

CITY OF DENTON CITY COUNCIL MINUTES
September 20, 2022

After determining that a quorum was present, the City Council of the City of Denton, Texas convened in a Closed Session on Tuesday, September 20, 2022, at 3:01 p.m. in the Council Work Session Room at City Hall, 215 E. McKinney Street, Denton, Texas.

PRESENT IN PERSON: Mayor Gerard Hudspeth, Mayor Pro Tem Brian Beck and Council Members Vicki Byrd, Alison Maguire, and Chris Watts

ABSENT: Jesse Davis and Brandon Chase McGee

Also present were Assistant City Manager Frank Dixon and City Attorney Mack Reinwand.

Council Member Maguire arrived at 3:05 p.m.

There was no public registration process as this was a closed meeting only.

CLOSED MEETING

1. The City Council convened into a Closed Meeting at 3:13 p.m. consistent with Chapter 551 of the Texas Government Code, as amended, or as otherwise allowed by law, as follows.
 - A. ID 22-1519 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 Auditor.
DELIBERATED
 - B. ID 22-1520 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 Municipal Judge.
DELIBERATED
 - C. ID 22-1861 Consultation with Attorneys - Under Texas Government Code Section 551.071. Consult with the City's attorneys and discuss status, strategy, and potential resolution of litigation in Cause No. 21-10564-431, styled "Mackinzie Hooks v. City of Denton" pending in the 431st Judicial District Court, Denton County, Texas; 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, or otherwise compromise the City's legal position in pending litigation.
DELIBERATED

The item related to Consent Agenda Item 4.AI (22-1862) scheduled for consideration at the Regular Meeting to follow.

The closed meeting started at 3:13 p.m. and ended at 4:25 p.m. No votes or actions were taken during the closed meeting.

WORK SESSION

The posted agenda noted the registration process for in-person, call-in, and virtual public participation at this meeting. While citizen commentary received via the online registration process was not read, each member for the City Council received each online commentary as it was submitted. In-person, call-in, and online comments received are reflected in the exhibit to the minutes of this meeting.

1. Citizen Comments on Consent Agenda Items

Citizen comments received are noted on Exhibit A.

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

- Clarification was requested on the following items:
 - Council Member Beck: Item 4.G (22-1881) and 4.Q (22-1742)
 - Council Member Byrd: Item 4.AG (22-1802)
- The following item was pulled for Individual Consideration:
 - Council Member Watts: Item 4.B (22-1389)
 - Separate appointment of the nominee to the Board of Ethics Alternate Seat 3

3. Work Session Reports

- A. ID 21-2812 Receive a report, hold a discussion, and give staff direction regarding Audit Project 027 - Network Management: Asset Controls. [Estimated Presentation/Discussion Time: 30 minutes]

The item was presented and discussion followed.

Following discussion, there was no direction provided as the item was for presentation/discussion purposes.

- B. ID 22-1446 Receive a report, hold a discussion, and give staff direction on a proposed Municipal Utility District policy and application requirements. [Estimated Presentation/Discussion Time: 30 minutes]

The item was presented and discussion followed.

Following discussion, City Council consensus was to update Municipal Utility District policy scheduled for adoption in October 2022.

C. ID 22-882 Receive a report, hold a discussion, and give staff direction on pending City Council requests for:

(1) A Work Session to discuss and review the prospect of eliminating from City Policy all unnecessary employee drug testing, except where unambiguously required by state or federal law.

(2) A Work Session to discuss and review the status of TXDOT roads the City intends to take back, and amendment of the Mobility Plan to include a roundabout at the intersection of Eagle, Bell, Dallas, and Locust. [Estimated Presentation/Discussion Time: 30 minutes]

The item was presented and discussion followed.

Following discussion, City Council consensus was follows:

- ID 22-882 (1) A Work Session to discuss and review the prospect of eliminating from City Policy all unnecessary employee drug testing, except where unambiguously required by state or federal law.
 - No consensus for a work session.
- ID 22-882 (2) A Work Session to discuss and review the status of TXDOT roads the City intends to take back, and amendment of the Mobility Plan to include a roundabout at the intersection of Eagle, Bell, Dallas, and Locust.
 - Item not considered due to absence of Council Member Davis (Requester). To be rescheduled for a future meeting.

The work session ended at 5:20 p.m.

REGULAR MEETING

After determining that a quorum was present, the City Council of the City of Denton, Texas convened in a Regular Meeting on Tuesday, September 20, 2022, at 6:30 p.m. in the Council Chambers at City Hall, 215 E. McKinney Street, Denton, Texas.

PRESENT IN PERSON: Mayor Gerard Hudspeth, Mayor Pro Tem Brian Beck and Council Members Vicki Byrd, Alison Maguire, Brandon Chase McGee (Virtual), and Chris Watts

ABSENT: Council Member Jesse Davis

Also present were City Manager Sara Hensley and City Attorney Mack Reinwand.

