

# **City of Denton**

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

# Meeting Agenda City Council

Tuesday, August 1, 2023 2:00 PM Council Work Session Room & Council Chambers

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

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

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

# REGISTRATION GUIDELINES FOR ADDRESSING THE CITY COUNCIL

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

# **Open Microphone:**

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

# **Comments on Agenda Items:**

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

# **Public Hearing Items:**

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

Individuals may participate by using one of the following methods:

# 1. In Person for Regular or Consent Agenda Items:

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

# 2. In Person for Public Hearing Items:

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

# 3. eComment:

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

# 4. By Phone:

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

After determining that a quorum is present, the City Council of the City of Denton, Texas will convene in a Work Session on Tuesday, August 1, 2023, at 2:00 p.m. in the Council Work Session Room at City Hall, 215 E. McKinney Street, Denton, Texas at which the following items will be considered:

#### WORK SESSION

# 1. Citizen Comments on Consent Agenda Items

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

# 2. Requests for clarification of agenda items listed on this agenda for public hearing and individual consideration.

This section allows members of the City Council to ask questions on items listed on this agenda for public hearing and individual consideration. Responses to questions on items listed under the consent agenda that are received prior to the meeting are available by clicking on Exhibit 1 below. The responses will be available prior to the start of the meeting, when applicable. Any handouts distributed at the meeting will also be uploaded to the below link by 12:00 p.m. on the business day following the meeting. Members of the Council may remove items from the consent agenda. When items are removed from the consent agenda and placed on the regular agenda by members of the council, the removed items shall be taken up in the order of removal right after the consent agenda.

A. <u>ID 23-640</u> Meeting Questions, Responses & Handouts

Attachments: Exhibit 1 - Agenda Information Sheet

# 3. Work Session Reports

A. <u>ID 23-440</u> Receive a report, hold a discussion, and give staff direction regarding the Bell Avenue/Eagle Drive Intersection Traffic Analysis and update Bell Avenue from University

to Mingo Road within the TWU corridor.

[Estimated Presentation/Discussion Time: 30 minutes]

<u>Attachments:</u> Exhibit 1 - Agenda Information Sheet

Exhibit 2 - Presentation

Exhibit 3 - Map

**B.** ID 23-1243 Receive a report, hold a discussion, and give staff direction regarding the 2023 Bond

[Estimated Presentation/Discussion Time: 45 minutes]

<u>Attachments:</u> Exhibit 1 - Agenda Information Sheet

Exhibit 2 - Presentation

C. <u>ID 23-220</u> Receive a report, hold a discussion, and give staff direction on pending City Council requests for:

1. Request to add "Wrong Way" signs to the back of existing signs on one-way streets around the square.

[Estimated Presentation/Discussion Time: 30 minutes]

<u>Attachments:</u> Exhibit 1 - Agenda Information Sheet

Exhibit 2 - Ordinance 23-1431

Exhibit 3 - Presentation

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

# 1. Closed Meeting:

**A.** <u>ID 23-926</u> Deliberations regarding Personnel Matters - Under Texas Government Code Section 551.074.

Deliberate and discuss the evaluation, duties, discipline, dismissal, compensation, and/or contract of the City Manager.

**B.** <u>ID 23-962</u> Deliberations regarding Personnel Matters - Under Texas Government Code Section 551.074.

Deliberate and discuss the evaluation, duties, discipline, dismissal, compensation, and/or contract of the City Attorney.

C. <u>ID 23-1359</u> Deliberations Regarding Certain Public Power Utilities: Competitive Matters-Under Texas Government Code 551.086; Consultation with Attorneys-Under Texas Government

Code Section 551.071; Deliberations regarding Real Property- Under Texas Government Code Section 551.072.

Receive information from staff regarding an update on Core Scientific Power Purchase Agreement and Lease that included data stemming from public power utility competitive data; discuss deliberate and provide direction to staff regarding terms and conditions of an amended lease of City-owned property; Consultation with City's attorney regarding legal issues associated with 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 Rule of Professional Conduct of State Bar of Texas, or would jeopardize the City's legal position in any court proceeding.

**D.** ID 23-1480 Consultation with Attorneys - Under Texas Government Code Section 551.071.

Consult with the City's attorneys regarding potential litigation related to property damage claims of City-owned property; where public discussion of these legal matters would conflict with the duty of the City's attorneys to the City of Denton under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas, or otherwise compromise the City's legal position.

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

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

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

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

# 1. PLEDGE OF ALLEGIANCE

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

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

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# 2. PROCLAMATIONS/PRESENTATIONS

- A. <u>ID 23-1371</u> Proclamation: Summer Youth Jobs Program Day
- **B.** ID 23-1412 Proclamation: National Health Center 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 23-1476 Ms. Dana Dillenberg regarding moving forward through COVID.
- **b.** <u>ID 23-1479</u> Mr. Stephen Dillenberg regarding the grandest conspiracy / fraud in the history of mankind.
- 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 - P). 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. <u>ID 23-065</u>

Consider approval of a resolution of the City of Denton appointing members to the Development Code Review Committee, Economic Development Partnership Board, the City Council Committee on the Environment, and the City Council Mobility Committee, and providing an effective date.

