CITY OF DENTON CITY COUNCIL MINUTES
August 16, 2022

After determining that a quorum was present, the City Council of the City of Denton, Texas convened in a Work Session on Tuesday, August 16, 2022, at 2:00 p.m. in the Council Work Session Room at City Hall, 215 E. McKinney Street, Denton, Texas.

PRESENT IN PERSON: Mayor Gerard Hudspeth, Mayor Pro Tem Brian Beck and Council Members Vicki Byrd, Jesse Davis, Alison Maguire, Brandon Chase McGee, and Chris Watts

ABSENT: None

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

Council Member Byrd arrived at 2:09 p.m.

The posted agenda noted the registration process for public participation at this virtual meeting. However, there were no online registrations or call ins on any items on the agenda.

WORK SESSION

1. Citizen Comments on Consent Agenda Items

None

2. Requests for clarification of agenda items listed on this agenda.

- Clarification was requested on the following items:
  - Mayor Hudspeth: Item 4.B (22-1388)
  - Council Member Watts: Item 7.A (22-1038)
- The following items were pulled for Individual Consideration:
  - None

3. Work Session Reports

A. ID 22-1534 Receive a report, hold a discussion, and give staff direction regarding the City of Denton ordinance and guidelines in issuing utility bill payment agreements. [Estimated Presentation/Discussion Time: 45 minutes]

The item was presented and discussion followed.

Following discussion, City Council consensus was to follow Staff recommendation #3, amending City Ordinance (only for 26-9(d)(2)) requiring program guidelines be approved by the City Manager, on file with City Secretary, available on the City website, and City Council notified of any changes prior to implementation. Staff was asked to provide an update on the program's progress at a future work session.

B. ID 22-1674 Receive a report, hold a discussion, and give staff direction regarding the preliminary FY 2022-23 Proposed Budget, Tax Rate, Capital Improvement Program and Five-Year Financial Forecast. [Estimated Presentation/Discussion Time: 1 hour]

The item was presented and discussion followed.

Following discussion, City Council consensus was that more information was needed to determine the proposed tax rate. If available, the Denton County Appraisal District valuations will be provided during the upcoming September 13, 2022 Special Called Meeting (Budget Workshop); and if not available, the presentation will be rescheduled for the September 20, 2022 Regular Meeting.

The work session ended at 3:13 p.m.

CLOSED MEETING

1. The City Council convened into a Closed Meeting at 3:14 p.m. consistent with Chapter 551 of the Texas Government Code, as amended, or as otherwise allowed by law, as follows.

A. ID 22-1517 Deliberations regarding Personnel Matters - Under Texas Government Code Section 551.074. Deliberate and discuss the evaluation, duties, discipline, dismissal, compensation, and/or contract of the City Manager.
DELIBERATED

B. ID 22-1518 Deliberations regarding Personnel Matters - Under Texas Government Code Section 551.074. Deliberate and discuss the evaluation, duties, discipline, dismissal, compensation, and/or contract of the City Attorney.
DELIBERATED

C. ID 22-1629 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. 22-4543-431, styled "Alison Maguire, Keri Caruthers, Tracy Runnels, and Emily Meisner v. Rosa Rios, in her Official Capacity as City Secretary of the City of Denton, Texas, the City of Denton, Texas, Donald Duff, in his Official Capacity as Representative of a Committee of Electors in the City of Denton, Texas; and, Frank Phillips, in his Official Capacity as Denton County Elections Administrator" pending in the

431st District Court, Denton 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.
DELIBERATED

D. ID 22-1673 Consultation with Attorneys - Under Texas Government Code Section 551.071. Consult with the City's attorneys on the legal status, strategy and options for resolution of litigation in Cause No. 21-6356-431, styled "Opala, LLC v. City of Denton, Texas" pending in the 431st District Court, Denton 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.
DELIBERATED

The closed meeting started at 3:14 p.m. and ended at 6:31 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, August 16, 2022, at 6:36 p.m. in the Council Chambers at City Hall, 215 E. McKinney Street, Denton, Texas.

PRESENT IN PERSON: Mayor Gerard Hudspeth, Mayor Pro Tem Brian Beck and Council Members Vicki Byrd, Jesse Davis, Alison Maguire, Brandon Chase McGee, and Chris Watts

ABSENT: None

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

The posted agenda noted the registration process for public participation at this virtual meeting. However, there were no online registrations or call ins on any items on the agenda.

