

CITY OF DENTON CITY COUNCIL MINUTES
September 19, 2023

After determining that a quorum was present, the City Council of the City of Denton, Texas convened 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.

PRESENT: Mayor Gerard Hudspeth, Mayor Pro Tem Brian Beck and Council Members Vicki Byrd, Brandon Chase McGee, Chris Watts, Paul Meltzer, and Joe Holland.

ABSENT: None.

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

Council Member McGee arrived a 2:13 pm.

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

WORK SESSION

1. Citizen Comments on Consent Agenda Items

Citizen comments received are noted on Exhibit A.

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

- The following item(s) were pulled For Individual Consideration:
- 4. B. 23-068 by Mayor Pro Tem Beck
- 4. P. 23-1537 by Council Member Holland

3. Work Session Reports

A. ID 23-1123 Receive a report and hold a discussion regarding the Stormwater Master Plan.

The item was presented, and discussion followed.

Following discussion, City Council consensus was the item needs assessment study and recommendations.

- B. ID 23-1403 Receive a report, hold a discussion, and give staff direction regarding consideration of making Election Day a municipal holiday.

The item was presented, and discussion followed.

Following discussion, City Council consensus was to make no changes to Holiday Schedule.

- 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).

The item was presented, and discussion followed.

Following discussion, City Council consensus was to follow staff recommendation A.3 Administrative recognition of the petition. Staff formally takes action on the request; recognizing the petition on behalf of Council, Same effect as taking no action, and property would be released later of the 45th/30th day provision and Friday Report could be issued advising City Council of the release from the ETJ.

- 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.

Following discussion, City Council consensus for a future work session.

The work session ended at 3:33 p.m.

The Mayor recessed at 3:33 p.m. for a 5-minute break.

The Mayor reconvened at 3:37 p.m.

CLOSED MEETING

1. The City Council convened into a Closed Meeting at 3:37 p.m. consistent with Chapter 551 of the Texas Government Code, as amended, or as otherwise allowed by law, as follows:
 - 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.

DELIBERATED

- 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.

NOT DELIBERATED

- 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.

DELIBERATED

The closed meeting started at 3:37 p.m. and ended at 5:49 p.m. No votes or actions were taken during the closed meeting.

REGULAR MEETING

After determining that a quorum was present, the City Council of the City of Denton, Texas convened in a Regular Meeting on Tuesday, September 19, 2023, at 6:38 p.m. in the Council Chambers at City Hall, 215 E. McKinney Street, Denton, Texas.

PRESENT: Mayor Gerard Hudspeth, Mayor Pro Tem Brian Beck and Council Members Vicki Byrd, Paul Meltzer, Joe Holland, and Brandon Chase McGee

ABSENT: Council Member Chris Watts

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

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

1. **PLEDGE OF ALLEGIANCE**

- A. United States Flag
- B. Texas Flag

2. **PROCLAMATIONS/PRESENTATIONS**

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

3. **PRESENTATIONS FROM MEMBERS OF THE PUBLIC**

- 1) Scheduled Citizen Reports from Members of the Public
 - a. ID 23-1549 Mr. Stephen Dillenburg regarding the grandest conspiracy / fraud in the history of mankind.
PRESENTED
 - b. ID 23-1814 Mr. Benjamin Copeland regarding the Northeast Denton Area Plan.
PRESENTED
 - c. ID 23-1815 Ms. Danna Zoltner regarding Green Spaces and Citizen Representation.
PRESENTED

- d. ID 23-1820 Mr. Austin Krumweide regarding Hartlee Field Area Development.
PRESENTED
- e. ID 23-1837 Dr. Katherine Landdeck regarding the Northeast Denton Area Plan.
PRESENTED
- f. ID 23-1842 Mr. Alan Lay regarding development in the Hartlee Field area.
PRESENTED
- g. ID 23-1811 Mr. Charlie Collier regarding the Northeast Denton Area Plan.
PRESENTED
- 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.

Citizen comments received are noted on Exhibit A.

4. CONSENT AGENDA

The Consent Agenda consisted of Items 4. A-AQ. During the Work Session held earlier in the day, Item 4.B 23-068 was pulled for Individual Consideration by Mayor Pro Tem Beck and Items 4.P 23-1537 was pulled for Individual Consideration by Council Member Holland.

Council Member Meltzer moved to adopt the Consent Agenda, now consisting of Items 4.A, C-O, and Q-AQ. Motion seconded by Mayor Pro Tem Beck.

Motion carried.

AYES (6): Mayor Hudspeth, Mayor Pro Tem Beck and Council Members Byrd, Meltzer, Holland, and McGee.

NAYS (0): None

- A. ID 23-043 Consider approval of the minutes of the August 15, 2023, Meeting.
APPROVED
- 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.

APPROVED**

****All nominees except for John Ryan to Planning and Zoning.**

- 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.
ASSIGNED RESOLUTION NO. 23-1552
- 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.
ASSIGNED RESOLUTION NO. 23-1626
- 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.
ASSIGNED ORDINANCE NO. 23-1643
- 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)
ASSIGNED ORDINANCE NO. 23-1082
- 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)
ASSIGNED ORDINANCE NO. PD21-0003c
- 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.
ASSIGNED ORDINANCE NO. 23-1723

- 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.
ASSIGNED ORDINANCE NO. 23-1607
- 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.
ASSIGNED ORDINANCE NO. 23-1612
- 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.
ASSIGNED ORDINANCE NO. 23-1613
- 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.
ASSIGNED ORDINANCE NO. 23-1614
- 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).
ASSIGNED ORDINANCE NO. 23-1621
- 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.
ASSIGNED ORDINANCE NO. 23-1622
- 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.
ASSIGNED ORDINANCE NO. 23-1623
- 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.