The posted agenda noted the registration process for in-person, call-in, and virtual public participation at this meeting. While citizen commentary received via the online registration process was not read, each member for the City Council received each online commentary as it was submitted. In-person, call-in, and online comments received are reflected on the exhibit to the minutes of this meeting.

1. PLEDGE OF ALLEGIANCE

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

2. RECOGNITIONS/PROCLAMATIONS/PRESENTATIONS

- A. ID 22-1939 Recognition: Certificate of Accreditation to Denton Police Department
PRESENTED
- B. ID 22-1787 Proclamation: Fire Prevention Week
PRESENTED
- C. ID 22-1822 Proclamation: Live United Month
PRESENTED
- D. ID 22-1954 Proclamation: Hunger Action Month
PRESENTED
- E. ID 22-1956 Proclamation: Muzquiz Friendship City Support
PRESENTED
- F. ID 22-1959 Proclamation: National Forensic Science Week
PRESENTED

3. PRESENTATIONS FROM MEMBERS OF THE PUBLIC

- A. Review of procedures for addressing the City Council.

- B. Reports from members of the public

1) Receive Scheduled Citizen Reports from Members of the Public

- a. ID 22-1763 Wanda Bowman regarding retaliation for filing grievances for denial of services, and oversight of United Way.
NOT PRESENTED
- b. ID 22-1903 Mrs. Jacqueline Shaw regarding Be the Match Blood Marrow (Stem Cell) Transplant Advocacy Campaign.
CANCELLED

- c. ID 22-1904 Mr. Stephen Dillenburg, 1004 Abbots Lane regarding willful misconduct.

PRESENTED

- d. ID 22-1952 Ms. Kimberly Truax regarding road construction of obstructive median at Hickory Creek and Livingston Drive.

CANCELLED

- 2) Additional Citizen Reports (Open Microphone)

Citizen comments received are noted in Exhibit A.

4. CONSENT AGENDA

The Consent Agenda consisted of Items 4.A-AI. During the Work Session held earlier in the day, Item 4.B (22-1389) was pulled for Individual Consideration by Council Member Watts to provide for a separate vote only on the nominee to Board of Ethics Alternate Seat 3.

Council Member Maguire moved to adopt the Consent Agenda, now consisting of Items 4.A, C-AI. Motion seconded by Mayor Pro Tem Beck. Motion carried.

AYES (6): Mayor Hudspeth, Mayor Pro Tem Beck and Council Members Byrd, Maguire, McGee, and Watts

NAYS (0): None

ABSENT (1): Council Member Davis

- A. ID 22-821 Consider approval of the minutes of August 16 and August 30, 2022 Meetings.

APPROVED

- B. ID 22-1389 Consider nominations/appointments to the City's Boards, Commissions, and Committees: Animal Shelter Advisory Committee, Board of Ethics, Community Services Advisory Committee, Parks, Recreation & Beautification Board, and Zoning Board of Adjustment.

APPROVED

APPOINTMENTS LISTED ON EXHIBIT B

Note: The appointment of the nominee to the Board of Ethics Alternate Seat 3 was pulled for individual by Council Member Watts. See "ITEM PULLED FOR INDIVIDUAL CONSIDERATION" on Page 12 for action taken on that nomination.

- C. ID 22-1627 Consider approval of a resolution of the City of Denton providing the August 22, 2022 meeting absence of a Public Utilities Board member be excused; and providing an effective date.

ASSIGNED RESOLUTION NO. 22-1627

- D. ID 22-1684 Consider approval of a resolution of the City of Denton providing the August 8, 2022 meeting absence of a Historic Landmark Commission member be excused; and providing an effective date.

ASSIGNED RESOLUTION NO. 22-1684

- E. ID 22-1811 Consider approval of a resolution of the City of Denton providing the August 22, 2022 meeting absence of a Public Utilities Board member be excused; and providing an effective date.

ASSIGNED RESOLUTION NO. 22-1811

- F. ID 22-1899 Consider approval of a resolution of the City of Denton providing the September 12, 2022 meeting absence of a Public Utilities Board Member be excused; and providing an effective date.

ASSIGNED RESOLUTION NO. 22-1899

- G. ID 22-1881 Consider a reappointment to the Downtown Denton Tax Increment Financing Reinvestment Zone No. One Board (Downtown TIRZ #1).

APPROVED

APPOINTMENTS LISTED ON EXHIBIT B

- H. ID 22-1279 Consider adoption of an ordinance of the City of Denton authorizing the City Manager to execute and deliver to Denton ICC 35, LLC a temporary construction easement containing 1,125 square feet (0.026 Acres) located near Loop 288 And Interstate Highway 35E in the City and County of Denton, Texas for the construction of a retaining wall and all necessary or desirable appurtenances for a total compensation amount of Six Hundred Seventy-Nine Dollars And 54/100 (\$679.54); Providing for severability; and providing an effective date.