1. PLEDGE OF ALLEGIANCE

A. U.S. Flag and B. Texas Flag

2. PROCLAMATIONS/PRESENTATIONS

A. ID 22-1216 Proclamation: North Texas Overdose Awareness Day
PRESENTED

B. ID 22-1441 Proclamation: Constitution Week
PRESENTED

C. ID 22-1650 Proclamation: National Senior Center Month
PRESENTED

D. ID 22-1661 Proclamation: National Payroll Week
PRESENTED

E. ID 22-1662 Proclamation: Suicide Prevention Awareness Month
PRESENTED

3. PRESENTATIONS FROM MEMBERS OF THE PUBLIC

A. Review of procedures for addressing the City Council.

B. Reports from members of the public

1) Receive Scheduled Citizen Reports from Members of the Public

a. ID 22-1671 Mr. Stephen Dillenburg, 1004 Abbots Ln., regarding betrayal of public trust, conscious disregard for life, fraudulent inducement of dangerous behavior from fiduciary positions (of trust.)
PRESENTED

b. ID 22-1669 Wanda Bowman regarding retaliation for filing grievances for denial of services, and oversight of United Way.
NOT PRESENTED

2) Additional Citizen Reports (Open Microphone)

Citizen comments received are noted in Exhibit A.

4. CONSENT AGENDA

The Consent Agenda consisted of Items 4.A-AP. During the Work Session held earlier in the day, no items were pulled for Individual Consideration.

Council Member Davis moved to adopt the Consent Agenda as presented. Motion seconded by Mayor Pro Tem Beck. Motion carried.

AYES (7): Mayor Hudspeth, Mayor Pro Tem Beck and Council Members Byrd, Davis, Maguire, McGee, and Watts
NAYS (0): None

A. ID 22-819 Consider approval of the minutes of July 26, August 2, and August 6, 2022 Meetings.
APPROVED

B. ID 22-1388 Consider nominations/appointments to the City's Boards, Commissions, and Committees: Planning & Zoning Commission.
APPROVED

APPOINTMENT LISTED ON EXHIBIT B

C. ID 22-1401 Consider approval of a resolution of the City of Denton providing the July 11, 2022 meeting absence of a Public Utilities Board Member be excused; and providing an effective date.
ASSIGNED RESOLUTION NO. 22-1401

D. ID 22-1471 Consider approval of a resolution of the City of Denton providing the August 8, 2022 meeting absence of a Public Utilities Board Member be excused; and providing an effective date.
ASSIGNED RESOLUTION NO. 22-1471

E. ID 22-1683 Consider approval of a resolution of the City of Denton providing the August 8, 2022 meeting absence of a Public Utilities Board Member be excused; and providing an effective date.
ASSIGNED RESOLUTION NO. 22-1683

F. ID 22-1499 Consider nominations and appointments to the Downtown Denton Tax Increment Financing Reinvestment Zone No. One Board (Downtown TIRZ #1).
APPROVED

APPOINTMENTS LISTED ON EXHIBIT B

G. ID 22-1524 Consider adoption of an ordinance of The City of Denton approving a grant to Steve's Wine Bar, LLC., located at 111 Industrial St. from the Downtown Reinvestment Grant Program in an amount not to exceed $20,000.00; and providing for an effective date. The Downtown Denton Tax Increment Reinvestment Zone No.1 Board recommends approval (5-0).
ASSIGNED ORDINANCE NO. 22-1524

H. ID 22-1545 Consider adoption of an ordinance of The City of Denton approving a grant to The Chestnut Tree LC., located at 107 W. Hickory St. from the Downtown Reinvestment Grant Program in an amount not to exceed $50,000.00; and providing for an effective date. The Downtown Denton Tax Increment Reinvestment Zone No.1 Board recommends approval (4-0-1).
ASSIGNED ORDINANCE NO. 22-1545

I. ID 22-1672 Consider adoption of an ordinance amending Chapter 2, Article IX of the Code of Ordinances of the City of Denton relating to the creation, appointments, and duties of the Economic Development Partnership Board to amend the qualifications and limitations of board members, and repealing Ordinance No. 2003-258 and subsequent amendments of Ordinance No. 2011-042, Ordinance No. 2014-009, Ordinance No. 2015-074, and Ordinance No. 2016-249; and providing for repealer and conflicts clauses and an effective date.
ASSIGNED ORDINANCE NO. 22-1672

