

**MINUTES OF
REGULAR CITY COUNCIL MEETING
CITY OF DENISON
MONDAY, FEBRUARY 3, 2014**

CALL TO ORDER

Announce the presence of a quorum.

Mayor Pro Tem David Spindle called the meeting to order at 6:00 p.m. City Council members present were Bill Malvern, Michael Baecht, Janet Gott and Ken Brawley. Absent was Mayor Jared Johnson. 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

Reverend Dwight Thomas gave the Invocation followed by the Pledge of Allegiance.

2. CONSENT AGENDA

- A. Receive a report, hold a discussion, and take action on approving the minutes from the Regular Meeting on January 21, 2014.
- B. Receive a report, hold a discussion and take action on the approval of the DPD Contact Data Annual Report for 2013.

Council Action

On motion by Council member Baecht, seconded by Council member Malvern, the Council unanimously approved the Consent Agenda as presented.

3. PUBLIC HEARINGS

- A. Receive a report, hold a public hearing and consider an ordinance to amend the City of Denison Code of Ordinances Chapter 28 – Article III Zoning District.

Council Action

The Planning and Zoning Director spoke to the proposed amendments to the Code of Ordinances Chapter 28 – Article III Zoning District. This amendment creates a Lakeside Development Plan. This is for development in the lake area. A development agreement to develop any property that is recently annexed would fall under the plan development overlay district. The base zoning would be the lakeside development district. The additional amendments are to the approval process, Section 28-27.2b, Section 28-27.2c2 the condition for the lakeside development plan and Section 28-43.2 Plan development overlay district. The Mayor Pro Tem opened the public hearing. There being no one to speak, the public hearing was closed. On motion by Council

member Brawley, seconded by Council member Gott, the Council unanimously approved Ordinance No. 4728 **“AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DENISON, TEXAS AMENDING THE DENISON MUNICIPAL CODE, CHAPTER 28, ARTICLE III, SECTION 28.27 TO PROVIDE THAT IF LAND ANNEXED INTO THE CITY IS SUBJECT TO A DEVELOPMENT AGREEMENT, THEN SUCH LAND MAY BE DEVELOPED AS A PLANNED DEVELOPMENT OVERLAY DISTRICT IN ACCORDANCE WITH THE CODE; AMENDING SECTION 28.43.2 PANNED DEVELOPMENT OVERLAY DISTRICT TO INCLUDE LAKESIDE DEVELOPMENT DISTRICT AS AN AUTHORIZED PD DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING FOR CONTINUATION OF PRIOR LAW; PROVIDING PENALTY; PROVIDING FOR PUBLICATION; PROVIDING AN EFFECTIVE DATE; AND FINDING AND DETERMING THE MEETING AT WHICH THIS ORDINANCE IS ADOPTED TO BE OPEN TO THE PUBLIC AS REQUIRED BY LAW.”**

- B. Receive a report, hold a public hearing and consider an ordinance for a zone change from Office District to Business Park District for property out of J.E. Streeper Survey A-1156 containing 1.758 acres at 105 Memorial Drive.

Council Action

The Planning and Zoning Director spoke to the proposed zone change at 105 Memorial Drive. UHS Texoma, Inc. is asking for the change for the purposes of selling the building to a buyer who would like to purchase the land for a new business. The business is for security straps that hold down boats and miscellaneous items. Planning and Zoning notified six surrounding property owners; they received one approval and no disapprovals. Planning and Zoning commission recommends approval. The Mayor Pro Tem opened the public hearing. Ronnie Cole, 16 Ambassador Court, is representing the potential buyer for this location. He passed out an example of the product that would be distributed from this location. He will not be manufacturing any of the parts at this location; it is an assembly line only. Councilmember Brawley asked about the process being indoors versus outdoors. Mr. Cole stated that the entire process is indoors. Councilmember Gott asked about any environmental impact this business would have. Mr. Cole stated there is not environmental impact. There being no one else to speak, the public hearing was closed. On motion by Council member Malvern, seconded by Council member Baecht, the Council unanimously approved Ordinance No. 4729 **“AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DENISON, TEXAS, GRANTING A BUSINESS PARK DISTRICT FOR PROPERTY OUT THE J.E. STREEPER SURVEY, A -1156 CONTAINING 1.758 ACRES (105 Memorial Dr.), TO THE CITY OF DENISON, GRAYSON COUNTY, TEXAS, WHICH IS PRESENTLY ZONED OFFICE DISTRICT; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW.”**

- C. Receive a report, hold a public hearing and consider an ordinance for a Conditional Use Permit for a Rehabilitation Care Facility in a Local Retail District for property out of Original Town Plat Lot 16, Block 20, 301 W. Morton Street.