ASSIGNED ORDINANCE NO. 22-1279

- I. ID 22-1606 Consider adoption of an ordinance of the City of Denton, Texas, approving a negotiated settlement between the Atmos Cities Steering Committee ("ACSC") and Atmos Energy Corp., Mid-Tex Division regarding the company's 2022 Rate Review Mechanism filing; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement; finding the rates to be set by the attached settlement tariffs to be just and reasonable and in the public interest; approving an attachment establishing a benchmark for pensions and retiree medical benefits; requiring the company to reimburse ACSC's reasonable ratemaking expenses; determining that this ordinance was passed in accordance with the requirements of the Texas Open Meetings Act; adopting a savings clause; declaring an effective date; and requiring delivery of this ordinance to the company and the ACSC's legal counsel.

ASSIGNED ORDINANCE NO. 22-1606

- J. ID 22-1883 Consider approval of a resolution of the City of Denton concurring with the City Manager's reorganization of the City's administrative departments and divisions; and providing an effective date.

ASSIGNED RESOLUTION NO. 22-1883

- K. ID 22-1726 Consider adoption of an ordinance of the City of Denton, Texas authorizing the City Manager or designee to fulfill the responsibilities of the city as an operator of the Pecan Creek Water Reclamation Plant and those pursuant to Texas Water Code 26.0291; including paying any amounts required by the protocols and funded in the annual budget; declaring an effective date. The Public Utilities Board recommends approval (5-0).

ASSIGNED ORDINANCE NO. 22-1726

- L. ID 22-1727 Consider adoption of an ordinance of the City of Denton, Texas authorizing the City Manager or designee to fulfill the responsibilities of the City as a Public Water System Operator and those pursuant to Texas Water Code 5.103 and Texas Health and Safety Code Section 341.041 for the annual Water System Fee (Public Health Service Fee); including paying any amounts required by the TCEQ and funded in the annual budget; declaring an effective date. The Public Utilities Board recommends approval (5-0).

ASSIGNED ORDINANCE NO. 22-1727

- M. ID 22-1728 Consider adoption of an ordinance of the City of Denton, Texas authorizing the City Manager or designee to fulfill the responsibilities of the City the water storage in Lake Lewisville and Lake Ray Roberts for the annual major capital repair (MCR) and operations and maintenance pursuant to 43 U.S.C. 390B for the annual operation, maintenance, and replacement cost fee (ACOE Fee); including paying any amounts required by the United States Army Corps of Engineers (ACOE) and funded in the annual budget; declaring an effective date. The Public Utilities Board recommends approval (5-0).

ASSIGNED ORDINANCE NO. 22-1728

- N. ID 22-1809 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 DKJ Concrete Construction, Inc., as the primary contractor, and JKK Concrete Construction, LLC, as the secondary contractor, for the utility cut restoration for the Water Utilities Department; providing for the expenditure of funds therefor; and providing an effective date (RFP 8046 - awarded to DKJ Concrete Construction, Inc., the primary contractor, and JKK Concrete Construction, LLC, the secondary contractor, 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 \$5,250,000.00). The Public Utilities Board recommends approval (6 - 0).

ASSIGNED ORDINANCE NO. 22-1809

- O. ID 22-1740 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 Black & Veatch Corporation, for engineering services related to the LLWTP Sludge Improvements project for the Water Production Department as set forth in the

contract; providing for the expenditure of funds therefor; and providing an effective date (RFQ 7574-020 - Professional Services Agreement for engineering services awarded to Black & Veatch Corporation, in the not-to-exceed amount of \$282,955.00). The Public Utilities Board recommends approval (5 - 0).

ASSIGNED ORDINANCE NO. 22-1740

- P. ID 22-1741 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 Johnston Technical Services, Inc., through the Department of Information Resources (DIR) Cooperative Purchasing Network Contract No. DIR-CPO-4792, for the purchase of Microwave Network Equipment and Service for the Water Production Department; providing for the expenditure of funds therefor; and providing an effective date (File 8075 - awarded to Johnston Technical Services, 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 \$300,000.00). The Public Utilities Board recommends approval (5 - 0).

ASSIGNED ORDINANCE NO. 22-1741

- Q. ID 22-1742 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 Genomic Life, Inc., for the Cancer Guardian Program services with a monthly voluntary rate of \$20.00 per employee or \$40.00 per employee and spouse for the City of Denton employees; providing for the expenditure of funds therefor; and providing an effective date of January 1, 2023 (RFP 7979 - awarded to Genomic Life, 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 \$340,000.00).