J. ID 22-1371 Consider adoption of an ordinance of the City of Denton approving a service agreement between the City of Denton, by and through its Fire Department, and Recovery Resource Council (RRC), a 501(C)(3) charitable organization, providing for an Overdose Response Team (ORT); and declaring an effective date.
ASSIGNED ORDINANCE NO. 22-1371

K. ID 21-2817 Consider adoption of an ordinance of the City of Denton approving the Fiscal Year 2022-23 Annual Internal Audit Plan; and providing an effective date.
ASSIGNED ORDINANCE NO. 21-2817

L. ID 22-1458 Consider approval of a resolution of the City Council of the City of Denton confirming the City Manager's reappointment of Darhyl Ramsey to the Civil Service Commission to serve for the term beginning September 1, 2022 and ending August 31, 2025; and providing an effective date.
ASSIGNED RESOLUTION NO. 22-1458

M. ID 22-1486 Consider adoption of an ordinance of the City of Denton approving a City co-sponsorship in an amount not to exceed $26,318.33 of in-kind services and resources for the Denton Blues Festival, which will be held on Friday, September 16, 2022, from 8:00 a.m. to 8:00 p.m., Saturday, September 17, 2022, from 12:00 p.m. to 10:00 p.m., and Sunday, September 18, 2022, from 11:00 a.m. to 8:00 p.m., at the Quakertown Park; and providing an effective date.
ASSIGNED ORDINANCE NO. 22-1486

N. ID 22-1487 Consider approval of a resolution of the City of Denton allowing the Denton Black Chamber of Commerce to sell alcoholic beverages at the Denton Blues Festival, on Friday, September 16, 2022, from 6:00 p.m. to 10:00 p.m., Saturday, September 17, 2022, from 12:00 p.m. to 10:00 p.m., and Sunday, September 18, 2022, from 11:00 a.m. to 8:00 p.m., at Quakertown Park, upon satisfying certain conditions; authorizing the City Manager to execute an Agreement in conformity with this Resolution; and providing for an effective date. The Parks, Recreation, and Beautification Board recommends approval (4-0).
ASSIGNED RESOLUTION NO. 22-1487

O. ID 22-1488 Consider adoption of an ordinance of the City of Denton granting the Denton Black Chamber of Commerce a three-year noise exception pursuant to Section 17-20 of the City of Denton Code of Ordinances for the Denton Blues Festival, which will be held on September 16-18, 2022, September 15-17, 2023, and September 20-22, 2024, Friday from 8:00 a.m. to 8:00 p.m., Saturday from 12:00 p.m. to 11:00 p.m., and Sunday from 10:00 a.m. to 9:00 p.m. at Quakertown Park; granting an exception for sound levels and a variance in the hours of operation on said dates; and providing an effective date.
ASSIGNED ORDINANCE NO. 22-1488

P. ID 22-1489 Consider approval of a resolution of the City of Denton allowing the Denton Parks Foundation to sell alcoholic beverages at Dog Days of Denton, on Saturday, September 10, 2022, from 9:00 a.m. to 3:00 p.m., at the Quakertown Park and the Civic Center Pool, upon satisfying certain conditions; authorizing the City Manager to execute an agreement in conformity with this resolution; and providing for an effective date. The Parks, Recreation, and Beautification Board recommends approval (4-0).
ASSIGNED RESOLUTION NO. 22-1489

Q. ID 22-1490 Consider adoption of an ordinance of the City of Denton approving a city co-sponsorship in an amount not to exceed $11,692.50 of in-kind services and resources for the Dog Days of Denton, which will be held on Saturday, September 10, 2022, from 9:00 a.m. to 3:00 p.m., at the Civic Center Pool and Quakertown Park; and providing an effective date.
ASSIGNED ORDINANCE NO. 22-1490

R. ID 22-1491 Consider adoption of an ordinance of the City of Denton approving a City co-sponsorship in an amount not to exceed $5,615.66 of in-kind services and resources for the Arts & Autos Extravaganza event hosted by the Denton Main Street Association, which will be held on Saturday, September 10, 2022, from 9:00 a.m. to 3:00 p.m., at the Denton Downtown Square, 110 W. Hickory St; and providing an effective date.
ASSIGNED ORDINANCE NO. 22-1491