Attachments:

Exhibit 1 - Agenda Information Sheet - council member appointments.pdf

Exhibit 2 - Resolution 23-065 council member appointmetns s.pdf

**B.** <u>ID 23-1361</u>

Consider approval of a resolution of the City of Denton excusing the July 10, 2023 meeting absence of a Public Utilities Board Member; and providing an effective date.

Attachments:

Exhibit 1 - Agenda Information Sheet - Lee Riback - PUB - 23-1361

Exhibit 2 - Resolution & Exhibit

**C.** ID 23-1273

Consider adoption of an ordinance of the City of Denton granting a special permit to McCarthy Building Companies, Inc. to allow for work hours outside those ordinarily allowed pursuant to Section 17-20 (c)(3)(f) of the City of Denton Code of Ordinances, with respect to hours of operation related to Mayhill Road Phase 2 construction of the Mayhill Road bridge over Denton County Transportation Authority, located at 2600 S. Mayhill Road; providing for approval of special permit for a variance in the hours of operation during weekdays and weekends; and providing an effective date.

Attachments:

Exhibit 1 - Agenda Information Sheet

Exhibit 2 - Applicant Request

Exhibit 3 - Location and Aerial Maps

Exhibit 4 - DCTA A-Train Schedule

Exhibit 5 - Noise Ordinance Special Permit Checklist

Exhibit 6 - Ordinance

**D.** <u>ID 23-1274</u>

Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, ratifying a letter agreement between the City of Denton and Zachry Construction Corporation, to reimburse internal point repair and additional maintenance for Mayhill Road Phase One; providing for the receipt of funds therefor in the not-to-exceed amount of \$17,564.20; and declaring an effective date. The Public Utilities Board recommends approval (4-0).

Attachments:

Exhibit 1 - Agenda Information Sheet

Exhibit 2 - Letter Agreement

Exhibit 3 - Ordinance

E. <u>ID 23-766</u>

Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal

corporation, authorizing the City Manager to execute amendment number one (1) to the Power Purchase Agreement between the City and Core Scientific, Inc., a Delaware Corporation; providing for an effective date. The Public Utility Commission recommends (4-0).

Attachments:

Exhibit 1 - Agenda Information Sheet

**Exhibit 2- Ordinance** 

Exhibit 3 - Redacted Amendment No. 1 to the Power Purchase Agreement

**F.** ID 23-768

Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager to execute amendment number one (1) to the Lease with Core Scientific, Inc., a Delaware Corporation; providing for an effective date. The Public Utility Commission recommends (4-0).

Attachments:

Exhibit 1 - Agenda Information Sheet

Exhibit 2 -Ordinance

Exhibit 3 - Amendment No. 1 to the Lease Agreement

**G.** ID 23-1281

Consider adoption of an ordinance of the City of Denton, Texas approving a joint funding agreement ("AGREEMENT") for water resource investigations by and between the City of Denton and the United States Geological Survey, Oklahoma-Texas Water Science Center, United States Department of the Interior (USGS) related to continued support of the Hickory Creek streamflow station in the amount of \$5,100.00 (Agreement Number 24SJJFATX161000); authorizing the City Manager to execute and deliver the agreement; authorizing the expenditure of funds therefor; and providing an effective date. The Public Utilities Board recommends approval (4-0).

Attachments:

Exhibit 1. Agenda Information Sheet

Exhibit 2. Ordinance
Exhibit 3. Agreement

H. <u>ID 23-997</u>

Consider adoption of an ordinance of the City of Denton authorizing the City Manager to execute a funding Agreement between the City of Denton and Our Daily Bread, Inc. for the payment and use of American Rescue Plan Act funding; providing for the expenditure of funds in an amount not to exceed \$1,295,000; and providing an effective date.

Attachments:

Exhibit 1 - Agenda Information Sheet

Exhibit 2 - Ordinance and Service Agreement

I. ID 23-1386

Consider adoption of an ordinance of the City of Denton authorizing an agreement between the City of Denton and the Denton Rotary Club Noon for the expenditure of City Council Contingency funds in the amount of \$1,425 for the American Flag Program; and providing an effective date. (\$1,425 - Community Partnership Committee recommends approval 2-0)

Attachments:

**Exhibit 1 Agenda Information Sheet** 

**Exhibit 2 Funding Request** 

Exhibit 3 Advisory Opinion No. 23-002
Exhibit 4 Ordinance and Agreement

**J.** <u>ID 23-1414</u>

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 1898 & Co, a division of Burns & McDonnell Engineering Company, Inc., for professional engineering services to the Denton Municipal Electric Systems Operation Department; providing for the expenditure of funds therefore; and providing an effective date (RFQ 7804-010 - Professional Services Agreement for professional services awarded to 1898 & Co, a division of Burns & McDonnell Engineering Company, Inc., in the three (3) year not-to-exceed the amount of \$892,320.00). The Public Utilities Board recommends approval (4 - 0).