ASSIGNED ORDINANCE NO. 22-1742

- R. ID 22-1743 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 Continental American Insurance Company, for voluntary insurance products, including accident, critical illness with cancer, and hospital indemnity coverage for the City of Denton employees; providing for the expenditure of funds therefor; and providing an effective date of January 1, 2023 (RFP 7982-1 - awarded to Continental American Insurance Company, 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 \$1,685,000.00).

ASSIGNED ORDINANCE NO. 22-1743

- S. ID 22-1744 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 greehill North America, Inc., for a public tree inventory for the Parks and Recreation Department; providing for the expenditure of funds therefor; and providing an effective date (RFP 8036 - awarded to greehill North America, Inc., 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 \$210,100.00).

ASSIGNED ORDINANCE NO. 22-1744

- T. ID 22-1745 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 Denton County, under the Texas Government Code, Section 791.001, to authorize the use of consolidated communication systems for public safety and governmental services for the City of Denton; authorizing the expenditure of funds therefor; and declaring an effective date (File 8082 - award an Interlocal Cooperative Purchasing Agreement with Denton County, in the not-to-exceed amount of \$118,752.00).

ASSIGNED ORDINANCE NO. 22-1745

- U. ID 22-1810 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 Emburse, Inc., for the continued provision of expense tracking and approval management software in support of the City's Purchasing Card (PCard) program, and to add travel booking expense tracking and approval management support for the Finance Department; providing for the expenditure of funds therefor; and providing an effective date (RFP 7915 - awarded to Emburse, Inc., 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 \$120,000.00).

ASSIGNED ORDINANCE NO. 22-1810

- V. ID 22-1833 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 BWI Companies, Inc., for the supply of landscape and turf fertilizer, insecticides, herbicides, and fungicides for the City of Denton Parks and Recreation Department, for Section A - Herbicide, Section B - Fungicides, Section C - Insecticides/Miticides/Rodenticides, Section D - Organic Products, and Section E - Miscellaneous; providing for the expenditure of funds therefor; and providing an effective date (IFB 8022 - awarded to BWI Companies, Inc., for one (1) year, with the option for two (2) additional one (1) year extensions, in the total three (3) year not-to-exceed amount of \$244,000.00).

ASSIGNED ORDINANCE NO. 22-1833

- W. ID 22-1834 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 Justin Seed Company, Inc., for the supply of landscape and turf fertilizer, insecticides, herbicides, and fungicides for the City of Denton Parks and Recreation Department, for Section F - Bulk Fertilizer; providing for the expenditure of funds therefor; and providing an effective date (IFB 8022 - awarded to Justin Seed Company, Inc., for one (1) year, with the option for two (2) additional one (1) year extensions, in the total three (3) year not-to-exceed amount of \$158,500.00).

ASSIGNED ORDINANCE NO. 22-1834

- X. ID 22-1835 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 6-L Investments LLC dba Weaver Wisdom Collision Center, as the primary vendor, and James Wood Auto Park, Inc, as the secondary vendor, for collision and paint repair services for

various City of Denton departments; providing for the expenditure of funds therefor; and providing an effective date (IFB-BV 8025 - awarded to 6-L Investments LLC dba Weaver Wisdom Collision Center, the primary, and James Wood Auto Park, Inc, the secondary, for three (3) years, with the option for two (2) additional one (1) year extensions, in the total (5) five year not-to-exceed amount of \$895,200.00). The Public Utilities Board recommends approval (6 - 0).

ASSIGNED ORDINANCE NO. 22-1835

- Y. ID 22-1836 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 Kirby-Smith Machinery, Inc., for Komatsu heavy equipment repair services for various City of Denton departments; providing for the expenditure of funds therefor; and providing an effective date (IFB-BV 8026 - awarded to Kirby-Smith Machinery, 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 \$1,000,000.00). The Public Utilities Board recommends approval (6 - 0).

ASSIGNED ORDINANCE NO. 22-1836

- Z. ID 22-1844 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 JWC Environmental, Inc., for a 4-shred channel grinder for the Solid Waste and Recycling Department; providing for the expenditure of funds therefor; and providing an effective date (IFB 8059 - awarded to JWC Environmental, Inc., in the not-to-exceed amount of \$104,148.00). The Public Utilities Board recommends approval (6 - 0).

ASSIGNED ORDINANCE NO. 22-1844

- AA. ID 22-1846 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 Seepex, Inc., for an open hopper pump for the Solid Waste and Recycling Department; providing for the expenditure of funds therefor; and providing an effective date (IFB 8059 - awarded to Seepex, Inc., in the not-to-exceed amount of \$51,127.00). The Public Utilities Board recommends approval (6 - 0).

