

**MINUTES OF  
REGULAR CITY COUNCIL MEETING  
CITY OF DENISON  
TUESDAY, JANUARY 21, 2014**

**CALL TO ORDER**

Announce the presence of a quorum.

Mayor Jared Johnson called the meeting to order at 6:00 p.m. City Council members present were Mayor Pro Tem David Spindle, Council members Matt Hanley, Janet Gott and Ken Brawley. Absent was Council member Bill Malvern and Michael Baecht. Staff present were City Manager Robert Hanna, City Attorney Courtney Goodman-Morris, Planning & Zoning Director Faye Brockett, Finance Director Renee Waggoner, Public Works Director David Howerton and City Secretary Carrie Hart. Members of the media were also present.

**INVOCATION & PLEDGE OF ALLEGIANCE**

Gene Amerson, New Beginning Fellowship, gave the Invocation followed by the Pledge of Allegiance.

**2. PROCLAMATIONS AND PRESENTATIONS**

A. Presentation of Officer Ivar.

**Council Action**

Chief Burch introduced the newly certified K-9 Officer Ivar and handler Officer Deering. Ivar has had twelve total weeks of training, eight weeks by himself and four weeks with Officer Deering. They will continue monthly training, at least eight hours a month. They will travel to different schools and festivals to introduce him to the public. The Police Department credited the Denison Citizen Police Academy Alumni Association to raising the funds for the ability to create the K-9 position. The Police Department will have a formal media event on Friday, January 24, 2014 for the introduction of K-9 Office Ivar.

**3. CONSENT AGENDA**

- A. Receive a report, hold a discussion, and take action on approving the minutes from the Regular Meeting on Monday, January 6, 2014.
- B. Receive a report, hold a discussion and consider waiving the mowing liens on 501 West Morton.
- C. Receive a report, hold a discussion and take action on waiving the mowing lien on 1302 West Shepherd.

- D. Receive a report, hold a discussion and take action on authorizing Budget Amendments/Appropriations for first quarter FY2014.

#### Council Action

On motion by Council member Spindle, seconded by Council member Hanley, the Council unanimously approved the Consent Agenda as presented.

### 3. PUBLIC HEARINGS

- A. Receive a report, hold a public hearing and conduct a Public Hearing to receive testimony from the Chief Building Official on the unsafe condition of posted structures at 715 West Bond, 3811 Pottsboro Road and 4504 South Highway 75.

#### Council Action

The Chief Building Official presented three buildings that are on the list for demolitions. The property located at 715 W Bond is not level, siding is missing and portions of the top of the building are missing. The property located at 3811 Pottsboro Road does not have a roof and there are several windows missing. The property located at 4504 S Highway 75, also known as Texoma Parkway, has siding that is not in good condition and there are windows and doors open that could attract vagrants. The Mayor opened the public hearing. There being no one to speak, the public hearing was closed. Council member Spindle asked about the zoning of the property located at 4504 South Highway 75. He stated that if it is commercial, the standard in the past has been to put a lien on the property for the cost of demolition. The Chief Building Official stated that the property is zoned either light industrial or commercial property. On motion by Council member Spindle, seconded by Council member Gott, the Council unanimously approved the demolition of 715 West Bond, 3811 Pottsboro Road and 4504 South Highway 75 and placing a lien on 4504 South Highway 75.

### 4. ITEMS FOR INDIVIDUAL CONSIDERATION

- A. Receive a report, hold a discussion and take action on the Minimum Property Standards program.

#### Council Action

The Chief Building Official gave an update on Area 2. There were 25 properties in Area 1; however, in Area 2, there were 125 properties. Out of those 125 properties, 88 had voluntary compliance, 13 applied for financial assistance, 10 have completed less than 47% of the work, 5 have completed more than 75% of the work, 5 have completed between 40% and 75% of the work, 2 are scheduled for demolitions, 4 have received financial assistance and 2 have not been able to contact property owners. The typical procedure for the Program is as follows: the property owner is sent a first letter that gives the property owner 45 days to reply, if no reply, a second letter is sent that allows for 20 days to reply. Throughout the administrative process, the property owner usually has about 75 days to respond to the City. After the second notice, if there has been no contact or changes to the property; a citation is issued. Area 2 has been a success with 70.4% compliance. The Council was presented with several before and after pictures of the properties that have been in compliance. The Chief Building Official stated he is ready to

proceed with Area 3 and needs direction to determine which area the Council would like to move forward. The two proposed areas are the Cuff Addition, North of Martin Luther King Boulevard and west of Munson Park, and Perrin Club Estates. The Mayor took the opportunity to thank the residents for their participation in the program along with the ability of Staff to approach this program in way that garnered participation from the residents. He stated he would prefer to focus on the Cuff Addition due to its location near Munson Park and the use of that area by the general public. Council member Brawley asked about any early data on the Perrin Club Estates to determine how many properties in that location would need the program. The Chief Building Official did not have a number due to the fact that is the first phase in the program once they have been approved to move on to a different area. The Council provided direction to the Chief Building Official to move forward with Area 3 being the Cuff Addition.

- B. Receive a report, hold a discussion and take action on adopting the final project plan and reinvestment zone financing plan for the Tax Reinvestment Zone No. 1.

