



City of Denton

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

Meeting Agenda

City Council

Tuesday, September 19, 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, September 19, 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. [ID 23-643](#) Meeting Questions, Responses & Handouts

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

3. Work Session Reports

- A. [ID 23-1123](#) Receive a report and hold a discussion regarding the Stormwater Master Plan Needs Assessment study and recommendations.
[Estimated Presentation/Discussion Time: 45 minutes]
Attachments: [Exhibit 1 - Agenda Information Sheet](#)
[Exhibit 2 - Stormwater Masterplan Needs Assessment](#)
[Exhibit 3 - Presentation](#)
- B. [ID 23-1403](#) Receive a report, hold a discussion, and give staff direction regarding consideration of making Election Day a municipal holiday.
[Estimated Presentation/Discussion Time: 30 minutes].
Attachments: [Exhibit 1 - Agenda Information Sheet](#)
[Exhibit 2 - Presentation](#)
[Exhibit 3 - 107.02 Holidays Policy](#)
[Exhibit 4 - 111.03 Absence for Voting Policy](#)
- C. [ID 23-1768](#) Receive a report, hold a discussion, and give staff direction regarding processing petitions for removal from the City's Extra-Territorial Jurisdiction (ETJ).
[Estimated Presentation/Discussion Time: 30 minutes].
Attachments: [Exhibit 1 - Agenda Information Sheet - FINAL](#)
[Exhibit 2 - Maps illustrating properties petitioning for removal](#)
[Exhibit 3 - Senate Bill 2038](#)
[Exhibit 4 - Presentation](#)
- D. [ID 23-222](#) Receive a report, hold a discussion, and give staff direction on pending City Council requests for:
1) Request for a work session for the creation of a comprehensive program for public hydration stations (exterior water fountains and bottle fillers), with an initial short-term goal of tripling the number of stations across Denton.
[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](#)

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

1. Closed Meeting:

- A. [ID 23-1636](#) Deliberations regarding Real Property - Under Texas Government Code Section 551.072;
Receive information from staff, discuss, deliberate, and provide staff with direction

pertaining to the potential purchase of real property situated in John S. Dickson Survey, Abstract No. 342, and the Jasper C. Baker Survey, Abstract 47, both in the City of Denton, Denton County, Texas, located off of Teasley Road for future improvements and additions to the existing Hickory Creek Lift Station, where a public deliberation of such potential purchase would have a detrimental effect on the City's position in negotiations with a third party.

B. [ID 23-1848](#) Consultation with Attorneys - Under Texas Government Code Section 551.071.

Consult with the City's attorneys on the legal status, expenses, strategy and options for resolution of litigation in Cause No. DC-22-17013, styled "City of Denton, Texas, acting by and through its Electric Utility Department, Denton Municipal Electric v. Delilah Solar Energy, LLC and Samson Solar Energy, LLC, pending in the 192nd District Court, Dallas County, Texas; where public discussion of these legal matters would conflict with the duty of the City's attorneys to the City of Denton and the Denton City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas, or otherwise compromise the City's legal position in pending litigation.

C. [ID 23-1862](#) Consultation with Attorneys under Texas Government Code Sections 551.071 regarding deliberations involving engagement of outside counsel for personnel investigation(s).

Consultation with the City's attorney regarding legal issues involving engagement of outside counsel for case evaluation and personnel investigation 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 the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.

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. United States 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 23-1481](#) Proclamation: Suicide Prevention Awareness Month
- B. [ID 23-1536](#) Proclamation: Constitution Week
- C. [ID 23-1599](#) Proclamation: National Senior Center Month
- D. [ID 23-1642](#) Proclamation: United Way Denton County Live United Month
- E. [ID 23-1650](#) Proclamation: Mes de la Herencia Hispana

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 23-1549](#) Mr. Stephen Dillenburg regarding the grandest conspiracy / fraud in the history of mankind.
- b. [ID 23-1814](#) Mr. Benjamin Copeland regarding the Northeast Denton Area Plan.
- c. [ID 23-1815](#) Ms. Danna Zoltner regarding Green Spaces and Citizen Representation.
- d. [ID 23-1820](#) Mr. Austin Krumweide regarding Hartlee Field Area Development.
- e. [ID 23-1837](#) Ms. Kate Landdeck regarding the Northeast Denton Area Plan.
- f. [ID 23-1842](#) Mr. Alan Lay regarding development in the Hartlee Field area.