ASSIGNED ORDINANCE NO. 22-1846

- AB. ID 22-1875 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 Spector Manufacturing, Inc, for the purchase of two (2) walking floor steel trailers for the Solid Waste Department; providing for the expenditure of funds therefor; and providing an effective date (IFB 7883 - awarded to Spector Manufacturing, Inc, in the not-to-exceed amount of \$261,478.00). The Public Utilities Board recommends approval (6 - 0).

ASSIGNED ORDINANCE NO. 22-1875

- AC. ID 22-1876 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 Bedford, under the Texas Government Code, Section

791.001, to authorize the City of Bedford 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 8077 - award an Interlocal Cooperative Purchasing Agreement with the City of Bedford).

ASSIGNED ORDINANCE NO. 22-1876

- AD. ID 22-1879 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 professional design and master plan services for the Aquatics Facilities for the Parks and Recreation Department; providing for the expenditure of funds therefor; and providing an effective date (RFQ 7850-004 - Professional Services Agreement for professional design services awarded to Kimley-Horn and Associates, Inc., in the not-to-exceed amount of \$80,000.00).

ASSIGNED ORDINANCE NO. 22-1879

- AE. ID 22-1755 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the city manager or designee to execute contracts regarding Denton Public Library's Books on Tap book discussion events for adults at local breweries and bars; and providing an effective date.

ASSIGNED ORDINANCE NO. 22-1755

- AF. ID 22-1800 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the execution of the first amendment to a funding agreement between the City and Giving Hope, Inc. approved by City Council on April 19, 2022; said first amendment to amend the agency name on the contract to Grace Like Rain, Inc. DBA Giving Grace.

ASSIGNED ORDINANCE NO. 22-1800

- AG. ID 22-1802 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the execution of the first amendment to a funding agreement between the City and Giving Hope, Inc. approved by City Council on December 7, 2021; said first amendment to amend the agency name on the contract to Grace Like Rain, Inc. DBA Giving Grace.

ASSIGNED ORDINANCE NO. 22-1802

- AH. ID 22-1829 Consider approval of a resolution of the City of Denton approving the issuance and sale by Legacy Denton Public Facility Corporation of Multifamily Housing Revenue Bonds (Vintage Ranch) Series 2022 to provide affordable rental housing; and providing an effective date.

ASSIGNED RESOLUTION NO. 22-1829

- AI. ID 22-1862 Consider adoption of an ordinance approving a Settlement Agreement and Release implementing the terms of the settlement in litigation styled "Mackinzie Hooks v. City of Denton," Cause No. 21-10564-431, pending in the 431st Judicial District Court,

Denton County, Texas; and directing the City Manager or designee and the City's attorneys to effectuate as necessary and appropriate the terms of a Settlement Agreement and Release to effectuate this approval; and declaring an effective date.

ASSIGNED ORDINANCE NO. 22-1862

The item related to Closed Meeting Item 1.C (22-1861) deliberated earlier in the day.

ITEM PULLED FOR INDIVIDUAL CONSIDERATION

- B. ID 22-1389 Consider nominations/appointments to the City's Boards, Commissions, and Committees: Board of Ethics Alternate 3 Seat.

APPROVED

APPOINTMENT LISTED ON EXHIBIT B

There were no online registrations or call-ins on the item.

During the Work Session held earlier in the day, Item 4.B (22-1389) was pulled for Individual Consideration by Council Member Watts to provide for a separate vote only on David Zoltner, nominee to the Board of Ethics Alternate Seat 3.

The item was presented and discussion followed.

Following discussion, Mayor Pro Tem Beck moved to appoint the nominee as noted in Exhibit B. Motion seconded by Council Member Byrd. Motion carried.

AYES (4): Mayor Pro Tem Beck and Council Members Byrd, Maguire, and McGee

NAYS (2): Mayor Hudspeth and Council Member Watts

ABSENT (1): Council Member Davis

5. PUBLIC HEARINGS

- A. ID 22-252 Hold a public hearing and receive citizen input on the FY 2022-23 Proposed Budget. The Proposed Budget will raise more total property taxes than last year's budget by \$7,853,242 or 10.28% and of that amount \$3,239,066 is tax revenue to be raised from new property added to the tax roll this year.

There were no online registrations or call-ins on the item.

The item was presented and discussion followed.

The public hearing was opened and citizen comments received are noted on Exhibit A. With no other callers on queue, the public hearing was closed.

Note: There was no action taken as the item was only a public hearing

- B. ID 22-253 Hold a public hearing on a proposed property tax increase that will not exceed \$0.575682 per \$100 valuation. The proposed rate will exceed the no new revenue tax rate (\$0.511429 per \$100) but will not exceed the voter-approval tax rate (\$0.603743 per \$100).

There were no online registrations or call-ins on the item.

The item was presented and discussion followed.

The public hearing was opened and citizen comments received are noted on Exhibit A.

With no other callers on queue, the public hearing was closed.