#### Council Action

The City Manager spoke to the final project plan and reinvestment zone financing plan for the Tax Reinvestment Zone No. 1 (TIRZ No. 1). Phase I of the project includes \$7.1 million of public improvements that will be reimbursed to the developer up to 100% over the life of the TIRZ. The total private investment is \$114.5 million over the 30 year life of the Zone. On motion by Council member Hanley, seconded by Council member Brawley, the Council unanimously approved the Final Project Plan and Reinvestment Zone Financing Plan for the Tax Reinvestment Zone No. 1.

- C. Receive a report, hold a discussion and take action on adopting the Reimbursement and Development Agreement for the Tax Reinvestment Zone No. 1.

#### Council Action

The City Manager spoke to the Reimbursement and Development Agreement for the TIRZ No. 1. The agreement obligates the City to contribute 40% of its M&O rate and obligates the County to contribute 50% of their general fund to the Tax Increment Fund to reimburse the developer for approved project costs. The Developer must submit a planned development zoning district within a year for the Council to have the final approval. On motion by Council member Hanley, seconded by Council member Gott, the Council unanimously approved the Reimbursement and Development Agreement for the Tax Reinvestment Zone No. 1.

- D. Receive a report, hold a discussion and take action on adopting the County Participation Agreement for the Tax Increment Reinvestment Zone No. 1.

#### Council Action

The City Manager spoke to the County Participation Agreement for the Tax Increment Reinvestment Zone No. 1. This agreement allows the County to participate in the TIRZ, contributing funds and receiving the benefits of the development of the TIRZ. The County Commissions have approved of the agreement. On motion by Council member Hanley, seconded by Council member Brawley, the Council unanimously approved the County Participation Agreement for the Tax Increment Reinvestment Zone No. 1.

- E. Receive a report, hold a discussion and take action on adopting an Ordinance amending Ordinance No, 4673 for the Tax Increment Reinvestment Zone No. 1.

#### Council Action

The City Manager spoke to the changes in the Ordinance. The Council was handed the updated version with all appropriate changes. The first change, Section 3, amends the number of members on the Board and who is on the Board. Currently, the Board has 5 members which the Council appoints 4 and the County appoints 1. The Developer has requested to have someone on the Board that he can appoint. The second change, Section 4, amends Section 5, changing the term of the Zone which makes the effective date on January 1, 2012. The Ordinance also enlarges the boundaries of the Zone. On motion by Council member Hanley, seconded by Council member Gott, the Council unanimously approved Ordinance No. 4726 **“AN ORDINANCE OF THE CITY OF DENISON, TEXAS, AMENDING ORDINANCE NO. 4673 THAT CREATED TAX INCREMENT FINANCING REINVESTMENT ZONE NUMBER ONE, CITY OF DENISON, TEXAS, TO ENLARGE THE REINVESTMENT ZONE, TO MODIFY SECTION 4(a) SECTION 5, AND TO REPLACE SHIBITS A AND B THEREOF, PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.”**

#### 6. EXECUTIVE SESSION

The Council then adjourned into Executive Session at 6:33 p.m. pursuant the Chapter 551, Texas Government Code, in accordance with the Authority:

- A. Pending or contemplated litigation or to seek advice of the City Attorney pursuant to Section 551.071
  1. Receive a report, hold a discussion and receive an update on Fatan v. Tillman.
- B. Discussion regarding possible purchases, exchange, lease, or value of real property pursuant to Section 551.072.
- C. Deliberation regarding gifts or donations to the City pursuant to Section 551.073.
- D. Personnel matters pursuant to section 551.074 (To deliberate the appointment, employment, evaluation, reassignment of duties, discipline, or dismissal of a public officer or employee).
  1. Receive a report and hold a discussion on the goals and expectations of the City Attorney.
  2. Receive a report, hold a discussion and take action on appointing a member to the Civil Service Commission.
- E. Deliberation regarding security pursuant to Section 551.075.

F. Deliberation regarding economic development negotiations pursuant to Section 551.086.

1. Receive a report, hold a discussion and provide Staff direction regarding TPJ Properties.

**RECONVENE INTO REGULAR SESSION**

The Council then reconvened into Regular Session and took the following action:

A. Pending or contemplated litigation or to seek advice of the City Attorney pursuant to Section 551.071.

1. Receive a report, hold a discussion and receive an update on Fatan v. Tillman.

**Council Action**

No action taken.

D. Personnel matters pursuant to Section 551.074 (To deliberate the appointment, employment, evaluation, reassignment of duties, discipline or dismissal of a public officer or employee).

1. Receive a report and hold a discussion on the goals and expectations of the City Attorney.

**Council Action**

No action taken.

2. Receive a report, hold a discussion and take action on appointing a member to the Civil Service Commission.

**Council Action**

On motion by Council member Spindle, seconded by Council member Hanley, the Council unanimously appointed Gary Mobley to the Civil Service Commission.

F. Deliberations regarding Economic Development Negotiations pursuant to Section 551.087.

1. Receive a report, hold a discussion and provide Staff direction regarding TPJ Properties.

**Council Action**

No action taken.

There being no further business to come before the Council, the meeting adjourned at 7:14 p.m.

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JARED JOHNSON, MAYOR

Attest:

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Carrie Hart, City Secretary