean, LLC, for the removal and disposal of oil, filters, absorbents, and coolant for the Denton Energy Center; providing for the expenditure of funds therefor; and providing an effective date (IFB 7639 - awarded to Heritage-Crystal Clean, LLC, for three (3) years, with the option for two (2) additional one (1) year extensions, in the total five (5) year not-to-exceed amount of \$76,533.30). The Public Utilities Board recommends approval (5 - 0).

Attachments: [Exhibit 1 - Agenda Information Sheet](#)

[Exhibit 2 - Bid Tabulation](#)

[Exhibit 3 - LLC Members](#)

[Exhibit 4 - Ordinance and Contract](#)

- V. [ID 22-1504](#) Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the approval of a fourth amendment to a contract between the City of Denton and Schneider Electric Smart Grid Solutions, LLC, formerly Telvent USA, LLC, amending the contract approved by City Council on May 7, 2013, in the not-to-exceed amount of \$491,813.75; said fourth amendment to continue to provide vendor support of the Denton Municipal Electric (DME) ArcFM Solution and associated software modules along with new hardware and software upgrades, which is the sole provider of these items, 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; providing for the expenditure of funds therefor; and providing an effective date (File 8048 - providing for a two (2) year term and an additional fourth amendment expenditure amount not-to-exceed \$95,000.00). The Public Utilities Board recommends approval (5 - 0).

Attachments: [Exhibit 1 - Agenda Information Sheet](#)

[Exhibit 2 - Original Ordinance, Contract, Amendments, and Name Change](#)

[Exhibit 3 - LLC Members](#)

[Exhibit 4 - Ordinance and Amendment 4](#)

- W. [ID 22-1505](#) 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 FH ARC Abatement, LLC, dba ARC Abatement and Intercon Environmental, Inc., for Asbestos and Demolition Services for the City of Denton; providing for the expenditure of funds therefor; and providing an effective date (RFQ 7971 - awarded to FH ARC Abatement, LLC, dba ARC Abatement and Intercon Environmental, Inc., for a three (3) year term, with the option for two (2) additional one (1) year extensions, in the five (5) year not-to-exceed amount of \$1,250,000.00).

Attachments: [Exhibit 1 - Agenda Information Sheet](#)

[Exhibit 2 - Evaluation Sheet](#)

[Exhibit 3 - LLC Members](#)

[Exhibit 4 - Ordinance and Contracts](#)

- X. [ID 22-1509](#) Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager to execute a Professional Services Agreement with Kimley-Horn and Associates, Inc., for the Water/Wastewater Impact Fee Study for the City of Denton Water Utilities Department as set forth in the contract; providing for the expenditure of funds therefor; and providing an effective date (RFQ 7998 - Professional Services Agreement for professional services awarded to Kimley-Horn and Associates, Inc., in the not-to-exceed amount of \$194,600.00). The Public Utilities

Board recommends approval (5 - 0).

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
 [Exhibit 2 - Evaluation Sheet](#)
 [Exhibit 3 - Ordinance and Contract](#)

- Y. [ID 22-1511](#)** Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager to execute a contract with Rightway Healthcare, Inc., to provide health concierge services for the City of Denton employees and retirees; providing for the expenditure of funds therefor; and providing an effective date (RFP 7980 - awarded to Rightway Healthcare, Inc., for three (3) years, with the option for two (2) additional one (1) year extensions, in the total five (5) year not-to-exceed amount of \$597,000.00).

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
 [Exhibit 2 - Pricing Evaluation](#)
 [Exhibit 3 - Ordinance and Contract](#)

- Z. [ID 22-1538](#)** Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager to execute a Professional Services Agreement with Burns & McDonnell Engineering Company, Inc., to manage and control the geometric network to a utility network in the capacity of Owner's Engineer to DME's Systems Operation Department; providing for the expenditure of funds therefor; and providing an effective date (RFQ 7804-004 - Professional Services Agreement for professional services awarded to Burns & McDonnell Engineering Company, Inc., in the not-to-exceed amount of \$387,500.00). The Public Utilities Board recommends approval (5 - 0).