Note: There was no action taken as the item was only a public hearing.

- C. Z21-0019a 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 the Rayzor Ranch Overlay (RRO) District to Mixed-Use Neighborhood (MN) District, thereby amending the Rayzor Ranch Overlay District Concept Plan and Zoning Map Exhibits, for approximately 3.819 acres of land generally located west of Bonnie Brae Street between Linden Drive and Panhandle 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 a severability clause and an effective date. The Planning and Zoning Commission voted [5-0] to recommend approval of the request. (Z21-0019a, 2500 Panhandle, Mia Hines)

ASSIGNED ORDINANCE NO. Z21-0019a

There were no online registrations or call-ins on the item.

The item was presented and discussion followed.

The public hearing was opened and with no callers in the queue, the public hearing was closed.

Following discussion, Council Member Maguire moved to adopt the item as presented. Motion seconded by Council Member Watts. Motion carried.

AYES (6): Mayor Hudspeth, Mayor Pro Tem Beck and Council Members Byrd, Maguire, McGee, and Watts

NAYS (0): None

ABSENT (1): Council Member Davis

- D. Z22-0004b Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, regarding an amendment to the Rayzor Ranch Overlay District by amending the Development Standards regarding the number and location of multifamily dwelling units within the Rayzor Ranch South Campus encompassing approximately 257 acres generally

located south of West University Drive/US 380 and north of Scripture Street, between IH-35 and Bonnie Brae 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 a severability clause and an effective date. The Planning and Zoning Commission voted [6-0] to recommend approval of the request (Z22-0004b, RROD Multifamily, Mia Hines)

ASSIGNED ORDINANCE NO. Z22-0004b

There were no online registrations or call-ins on the item.

The item was presented and discussion followed.

The public hearing was opened and citizen comments received are noted on Exhibit A.

With no other callers on queue, the public hearing was closed.

Following discussion, Council Member Watts moved to adopt the item as presented. Motion seconded by Council Member Maguire. Motion carried.

AYES (6): Mayor Hudspeth, Mayor Pro Tem Beck and Council Members Byrd, Maguire, McGee, and Watts

NAYS (0): None

ABSENT (1): Council Member Davis

- E. Z22-0009b 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 Heavy Industrial (HI) District on approximately 10.002 acres of land located approximately 407.7 feet east of N Western Blvd. and 1,466 feet north of Jim Christal Rd., 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 [5-0] to recommend approval of the request. (Z22-0009b, Project Cowboy, Angie Manglaris)

ASSIGNED ORDINANCE NO. Z22-0009b

There were no online registrations or call-ins on the item.

The item was presented and discussion followed.

The public hearing was opened and with no callers in the queue, the public hearing was closed.

Following discussion, Council Member Byrd moved to adopt the item as presented. Motion seconded by Council Member Watts. Motion carried.

AYES (6): Mayor Hudspeth, Mayor Pro Tem Beck and Council Members Byrd, Maguire, McGee, and Watts

NAYS (0): None

ABSENT (1): Council Member Davis

- F. PD22-0001a 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 4 (R4) District to a Planned Development (PD) District on approximately 0.88 acres of land and from Highway Corridor (HC) District to a Planned Development (PD) District on approximately 2.52 acres of land totaling approximately 3.309 acres generally located north of the intersection of Willowood Street and Jacqueline Drive, in the City of Denton, Denton County, Texas; adopting an amendment to the City's official zoning map; providing for a penalty in the maximum amount of \$2,000.00 for violations thereof; providing a severability clause and an effective date. The Planning and Zoning Commission voted [7-0] to approve the request. (PD22-0001a, The Reserves at Magnolia, Julie Wyatt)

ASSIGNED ORDINANCE NO. PD22-0001a

All members of the City Council received the comments as submitted and had the opportunity to review all submissions prior to the start of the meeting and consider such comments when voting on the item. The summary of public commentary/registrations are noted on Exhibit A.

The item was presented and discussion followed.

The public hearing was opened and citizen comments received are noted on Exhibit A.

Following discussion, Council Member Watts moved to adopt the item as presented. Motion seconded by Mayor Pro Tem Beck. Motion carried.

AYES (6): Mayor Hudspeth, Mayor Pro Tem Beck and Council Members Byrd, Maguire, McGee, and Watts

NAYS (0): None

ABSENT (1): Council Member Davis

- G. DCA22-0003a Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas amending the Denton Development Code, specifically amendments related to two new uses: Data Center, Modular and Data Center, Warehouse; 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 [5-0] to recommend approval of the amendments. (DCA22-0003a, Data Center Code amendments, Ron Menguita)

ASSIGNED ORDINANCE NO. DCA22-0003a

There were no online registrations or call-ins on the item.

The item was presented and discussion followed.

