



City of Denton

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

Meeting Agenda

City Council

Tuesday, January 23, 2024

4:00 PM

Council Work Session Room
&
Council Chambers

Special Called Meeting

WORK SESSION BEGINS AT 4:00 P.M. IN THE COUNCIL WORK SESSION ROOM

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

CITY COUNCIL CONSIDERATION OF THE CONSENT AGENDA AND ITEMS FOR INDIVIDUAL CONSIDERATION WILL BEGIN IMMEDIATELY FOLLOWING THE CLOSED MEETING IN THE COUNCIL CHAMBERS

CONSIDERATION OF PUBLIC HEARING(S) WILL BEGIN AT/AFTER 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, January 23, 2024 at 4:00 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 24-120](#) Meeting Questions, Responses & Handouts

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

3. Work Session Reports

- A. [ID 23-1945](#) Receive a report, hold a discussion, and give staff direction regarding amending Chapter 23 of the City Code - Police - Article VI, Section 23-177, Denton Police Department Chief of Police Advisory Board, to extend board member terms to three years, stagger board member terms, define what constitutes a term, and amend the board schedule and reporting procedures; and providing an effective date.

[Estimated Presentation/Discussion Time: 30 minutes]

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
[Exhibit 2 - Ordinance No. 20-2085](#)
[Exhibit 3 - August 24, 2022 Advisory Board Meeting Minutes](#)
[Exhibit 4 - DRAFT December 11, 2023 Advisory Board Meeting Minutes](#)
[Exhibit 5 - Amended Ordinance - V2 Police Chief Advisory Board 1-23-24](#)
[Exhibit 6 - Presentation - Chief Advisory Board Amendments 1-23-24](#)

- B. [ID 24-004](#) Receive a report, hold a discussion, and give staff direction on pending City Council requests for:

- 1) Request for a work session to discuss Narcan distribution and education (used for the emergency treatment of an Opioid overdose).
- 2) Request for a medium priority work session to discuss a resolution to support legislation similar to H.B. 870 and S.B. 1989, which would prohibit pet stores from selling dogs or cats unless they are obtained from an animal control agency, an animal shelter, or an animal rescue organization.

[Estimated Presentation/Discussion Time: 30 minutes]

Attachments: [Exhibit 1 - Agenda Information Sheet.pdf](#)
[Exhibit 2 - Ordinance 23-1431.pdf](#)
[Exhibit 3 - Presentation.pdf](#)

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 24-115](#) Consultation with Attorneys - Under Texas Government Code Section 551.071. This Closed Session item is related to Consent Agenda Item ID 24-116 and will be a placeholder unless the item is pulled for individual review.

Consultation with City's attorneys under Texas Government Code Section 551.071 regarding City of Denton v. Delilah Solar Energy, LLC, et al, DC-22-17013, currently pending in the 192nd Judicial District, Dallas County, Texas, where a public discussion of these legal matters would conflict with the duty of the City's attorneys to the City of Denton and the Denton City Council under Texas Disciplinary Rules of Professional Conduct of State Bar of Texas, or would jeopardize the City's legal position in any administrative proceeding or potential litigation.

- B. [ID 24-119](#) Consultation with Attorneys - Under Texas Government Code Section 551.071. This Closed Session item is related to Consent Agenda Item ID 24-121 and will be a placeholder unless the item is pulled for individual review.

Consultation with City's attorneys under Texas Government Code Section 551.071 regarding a proposed settlement agreement with the Public Utilities Commission of Texas (PUCT) settling a disgorgement of \$42,012.60 for revenues received by Denton Municipal Electric in February of 2021 from the Electric Reliability Commission of Texas (ERCOT) where a public discussion of these legal matters would conflict with the duty of the City's attorneys to the City of Denton and the Denton City Council under Texas Disciplinary Rules of Professional Conduct of State Bar of Texas, or would jeopardize the City's legal position in any administrative proceeding or potential litigation.

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

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:

4. CONSENT AGENDA

Each of these items is recommended by Staff or a board, commission, and committee. Approval thereof will

be strictly on the basis of the those recommendations. Approval of the Consent Agenda authorizes the City Manager or his designee to implement each item in accordance with the Staff recommendations. The City Council has received background information and has had an opportunity to raise questions regarding these items prior to consideration.

For those items recommended by a specific board, commission, or committee, the agenda item will reference that recommendation. To view the video of the related board, commission, or committee meeting, as applicable, a link can be found within the applicable supporting documentation (Exhibit 1).