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
 [Exhibit 2 - Ordinance and Contract](#)

- AA. [ID 22-1540](#)** Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the approval of Change Order No. 1 to the Design-Build Agreement between the City of Denton and Beta Engineering, LLC, for the design and construction of the Hickory Gas Insulated Substation for Denton Municipal Electric; providing for the expenditure of funds therefor; and providing an effective date (RFQ 7670 - Change Order No. 1 in the not-to-exceed amount of \$811,000.00, for a total contract award aggregated to \$41,280,000.00). The Public Utilities Board recommends approval (5 - 0).

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
 [Exhibit 2 - Original Ordinance and Design-Build Agreement](#)
 [Exhibit 3 - LLC Members](#)
 [Exhibit 4 - Ordinance and Change Order 1](#)

- AB. [ID 22-1583](#)** Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the approval of Change Order No. 1 to the contract between the City of Denton and Pavecon Public Works LP, for the construction of the 2020 Street

Bundle Sector I Project for the City of Denton; providing for the expenditure of funds therefor; and providing an effective date (CSP 7803 - Change Order No. 1, in the not-to-exceed amount of \$378,258.72, for a total contract award aggregated to \$4,158,333.95). The Public Utilities Board recommends approval (5 - 0).

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
 [Exhibit 2 - Original Ordinance and Contract](#)
 [Exhibit 3 - Ordinance and Change Order No. 1](#)

- AC. [ID 22-1586](#) 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 renewal extension of maintenance for continued vendor support for Harris Public Utility Billing System and associated software modules, 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; providing for the expenditure of funds therefor; and providing an effective date (File 8062 - awarded to N. Harris Computer Corporation, for one (1) year, with the option for four (4) additional one (1) year extensions, in the total five (5) year not-to-exceed amount of \$2,353,646.73). The Public Utilities Board recommends approval (5 - 0).

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
 [Exhibit 2 - Ordinance and Contract](#)

- AD. [ID 22-1600](#) 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 Hampel Oil Distributors, Inc., for the supply of engine lubrication oil, cooling system corrosion inhibitor, and monopropylene glycol additives for the Denton Energy Center; providing for the expenditure of funds therefor; and providing an effective date (IFB 7933 - awarded to Hampel Oil Distributors, Inc., for three (3) years, with the option for two (2) additional one (1) year extensions, in the total five (5) year not-to-exceed amount of \$3,388,787.60). The Public Utilities Board recommends approval (5 - 0).

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
 [Exhibit 2 - Bid Tabulation](#)
 [Exhibit 3 - Ordinance and Contract](#)

- AE. [ID 22-1603](#) 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 Labor First, LLC dba Retiree First, LLC, to provide Administration of Post-65 Retiree Medical/Rx coverage for the City of Denton retirees; providing for the expenditure of funds therefor; and providing an effective date of January 1, 2023 (RFP 7981 - awarded to Labor First, LLC dba Retiree First, LLC, for three (3) years, with the option for two (2) additional one (1) year extensions, in the total five (5) year not-to-exceed amount of \$7,790,000.00).

Attachments: [Exhibit 1 - Agenda Information Sheet](#)

[Exhibit 2 - Pricing Evaluation](#)

[Exhibit 3 - LLC Members](#)

[Exhibit 4 - Presentation](#)

[Exhibit 5 - Ordinance and Contract](#)

- AF. [ID 22-1687](#) Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the approval of an eighth amendment to a Professional Services Agreement between the City of Denton and Peak Program Value, LLC., amending the contract approved by City Council on October 13, 2020, in the not-to-exceed amount of \$696,074.00; amended by amendments 1-7 approved by Purchasing and City Council; said eighth amendment for additional program management services for the construction phase of the Public Safety Buildings (Police Headquarters, Police Substation, and Firing Range); providing for the expenditure of funds therefor; and providing an effective date (File 7425 - providing for an additional eighth amendment expenditure amount not-to-exceed \$423,320.00, with the total contract amount not-to-exceed \$2,453,860.00).

