



City of Denton

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

Meeting Agenda City Council

Tuesday, February 7, 2023

2:00 PM

Council Work Session Room
&
Council Chambers

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

CITY COUNCIL WILL RECESS AFTER CONSIDERATION OF WORK SESSION ITEMS 1 AND 2 TO CONVENE IN A CLOSED MEETING IN THE COUNCIL WORK SESSION ROOM

CITY COUNCIL WILL RECONVENE THE WORK SESSION FOLLOWING THE CLOSED 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 Work Session on Tuesday, February 7, 2023, at 2:00 p.m. in the Council Work Session Room at City Hall, 215 E. McKinney Street, Denton, Texas, to consider the following:

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. Recess of the Work Session

The City Council will recess to a Closed Meeting in the Work Session Room, consistent with Chapter 551 of the Texas Government Code, as amended, or as otherwise allowed by law, to consider the following items:

1. Closed Meeting:

- A. [ID 23-234](#) Deliberations Regarding Certain Public Power Utilities: Competitive Matters - Under Texas Government Code Section 551.086; Consultation with Attorneys - Under Texas Government Code Section 551.071.

Receive information from staff regarding financial matters regarding transmission cost of

service (TCOS); discuss, deliberate, and provide direction to staff regarding same. Consultation with City's attorneys regarding legal issues associated the above matter where a public discussion of these legal matters would conflict with the duty of the City's attorneys to the City of Denton and the Denton City Council under Texas Disciplinary Rules of Professional Conduct of State Bar of Texas, or would jeopardize the City's legal position in any administrative proceeding or potential litigation.

- B. [ID 23-236](#) Deliberations Regarding Certain Public Power Utilities: Competitive Matters - Under Texas Government Code Section 551.086; Consultation with Attorneys - Under Texas Government Code Section 551.071.

Receive information from staff regarding financial matters regarding the data center (Core Scientific); discuss, deliberate, and provide direction to staff regarding same. Consultation with City's attorneys regarding legal issues associated the above matter where a public discussion of these legal matters would conflict with the duty of the City's attorneys to the City of Denton and the Denton City Council under Texas Disciplinary Rules of Professional Conduct of State Bar of Texas, or would jeopardize the City's legal position in any administrative proceeding or potential 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.

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

4. Work Session Reports

- A. [ID 22-2389](#) Receive a report, hold a discussion, and give direction regarding the Electric FY 2022-23 Budget and Rates.
[Estimated Presentation/Discussion Time: 30 minutes]
Attachments: [Exhibit 1 - Agenda Information Sheet](#)
[Exhibit 2 - Presentation](#)
- B. [ID22-2381](#) Receive a report, hold a discussion, and give staff direction regarding a mid-year budget update.
[Estimated Presentation/Discussion Time: 30 minutes]
Attachments: [Exhibit 1 - Agenda Information Sheet](#)
[Exhibit 2 - Presentation](#)
- C. [ID 23-093](#) Receive a report, hold a discussion, and give staff direction regarding City Council policy priorities for the Denton County Transit Authority.
[Estimated Presentation/Discussion Time: 30 minutes]

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

- D. [ID 23-311](#) Receive a report, hold a discussion, and give staff direction regarding the participation of the City of Denton in a Texas Woman's University preschool project targeting low-income households.

[Estimated Presentation/Discussion Time: 30 minutes]

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

[Exhibit 2 - Presentation.pdf](#)

- E. [ID 23-002](#) Receive a report, hold a discussion, and give staff direction on potential amendments to City of Denton Code of Ordinances Chapter 2 Article XI. Ethics Sec. 2-272 Mandates and Sec. 2-273 Prohibitions.

[Estimated Presentation/Discussion Time: 45 minutes]

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

[Exhibit 2 - Presentation](#)

- F. [ID 23-208](#) Receive a report, hold a discussion, and give staff direction on pending City Council requests for:

1). A Work Session to prohibit parking on Highland Park Road between North Texas Blvd. and Willowood St, and to install no parking, towing enforced signs.

[Estimated Presentation/Discussion Time: 30 minutes]

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

[Exhibit 2 - Ordinance 21-1837](#)

[Exhibit 3 - Presentation](#)

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.