S. ID 22-1492 Consider adoption of an ordinance of the City of Denton granting the Denton Festival Foundation Inc., a three-year noise exception pursuant to Section 17-20 of the City of Denton Code of Ordinances for the Denton Arts and Jazz Festival, which will be held on October 7-9, 2022, October 6-8, 2023, and October 4-6, 2024, Friday and Saturday from 10:00 p.m. to midnight and Sunday from 11:00 a.m. to 11:00 p.m. at Quakertown Park in Denton, Texas; granting an exception for sound levels exceeding seventy (70) decibels and a variance in the hours of operation on said date; and providing an effective date.
ASSIGNED ORDINANCE NO. 22-1492

T. ID 22-1493 Consider approval of a resolution of the City of Denton allowing Profest, Inc. to sell alcoholic beverages at the Denton Arts and Jazz Festival, on Friday, October 7, from 3:00 p.m. to 11:00 p.m., Saturday, October 8, from 10:00 a.m. to 11:00 p.m., and Sunday, October 9, 2022, from 11:00 a.m. to 9:00 p.m., at Quakertown Park, upon satisfying certain

conditions; authorizing the City Manager to execute an agreement in conformity with this resolution; and providing an effective date. The Parks, Recreation, and Beautification Board recommends approval (4-0).

ASSIGNED RESOLUTION NO. 22-1493

U. ID 22-1503 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 Heritage-Crystal Clean, LLC, for the removal and disposal of oil, filters, absorbents, and coolant for the Denton Energy Center; providing for the expenditure of funds therefor; and providing an effective date (IFB 7639 - awarded to Heritage-Crystal Clean, 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 $76,533.30). The Public Utilities Board recommends approval (5 - 0).

ASSIGNED ORDINANCE NO. 22-1503

V. ID 22-1504 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the approval of a fourth amendment to a contract between the City of Denton and Schneider Electric Smart Grid Solutions, LLC, formerly Telvent USA, LLC, amending the contract approved by City Council on May 7, 2013, in the not-to-exceed amount of $491,813.75; said fourth amendment to continue to provide vendor support of the Denton Municipal Electric (DME) ArcFM Solution and associated software modules along with new hardware and software upgrades, which is the sole provider of these items, 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 8048 - providing for a two (2) year term and an additional fourth amendment expenditure amount not-to-exceed $95,000.00). The Public Utilities Board recommends approval (5 - 0).

ASSIGNED ORDINANCE NO. 22-1504

W. ID 22-1505 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 FH ARC Abatement, LLC, dba ARC Abatement and Intercon Environmental, Inc., for Asbestos and Demolition Services for the City of Denton; providing for the expenditure of funds therefor; and providing an effective date (RFQ 7971 - awarded to FH ARC Abatement, LLC, dba ARC Abatement and Intercon Environmental, Inc., for a three (3) year term, with the option for two (2) additional one (1) year extensions, in the five (5) year not-to-exceed amount of $1,250,000.00).

ASSIGNED ORDINANCE NO. 22-1505

X. ID 22-1509 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 Kimley-Horn and Associates, Inc., for the Water/Wastewater Impact Fee Study for the City of Denton Water Utilities Department as set forth in the contract; providing for the expenditure of funds therefor; and providing an effective date (RFQ 7998 -

Professional Services Agreement for professional services awarded to Kimley-Horn and Associates, Inc., in the not-to-exceed amount of $194,600.00). The Public Utilities Board recommends approval (5 - 0).

ASSIGNED ORDINANCE NO. 22-1509

Y. ID 22-1511 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 Rightway Healthcare, Inc., to provide health concierge services for the City of Denton employees and retirees; providing for the expenditure of funds therefor; and providing an effective date (RFP 7980 - awarded to Rightway Healthcare, 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 $597,000.00).

ASSIGNED ORDINANCE NO. 22-1511

Z. ID 22-1538 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 Burns & McDonnell Engineering Company, Inc., to manage and control the geometric network to a utility network in the capacity of Owner's Engineer to DME's Systems Operation Department; providing for the expenditure of funds therefor; and providing an effective date (RFQ 7804-004 - Professional Services Agreement for professional services awarded to Burns & McDonnell Engineering Company, Inc., in the not-to-exceed amount of $387,500.00). The Public Utilities Board recommends approval (5 - 0).

ASSIGNED ORDINANCE NO. 22-1538

AA. ID 22-1540 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the approval of Change Order No. 1 to the Design-Build Agreement between the City of Denton and Beta Engineering, LLC, for the design and construction of the Hickory Gas Insulated Substation for Denton Municipal Electric; providing for the expenditure of funds therefor; and providing an effective date (RFQ 7670 - Change Order No. 1 in the not-to-exceed amount of $811,000.00, for a total contract award aggregated to $41,280,000.00). The Public Utilities Board recommends approval (5 - 0).