- g. [ID 23-1811](#) Mr. Charlie Collier regarding the Northeast Denton Area Plan.

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 their 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-AQ). 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 23-043](#) Consider approval of the minutes of the August 15, 2023 Meeting.

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
 [August 15, 2023 - Minutes w exhibits](#)

- B. [ID 23-068](#) Consider nominations/appointments to the City’s Boards, Commissions, and Committees: Airport Advisory Board, Animal Shelter Advisory Committee, Board of Ethics, Committee on Persons with Disabilities, Community Services Advisory Committee, Health & Building Standards Commission, Historic Landmark Commission, Library Board, Parks, Recreation & Beautification Board, Planning & Zoning Commission, Public Utilities Board, and Zoning Board of Adjustment.

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
 [Exhibit 2 - Nominations List 09-19-2023](#)

- C. [ID 23-1552](#) Consider approval of a resolution of the City of Denton excusing the July 24, 2023

meeting absence of a public utilities board member; and providing an effective date.

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

- D. [ID 23-1626](#) Consider approval of a resolution of the City of Denton excusing the August 14, 2023 meeting absence of a Public Utilities Board Member; and providing an effective date.

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

- E. [ID 23-1643](#) Consider adoption of an ordinance of the City of Denton approving the Meet and Confer agreement between the City of Denton and the Denton Fire Fighters Association IAFF Local 1291; and providing an effective date.

Attachments: [Agenda Information Sheet](#)
 [Ordinance](#)
 [Exhibit "A" – Red-Lined Tentative Agreement](#)
 [Exhibit "B" – Clean Copy Tentative Agreement](#)

- F. [ID 23-1082](#) Consider adoption of an ordinance of the City of Denton amending the provisions of Chapter 26, Article XI, "Miscellaneous Provisions," of the Code of Ordinances by creating Division 3, entitled "Uniform Vegetation Management Standards for Use and Occupancy of Public Rights of Way by Telecommunications and Fiber Companies"; providing for codification; creating a violation for non-performance; and providing an effective date. The Public Utilities Board recommends approval (4-0)

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

- G. [PD21-0003c](#) Consider adoption of an ordinance of the City of Denton, Texas, Nunc Pro Tunc, correcting an inadvertent mistake in Ordinance No. PD21-0003b relating to the conditions of approval; providing for a savings clause and an effective date. (PD21-0003c, Perch Denton, Sean Jacobson)

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
 [Exhibit 2 - Staff Analysis](#)
 [Exhibit 3 - Nunc Pro Tunc Ordinance](#)
 [Exhibit 4 - PD21-0003b Ordinance](#)
 [Exhibit 5 - PD21-0003b Staff Presentation](#)

- H. [ID 23-1723](#) Consider adoption of an Ordinance of the City of Denton providing for the abandonment, relinquishment, and quitclaim of a 0.23 acre public sanitary sewer Easement granted to the City of Denton by Clyde G. and Flossie Smith, recorded by Volume 334 Page 150, Deed Records, Denton County, Texas; providing for the quitclaim thereof to Lang Railyard Owner, LP, a Delaware Limited Partnership; providing for the terms and conditions of the abandonment, relinquishment and

quitclaim made herein; providing for the indemnification of the City of Denton against damages arising out of the abandonment herein; providing for the consideration to be paid to the City of Denton; providing for Severability and an effective date.

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

[Exhibit 2 - Location Map](#)

[Exhibit 3 - Site Map](#)

[Exhibit 4 - SOS membership](#)

[Exhibit 5 - Ordinance](#)

- I. [ID 23-1607](#) Consider adoption of an ordinance of the City of Denton approving the Fiscal Year 2023-24 Annual Internal Audit Plan; and providing an effective date.

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

[Exhibit 2 - Ordinance - Audit Plan FY 23-24](#)

- J. [ID 23-1612](#) Consider adoption of an ordinance of the City of Denton authorizing the City Manager to execute a service agreement related to public, education, and government (PEG) grants with the University of North Texas for its NTTV PEG channel; authorizing the expenditure of funds; and providing an effective date.

