



City of Denton

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

Meeting Agenda

City Council

Tuesday, September 20, 2022

3:00 PM

Council Work Session Room
&
Council Chambers

CLOSED MEETING BEGINS AT 3:00 P.M. IN THE COUNCIL WORK SESSION ROOM

WORK SESSION BEGINS IMMEDIATELY FOLLOWING THE CLOSE MEETING 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 Close Meeting on Tuesday, September 20, 2022, at 3:00 p.m. in the Council Work Session Room at City Hall, 215 E. McKinney Street, Denton, Texas consistent with Chapter 551 of the Texas Government Code, as amended, or as otherwise allowed by law, as indicated below:

1. Closed Meeting:

- 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.

- 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.

- 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.

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.

Following the completion of the Closed Meeting, the City Council will convene in a Work Session in the Council Work Session Room to consider the following items:

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 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]
Attachments: [Exhibit 1 - Agenda Information Sheet](#)
[Exhibit 2 - Audit of Network Management: Asset Controls](#)
[Exhibit 3 - Presentation](#)
- 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]

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
[Exhibit 2 - Proposed Municipal Utility District \(MUD\) Policy](#)
[Exhibit 3 - Draft Municipal Utility District application form](#)
[Exhibit 4 - Presentation](#)

- 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]

Attachments: [Exhibit 1 - Agenda Information Sheet - Pending Council Request](#)
[Exhibit 2 - Ordinance 21-1837 - City Council Request Process](#)
[Exhibit 3 - Presentation](#)

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. RECOGNITIONS/PROCLAMATIONS/PRESENTATIONS

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

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 22-1763](#) Ms. Wanda Bowman regarding retaliation for filing grievances for denial of services, and oversight of United Way.
- b. [ID 22-1903](#) Mrs. Jacqueline Shaw regarding Be The Match Blood Marrow (Stem Cell) Transplant Advocacy Campaign.
- c. [ID 22-1904](#) Mr. Stephen Dillenburg regarding willful misconduct.
- d. [ID 22-1952](#) Ms. Kimberly Truax regarding road construction of obstructive median at Hickory Creek and Livingston Drive.

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 – AI). 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 22-821](#) Consider approval of the minutes of August 16 and August 30, 2022 Meetings.
- Attachments: [Exhibit 1 - Agenda Information Sheet](#)
[Exhibit 2 - August 16, 2022 Minutes - Draft](#)
[Exhibit 3 - August 30, 2022 Minutes - Draft](#)
- 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.
- Attachments: [Exhibit 1 - Agenda Information Sheet](#)
[Exhibit 2 - Nominations List](#)
- 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.
- Attachments: [Exhibit 1 - Agenda Information Sheet](#)
[Exhibit 2 - Draft Resolution & Exhibit](#)
- 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.
- Attachments: [Exhibit 1 - Agenda Information Sheet](#)
[Exhibit 2 - Draft Resolution & Exhibit](#)
- 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.
- Attachments: [Exhibit 1 - Agenda Information Sheet](#)
[Exhibit 2 - Draft Resolution & Exhibit](#)
- 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.
- Attachments: [Exhibit 1 - Agenda Information Sheet](#)
[Exhibit 2 - Draft Resolution & Exhibit](#)
- G. [ID 22-1881](#) Consider a reappointment 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](#)

- 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.

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
[Exhibit 2 - Ordinance](#)
[Exhibit 3 - Location Map](#)
[Exhibit 4 - LLC Management Check](#)

- 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.

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
[Exhibit 2 - Ordinance](#)
[Exhibit 3 - Average Bill Impacts Attachment](#)
[Exhibit 4 - RRM Rate Tariffs Attachment](#)
[Exhibit 5 - RRM Pension Benchmark Attachment](#)

- 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.

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
[Exhibit 2 - Resolution](#)
[Exhibit 3 - Organizational Chart](#)

- 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).

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

- 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).

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

- 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).