Listed below are bids, purchase orders, contracts, and other items to be approved under the Consent Agenda (Agenda Items A – N). 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 24-005](#) Consider approval of the minutes of the January 9, 2024 Special Called Meeting.
- Attachments:* [Exhibit 1 - Agenda Information Sheet](#)
[Exhibit 2 - January 9, 2024 Minutes](#)
- B. [ID 24-006](#) Consider nominations/appointments to the City’s Boards, Commissions, and Committees: Mobility Committee.
- Attachments:* [Exhibit 1 - Agenda Information Sheet](#)
[Exhibit 2 - Nominations List](#)
- C. [ID 23-2218](#) Consider approval of a resolution of the City of Denton providing the December 11, 2023 meeting absence by Public Utilities Board Member Susan Parker be excused; and declaring an effective date.
- Attachments:* [Exhibit 1 - Agenda Information Sheet](#)
[Exhibit 2 - Draft Resolution and Exhibit](#)
- D. [ID 23-2375](#) Consider approval of a resolution of the City of Denton providing the November 16, 2023 meeting absence by Committee on Persons with Disabilities Member Isaiah Heck be excused; and declaring an effective date.
- Attachments:* [Exhibit 1 - Agenda Information Sheet - Isaiah Heck - PUB - 23-2375](#)
[Exhibit 2 - Resolution - I. Heck- COPWD - 23-2375](#)
- E. [ID 23-2455](#) Consider approval of a resolution of the City of Denton ratifying the submission of an application to the Texas Department of Transportation (TXDOT) for the 2025 General Traffic Safety Grant Program in the amount of \$135,000 to provide blood draw services on Driving While Intoxicated Arrests; and providing an effective date.
- Attachments:* [Exhibit 1 Agenda Information Sheet](#)
[Exhibit 2 Resolution](#)
- F. [ID 23-2484](#) Consider adoption of an ordinance of the City of Denton, Texas authorizing the City Manager to execute an Interlocal Agreement with the University of North Texas to

conduct "Court on Campus" events, allowing University students to interact with court personnel, learn about court processes, and resolve any outstanding offenses before the court; and providing an effective date.

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

- G. [ID 23-2490](#) Consider adoption of an ordinance of the City Council of the City of Denton authorizing the City Manager to execute an agreement with the Texas Historical Commission to participate in the Texas Main Street Program demonstrating the City of Denton's commitment to continue as a "sustaining level official main street city" and authorizing payment of the annual fee in the amount of \$3,100; and providing an effective date.

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

- H. [ID 24-007](#) Consider adoption of an ordinance amending Chapter 23 of the City Code - Police - Article VI, Section 23-177, Denton Police Department Chief of Police Advisory Board, to extend board member terms to three years, stagger board member terms, define what constitutes a term, and amend the board schedule and reporting procedures; and providing an effective date.

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
 [Exhibit 2 - Ordinance No. 20-2085](#)
 [Exhibit 3 - August 24-2022 Advisory Board Meeting Minutes](#)
 [Exhibit 4 - DRAFT December 11, 2023 Advisory Board Meeting Minutes](#)
 [Exhibit 5 - Amended Ordinance - V2 Police Chief Advisory Board 1-23-24](#)

- I. [ID 24-033](#) 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 7Arrows Land Staff, LLC, for land and easement acquisitions and relocation advisory services for the WD-LC Transmission Easement Acquisition (Spencer to Locust Transmission Line) and Texas Department of Transportation I-35 Sign Relocation project for the Real Estate Department as set forth in the contract; providing for the expenditure of funds therefor; and providing an effective date (RFQ 7480-005 - Professional Services Agreement for advisory services awarded to 7Arrows Land Staff, LLC, in the not-to-exceed amount of \$114,000.00).

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
 [Exhibit 2 - Sign Location Map Aerial View](#)
 [Exhibit 3 - Location Map for Signs to be Relocated](#)
 [Exhibit 4 - Ordinance](#)

- J. [ID 24-035](#) Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, ratifying the expenditure of funds by the City Manager for the emergency purchase of excess workers' compensation, packaged general liability, and automobile physical damage insurance coverage for the City of Denton; and providing an effective

date (File 8416 - awarded to Lockton Companies, 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 \$3,213,282.66).

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
 [Exhibit 2 - Declaration of Emergency](#)
 [Exhibit 3 - Pricing](#)
 [Exhibit 4 - Recommendation Letter](#)
 [Exhibit 5 - Comparison](#)
 [Exhibit 6 - Ordinance](#)

- K. [ID 24-036](#) 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 Granicus LLC, through The Interlocal Purchasing System (TIPS) Cooperative Program Contract # 220105, for streaming, remote meeting production, and closed captioning for Denton Television; providing for the expenditure of funds therefor; and providing an effective date (File 8427 - awarded to Granicus LLC, in the five (5) year not-to-exceed amount of \$600,000.00).