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

[Exhibit 2 - UNT NTTV PEG Ordinance](#)

[Exhibit 3 - UNT NTTV PEG Service Agreement](#)

- K. [ID 23-1613](#) Consider adoption of an ordinance of the City of Denton authorizing the City Manager to execute a service agreement related to public, education, and government (PEG) grants with the Denton Independent School District for its PEG channel; authorizing the expenditure of funds; and providing an effective date.

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

[Exhibit 2 - DISD PEG Ordinance](#)

[Exhibit 3 - DISD PEG Service Agreement](#)

- L. [ID 23-1614](#) Consider adoption of an ordinance of the City of Denton authorizing the City Manager to execute a service agreement related to public, education, and government (PEG) grants with the University of North Texas for its Denton Community Television PEG channel; authorizing the expenditure of funds; and providing an effective date.

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

[Exhibit 2 - UNT DCTV PEG Ordinance](#)

[Exhibit 3 - UNT DCTV PEG Service Agreement](#)

- M. [ID 23-1621](#) Consider adoption of an ordinance of the City of Denton granting the Denton Main Street Association a noise exception for the Fall Twilight Tunes Series, which will be held on Thursday, October 5, October 12, October 19 and October 26, 2023, from 6:00 p.m. to 7:30 p.m. at Wolff's Park - 108 Industrial Street; and providing an effective date. The Parks, Recreation, and Beautification Board recommends

approval (5-0).

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

- N. [ID 23-1622](#) Consider adoption of an ordinance of the City of Denton authorizing the City Manager to execute an agreement with the Texas Health and Human Services Commission for the purpose of allowing volunteers from the Foster Grandparent Program to assist with children's programs; and providing an effective date.

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

- O. [ID 23-1623](#) Consider adoption of an ordinance of the City of Denton authorizing the City Manager to execute a Facility Use Agreement between the City of Denton Parks and Recreation Department and Span Inc. and Meals on Wheels of Denton County for the use of the Parks and Recreation Senior Center; and providing an effective date.

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

- P. [ID 23-1537](#) Consider adoption of an ordinance of the City of Denton approving a grant application from Bullseye Investments & Holdings LLC., located at 108 W. McKinney St. from the Downtown Reinvestment Grant Program not to exceed \$50,000.00; and providing for an effective date. The Downtown Denton Tax Increment Reinvestment Zone No.1 Board recommends approval (5-0).

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

- Q. [ID 23-1651](#) Consider adoption of an ordinance by the City of Denton authorizing the City Manager, or designee, to execute four (4) Reimbursement Preliminary Engineering Services Agreements with Union Pacific Railroad Company (UPRR) relating to the Downtown UPRR Quiet Zone Project for the 1) McKinney Street, 2) Hickory Street, 3) Sycamore Street and 4) Prairie Street crossings ("project");, within the County and City of Denton, Texas; providing for the expenditure of funds in an amount not to exceed thirty-five thousand and 00/100 (\$35,000.00) dollars for McKinney Street providing for the expenditure of funds in an amount not to exceed ten thousand and 00/100 (\$10,000.00) dollars for Hickory Street; providing for the expenditure of funds in an amount not to exceed ten thousand and 00/100 (\$10,000.00) dollars for Sycamore Street; providing for the expenditure of funds in an amount not to exceed ten thousand and 00/100 (\$10,000.00) dollars for Prairie Street; authorizing the expenditure of funds not to exceed a total of sixty-five thousand and 00/100 (\$65,000.00) for the project therefor; and providing an effective date.

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

[Exhibit 2 - Ordinance and Agreements](#)

[Exhibit 3 - Project Map](#)

- R. [ID 23-1686](#) Consider adoption of an ordinance by the City of Denton authorizing the City Manager, or Designee, to execute an Interlocal Cooperation Agreement with Denton County, Texas providing for reimbursement funding for the City's Bonnie Brae Phase 3 Widening and Reconstruction Project, in an amount not to exceed two million eight hundred fifty-one thousand seven hundred eighty-five and 00/100 (\$2,851,785.00) dollars; authorizing the expenditure of funds not to exceed two million eight hundred fifty-one thousand seven hundred eighty-five and 00/100 (\$2,851,785.00) dollars therefor; and providing an effective date.