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

1. PLEDGE OF ALLEGIANCE

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

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

2. PROCLAMATIONS/PRESENTATIONS

- A. [ID 23-247](#) Mayor's Red Kettle Challenge Award

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.

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 – S). 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 23-022](#) Consider approval of the minutes of the January 24, 2023 Meeting.

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

[Exhibit 2 - January 24, 2023 Minutes](#)

- B. [ID 23-053](#) Consider nominations/appointments to the City's Boards, Commissions, and Committees: Airport Advisory Board, Committee on Persons with Disabilities, Historic Landmark Commission, Library Board, Planning and Zoning Commission, and Public Art Committee.

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

[Exhibit 2 - Nominations List](#)

- C. [ID 23-086](#) Consider adoption of an ordinance of the City of Denton authorizing the City Manager to execute and deliver a lease agreement between the City of Denton, as Landlord, and CDI Hickory, LLC, as Tenant, leasing approximately 1089 square feet of land, located near the southwest corner of East Hickory and Industrial Streets, being situated within the H. Sisco Survey, Abstract Number 1184, City of Denton, Denton County, Texas, for the continued occupancy, use, and maintenance of an outdoor patio; and providing an effective date.

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

[Exhibit 2 - Site Map](#)

[Exhibit 3 - Ordinance](#)

[Exhibit 4 - LLC SOS Management](#)

- D. [ID 22-2070](#) Consider adoption of an ordinance of the City of Denton replacing Chapter 22 of the Code of Ordinances in its entirety and providing for an effective date. Parks, Recreation and Beautification Board recommended (5-0).

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

[Exhibit 2- Ordinance.pdf](#)

[Exhibit 3- Chapter 22 \(Redline\)](#)

[Exhibit 4- Chapter 22 \(Clean\)](#)

- E. [ID 22-2432](#) Consider adoption of an ordinance of the City of Denton authorizing the City Manager to execute a Letter of Agreement between the City of Denton Parks and Recreation Department and Denton Independent School District to offer adult education and literacy classes at City of Denton Recreation Centers; authorizing the City Manager, or her designee, to perform all obligations of the City under the agreement; and providing an effective date.

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

[Exhibit 2- Ordinance](#)

[Exhibit 3- Letter of Agreement](#)

- F. [ID 23-191](#) Consider adoption of an ordinance considering all matters incident and related to the issuance, sale and delivery of up to \$100,000,000 in principal amount of "City of Denton General Obligation Refunding Bonds"; authorizing the issuance of the Bonds; delegating the authority to certain City officials to execute certain documents relating to the sale of

the Bonds; approving and authorizing instruments and procedures relating to said Bonds; enacting other provisions relating to the subject; and providing an effective date.

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

- G. [ID 23-192](#) Consider adoption of an ordinance considering all matters incident and related to the issuance, sale and delivery of up to \$300,000,000 in principal amount of "City of Denton Utility System Revenue Refunding Bonds, Series 2023"; authorizing the issuance of the bonds; delegating the authority to certain city officials to execute certain documents relating to the sale of the bonds; approving and authorizing instruments and procedures relating to said bonds; enacting other provisions relating to the subject; and providing an effective date. (The Public Utilities Board recommends approval 5-0)

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

- H. [ID 23-330](#) Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the approval of a sixth amendment to a Professional Services Agreement between the City of Denton and Hazen and Sawyer, P.C., amending the contract approved by City Council on July 21, 2015, in the not-to-exceed amount of \$427,368.00; amended by Amendments 1-5 approved by City Council; said sixth amendment to provide additional engineering services and permitting support for the Hickory Creek Basin Peak Flow Detention Facility and the Hickory Creek Lift Station project; providing for the expenditure of funds therefor; and providing an effective date (File 5768 - providing for an additional sixth amendment expenditure amount not-to-exceed \$164,300.00, with the total contract amount not-to-exceed \$1,578,006.00). The Public Utilities Board recommends approval (5 - 0).

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

- I. [ID 23-331](#) Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the approval of a first amendment to a Professional Services Agreement between the City of Denton and Solutient GeoSciences, Inc., amending the contract approved by the City Council on January 28, 2020, in the not-to-exceed amount of \$321,415.00; said first amendment to continue to provide hydrogeological and analytical services regarding the City's Landfill monitoring and reporting requirements; providing for the expenditure of funds therefor; and providing an effective date (RFQ 7109-005 - providing for an additional first amendment expenditure amount not-to-exceed \$116,202.00, with the total contract amount not-to-exceed \$437,617.00). The Public Utilities Board recommends approval (5 - 0).