Attachments: [Exhibit 1 - Agenda Information Sheet](#)

[Exhibit 2 - Original Ordinance, Contract and Amendments](#)

[Exhibit 3 - LLC Members](#)

[Exhibit 4 - Ordinance and Amendment 8](#)

- AG. [ID 22-1521](#) Consider adoption of an ordinance approving a Grade Separated Road Crossing License Agreement by and between the City of Denton and the Dallas Area Rapid Transit for the Mayhill Phase 2 Project relating to the location of a City roadway crossing the Corridor at Mile Post 725.07 of the Denton Line within the County and City of Denton, Texas; authorizing the City Manager to execute the agreement and pay the \$10.00 license fee; authorizing the expenditure of funds; and providing an effective date.

Attachments: [Exhibit 1 - Agenda Information Sheet](#)

[Exhibit 2 - Location Map](#)

[Exhibit 3 - Site Map](#)

[Exhibit 4 - Ordinance](#)

[Exhibit 5 - Agreement](#)

- AH. [ID 22-1643](#) Consider adoption of an ordinance amending Chapter 18 "Motor Vehicles and Traffic", Article III "Speed of Vehicles", Section 18-73 "Speed Limits on Certain Roads and Highways", "School Zones", of the code of ordinances of the City of Denton, to change the locations, extent, and speed limits of certain speed zones in the vicinity of a school; providing a repealer clause; providing a savings clause; providing a severability clause; providing a penalty clause; providing for publication; providing codification; and providing an effective date.

Attachments: [Exhibit 1 - Agenda Information Sheet](#)

[Exhibit 2 - Location Map](#)

[Exhibit 3 - Ordinance](#)

- AI. [ID 22-1530](#)** Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager to enter into and execute vendor agreements with non-profit or governmental organizations that provide utility bill relief; providing for the acceptance of funds issued to Denton Municipal Utilities on behalf of customers from said no-profit or governmental organizations; and providing an effective date. The Public Utilities Board recommends approval (5-0).

Attachments: [Exhibit 1 - Agenda Information Sheet](#)

[Exhibit 2 - Ordinance](#)

[Exhibit 3 - Sample Agreement](#)

- AJ. [ID 22-1532](#)** Consider adoption of an ordinance of the City of Denton amending City Ordinance 18-1520 City of Denton Utility Billing Adjustments Policy to reflect changes adopted in Code of Ordinances to Section 26-128; providing a severability clause; providing a savings clause; providing for codification; and declaring an effective date. The Public Utilities Board recommends approval (5-0).

Attachments: [Exhibit 1 - Agenda Information Sheet](#)

[Exhibit 2 - Ordinance](#)

[Exhibit 3 - Policy](#)

- AK. [ID 22-1527](#)** Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager to execute Low Income Household Water Assistance Program (LIHWAP) vendor agreement between the Texoma Council of Governments, and the City of Denton, Texas; providing for the acceptance of funds issued to Denton Municipal Utilities on behalf of customers; and providing an effective date. The Public Utilities Board recommends approval (5-0).

Attachments: [Exhibit 1 - Agenda Information Sheet](#)

[Exhibit 2 - Ordinance](#)

[Exhibit 3 - LIHWAP Vendor Agreement](#)

- AL. [ID 22-1601](#)** Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the approval of a first amendment to a Professional Services Agreement between the City of Denton and Grant Thornton LLP, amending the contract approved by the City Council on December 7, 2021, in the not-to-exceed amount of \$116,335.00; said first amendment to provide project management services for accounts payable automation and vendor management consulting services for the Finance Department; providing for the expenditure of funds therefor; and providing an effective date (File 7831 - providing for an additional first amendment expenditure amount not-to-exceed \$94,000.00, with the total contract amount not-to-exceed \$210,335.00).

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
 [Exhibit 2 - Original Ordinance and Contract](#)
 [Exhibit 3 - Ordinance and Amendment 1](#)

- AM. [ID 22-1602](#)** 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 the D Warner Group, LLC, for the continued provision of financial data validation services in support of the City's Purchasing Card (Pcard) program and the Finance Department's Accounts Payable group; providing for the expenditure of funds therefor; and providing an effective date (RFP 7972 - awarded to D Warner Group, LLC, for one (1) year, with the option for four (4) additional one (1) year extensions, in the total five (5) year not-to-exceed amount of \$179,000.00).