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

[Exhibit 2 - Ordinance & Interlocal Cooperation Agreement](#)

[Exhibit 3 - Project Map](#)

- S. [ID 23-1659](#) Consider adoption of an ordinance by the City of Denton authorizing the City Manager, or Designee, to execute an Interlocal Cooperation Agreement with Denton County, Texas providing for reimbursement funding for the City's Windsor-Westgate-Bronco Way Streets Reconstruction Project, in an amount not to exceed one million and 00/100 (\$1,000,000.00) dollars; authorizing the expenditure of funds not to exceed one million and 00/100 (\$1,000,000.00) dollars therefor; and providing an effective date.

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

[Exhibit 2 - Ordinance & Interlocal Cooperation Agreement](#)

[Exhibit 3 - Project Map](#)

- T. [ID 23-1679](#) Consider adoption of an ordinance by the City of Denton authorizing the City Manager, or Designee, to execute an Interlocal Cooperation Agreement with Denton County, Texas providing for reimbursement funding for the City's Elm and Locust Phase 2 - Water, Wastewater and Streets Reconstruction Project, in an amount not-to-exceed two million and 00/100 (\$2,000,000.00) dollars; authorizing the expenditure of funds not-to-exceed two million and 00/100 (\$2,000,000.00) dollars therefor; and providing an effective date.

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

[Exhibit 2 - Ordinance & Interlocal Cooperation Agreement](#)

[Exhibit 3 - Project Map](#)

- U. [ID 23-1707](#) Consider adoption of an ordinance of the City of Denton granting a special permit to Atmos Energy Corporation, Mid-Tex Division, a Texas Corporation, 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 the relocation of existing gas facilities in and around the University of North Texas Campus, located at 1155 Union Circle, Denton, TX 76205; providing for approval of A 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 - Aerial and Location Maps](#)
[Exhibit 3 - DCTA Bus Schedule](#)
[Exhibit 4 - Noise Ordinance Special Permit Checklist](#)
[Exhibit 5 - Ordinance and Applicant Request](#)

- V. [ID 23-1794](#) Consider adoption of an ordinance of the City of Denton, Texas, providing for the reopening of East / West Westgate Drive from the eastern boundary edge of Westgate Drive to the northern boundary edge of North / South Westgate Drive right-of-way to Bronco Way, 215 feet north of Barrow Drive as a public street and thoroughfare; providing for a repealer clause; and providing an effective date.

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
[Exhibit 2 - Ordinance, Order No. 2044 – Denton County Commissioners' Court.](#)
[Exhibit 3 - Public Utility Easement](#)
[Exhibit 4 - Ordinance 23-1208 - City of Denton](#)
[Exhibit 5 - Ordinance Street Closure Exhibit](#)

- W. [ID 23-1660](#) 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 the City Council on May 17, 2022, in the not-to-exceed amount of \$751,100.00; said first amendment for an extended scope, an additional full plan set, and services for a new lift station for the I-35 Split to Milam Phase II project for the Capital Projects and Water Utilities Departments; providing for the expenditure of funds therefor; and providing an effective date (RFQ 7574-010 - providing for an additional first amendment expenditure amount not-to-exceed \$224,300.00, with the total contract amount not-to-exceed \$975,400.00). The Public Utilities Board recommends approval (4 - 0).

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

- X. [ID 23-1661](#) 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 Mountain Cascade of Texas, LLC, for the construction of the Barrow Gravity Sanitary Sewer Line and Lift Station Abandonment for the Capital Projects Department; providing for the expenditure of funds therefor; and providing an effective date (CSP 8205 - awarded to Mountain Cascade of Texas, LLC, in the not-to-exceed amount of \$1,453,083.45). The Public Utilities Board recommends approval (4 - 0).