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

- 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).

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

- 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).

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

- 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).

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

- 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).

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

- 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).

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

- 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).

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

- 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).

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

- 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).

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

- 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).

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

- 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).

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

- 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).

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

- 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).

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

- 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).

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

- 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).

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

- 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).

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

- 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).

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

- 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).

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

- 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.

Attachments: [Agenda Information Sheet](#)
 [Ordinance and Agreement](#)

- 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.

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

- 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.

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

- 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.

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

- 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.

Attachments: [Exhibit 1 - AIS](#)
 [Exhibit 2 - Ordinance and Settlement Agreement and Release](#)

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.

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
 [Exhibit 2 - FY 2022-23 Notice of Proposed Budget](#)
 [Exhibit 3 - Presentation](#)

- 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).

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
[Exhibit 2 - 2022 Notice of Proposed Tax Rate](#)
[Exhibit 3 - Presentation](#)

- 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)

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 - Existing RROD Zoning Exhibit](#)
[Exhibit 7 - Existing RROD Concept Exhibit](#)
[Exhibit 8 - Proposed RROD Zoning Exhibit](#)
[Exhibit 9 - Proposed RROD Concept Exhibit](#)
[Exhibit 10 - Future Land Use Map](#)
[Exhibit 11 - Table of Allowed Uses](#)
[Exhibit 12 - Notification Map & Posting Affidavit](#)
[Exhibit 13 - Draft Ordinance](#)
[Exhibit 14 - Presentation](#)

- 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)

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
 [Exhibit 2 - Staff Analysis](#)
 [Exhibit 3 - Site Location Map](#)
 [Exhibit 4 - Zoning Map](#)
 [Exhibit 5 - Future Land Use Map](#)
 [Exhibit 6 - RROD Zoning Exhibit](#)
 [Exhibit 7 - RROD Concept Exhibit](#)
 [Exhibit 8 - RROD Density Zone Exhibit](#)
 [Exhibit 9 - Section 35.7.15 Redline](#)
 [Exhibit 10 - Notification Map and Response](#)
 [Exhibit 11 - Ordinance](#)
 [Exhibit 12 - Presentation](#)

- 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)

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

- 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 Willowwood 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)

Attachments:

[Exhibit 1 - Agenda Information Sheet](#)

[Exhibit 2 - Staff Analysis](#)

[Exhibit 3 - Site Location Map](#)

[Exhibit 4 - Zoning Map](#)

[Exhibit 5 - Future Land Use Map](#)

[Exhibit 6 - PD Development Regulations](#)

[Exhibit 7 - PD Development Plan](#)

[Exhibit 8 - Permitted Use Comparison \(R4, R7, and HC Districts\)](#)

[Exhibit 9 - Notification Map and Responses](#)

[Exhibit 10 - Presentation](#)

[Exhibit 11 - Draft Ordinance](#)

- G. [DCA22-0003](#) 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)

Attachments:

[Exhibit 1 - Agenda Information Sheet](#)

[Exhibit 2 - Staff Analysis](#)

[Exhibit 3 - Draft Ordinance](#)

[Exhibit 4 - Presentation](#)

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.

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
 [Exhibit 2 - Location Map](#)
 [Exhibit 3 - Ordinance](#)
 [Exhibit 4 - Recommended Motion](#)
 [Exhibit 5 - Presentation](#)

7. ITEMS FOR INDIVIDUAL CONSIDERATION

- 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).

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

- 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).

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

- 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).

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

- 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.

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

[Exhibit 2 - Resolution.pdf](#)

- 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.

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

[Exhibit 2 - Ordinance](#)

[Exhibit 3 - Presentation](#)

- 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.

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

[Exhibit 2 - Ordinance](#)

[Exhibit 3 - Tourist & Convention Presentation](#)

- 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.

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

[Exhibit 2 - Ordinance](#)

[Exhibit 3 - Presentation](#)

- 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).

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

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 September 16, 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.