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
 [Exhibit 2 - Pricing Evaluation](#)
 [Exhibit 3 - LLC Members](#)
 [Exhibit 4 - Ordinance and Contract](#)

- AN. [ID 22-1604](#)** Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager to execute an agreement with Christine Sanders for the art design and production services for the public art sculpture installation to be located at the Denton Tennis Center, 1117 Riney Road, Denton, TX 76207, for the Parks and Recreation Department; providing for the expenditure of funds therefor; and providing an effective date (File 8042 - awarded to Christine Sanders, in the not-to-exceed amount of \$35,356.26). The Public Art Committee recommends approval (6 - 0).

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
 [Exhibit 2 - Evaluation](#)
 [Exhibit 3 - Ordinance and Contract](#)

- AO. [ID 22-1605](#)** Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager to execute an Interlocal Cooperative Purchasing Agreement with the City of Waxahachie, under the Texas Government Code, Section 791.001, to authorize the City of Waxahachie and City of Denton to utilize each entities' solicited contracts for the purchasing of various goods and services; authorizing the expenditure of funds therefor; and declaring an effective date (File 8057 - award an Interlocal Cooperative Purchasing Agreement with the City of Waxahachie).

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
 [Exhibit 2 - Ordinance and Interlocal Agreement](#)

- AP. [ID 22-1626](#)** 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 LabWare, Inc., for the maintenance and upgrades to the Laboratory Information Management System for the Water and Wastewater Laboratory, 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; providing for the expenditure of funds therefor; and providing an effective date (File 8014 - awarded to LabWare, Inc., for three (3) years, with the option for two (2) additional one (1) year extensions, in the total five (5) year not-to-exceed amount of \$152,400.00). The Public Utilities Board recommends approval (5 - 0).

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
 [Exhibit 2 - Ordinance and Contract](#)

5. PUBLIC HEARINGS

- A. [Z22-0008c](#) 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 Residential 2 (R2) District to Suburban Corridor (SC) District on approximately 13.07 acres of land generally located at the northeast corner of North Locust Street and Hercules Lane, in the City of Denton, Denton County, Texas; adopting an amendment to the City's official zoning map; providing for a penalty in the maximum amount of \$2,000.00 for violations thereof; providing a severability clause and an effective date. The Planning and Zoning Commission voted [4-1] to recommend approval of the request. (Z22-0008c, Asbury UMC, Julie Wyatt)

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
 [Exhibit 2 - Staff Analysis](#)
 [Exhibit 3 - Site Location Map](#)
 [Exhibit 4 - Existing Zoning Map](#)
 [Exhibit 5 - Proposed Zoning Map](#)
 [Exhibit 6 - Future Land Use Map](#)
 [Exhibit 7 - Table of Allowed Uses](#)
 [Exhibit 8 - Proposed Concept Plan](#)
 [Exhibit 9 - Notification Map and Responses](#)
 [Exhibit 10 - Presentation](#)
 [Exhibit 11 - Draft Ordinance](#)

- B. [AESA22-0002b](#) Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas approving an Alternative Environmentally Sensitive Area Plan for a site generally located on the southwest side of the intersection of Western Boulevard and Jim Christal Road, in the City of Denton, Denton County, Texas adopting an amendment to the city's official Environmentally Sensitive Areas map; providing for a penalty in the maximum amount of \$2,000.00 for violations thereof; providing a severability clause and an effective date. (AESA22-0002b, Denton Exeter Addition No. 3, Onsite Development, Christi Upton)

- Attachments:** [Exhibit 1 - Agenda Information Sheet](#)
[Exhibit 2 - Staff Analysis](#)
[Exhibit 3 - Denton Exeter Addition No. 3 Property AESA Restoration Plan](#)
[Exhibit 4 - Draft Ordinance](#)
[Exhibit 5 - Notification Map and Responses](#)
[Exhibit 6 - Staff Presentation](#)