ASSIGNED ORDINANCE NO. 22-1540

AB. ID 22-1583 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the approval of Change Order No. 1 to the contract between the City of Denton and Pavecon Public Works LP, for the construction of the 2020 Street Bundle Sector I Project for the City of Denton; providing for the expenditure of funds therefor; and providing an effective date (CSP 7803 - Change Order No. 1, in the not-to-exceed amount of $378,258.72, for a total contract award aggregated to $4,158,333.95). The Public Utilities Board recommends approval (5 - 0).

ASSIGNED ORDINANCE NO. 22-1583

AC. ID 22-1586 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 N. Harris Computer Corporation, for the renewal extension of maintenance for continued vendor support for Harris Public Utility Billing System and associated software modules, 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 8062 - awarded to N. Harris Computer Corporation, 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 $2,353,646.73). The Public Utilities Board recommends approval (5 - 0).
ASSIGNED ORDINANCE NO. 22-1586

AD. ID 22-1600 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 Hampel Oil Distributors, Inc., for the supply of engine lubrication oil, cooling system corrosion inhibitor, and monopropylene glycol additives for the Denton Energy Center; providing for the expenditure of funds therefor; and providing an effective date (IFB 7933 - awarded to Hampel Oil Distributors, 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 $3,388,787.60). The Public Utilities Board recommends approval (5 - 0).
ASSIGNED ORDINANCE NO. 22-1600

AE. ID 22-1603 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 Labor First, LLC dba Retiree First, LLC, to provide Administration of Post-65 Retiree Medical/Rx coverage for the City of Denton retirees; providing for the expenditure of funds therefor; and providing an effective date of January 1, 2023 (RFP 7981 - awarded to Labor First, LLC dba Retiree First, 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 $7,790,000.00).
ASSIGNED ORDINANCE NO. 22-1603

AF. ID 22-1687 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the approval of an eighth amendment to a Professional Services Agreement between the City of Denton and Peak Program Value, LLC., amending the contract approved by City Council on October 13, 2020, in the not-to-exceed amount of $696,074.00; amended by amendments 1-7 approved by Purchasing and City Council; said eighth amendment for additional program management services for the construction phase of the Public Safety Buildings (Police Headquarters, Police Substation, and Firing Range); providing for the expenditure of funds therefor; and providing an effective date (File 7425 - providing for an additional eighth amendment expenditure amount not-to-exceed $423,320.00, with the total contract amount not-to-exceed $2,453,860.00).
ASSIGNED ORDINANCE NO. 22-1687

AG. ID 22-1521 Consider adoption of an ordinance approving a Grade Separated Road Crossing License Agreement by and between the City of Denton and the Dallas Area Rapid Transit for the Mayhill Phase 2 Project relating to the location of a City roadway crossing the Corridor at Mile Post 725.07 of the Denton Line within the County and City of Denton, Texas; authorizing the City Manager to execute the agreement and pay the $10.00 license fee; authorizing the expenditure of funds; and providing an effective date.
ASSIGNED ORDINANCE NO. 22-1521

AH. ID 22-1643 Consider adoption of an ordinance amending Chapter 18 "Motor Vehicles and Traffic", Article III "Speed of Vehicles", Section 18-73 "Speed Limits on Certain Roads and Highways", "School Zones", of the code of ordinances of the City of Denton, to change the locations, extent, and speed limits of certain speed zones in the vicinity of a school; providing a repealer clause; providing a savings clause; providing a severability clause; providing a penalty clause; providing for publication; providing codification; and providing an effective date.
ASSIGNED ORDINANCE NO. 22-1643

AI. ID 22-1530 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager to enter into and execute vendor agreements with non-profit or governmental organizations that provide utility bill relief; providing for the acceptance of funds issued to Denton Municipal Utilities on behalf of customers from said no-profit or governmental organizations; and providing an effective date. The Public Utilities Board recommends approval (5-0).
ASSIGNED ORDINANCE NO. 22-1530

AJ. ID 22-1532 Consider adoption of an ordinance of the City of Denton amending City Ordinance 18-1520 City of Denton Utility Billing Adjustments Policy to reflect changes adopted in Code of Ordinances to Section 26-128; providing a severability clause; providing a savings clause; providing for codification; and declaring an effective date. The Public Utilities Board recommends approval (5-0).
ASSIGNED ORDINANCE NO. 22-1532