The public hearing was opened and with no callers in the queue, the public hearing was closed.

Following discussion, Mayor Pro Tem Beck moved to adopt the item as presented. Motion seconded by Council Member Maguire. Motion carried.

AYES (6): Mayor Hudspeth, Mayor Pro Tem Beck and Council Members Byrd, Maguire, McGee, and Watts

NAYS (0): None

ABSENT (1): Council Member Davis

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

- A. ID 22-1653 Consider adoption of an ordinance of the City of Denton determining the public use, need, and necessity for the acquisition of (I) various permanent sanitary sewer easements, and (II) temporary construction easements generally located, near the intersection of Corbin Road and the east line of I-35W, then northeasterly to the west line of Bonnie Brae Road, situated in the W. Sajvis Survey Abstract No. 1174, in the City and County of Denton, Texas, and with the use, purpose and legal descriptions of each easement being 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 agreements 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.

ASSIGNED ORDINANCE NO. 22-1653

There were no online registrations or call-ins on the item.

The item was presented and no discussion followed.

Following discussion, Council Member Maguire moved that the City of Denton, after having made the offers required by state law, use the power of eminent domain, if needed, to acquire various permanent sanitary sewer easements, and temporary construction easements generally located along the east line of I 35W, near and north of Corbin Road extending northeasterly to the west line of Bonnie Brae Road, situated in the W. Sajvis Survey Abstract No. 1174, in the City and County of Denton, Texas, and being more particularly described in Exhibit "A" to the ordinance now under consideration and on the screens overhead, now being displayed for the audience, all of which are for a valid public use, necessary to provide

for the construction, operation, and maintenance of the municipal sanitary sewer system improvements necessary for the Dry Fork Sanitary Sewer Project, to serve the public and citizens of the City of Denton, Texas.

Each page of Exhibit A of the proposed ordinance was shown on screen prior to a second to the motion being called.

Motion seconded by Mayor Pro Tem Beck. Motion carried.

AYES (6): Mayor Hudspeth, Mayor Pro Tem Beck and Council Members Byrd, Maguire, McGee, and Watts

NAYS (0): None

ABSENT (1): Council Member Davis

7. ITEMS FOR INDIVIDUAL CONSIDERATION

Items are listed in the order considered.

- A. ID 22-1557 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 Frontier Access, LLC., DBA Frontier Waste Solutions, providing for a guaranteed volume contract for the landfill, and providing an effective date (File #8005 awarded to Frontier Access, LLC., DBA Frontier Waste Solutions for a term of two (2) years beginning October 1, 2022, with no renewals or extensions). The Public Utilities Board recommends approval (6 - 0).
ASSIGNED ORDINANCE NO. 22-1557

There were no online registrations or call-ins on the item.

Items 7.A (22-1557), 7.B (22-1558), and 7.C (22-1559) were collectively read into the record but voted on individually.

The item was presented and discussion followed.

Following discussion, Council Member Maguire moved to adopt the item as presented. Motion seconded by Mayor Pro Tem Beck. Motion carried.

AYES (6): Mayor Hudspeth, Mayor Pro Tem Beck and Council Members Byrd, Maguire, McGee, and Watts

NAYS (0): None

ABSENT (1): Council Member Davis

- B. ID 22-1558 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 Rhino Removal, LLC., providing for a guaranteed volume contract for the landfill; and providing an effective date. (File #8005 awarded to Rhino Removal, LLC., For a term of two (2) years

beginning October 1, 2022, with no renewals or extensions). The Public Utilities Board recommends approval (6 - 0).

ASSIGNED ORDINANCE NO. 22-1558

There were no online registrations or call-ins on the item.

Items 7.A (22-1557), 7.B (22-1558), and 7.C (22-1559) were collectively read into the record but voted on individually.

The item was presented and no discussion followed.

Council Member Watts moved to adopt the item as presented. Motion seconded by Council Member Maguire. Motion carried.

AYES (6): Mayor Hudspeth, Mayor Pro Tem Beck and Council Members Byrd, Maguire, McGee, and Watts

NAYS (0): None

ABSENT (1): Council Member Davis

- C. ID 22-1559 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 Waste Connections Lone Star, Inc., providing for a guaranteed volume contract for the landfill; and providing an effective date (File #8005 awarded to Waste Connections Lone Star, Inc. For a term of two (2) years beginning October 1, 2022, with no renewals or extensions). The Public Utilities Board recommends approval (6 - 0).

ASSIGNED ORDINANCE NO. 22-1559

There were no online registrations or call-ins on the item.

Items 7.A (22-1557), 7.B (22-1558), and 7.C (22-1559) were collectively read into the record but voted on individually.

The item was presented and no discussion followed.