6. ITEMS FOR INDIVIDUAL CONSIDERATION – CONSIDERATION OF THE USE OF EMINENT DOMAIN TO CONDEMN REAL PROPERTY INTERESTS

- A. [ID 22-1513](#) Consider adoption of an ordinance of the City of Denton determining the public use, need, and necessity for the acquisition of various (I) permanent water easements (II) permanent wastewater easements, (III) permanent electric easements, and (VI) temporary construction easements, generally located along Interstate 35 North, U.S. Highway 380 (University Drive) to U.S. Highway 77 to Milam Road, situated in the BBB & C RR CO Survey, Abstract No. 141, Ignacio De-Los-Santos Coy Survey, Abstract No. 212, S. Johnson Survey, Abstract No. 683, Alexander White Survey, Abstract No. 1406, John Ayers Survey, Abstract No. 2, Francis Batson Survey, Abstract No. 43, Nathan Wade Survey, Abstract No. 1407, Eugene Puchalski Survey, Abstract No. 996, BBB & C RR CO Survey, Abstract No. 192, all in the City and County of Denton, Texas, and more particularly described in the attached Exhibit “A” (collectively, the “Property Interests”); authorizing the City Manager and City Attorney, to acquire the Property Interests by agreement if possible, including making all offers required by law; authorizing the use of the power of eminent domain to condemn the property interests if agreement cannot be reached; authorizing the City Attorney, to file eminent domain proceedings if necessary; authorizing the expenditure of funding; making findings; providing a savings clause; and providing an effective date.

- Attachments:** [Exhibit 1 - Agenda Information Sheet](#)
[Exhibit 2 - Ordinance](#)
[Exhibit 3 - Recommended Motion](#)
[Exhibit 4 - Presentation](#)

7. ITEMS FOR INDIVIDUAL CONSIDERATION

- A. [ID 22-1038](#) Consider an appointment to the Development Code Review Committee.

- Attachments:** [Exhibit 1 - Agenda Information Sheet](#)
[Exhibit 2 - Nominations List](#)
[Exhibit 3 - Presentation](#)

- B. [ID 22-1500](#) Consider appointing a nominating committee to recommend appointees to serve on the Economic Development Partnership Board.

- Attachments:** [Exhibit 1 - Agenda Information Sheet](#)
[Exhibit 2 - EDP Board Ordinance \(No. 2017-203\)](#)
[Exhibit 3 - Presentation](#)

- C. [ID 22-1592](#) Consider approval of a resolution of the City Council of the City of Denton, Texas placing a proposal on the September 27, 2022, City Council public meeting agenda to adopt a 2022 Tax Rate that will exceed the lower of the no-new-revenue tax rate or the voter approval tax rate; calling a public hearing on the proposed tax rate increase to be held on September 20, 2022; calling a public hearing on the budget for the fiscal year 2022-2023 Annual Program of Services of the City of Denton to be held on September 20, 2022; requiring the publication and posting of notices of the public hearings and meetings in accordance with the law; and providing an effective date.

Attachments: [Agenda Information Sheet](#)
 [Exhibit 2 - Resolution with Attachments \(REV\)](#)
 [Exhibit 3 - Presentation](#)

8. 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.

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

C E R T I F I C A T E

I certify that the above notice of meeting was posted on the official website (<https://tx-denton.civicplus.com/242/Public-Meetings-Agendas>) and bulletin board at City Hall, 215 E. McKinney Street, Denton, Texas, on August 12, 2022, in advance of the 72-hour posting deadline, as applicable, and in accordance with Chapter 551 of the Texas Government Code.

CITY SECRETARY

NOTE: THE CITY OF DENTON'S DESIGNATED PUBLIC MEETING FACILITIES ARE ACCESSIBLE IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT. THE CITY WILL PROVIDE ACCOMMODATION, SUCH AS SIGN LANGUAGE INTERPRETERS FOR THE HEARING IMPAIRED, IF REQUESTED AT LEAST 48 HOURS IN ADVANCE OF THE SCHEDULED MEETING. PLEASE CALL THE CITY SECRETARY'S OFFICE AT 940-349-8309 OR USE TELECOMMUNICATIONS DEVICES FOR THE DEAF (TDD) BY CALLING 1-800-RELAY-TX SO THAT REASONABLE ACCOMMODATION CAN BE ARRANGED.