AK. ID 22-1527 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager to execute Low Income Household Water Assistance Program (LIHWAP) vendor agreement between the Texoma Council of Governments, and the City of Denton, Texas; providing for the acceptance of funds issued to Denton Municipal Utilities on behalf of customers; and providing an effective date. The Public Utilities Board recommends approval (5-0).
ASSIGNED ORDINANCE NO. 22-1527

AL. ID 22-1601 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 Grant Thornton LLP, amending the contract approved by the City Council on December 7, 2021, in the not-to-exceed amount of

$116,335.00; said first amendment to provide project management services for accounts payable automation and vendor management consulting services for the Finance Department; providing for the expenditure of funds therefor; and providing an effective date (File 7831 - providing for an additional first amendment expenditure amount not-to-exceed $94,000.00, with the total contract amount not-to-exceed $210,335.00).
ASSIGNED ORDINANCE NO. 22-1601

AM. ID 22-1602 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 the D Warner Group, LLC, for the continued provision of financial data validation services in support of the City's Purchasing Card (Pcard) program and the Finance Department's Accounts Payable group; providing for the expenditure of funds therefor; and providing an effective date (RFP 7972 - awarded to D Warner Group, LLC, 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 $179,000.00).
ASSIGNED ORDINANCE NO. 22-1602

AN. ID 22-1604 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 Christine Sanders for the art design and production services for the public art sculpture installation to be located at the Denton Tennis Center, 1117 Riney Road, Denton, TX 76207, for the Parks and Recreation Department; providing for the expenditure of funds therefor; and providing an effective date (File 8042 - awarded to Christine Sanders, in the not-to-exceed amount of $35,356.26). The Public Art Committee recommends approval (6 - 0).
ASSIGNED ORDINANCE NO. 22-1604

AO. ID 22-1605 Consider adoption of an ordinance of the City of Denton, a Texas home-rule municipal corporation, authorizing the City Manager to execute an Interlocal Cooperative Purchasing Agreement with the City of Waxahachie, under the Texas Government Code, Section 791.001, to authorize the City of Waxahachie and City of Denton to utilize each entities' solicited contracts for the purchasing of various goods and services; authorizing the expenditure of funds therefor; and declaring an effective date (File 8057 - award an Interlocal Cooperative Purchasing Agreement with the City of Waxahachie).
ASSIGNED ORDINANCE NO. 22-1605

AP. ID 22-1626 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 LabWare, Inc., for the maintenance and upgrades to the Laboratory Information Management System for the Water and Wastewater Laboratory, 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 8014 - awarded to LabWare, 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 $152,400.00). The Public Utilities Board recommends approval (5 - 0).
ASSIGNED ORDINANCE NO. 22-1626

5. PUBLIC HEARINGS

A. Z22-0008c Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, regarding a change in the zoning district and use classification from Residential 2 (R2) District to Suburban Corridor (SC) District on approximately 13.07 acres of land generally located at the northeast corner of North Locust Street and Hercules Lane, 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 [4-1] to recommend approval of the request. (Z22-0008c, Asbury UMC, Julie Wyatt)
ASSIGNED ORDINANCE NO. Z22-0008c

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, Mayor Pro Tem Beck moved to adopt the item as presented. Motion seconded by Council Member Davis. Motion carried.

AYES (7): Mayor Hudspeth, Mayor Pro Tem Beck and Council Members Byrd, Davis, Maguire, McGee, and Watts
NAYS (0): None

B. AESA22-0002b Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas approving an Alternative Environmentally Sensitive Area Plan for a site generally located on the southwest side of the intersection of Western Boulevard and Jim Christal Road, in the City of Denton, Denton County, Texas adopting an amendment to the city's official Environmentally Sensitive Areas map; providing for a penalty in the maximum amount of $2,000.00 for violations thereof; providing a severability clause and an effective date. (AESA22-0002b, Denton Exeter Addition No. 3, Onsite Development, Christi Upton)
ASSIGNED ORDINANCE NO. AESA22-0002b

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

The item was presented and no discussion followed.

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

Council Member Watts moved to adopt the item as presented. Motion seconded by Council Member Byrd. Motion carried.