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

AYES (6): Mayor Hudspeth, Mayor Pro Tem Beck and Council Members Byrd, Maguire, McGee, and Watts

NAYS (0): None

ABSENT (1): Council Member Davis

- D. ID 22-1777 Consider approval of a resolution of the City of Denton confirming the appointment of Doug Shoemaker as Chief of Police of the City of Denton; and declaring an effective date.

ASSIGNED RESOLUTION NO. 22-1777

There were no online registrations or call-ins on the item.

The item was presented and no discussion followed.

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

AYES (6): Mayor Hudspeth, Mayor Pro Tem Beck and Council Members Byrd, Maguire, McGee, and Watts

NAYS (0): None

ABSENT (1): Council Member Davis

- F. ID 22-1852 Consider adoption of an ordinance of the City of Denton, Texas, amending the fiscal year 2021-2022 budget and annual program of services of the City of Denton to allow for adjustments to the Tourist & Convention Fund of Three Hundred Seventy Five thousand Dollars (\$375,000) for the purpose of funding expenses associated with the O'Reilly Hospitality Incentive Agreement; declaring a public purpose; directing the City Secretary attach a copy to the 2021-2022 Budget; requiring approval by at least five votes; and providing a severability clause; an open meetings clause and an effective date.

ASSIGNED ORDINANCE NO. 22-1852

There were no online registrations or call-ins on the item.

The item was presented and no discussion followed.

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

AYES (6): Mayor Hudspeth, Mayor Pro Tem Beck and Council Members Byrd, Maguire, McGee, and Watts

NAYS (0): None

ABSENT (1): Council Member Davis

- E. ID 22-1663 Consider adoption of an ordinance of the City of Denton, Texas, amending the fiscal year 2021-2022 budget and annual program of services of the City of Denton to allow for adjustments to the Fleet Management Fund of Three Million Dollars (\$3,000,000) for the purpose of increased fuel and maintenance costs; declaring a public purpose; directing the City Secretary attach a copy to the 2021-2022 Budget; requiring approval by at least five votes; and providing a severability clause; an open meetings clause and an effective date.

ASSIGNED ORDINANCE NO. 22-1663

There were no online registrations or call-ins on the item.

The item was presented and discussion followed.

Following discussion, Mayor Pro Tem Beck moved to adopt the item as presented. Motion seconded by Council Member Byrd. Motion carried.

AYES (6): Mayor Hudspeth, Mayor Pro Tem Beck and Council Members Byrd, Maguire, McGee, and Watts

NAYS (0): None

ABSENT (1): Council Member Davis

- G. ID 22-1854 Consider adoption of an ordinance of the City of Denton, Texas, amending the fiscal year 2021-2022 budget and annual program of services of the City of Denton to allow for adjustments to the Health Fund of Two Million Five Hundred Thousand Dollars (\$2,500,000) for the purpose of funding expenses associated with increased health insurance costs; declaring a public purpose; directing the City Secretary attach a copy to the 2021-2022 Budget; requiring approval by at least five votes; and providing a severability clause; an open meetings clause and an effective date.

ASSIGNED ORDINANCE NO. 22-1854

There were no online registrations or call-ins on the item.

The item was presented and no discussion followed.

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

AYES (6): Mayor Hudspeth, Mayor Pro Tem Beck and Council Members Byrd, Maguire, McGee, and Watts

NAYS (0): None

ABSENT (1): Council Member Davis

- H. ID 22-1902 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager to utilize a contract through the Lower Colorado River Authority Contract Number 5343, for the acquisition of electric maintenance, repair, and construction inventory to be stocked in the Warehouse and at Denton Municipal Electric; providing the expenditure of funds therefor; and providing an effective date (File 8111 - awarded to Techline, Inc., in the three (3) year not-to-exceed amount of \$16,000,000.00). The Public Utilities Board recommends approval (6 - 0).

ASSIGNED ORDINANCE NO. 22-1902

There were no online registrations or call-ins on the item.

Citizen comments received are noted on Exhibit A.

The item was presented and discussion followed.

Following discussion, Council Member Watts moved to adopt the item as presented. Motion seconded by Mayor Pro Tem Beck. Motion carried.

AYES (6): Mayor Hudspeth, Mayor Pro Tem Beck and Council Members Byrd, Maguire, McGee, and Watts

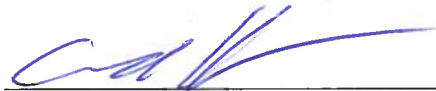
NAYS (0): None

ABSENT (1): Council Member Davis

8. CONCLUDING ITEMS

Council Members expressed items of interest.

With no further business, the meeting was adjourned at 10:04 p.m.



GERARD HUDSPETH
MAYOR
CITY OF DENTON, TEXAS



JESUS SALAZAR
DEPUTY CITY SECRETARY
CITY OF DENTON, TEXAS

MINUTES APPROVED ON: October 18, 2022