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

[Exhibit 2 - Pricing Evaluation](#)

[Exhibit 3 - LLC Members](#)

[Exhibit 4 - Ordinance and Contract](#)

- Y. [ID 23-1662](#)** 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 HACH Company, for the purchase of HACH brand products, including instrumentations and chemistry for the Water and Wastewater Departments, which is the sole provider of this software, in accordance with Texas Local Government Code 252.022, which provides that procurement of commodities and services that are available from one source are exempt from competitive bidding, and if over \$50,000, shall be awarded by the governing body; providing for the expenditure of funds therefor; and providing an effective date (File 8263 - awarded to HACH 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 \$770,000.00). The Public Utilities Board recommends approval (4 - 0).

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

[Exhibit 2 - Ordinance and Contract](#)

- Z. [ID 23-1663](#)** Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, rejecting any and all competitive proposals under RFP 8272 for the Modular Building Removal at 804 Texas Street for the Solid Waste & Recycling Department (SW&R) and 1527 Mayhill Road for the Water Department; and providing an effective date (RFP 8272). The Public Utilities Board recommends approval (4 - 0).

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

[Exhibit 2 - Ordinance](#)

- AA. [ID 23-1666](#)** 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 Ambilabs, LLC, for Air Quality Monitors for the Environmental Services and Sustainability Department; providing for the expenditure of funds therefor; and providing an effective date (IFB 8274 - awarded to Ambilabs, LLC, 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 \$455,707.00).

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

[Exhibit 2 - Bid Tabulation](#)

[Exhibit 3 - LLC Members](#)

[Exhibit 4 - Ordinance and Contract](#)

- AB. [ID 23-1667](#)** 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 Insane Impact, LLC, for the purchase of a Mobile LED Trailer, video screen, and audio and video operating system for utilization by the City of Denton for the Parks and Recreation Department; providing for the expenditure of funds therefor; and

providing an effective date (RFP 8276 - awarded to Insane Impact, LLC, in the not-to-exceed amount of \$283,150.00).

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

- AC. [ID 23-1669](#) 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 BSN Sports, LLC, through the Buy Board Cooperative Purchasing Network Contracts # 665-22 & 679-22, for the acquisition of various recreational games, equipment, and services for the Parks and Recreation Department; providing for the expenditure of funds therefor; and providing an effective date (File 8326 - awarded to BSN Sports, LLC, for three (3) years, with the option for two (2) additional one (1) year extensions, in the total five (5) year not-to-exceed amount of \$250,000.00).

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

- AD. [ID 23-1680](#) 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 Casco Industries, Inc., through the Buy Board Cooperative Purchasing Network Contract # 698-23, for turnout gear, protective clothing, and rescue gear for the Fire Department; providing for the expenditure of funds therefor; and providing an effective date (File 8335 - awarded to Casco Industries, Inc., in the five (5) year not-to-exceed amount of \$1,606,250.00).

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

- AE. [ID 23-1681](#) 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 remediation and cleaning of City Hall East, the Service Center, and Our Daily Bread due to flood damage for the Facilities Management Department; and providing an effective date (File 8337 - awarded to Blackmon Mooring of Texas Inc., in the not-to-exceed amount of \$750,000.00).

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

- AF. [ID 23-1682](#) 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 Ion Wave Technologies, Inc., through The Interlocal Purchasing System (TIPS) Cooperative Program Contract #210101, for the purchase of Electronic Bidding and Supplier Database Software for the City of Denton Procurement Department; providing for the expenditure of funds therefor; and providing an effective date (File 8341 - awarded to Ion Wave Technologies, Inc., in the five (5) year not-to-exceed

amount of \$190,000.00).

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

- AG. [ID 23-1698](#)** 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 Abacus Corporation, as the primary vendor, and LC Personnel, Inc. dba Labor Finders, as the secondary vendor, for the use of temporary labor services for various City of Denton Departments for the Purchasing Department; providing for the expenditure of funds therefor; and providing an effective date (RFP 8238 - awarded to Abacus Corporation, the primary, and LC Personnel, Inc. dba Labor Finders, the secondary, in the three (3) year not-to-exceed amount of \$525,000.00).

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

- AH. [ID 23-1699](#)** 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 CBS Mechanical Services, Inc., dba CMS Mechanical Services, Inc., for the supply of plumbing maintenance, repairs, and replacement services (including commercial boilers) for various City buildings for the Facilities Management Department; providing for the expenditure of funds therefor; and providing an effective date (RFP 8295 - awarded to CBS Mechanical Services, Inc., dba CMS Mechanical Services, 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 \$2,500,000.00).