AYES (7): Mayor Hudspeth, Mayor Pro Tem Beck and Council Members Byrd, Davis, Maguire, McGee, and Watts
NAYS (0): None

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

A. ID 22-1513 Consider adoption of an ordinance of the City of Denton determining the public use, need, and necessity for the acquisition of various (I) permanent water easements (II) permanent wastewater easements, (III) permanent electric easements, and (VI) temporary construction easements, generally located along Interstate 35 North, U.S. Highway 380 (University Drive) to U.S. Highway 77 to Milam Road, situated in the BBB & C RR CO Survey, Abstract No. 141, Ignacio De-Los-Santos Coy Survey, Abstract No. 212, S. Johnson Survey, Abstract No. 683, Alexander White Survey, Abstract No. 1406, John Ayers Survey, Abstract No. 2, Francis Batson Survey, Abstract No. 43, Nathan Wade Survey, Abstract No. 1407, Eugene Puchalski Survey, Abstract No. 996, BBB & C RR CO Survey, Abstract No. 192, all in the City and County of Denton, Texas, and more particularly described in the attached Exhibit "A" (collectively, the "Property Interests"); 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.
ASSIGNED ORDINANCE NO. 22-1513

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

The item was presented and no discussion followed.

Council Member Davis moved that the City of Denton, after having made the offers required by State law, use the power of eminent domain, if needed, to acquire various permanent water easements, permanent wastewater easements, permanent electric easements and temporary construction easements generally located along Interstate 35 North, U.S. Highway 380 (University Drive) to U.S. Highway 77 to Milam Road, situated in the BBB & C RR CO Survey, Abstract No. 141, Ignacio De-Los-Santos Coy Survey, Abstract No. 212, S. Johnson

Survey, Abstract No. 683, Alexander White Survey, Abstract No. 1406, John Ayers Survey, Abstract No. 2, Francis Batson Survey, Abstract No. 43, Nathan Wade Survey, Abstract No. 1407, Eugene Puchalski Survey, Abstract No. 996, BBB & C RR CO Survey, Abstract No. 192, all in the City of Denton, Denton County, Texas, and more particularly described in Exhibit "A" to the ordinance now under consideration and on the screen to be displayed to the audience, all of which are for a valid public use, necessary to relocate the City's utility infrastructure out of the TxDOT IH-35N right-of-way into new easements to serve the public and citizens of the City of Denton.

Each page of Exhibit A of the proposed ordinance was shown on screen prior to a second to the motion being called.

Motion seconded by Council Member Byrd. Motion carried.

AYES (7): Mayor Hudspeth, Mayor Pro Tem Beck and Council Members Byrd, Davis, Maguire, McGee, and Watts
NAYS (0): None

7. ITEMS FOR INDIVIDUAL CONSIDERATION

A. ID 22-1038 Consider an appointment to the Development Code Review Committee.
APPROVED

APPOINTMENT LISTED ON EXHIBIT B

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

The item was not presented and discussion followed.

Following discussion, Mayor Hudspeth moved to appoint Tim Smith as noted on Exhibit B. Motion seconded by Council Member Davis. Motion carried.

AYES (7): Mayor Hudspeth, Mayor Pro Tem Beck and Council Members Byrd, Davis, Maguire, McGee, and Watts
NAYS (0): None

B. ID 22-1500 Consider appointing a nominating committee to recommend appointees to serve on the Economic Development Partnership Board.

The item was presented and discussion followed.

Following discussion, Mayor Pro Tem Beck moved to appoint the following to the Nominating Committee:

APPOINTEES
Mayor Gerard Hudspeth
Council Member Vicki Byrd
Denton Chamber of Commerce Member Jill Jester

Motion seconded by Council Member Davis. Motion carried.

AYES (7): Mayor Hudspeth, Mayor Pro Tem Beck and Council Members Byrd, Davis, Maguire, McGee, and Watts
NAYS (0): None

C. ID 22-1592 Consider approval of a resolution of the City Council of the City of Denton, Texas placing a proposal on the September 27, 2022, City Council public meeting agenda to adopt a 2022 Tax Rate that will exceed the lower of the no-new-revenue tax rate or the voter approval tax rate; calling a public hearing on the proposed tax rate increase to be held on September 20, 2022; calling a public hearing on the budget for the fiscal year 2022-2023 Annual Program of Services of the City of Denton to be held on September 20, 2022; requiring the publication and posting of notices of the public hearings and meetings in accordance with the law; and providing an effective date.
ASSIGNED RESOLUTION NO. 22-1592

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

The item was presented and discussion followed.