Council Action

The Planning and Zoning Director spoke to the Conditional Use Permit for a Rehabilitation Care Facility at 301 West Morton Street. The applicant is the owner of the building who would like to sell the building to the potential buyer. The buyer wants to place a House of Disciples Life Recovery Center for men who would live onsite and receive education and instructional training. Planning and Zoning notified fourteen surrounding property owners. They receive no approvals and three disapprovals. Since there were more disapprovals than approvals, it will take a super majority vote by the Council for this to pass. The disapprovals were due to the location. Planning and Zoning Commission recommend approval with the conditions that there be a limit of nine people, unrelated and two supervisory personnel on location and to address the off street parking. Staff is recommending approval with those conditions. The Mayor Pro Tem opened the public hearing. Larry Goodwin, 806 W Sears Street, is the potential buyer along with Phill Briggs, 210 S Green Street Longview, Texas, is with House of Disciples. Councilmember Baecht asked about the people that would be housed in the location. Mr. Briggs stated that they can have convicted felons in the location, as long as they are not an aggravated felon. Anyone with an aggravated assault or sexual assault are not allowed. House of Disciples has three locations, Longview, High Island and a sister partnership in Madisonville. They are not a licensed facility; they are a non-profit organization that is religiously affiliated. Councilmember Gott asked about the sources of funding that they receive. Mr. Goodwin stated that they are coordinating with several churches in the area to provide funding as well as a retail facility that House of Disciples maintains. Councilmember Brawley asked about any violent crimes at the other locations. Mr. Briggs stated that they have not had any violent crimes. Mayor Pro Tem Spindle asked about the referrals. Mr. Briggs stated that the referrals usually come from family members, sometimes from district attorneys but mainly from family members. The men who are in the program are asked to commit to one year. During the first eight months of the program, they are not required to have a job but in the last four months they encourage them to find a full time job. Councilmember Brawley asked about minimum requirements to get into the program. Mr. Briggs stated that they do not have to a criminal record, just people who want to get their life back on track. They do a background check on every person. It is not primarily drug rehabilitation. They do focus on discipleship. Father Don Perschall from St. Luke's Episcopal Church, 909 W Gandy, opposes the rehabilitation facility. He is worried about not having any licensed counselors in the facility. He also does not like the location due to safety and security because it is right between two elementary schools. He feels we do need a facility like this; however, not in this location. He is also concerned about the possibility of someone who has a background in domestic violence being housed in this location. Councilmember Malvern asked if they have had any problems with the Grayson County Shelter that is located not too far from the proposed location. Father Perschall is not aware of any problems that have been created by the shelter. Frank Ventura, 213 Island View Pottsboro, Texas, and Phillip Melton, 3130 South Scullin, are representatives from St. Patrick Catholic Church. They are not against the ministry but they are concerned about the location. The Church operates an activity center, an adoration chapel and a children's playground just across the street from this location. Mr. Ventura asked about once the property is sold, can the new property owner come in and use it as a rehabilitation facility as well. The City Manager stated that the property is zoned for the use not for the owner so the conditional use permit would be able to be utilized for the future owners. Councilmember Baecht asked about if the church had any problem with the shelter down the street. They have not had a problem from someone directly related to the shelter down the road. Mr. James White, 4210 Crawford Street, is the

property owner of the building and wanting to sell it to Mr. Larry Goodwin. Mr. White stated that he has previously used this location for large parties and hosting events and has not had a problem with the street parking. He also stated that in the years that he has owned the building, he has not had anyone break into the building. Councilmember Brawley asked Mr. Briggs if they had looked at any other locations in town. Mr. Briggs stated that they have looked at other locations. In their location in Longview, they are extremely close to a large Baptist Church that runs a daycare. He reiterated that they do not have people that are mandated to be there and that they are there on their own. They do have security on the sites to protect the men in the program and those that are outside. Councilmember Gott asked about the potential residents that would be living in the facility. Mr. Briggs stated that they do not know who all will be in the facility yet but will begin to take applications if it is approved. There will be in-house management on the site at all times. There being no one else to speak, the public hearing was closed. On motion by Council member Baecht, seconded by Council member Malvern, the Council unanimously approved Ordinance No. 4730 **“AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DENISON, TEXAS, GRANTING A CONDITIONAL USE PERMIT FOR A REHABILITATION CARE FACILITY IN A LOCAL RETAIL DISTRICT FOR PROPERTY OUT OF THE ORIGINAL TOWN PLAT, BLOCK 20, LOT 16 (301 W. Morton), TO THE CITY OF DENISON, GRAYSON COUNTY, TEXAS, WHICH IS PRESENTLY ZONED LOCAL RETAIL DISTRICT; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW.”**