Attachments:

Exhibit 1 - Agenda Information Sheet

Exhibit 2 - Ordinance and Contract

**K.** ID 23-1415

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., an authorized dealer for Komatsu America Corp., through the Sourcewell Cooperative Purchasing Network Contract Number 032119-KOM, for the purchase of one (1) Komatsu Wheel Loader for the Water and Wastewater Departments; authorizing the expenditure of funds therefor; and providing an effective date (File 8298 - awarded to Kirby-Smith Machinery, Inc., in the not-to-exceed amount of \$290,000.00). The Public Utilities Board recommends approval (4 - 0).

**Attachments:** 

Exhibit 1 - Agenda Information Sheet

Exhibit 2 - Cooperative Quote

Exhibit 3 - Ordinance

L. <u>ID 23-1416</u>

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 HDR Engineering, Inc., for design services for Hickory Creek PH2 Lighting for the Capital Projects Department; providing for the expenditure of funds therefor; and providing an effective date (RFQ 7599-013 - Professional Services Agreement for design services awarded to HDR Engineering, Inc., in the not-to-exceed amount of \$240,485.00).

Attachments:

Exhibit 1 - Agenda Information Sheet

Exhibit 2 - Ordinance and Contract

**M.** ID 23-1417

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 Halff Associates, Inc., for professional design services for the Hickory Creek Regional Trail for the Parks and Recreation Department as set forth in the contract; providing for the expenditure of funds therefor; and providing an effective date (RFQ 7850-006 - professional services agreement for design services awarded to Halff Associates, Inc., in the not-to-exceed amount of \$185,700.00).

Attachments:

Exhibit 1 - Agenda Information Sheet

Exhibit 2 - Ordinance and Contract

N. ID 23-1418

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 Fehr & Peers, for a Downtown Parking Study for the Economic Development Department; providing for the expenditure of funds therefor; and providing an effective date (RFP 8211 - awarded to Fehr & Peers, in the not-to-exceed amount of \$96,705.00).

Attachments:

Exhibit 1 - Agenda Information Sheet

Exhibit 2 - Pricing Evaluation

Exhibit 3 - Ordinance and Contract

**O.** ID 23-1419

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 Armstrong Forensic Laboratory, Inc., for controlled substance identification, blood alcohol testing, and related services for the Police Department; providing for the expenditure of funds therefor; and providing an effective date (RFQ 8231 - awarded to Armstrong Forensic Laboratory, 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 \$150,000.00).

Attachments:

Exhibit 1 - Agenda Information Sheet

Exhibit 2 - Pricing Evaluation

Exhibit 3 - Ordinance and Contract

P. <u>ID 23-1455</u>

Consider approval of a resolution of the City Council of the City of Denton, Texas, consenting to the inclusion of territory in its extraterritorial jurisdiction within the proposed Denton County Emergency Services District No. 2 pursuant to Chapter 775 of the Texas Health and Safety Code; authorizing the City Manager to notify the County Commissioners Court and representative of the Denton County Emergency Services District No. 2 of this consent; and providing an effective date.

Attachments:

Exhibit 1 Agenda Information Sheet

**Exhibit 2 Resolution** 

Exhibit 3 Resolution R2006-015 ESD No. 1

Exhibit 4 Petition for Emergency Services Disctrict in Denton County

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# **5. PUBLIC HEARINGS**

**A.** Z23-0009a

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 on approximately 3.456 acres of land from the Public Facilities (PF) District to the Mixed-Use Regional (MR) District. The site is generally located west of Mayhill Road, approximately 850 feet south of Roy 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 for severability and an effective date. The Planning and Zoning Commission voted 6 - 0 to recommend approval of the request. Motion for approval by Commissioner Smith and second by Commissioner Pruett. (Z23-0009a, Jefferson at Mayhill, Mia Hines).

Attachments: Exhibit 1 - Agenda Information Sheet

Exhibit 2 - Staff Analysis

Exhibit 3 - Site Location Map

Exhibit 4 - Future Land Use Map

Exhibit 5 - Existing Zoning Map

Exhibit 6 - Proposed Zoning Map

Exhibit 7 - Table of Allowable Uses

Exhibit 8 - Fiscal Impact Summary

Exhibit 9 - LLC Members List

Exhibit 10 - Notification Map & Posting Affidavit

Exhibit 11 - Draft Ordinance

Exhibit 12 - Presentation

# **6. 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.

#### CERTIFICATE

notice of certify that the above meeting official website was posted on the (https://tx-denton.civicplus.com/242/Public-Meetings-Agendas) and bulletin board at City McKinney Street, Denton, Texas, on July 28, 2023, in advance of the 72-hour posting deadline, as applicable, and in accordance with Chapter 551 of the Texas Government Code.

OFFICE OF THE CITY SECRETARY

NOTE: THE **CITY** OF **DENTON'S** DESIGNATED PUBLIC **MEETING FACILITIES** ARE ACCESSIBLE IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT. WILL PROVIDE ACCOMMODATION, SUCH AS SIGN LANGUAGE INTERPRETERS FOR HEARING IMPAIRED, IF REQUESTED ΑT 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.