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

- J. [ID 23-332](#) Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal

corporation, ratifying the expenditure of funds by the City Manager for the emergency purchase of rebuilt electric utility transformers for Denton Municipal Electric; and providing an effective date (File 8182 - awarded to Midwest Electric Transformer Services, Inc., in the not-to-exceed amount of \$535,018.00). The Public Utilities Board recommends approval (5 - 0).

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

- K. [ID 23-333](#) 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 Romco Equipment Co., LLC, an authorized dealer for Volvo Construction Equipment North America, LLC, through the Sourcewell Cooperative Purchasing Network Contract Number 032119-VCE, for the purchase of one (1) Volvo L180H Wheel Loader for the Beneficial Reuse Department; authorizing the expenditure of funds therefor; and providing an effective date (File 8185 - awarded to Romco Equipment Co., LLC, in the not-to-exceed amount of \$491,511.00). The Public Utilities Board recommends approval (5 - 0).

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

- L. [ID 23-334](#) Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the approval of a first amendment to a Professional Services Agreement between the City of Denton and Kimley-Horn and Associates, Inc., amending the contract approved by City Council on March 16, 2021, in the not-to-exceed amount of \$215,000.00; said first amendment for professional engineering services related to Ginnings Elementary School and Alexander Elementary School Safe Routes to School Sidewalk Improvements; providing for the expenditure of funds therefor; and providing an effective date (RFQ 6590-102 - providing for an additional first amendment expenditure amount not-to-exceed \$216,000.00, with the total contract amount not-to-exceed \$431,000.00).

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

- M. [ID 23-335](#) Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the approval of a second amendment to a Professional Services Agreement between the City of Denton and Kimley-Horn and Associates, Inc., amending the contract approved by City Council on March 16, 2021, in the not-to-exceed amount of \$250,000.00; amended by Amendment 1 approved by City Council; said second amendment to provide additional professional engineering services in support of the State reimbursable Transportation Alternatives Set-Aside (TASA) Program services for Sycamore - Welch Active Transportation Connection Bike Lanes and Shared - Use Path

Facilities aka the A-Train to UNT project; providing for the expenditure of funds therefor; and providing an effective date (RFQ 6590-104 - providing for an additional second amendment expenditure amount not-to-exceed \$132,000.00, with the total contract amount not-to-exceed \$474,000.00).

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
 [Exhibit 2 - Original Ordinance and Contract](#)
 [Exhibit 3 - Ordinance and Amendment 1](#)
 [Exhibit 4 - Ordinance and Amendment 2](#)

- N. [ID 23-336](#) Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the approval of a second amendment to a Professional Services Agreement between the City of Denton and Kimley-Horn and Associates, Inc., amending the contract approved by City Council on March 16, 2021, in the not-to-exceed amount of \$150,000.00; amended by Amendment 1 approved by Purchasing; said second amendment for additional professional engineering services in support of the Nette Shultz (formerly Wilson) Elementary School and Pecan Creek Elementary School Safe Routes to Schools Sidewalk Improvements project, as set forth in the amendment; providing for the expenditure of funds therefor; and providing an effective date (RFQ 6590-105 - providing for an additional second amendment expenditure amount not-to-exceed \$120,000.00, with the total contract amount not-to-exceed \$306,500.00).

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
 [Exhibit 2 - Original Ordinance and Contract](#)
 [Exhibit 3 - Amendment 1](#)
 [Exhibit 4 - Ordinance and Amendment 2](#)

- O. [ID 23-337](#) Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the approval of a first amendment to an engagement between the City of Denton and Lloyd Gosselink Rochelle & Townsend, P.C., amending the engagement approved by the City Manager on April 28, 2022, in the not-to-exceed amount of \$99,500.00; said first amendment to provide additional legal services for the City of Denton; providing for the expenditure of funds therefor; and providing an effective date (File 8006 - providing for an additional first amendment expenditure amount not-to-exceed \$100,500.00, with the total contract amount not-to-exceed \$200,000.00).