4. ITEMS FOR INDIVIDUAL CONSIDERATION

- A. Receive a report, hold a discussion and take action on approving an Ordinance calling the General Election on May 10, 2014.

Council Action

The City Secretary stated that the General Election will be held on May 10, 2014 for Single Member District Place 3 and Place 5, At Large. On motion by Council member Gott, seconded by Council member Baecht, the Council unanimously approved Ordinance No. 4731 **“AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DENISON, TEXAS, CALLING A GENERAL ELECTION TO BE HELD JOINTLY WITH THE SCHOOL DISTRICT(S) SHARING POLLING LOCATIONS ONLY (IF REQUESTED) ON SATURDAY, MAY 10, 2014 FOR THE PURPOSE OF ELECTING A COUNCIL MEMBER, PLACE 3 SINGLE MEMBER DISTRICT 3, AND COUNCIL MEMBER, PLACE 5 AT LARGE EACH FOR THREE (3) YEAR TERMS EACH FOR SAID CITY; DESIGNATING THE POLLING PLACES; DESIGNATING FILING DEADLINES; ORDERING NOTICES OF ELECTION TO BE POSTED AND PUBLISHED AS PRESCRIBED BY LAW IN CONNECTION WITH SUCH ELECTION; AND PROVIDING AN EFFECTIVE DATE; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW.”**

- B. Receive a report, hold a discussion and take action on an Ordinance calling a Special Election on May 10, 2014.

Council Action

The City Secretary stated that the Special Election will be held on the same day as the General Election, May 10, 2014. This will be to fill a vacancy left by the resignation of Matt Hanley in Place 1, Single Member District. On motion by Councilmember Brawley, seconded by Councilmember Malvern, the Council unanimously approved Ordinance No. 4732 **“AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DENISON, TEXAS, CALLING FOR AND PROVIDING NOTICE OF A SPECIAL ELECTION TO FILL AN UNEXPIRED TERM LEFT BY A VACANCY; PROVIDING FOR DATES, TIMES, AND PLACE FOR EARLY VOTING BY PERSONAL APPEARANCE; ORDERING NOTICES OF ELECTION TO BE POSTED AND PUBLISHED AS PRESCRIBED BY LAW IN CONNECTION WITH SUCH ELECTION; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW.”**

- C. Receive a report, hold a discussion and take action on an Election Agreement with the School Districts for the General Election on May 10, 2014.

Council Action

The City Secretary stated that the law requires school districts to hold a joint election with another political entity. These contracts hold no financial liability for the City and the school districts are responsible for creating and gathering their own election equipment. On motion by Councilmember Malvern, seconded by Councilmember Gott, the Council unanimously approved to enter into a contract with Sherman ISD and Denison ISD for a joint election.

- D. Receive a report, hold a discussion and take action on a proposed vacation policy change.

Council Action

The City Secretary and the Human Resource Management Assistant, Amy Lay presented a proposed change to the vacation policy. The Employee Benefits Congress began to meet in August 2013. They have reviewed the policies and the benefits that they are offered. They have prepared their first recommendation. The proposed change will add two tiers to the vacation accruals, one at the five year mark and another at the fifteen year mark. This will eliminate a ten year wait for an increase in vacation. This change will also keep the City competitive with other surrounding cities. Councilmember Brawley asked about the financial impact that this would create for the City. The City Manager stated that since there is still a maximum accrual, the overall financial impact will be minimal. The majority of people who stay past five years will stay until they retire. On motion by Councilmember Gott, seconded by Councilmember Baecht, the Council unanimously approved the change in the proposed vacation policy change.

There being no further business to come before the Council, the meeting adjourned at 6:59 p.m.

JARED JOHNSON, MAYOR

Attest:

Carrie Hart, City Secretary