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

- L. [ID 24-056](#) 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 Garrison Minerals LLC, for the supply of magnesium hydroxide, serving as an alkalinity supplement, and the rental of necessary dosing equipment for the Pecan Creek Water Reclamation Plant; providing for the expenditure of funds therefor; and providing an effective date (RFP 8423 - awarded to Garrison Minerals 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 \$800,000.00).

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

- M. [ID 24-116](#) Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the approval of a third amendment to an engagement between the City of Denton and King & Spalding, LLP, amending the engagement approved by the City Attorney on March 11, 2022, in the not-to-exceed amount of \$49,500.00; amended by Amendments 1 and 2 approved by City Council; said third 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 third amendment expenditure amount not-to-exceed \$250,000.00, with the total contract amount not-to-exceed \$850,000.00).

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

- N. [ID 24-121](#) Consider adoption of an ordinance of the City of Denton, a home-rule municipal corporation, authorizing the General Manager of Denton Municipal Electric to execute an agreement with the Public Utilities Commission of Texas (PUCT) settling a disgorgement of \$42,012.60 for revenues received by Denton Municipal Electric in February of 2021 from the Electric Reliability Commission of Texas (ERCOT); and providing an effective date.

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

5. PUBLIC HEARINGS

- A. [PDA23-0001a](#) Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, regarding an amendment to an existing Planned Development District (PD 174, Country Lakes), with amendments including but not limited to, modification to the development plan to increase seating and parking capacity and modify access, on approximately 28 acres of land generally located at the northeast corner of Crawford Road and Carnegie Ridge Road in the City of Denton, Denton County, Texas; adopting an amendment to the City's official zoning map; providing for a penalty in the maximum amount of \$2,000.00 for violations thereof; providing a severability clause and an effective date. The Planning and Zoning Commission voted (4-0) to recommend approval of the request. Motion for approval by Commissioner Smith and second by Commissioner Villareal. (PDA23-0001a, St Mark, Julie Wyatt)

Attachments: [Exhibit 1. Agenda Information Sheet](#)
 [Exhibit 2. Staff Analysis](#)
 [Exhibit 3. Site Location Map](#)
 [Exhibit 4. Zoning Map](#)
 [Exhibit 5. Future Land Use Map](#)
 [Exhibit 6. Ordinance 99-205](#)
 [Exhibit 7. Original Approved Detail Plan \(Ordinance 99-350\)](#)
 [Exhibit 8. Ordinance 2012-315](#)
 [Exhibit 9. Ordinance 2012-316](#)
 [Exhibit 10. Proposed PD Development Plan](#)
 [Exhibit 11. Notification Map and Responses](#)
 [Exhibit 12. Presentation](#)
 [Exhibit 13. Draft Ordinance](#)

6. ITEMS FOR INDIVIDUAL CONSIDERATION – CONSIDERATION OF THE USE OF EMINENT DOMAIN TO CONDEMN REAL PROPERTY INTERESTS

- A. [ID 23-2417](#) Consider adoption of an ordinance of the City of Denton determining the public use, need, and necessity for the acquisition of permanent water easements, generally located along

Interstate 35 East frontage road situated in the Alexander Hill Survey, Abstract No. 623 in the City and County of Denton, Texas, and more particularly described in the attached Exhibit “A” (collectively, the “Property Interests”) for the TXDOT I35 Fort Worth Drive project; authorizing the City Manager and City Attorney to acquire the Property Interests by agreement if possible, including making all offers required by law; authorizing the use of the power of eminent domain to condemn the property interests if agreement cannot be reached; authorizing the City Attorney to file eminent domain proceedings if necessary; authorizing the expenditure of funding; making findings; providing a savings clause; and providing an effective date.

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

7. ITEMS FOR INDIVIDUAL CONSIDERATION

- A. [ID 23-2433](#) Consider adoption of an ordinance of the City of Denton to declare the intent to reimburse capital program expenditures of General Government with Tax-Preferred Obligations (General Obligation Bonds) with an aggregate maximum principal amount not to exceed \$53,117,000; and providing an effective date.

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

- B. [ID 23-1791](#) Consider approval of a resolution of the City Council of the City of Denton, Texas, requesting the transfer of that certain public roadway described herein on Exhibit “A” from the Texas Department of Transportation to the City of Denton. The limits of the certain public roadway described above are Elm Street and Locust Street from Eagle Drive to University Drive.

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
 [Exhibit 2 - Resolution 23-1791 – City of Denton, Transfer Memo – TxDOT, Tran](#)
 [Exhibit 3 - Presentation](#)

8. CONCLUDING ITEMS

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

B. Possible Continuation of Closed Meeting topics, above posted.

C E R T I F I C A T E

I certify that the above notice of meeting was posted on the official website (<https://tx-denton.civicplus.com/242/Public-Meetings-Agendas>) and bulletin board at City Hall, 215 E. McKinney Street, Denton, Texas, on January 19, 2024, 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.