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

- P. [ID 23-338](#) Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal cooperation, authorizing the City Manager to execute a contract with Whirlix Design, Inc., through the Buy Board Cooperative Purchasing Network Contract # 679-22, for the construction of the Sequoia Park Playground for the Parks and Recreation Department; providing expenditure of funds therefor; and providing an effective date (File 8161 - awarded to Whirlix Design, Inc., in the not-to-exceed amount of \$179,832.85).

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

- Q. [ID 23-339](#) 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 Burleson, under the Texas Government Code Section 791.001, to authorize City of Burleson and the 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 8166 - award an Interlocal Cooperative Purchasing Agreement with the City of Burleson).

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

- R. [ID 23-340](#) 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 Lowe's Home Centers, LLC, through the Omnia Partners Cooperative Purchasing Network Contract # R192006, for procurement fulfillment of Maintenance, Repair and Operations (MRO) Supplies and Related Services for the City of Denton; providing for the expenditure of funds therefor; and providing an effective date (File 8184 - awarded to Lowe's Home Centers, LLC, in the five (5) year not-to-exceed amount of \$1,000,000.00).

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

- S. [ID 23-393](#) Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the approval of a first amendment to an engagement between the City of Denton and Lloyd Gosselink Rochelle & Townsend, P.C., amending the engagement approved by the City Attorney on July 11, 2022, in the not-to-exceed amount of \$49,500.00; said first amendment to provide additional legal services for the City of Denton; providing for the expenditure of funds therefor; and providing an effective date (File 8113 - providing for an additional first amendment expenditure amount not-to-exceed \$250,500.00, with the total contract amount not-to-exceed \$300,000.00).

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

5. PUBLIC HEARINGS

- A. [Z22-0005a](#) Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, regarding an initial zoning district and use classification of Light Industrial (LI) Zoning District on approximately 82.96 acres of land, generally located on the north side of Barthold Road approximately 1,300 feet west of Interstate 35 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 recommend approval of the request. Motion for approval by Commissioner Smith and second by Commissioner Villarreal. (Z22-0005a, Zoning to Light Industrial - Barthold Road, Ron Menguita)

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
 [Exhibit 2 - Staff Analysis](#)
 [Exhibit 3 - Applicant's Project Narrative](#)
 [Exhibit 4 - Applicant's Neighborhood Engagement Summary](#)
 [Exhibit 5 - Site Location Map](#)
 [Exhibit 6 - Future Land Use Map](#)
 [Exhibit 7 - Existing Zoning Map](#)
 [Exhibit 8 - Proposed Zoning Map](#)
 [Exhibit 9 - Table of Allowed Uses](#)
 [Exhibit 10 - Notification Map and Responses](#)
 [Exhibit 11 - Draft Ordinance](#)
 [Exhibit 12 - Presentation](#)

- B. [S22-0009a](#) Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, approving a Specific Use Permit for a Multifamily Dwelling Use on approximately 16 acres of land, generally located between North Loop 288 and Mayhill Road, approximately 1,090 feet north of East McKinney Street, in the City of Denton, Denton County, Texas; adopting an amendment to the City's Official Zoning Map; providing for a penalty in the maximum amount of \$2,000.00 for violations thereof; providing for severability and an effective date. The Planning and Zoning Commission voted [6-1] to recommend approval of the request. Motion for approval by Commissioner Smith and second by Commissioner Anderson. (S22-0009a, Forest Crossing Phase 2, Julie Wyatt)

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
 [Exhibit 2 - Staff Analysis](#)
 [Exhibit 3 - Site Location Map](#)
 [Exhibit 4 - Future Land Use Map](#)
 [Exhibit 5 - Zoning Map](#)
 [Exhibit 6 - Proposed Site Plan](#)
 [Exhibit 7 - Proposed Landscape Plan](#)
 [Exhibit 8 - Conceptual Elevations](#)
 [Exhibit 9 - Notification Map and Responses](#)
 [Exhibit 10 - LLC Members List](#)
 [Exhibit 11 - Presentation](#)
 [Exhibit 12 - Draft Ordinance](#)