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

- AI. [ID 23-1703](#)** 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 Symetra Life Insurance Company, for basic/supplemental life and accidental death and dismemberment and voluntary short-term and group long-term disability (collectively "Life and Disability") coverage for City employees for the Human Resources Department; providing for the expenditure of funds therefor; and providing an effective date (RFP 8239 - awarded to Symetra Life 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 \$5,750,000.00).

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

- AJ. [ID 23-1710](#)** Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager to execute an agreement with Robert L. Barnum, for the art design and production services for the public art sculpture installation to be located at the intersection of Old Bonnie Brae Street and

South Bonnie Brae Street, north of Vintage Boulevard for the Parks and Recreation Department; providing for the expenditure of funds therefor; and providing an effective date (File 8244 - awarded to Robert L. Barnum, in the not-to-exceed amount of \$25,000.00). The Public Art Committee recommends approval (6-0).

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

[Exhibit 2 - Ordinance and Contract](#)

- AK. [ID 23-1729](#)** 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 United Healthcare Services, Inc., for the administration of Flexible Spending Accounts (FSA) for medical care and dependent care for City employees for the Human Resources Department; providing for the expenditure of funds therefor; and providing an effective date (RFP 8241 - awarded to United Healthcare 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 \$123,237.47).

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

[Exhibit 2 - Pricing Evaluation](#)

[Exhibit 3 - Ordinance and Contract](#)

- AL. [ID 23-1766](#)** 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 Signature Automation, LLC, for the selection and design of a standardized Human Machine Interface (HMI) software system for the Water Production and Water Reclamation Departments as set forth in the contract; providing for the expenditure of funds therefor; and providing an effective date (RFQ 7574-022 - Professional Services Agreement for design services awarded to Signature Automation, LLC, in the not-to-exceed amount of \$1,913,152.00). The Public Utilities Board recommends approval (4 - 0).

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

[Exhibit 2 - LLC Members](#)

[Exhibit 3 - Ordinance and Contract](#)

- AM. [ID 23-1656](#)** 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 Stella-Jones Corporation, for the supply of wood utility poles for Denton Municipal Electric to be stocked in the Warehouse; providing for the expenditure of funds therefor; and providing an effective date (IFB 8252 - awarded to Stella-Jones Corporation, 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 \$8,250,000.00). The Public Utilities Board recommends approval (5 - 0).

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

[Exhibit 2 - Presentation](#)

[Exhibit 3 - Ordinance and Contract](#)

- AN. [ID 23-1700](#)** 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 February 1, 2022, in the not-to-exceed amount of \$113,137.00; amended by Amendment 1 approved by Purchasing; said second amendment to provide additional engineering design services related to the TXDOT I-35 Aesthetic Package for the Capital Projects Department; providing for the expenditure of funds therefor; and providing an effective date (RFQ 7599-007 - providing for an additional second amendment expenditure amount not-to-exceed \$25,765.00, with the total contract amount not-to-exceed \$188,802.00).

Attachments:

[Exhibit 1 - Agenda Information Sheet](#)

[Exhibit 2 - Original Ordinance, Contract, and Amendment 1](#)

[Exhibit 3 - Presentation](#)

[Exhibit 4 - Ordinance and Amendment 2](#)

AO. [ID 23-1697](#)

Consider adoption of an ordinance of the City of Denton approving a negotiated settlement between the Atmos Cities Steering Committee (“ACSC”) and Atmos Energy Corp., Mid-Tex Division regarding the Company’s 2023 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.pdf](#)

[Exhibit 2 - Ordinance.pdf](#)

[Exhibit 3 - RRM Tariffs.pdf](#)

[Exhibit 4 - Atmos Pension and Retiree Benchmark.pdf](#)

[Exhibit 5 - Average Bill Comparison.pdf](#)

AP. [ID 23-1720](#)

Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the approval of a second amendment to an engagement between the City of Denton and King & Spalding, LLP approved by the City Attorney on March 11, 2022, in the not-to-exceed amount of \$49,500.00, amended by City Council on April 4, 2023, in the not to exceed amount of \$350,000; said second amendment to provide additional legal services for the City of Denton; providing for the expenditure of funds therefor; and providing an effective date (file 8159 - providing for an additional second amendment expenditure amount not-to-exceed \$250,000.00, with the total contract amount not-to-exceed \$600,000.00).