ASSIGNED ORDINANCE NO. 23-1651

- 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.

ASSIGNED ORDINANCE NO. 23-1686

- 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.

ASSIGNED ORDINANCE NO. 23-1659

- 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.

ASSIGNED ORDINANCE NO. 23-1679

- 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.

ASSIGNED ORDINANCE NO. 23-1707

- 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.

ASSIGNED ORDINANCE NO. 23-1794

- 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).

ASSIGNED ORDINANCE NO. 23-1660

- 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).

ASSIGNED ORDINANCE NO. 23-1661

- 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).

ASSIGNED ORDINANCE NO. 23-1662

- 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).

ASSIGNED ORDINANCE NO. 23-1663

- 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).

ASSIGNED ORDINANCE NO. 23-1666

- 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).

ASSIGNED ORDINANCE NO. 23-1667

- 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).

ASSIGNED ORDINANCE NO. 23-1669

- 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).

ASSIGNED ORDINANCE NO. 23-1680

- 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).

ASSIGNED ORDINANCE NO. 23-1681

- 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).

ASSIGNED ORDINANCE NO. 23-1682

- 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).

ASSIGNED ORDINANCE NO. 23-1698

- 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).

ASSIGNED ORDINANCE NO. 23-1699

- 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).

ASSIGNED ORDINANCE NO. 23-1703

- 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).

ASSIGNED ORDINANCE NO. 23-1710

- 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).

ASSIGNED ORDINANCE NO. 23-1729

- 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).

ASSIGNED ORDINANCE NO. 23-1766

- 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).

ASSIGNED ORDINANCE NO. 23-1656

- 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).

ASSIGNED ORDINANCE NO. 23-1700

- 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.

ASSIGNED ORDINANCE NO. 23-1697

- 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).

ASSIGNED ORDINANCE NO. 23-1720

- 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).

ASSIGNED ORDINANCE NO. 23-1859

Council Member Meltzer motioned; Mayor Pro Tem Beck seconded to adopt 4. CONSENT AGENDA.

Motion carried.

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

NAYS (0): None

APPROVED

ITEM PULLED FOR INDIVIDUAL CONSIDERATION

- 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.

NOT APPROVED**

**Specific to John Ryan to Planning and Zoning.

APPOINTMENTS LISTED ON EXHIBIT B

The item was presented, and discussion followed.

Council Member Holland motioned; Mayor Hudspeth seconded to adopt B. ID 23-068**

Motion failed.

AYES (3): Mayor Hudspeth, Council Members Meltzer, and Holland

NAYS (3): Mayor Pro Tem Beck, Council Members Byrd and McGee

- 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).

ASSIGNED ORDINANCE NO. 23-1537

Mayor Pro Tem Beck motioned, Council Member McGee seconded to adopt 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).

APPROVED

Motion carried.

Council Members Holland had a conflict of interest and left the Council Chambers.

AYES (5): Mayor Hudspeth, Mayor Pro Tem Beck and Council Members Byrd, Meltzer, and McGee

NAYS (0): None

ABSTAINED (1): Council Members Holland

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.

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

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

The item was presented, and discussion followed.

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

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

- B. ID 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).

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

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

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

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

- C. DCA23-0009a Hold a public hearing and consider adoption of an ordinance of the City of Denton, 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).

ASSIGNED ORDINANCE NO. DCA23-0009a

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

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

The item was presented, and discussion followed.

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

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

Motion carried.

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

NAYS (0): None

- D. DCA23-0010b Hold a public hearing and consider adoption of an ordinance of the City of Denton, 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)
ASSIGNED ORDINANCE NO. DCA23-0010b

All members of the City Council received the comments as submitted and had the opportunity to review all submissions prior to the start of the meeting and consider such comments when voting on the item.

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

The item was presented, and discussion followed.

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

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

Motion carried.

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

NAYS (0): None

7. 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).
ASSIGNED ORDINANCE NO. 23-1664

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

The item was presented, and discussion followed.

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

Following discussion, Council Member Meltzer moved to adopt the item as presented. Motion seconded by Council Member McGee.

Motion carried.

AYES (6): Mayor Hudspeth, Mayor Pro Tem Beck and Council Members Byrd, Meltzer, Holland, and McGee.

NAYS (0): None

- 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).

ASSIGNED ORDINANCE NO. 23-1665

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

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

The item was presented, and discussion followed.

Following discussion, Mayor Pro Tem Beck moved to adopt the item as presented.

Motion seconded by Council Member McGee.

Motion carried.


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

NAYS (0): None

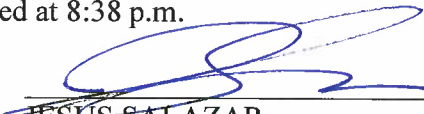
8. CONCLUDING ITEMS

Council Members expressed items of interest.

With no further business, the meeting was adjourned at 8:38 p.m.



GERARD HUDSPETH
MAYOR
CITY OF DENTON, TEXAS



JESUS SALAZAR
CITY SECRETARY
CITY OF DENTON, TEXAS

MINUTES APPROVED ON: 10-17-2023

September 19, 2023 City Council Regular Meeting - EXHIBIT A

Speaker Commentaries/Registrations
Online, Email, Phone

Name	Last	Address	City	Agenda Item	Position	Method	Comments
Tom	Simbeck	112 Crescent Street	Denton	23-276		Open Mic	Public Hearing
Liam	Gaume-Wakefield	411 Ponder Ave.	Denton	23-276		Open Mic	Public Hearing
Kristine	Bray	1204 Cordell Street	Denton	23-276		Open Mic	Public Hearing

Joan Campbell

DCA23-0009a

Open Mic

Public Hearing