- C. [PDA22-0004a](#) Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, amending the Detailed Plan for 7.2 acres of land in Sections J & K of The Preserve at Pecan Creek (PD - 132), generally located at the southwest corner of Lakeview Boulevard and Edwards Road, in the City of Denton, Denton County, Texas; adopting an amendment to the City's Official Zoning Map; providing for a penalty in the maximum amount of \$2,000.00 for violations thereof; providing a severability clause and an effective date. The Planning and Zoning Commission voted (6-1) to recommend

approval the request. Motion for approval by Commissioner Anderson and second by Commissioner Pruett. (PDA22-0004a, Preserve at Pecan Creek J & K Amendment, 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 - Ordinances 88-166 and 89-101](#)
 [Exhibit 7 - 1998 Amended Concept Plan](#)
 [Exhibit 8 - Ordinance PDA19-0004d](#)
 [Exhibit 9 - Proposed PD Development Plan](#)
 [Exhibit 10 - Notification Map and Responses](#)
 [Exhibit 11 - Presentation](#)
 [Exhibit 12- Draft Ordinance](#)

- D. [Z22-0015a](#) 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 Rural (RR) to Residential 1 (R1) District on approximately 4.18 acres of land generally located approximately 2,862 feet north of the Swisher Road and Edwards Road intersection, 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 recommend approval of the request. Motion for approval by Commissioner Smith and second by Commissioner Anderson. (Z22-0015a, AFCM Swisher Rezoning, Ashley Ekstedt).

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

- E. [PDA22-0006b](#) Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, amending the Detailed Plan for 7.12 acres of land in Planned Development 12 (PD-12), generally located on the southbound service road of I-35E, approximately 4,900 feet south of State School Road, in the City of Denton, Denton County, Texas; adopting an amendment to the City's Official Zoning Map; providing for a penalty in the

maximum amount of \$2,000.00 for violations thereof; providing a severability clause and an effective date. The Planning and Zoning Commission voted (6-0) to recommend approval the request. Motion for approval by Commissioner Smith and second by Commissioner Cole. (PDA22-0006b, Automotive Expansion, 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 - Ordinance 1986-109](#)
 [Exhibit 7 - Ordinance 1987-084](#)
 [Exhibit 8 - Ordinance 1997-368](#)
 [Exhibit 9 - Ordinance 1999-088](#)
 [Exhibit 10 - Ordinance 2005-241](#)
 [Exhibit 11 - Ordinance 2010-116](#)
 [Exhibit 12 - Proposed PD Development Plan](#)
 [Exhibit 13 - Notification Map and Response](#)
 [Exhibit 14 - Presentation](#)
 [Exhibit 15 - Draft Ordinance](#)

6. ITEMS FOR INDIVIDUAL CONSIDERATION

- A. [ID 23-088](#) Consider adoption of an ordinance of the City of Denton ordering an election for Districts 1, 2, 3 and 4 to be held on May 6, 2023, and, if required, a runoff election to be held on June 10, 2023; prescribing the time, manner, and conduct of the election in accordance with a Joint Election Agreement and Contract for election services with the Elections Administrator of Denton County; and providing an effective date.

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

- B. [ID 23-318](#) Receive the certification from the City Secretary regarding the petition for the recall of District 3 Council Member Jesse Davis.

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
 [Exhibit 4 - Presentation](#)

- C. [ID 23-322](#) Consider adoption of an ordinance ordering a recall election to be held in the City of Denton on May 6, 2023 for the purpose of determining whether City Council Member Jesse Davis shall be removed from District 3 seat of the City Council by recall; prescribing the time, manner, and conduct of the election in accordance with an Election Agreement and Contract for election services with the Election Administrator of Denton County; and providing an effective date.

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

7. CONCLUDING ITEMS

A. Under Section 551.042 of the Texas Open Meetings Act, respond to inquiries from the City Council or the public with specific factual information or recitation of policy, or accept a proposal to place the matter on the agenda for an upcoming meeting AND Under Section 551.0415 of the Texas Open Meetings Act, provide reports about items of community interest regarding which no action will be taken, to include: expressions of thanks, congratulations, or condolence; information regarding holiday schedules; an honorary or salutary recognition of a public official, public employee, or other citizen; a reminder about an upcoming event organized or sponsored by the governing body; information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official or employee of the municipality; or an announcement involving an imminent threat to the public health and safety of people in the municipality that has arisen after the posting of the agenda.

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 February 3, 2023, 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.