Attachments:

[Exhibit 1 - Agenda Information Sheet](#)

[Exhibit 2 - Draft Ordinance](#)

AQ. [ID 23-1859](#)

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

municipal corporation, authorizing a first amendment to an engagement between the City of Denton and Carolyn Ahrens, Attorney at Law, amending the engagement approved by the City Attorney on March 11, 2022, in the not-to-exceed amount of \$250,000.00; said first amendment to provide additional legal services to the City of Denton for negotiating water rights, supply contracts, and submitting permit applications; providing for the expenditure of funds therefor; and providing an effective date (File 8352 - providing for an additional first amendment expenditure amount not-to-exceed \$500,000.00, with the total contract amount not-to-exceed \$750,000.00).

Attachments: [Exhibit 1 - AIS](#)
 [Exhibit 2 - Draft Ordinance](#)

5. PUBLIC HEARINGS

- A. [ID 23-276](#) Hold a public hearing and receive citizen input on the FY 2023-24 Proposed Budget. The Proposed Budget will raise more total property taxes than last year's budget by \$11,411,410 or 12% and of that amount \$5,790,516 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 2023-24 Notice of Proposed Budget](#)
 [Exhibit 3. Presentation](#)

- B. [ID 23-277](#) Hold a public hearing on a proposed property tax increase that will not exceed \$0.565682 per \$100 valuation. The proposed rate will exceed the no new revenue tax rate (\$0.494865 per \$100) but will not exceed the voter-approval tax rate (\$0.570783 per \$100).

Attachments: [Exhibit 1. Agenda Information Sheet](#)
 [Exhibit 2. 2023 Notice of Proposed Tax Rate](#)
 [Exhibit 3. Presentation](#)

- C. [DCA23-0009](#) Hold a public hearing and consider adoption of an ordinance of the City of Denton,
[a](#) Texas amending the Denton Development Code, specifically amendments to Section 2.6.3 Preliminary Plat related to the applicability and requirement of preliminary plats; 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 Cole. (DCA23-0009a, Preliminary Plats, Hayley Zagurski).

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
 [Exhibit 2 - Staff Analysis](#)
 [Exhibit 3 - Draft Ordinance](#)
 [Exhibit 4 - HB 3699](#)
 [Exhibit 5 - Presentation](#)

- D. [DCA23-0010](#) Hold a public hearing and consider adoption of an ordinance of the City of Denton,
[b](#) Texas amending the Denton Development Code, regarding Animal and Agricultural Use Regulations and Definitions, specifically amendments to Section Table 5.2-A:

Table of Allowed Uses, Section 5.3.5: Commercial Use-Specific Standards, Section 5.4.4: Additional Standards, and Section 9.2: Definitions; 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 Pruett. (DCA23-0010b, Agricultural and Animal Uses, Angie Manglaris)

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
 [Exhibit 2 - Staff Analysis](#)
 [Exhibit 3 - Draft Ordinance](#)
 [Exhibit 4 - House Bill 1750](#)
 [Exhibit 5 - House Bill 2947](#)
 [Exhibit 6 - House Bill 2308](#)
 [Exhibit 7 - Presentation](#)

6. ITEMS FOR INDIVIDUAL CONSIDERATION

- A. [ID 23-1664](#) 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 Humana Insurance Company, for voluntary dental coverage for City of Denton employees for the Human Resources Department; providing for the expenditure of funds therefor; and providing an effective date (RFP 8240 - awarded to Humana 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 \$8,620,676.17).

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

- B. [ID 23-1665](#) 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 Humana Insurance Company, for voluntary vision coverage for City of Denton employees for the Human Resources Department; providing for the expenditure of funds therefor; and providing an effective date (RFP 8242 - awarded to Humana 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 \$2,609,403.86).

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

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 September 15, 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. 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.