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

AYES (7): Mayor Hudspeth, Mayor Pro Tem Beck and Council Members Byrd, Davis, Maguire, McGee, and Watts
NAYS (0): None

8. CONCLUDING ITEMS

Council Members expressed items of interest.

With no further business, the meeting was adjourned at 8:30 p.m.

GERARD HUDSPETH
MAYOR
CITY OF DENTON, TEXAS

JESUS SALAZAR
DEPUTY CITY SECRETARY
CITY OF DENTON, TEXAS

MINUTES APPROVED ON: September 20, 2022

August 16, 2022 City Council Regular Meeting - EXHIBIT A

Speaker Commentaries/Registrations
Online, Email, Phone

Name	Last	Address	City	Agenda Item	Position	Method	Comments
Tracy	Duckworth	None Given	Denton	Open Mic	N/A	In-Person	Was homeless 4 1/2 years, the last year of which was spent on the streets in Denton. There is only one shelter; there needs to be more for the homeless to go to, especially at night. It is unsafe. Martin Luther King Recreation Center needs to be open 24/7 as a cooling station and emergency shelter as soon as possible.
William	Francis (Representing the Applicant)	112 E. Pecan	San Antonio	Z22-0008c	Support	In-Person	Detailed the growth of Denton as it relates to demand for wireless connectivity, including the critical role social media plays during an emergency. It is a critical public safety connection. Also reviewed site location justification and tower height in order to address the gap in T-Mobile's service needs.
Eva	Grecco	802 W Oak St., #5	Denton	Open Mic	N/A	In-Person	1. Some Council Members are disrespecting the citizens of Denton and each other, calling them out by name while their own rules state that citizens must give their remarks respectfully and not make their remarks to one person but to all of Council. 2. Denton Municipal Electric has a lot of items on the agenda representing too many amendments to contracts. Biggest money waster is contracts. 3. Format of DME bills, under the rate column, reference is made to R2-1; wants her bill to reflect the rate she is to pay.
Chris	Rickwartz	2106 Fair Oaks Cir.	Corinth	Z22-0008c	Support	In-Person	On behalf of Asbury United Methodist Church, provided history of the church, its move to Denton, and desire to be good neighbors. Requests City Council approve the zoning change for the cell tower.

NOTES:

- Information contained within this exhibit includes only commentary for Open Microphone, Consent, Individual Consideration and Public Hearing Items.
- eComments are included in their entirety, as submitted.
- Comments for those citizens addressing the City Council are an abbreviated summary.
- Full agenda, meeting video, and system transcript are available by visiting the City of Denton Public Meetings Page at www.cityofdenton.com/242/Public-Meetings-Agendas, going to the Archived Meetings Section, and selecting the applicable meeting date.

EXHIBIT B
August 16, 2022

Agenda Item 4.B (ID 22-1388)

BOARD/COMMITTEE/COMMISSION	COUNCIL PLACE	NOMINATING CCM	MEMBER NAME	NEW TERM	STATUS & QUALIFICATION OR PREFERENCE, IF ANY
Planning & Zoning Commission	5	McGee	Donald McDade	September 1, 2022 through August 31, 2024	Reappointment

Agenda Item 4.F (ID 22-1499)

BOARD/COMMITTEE/COMMISSION	MEMBER NAME	NEW TERM	STATUS & QUALIFICATION OR PREFERENCE, IF ANY
Downtown Denton Tax Increment Financing Reinvestment Zone No. One Board (Downtown TIRZ #1)	Daniel Abasolo	FULL TERM September 1, 2022 through August 31, 2024	Reappointment: Qualified Voter within the zone
Downtown Denton Tax Increment Financing Reinvestment Zone No. One Board (Downtown TIRZ #1)	Tim Smith	FULL TERM September 1, 2022 through August 31, 2024	Reappointment: Business Owner within the zone
Downtown Denton Tax Increment Financing Reinvestment Zone No. One Board (Downtown TIRZ #1)	Chris Watts	UNEXPIRED September 1, 2020 through August 31, 2022 & FULL TERM September 1, 2022 through August 31, 2024	New Appointment: Council Member

Agenda Item 7.A (ID 22-1038)

BOARD/COMMITTEE/COMMISSION	COUNCIL PLACE	NOMINATING CCM	MEMBER NAME	NEW TERM	STATUS & QUALIFICATION OR PREFERENCE, IF ANY
Development Code Review Committee	PZ-2	Watts-6	Tim Smith	UNEXPIRED September 1, 2021 through August 31, 2023	Qualification: P&Z Member