



**CITY OF DENISON
CITY COUNCIL MEETING
AGENDA**

Monday, February 17, 2025

After determining that a quorum is present, the City Council of the City of Denison, Texas will convene in a Regular Meeting on **Monday, February 17, 2025 at 6:00 PM** in the Council Chambers at City Hall, 300 W. Main Street, Denison, Texas at which the following items will be considered:

1. INVOCATION, PLEDGE OF ALLEGIANCE AND TEXAS PLEDGE

2. PUBLIC COMMENTS

Citizens may speak on action items listed on the Agenda. A “Request to Speak Card” should be completed and returned to the City Clerk upon arrival, prior to the Council reaching the Public Comment section of the agenda. Citizen comments are limited to three (3) minutes, unless otherwise required by law. Comments related to the Public Hearings listed below, will be heard when the specific hearing starts.

3. CONSENT AGENDA

- A. Receive a report, hold a discussion and take action on approving the Minutes from the regular City Council Meeting held on February 3, 2025.
- B. Receive a report, hold a discussion, and take action on entering into an Interlocal Agreement (Contract No. 2025-0020) between the City of Denison and Texoma Community Center, pertaining to collaboration on the provision of a Co-Responder Program for the City of Denison and authorize the Interim City Manager to execute the same.
- C. Receive a report, hold a discussion and take action on approval of the DPD Contact Data Annual Report for 2024.
- D. Receive a report, hold a discussion, and take action on a Resolution permitting staff to develop and submit an application to the Texas Water Development Board Water Loss Reduction Program for a Water System Improvements project.
- E. Receive a report, hold a discussion and take action on a resolution authorizing membership in the Atmos Cities Steering Committee and authorizing the payment of five cents (\$0.05) per capita to the Atmos Cities Steering Committee to fund regulatory and related activities related to Atmos Energy Corporation.

- F. Receive a report, hold a discussion, and take action on an ordinance amending Chapter 22, Article IV “Requirements for Public Improvements and Design” of the City of Denison’s Code of Ordinances to add Division 10 “Engineering Standards Variance.”

4. PUBLIC HEARINGS

- A. Receive a report, hold a discussion, conduct a public hearing, and take action on an Ordinance to rezone an approximately 6.200-acre tract identified as GCAD Property ID No. 101027, said property being legally described as being situated in the Jacob Willcox Survey, Abstract No. 1358 and Polly Stamps Survey, Abstract No. 1098, according to the recorded instrument No. 2023-32617, official records of Grayson County, Texas; located at Harbor Road and Highway 84, from the Planned Development Overlay (PD) District to the Light Industrial (LI) District to allow for an electrical substation. (Case No. 2024-34Z).

5. ITEMS FOR INDIVIDUAL CONSIDERATION

- A. Receive a report, hold a discussion and take action on an ordinance considering all matters incident and related to the issuance, sale and delivery of “City of Denison, Texas Combination Tax and Limited Surplus Revenue Certificates of Obligation, Series 2025A;” authorizing the issuance of said Certificates; approving and authorizing instruments and procedures relating to said Certificates; and enacting other provisions relating to the subject.
- B. Receive a report, hold a discussion and take action on an ordinance considering all matters incident and related to the issuance, sale and delivery of “City of Denison, Texas Combination Tax and Surplus Revenue Certificates of Obligation, Taxable Series 2025B;” authorizing the issuance of said Certificates; approving and authorizing instruments and procedures relating to said Certificates; and enacting other provisions relating to the subject.
- C. Receive a report, hold a discussion and take action on an ordinance considering all matters incident and related to the issuance, sale and delivery of “City of Denison, Texas Combination Tax and Surplus Revenue Certificates of Obligation, Series 2025C;” authorizing the issuance of said Certificates; approving and authorizing instruments and procedures relating to said Certificates; and enacting other provisions relating to the subject.

6. PROJECT UPDATES

- A. Receive a report and hold a discussion regarding proposed amendments to Chapter 31-Special Events of the City's Code of Ordinances.

7. EXECUTIVE SESSION

Pursuant to Chapter 551, *Texas Government Code*, the Council reserves the right to convene in Executive Session(s), from time to time as deemed necessary during this meeting to receive legal advice from its attorney on any posted agenda item as permitted by law or to discuss the following:

- A. Consult with attorney on a matter in which the attorney's duty to the governmental body under the Texas Disciplinary Rules of Professional Conduct conflicts with this chapter and/or consult with attorney about pending or contemplated litigation or contemplated settlement of the same. Section 551.071.**
1. Confer with City Attorney regarding *North Texas Natural Select Materials, LLC v. City of Denison*, Cause No. 4:24-cv-01136-SDJ, United States District Court for the Eastern District of Texas.
- B. Discuss the possible purchase, exchange, lease or sale value of real property (public discussion of such would not be in the best interests of the City's bargaining position). Section 551.072.
- C. Discuss negotiated gifts or donations to the City (public discussion at this stage would have a detrimental effect on the City's bargaining position). Section 551.073.
- D. Discuss the appointment, employment, evaluation, reassignment of duties, discipline, or dismissal of or to hear a complaint against a public officer or employee. Section 551.074.
- E. Discuss the commercial or financial information received from an existing business or business prospect with which the City is negotiating for the location or retention of a facility, or for incentives the City is willing to extend, or financial information submitted by the same. Section 551.087.
- F. Discuss the deployment or specific occasions for implementation of security personnel or devices. Section 551.076.
- G. Deliberations regarding economic development negotiations pursuant to Section 551.087.

Following the closed Executive Session, the Council will reconvene in open and public session and take any such action as may be desirable or necessary as a result of the closed deliberations.

CERTIFICATION

I do hereby certify that a copy of this Notice of Meeting was posted on the front window of City Hall readily accessible to the general public at all times, and posted on the City of Denison website on the 14th day of February 2025, before 6:00 PM.

Christine Wallentine, City Clerk

In compliance with the Americans With Disabilities Act, the City of Denison will provide for reasonable accommodations for persons attending City Council meeting. To better serve you, requests should be received 48 hours prior to the meetings. Please contact the City Clerk's Office at [903-465-2720](tel:903-465-2720), Ext: 2437.



**CITY OF DENISON
CITY COUNCIL MEETING
MINUTES**

Monday, February 3, 2025

Announce the presence of a quorum.

Mayor Robert Crawley called the meeting to order at 6:00 p.m. Council Members present were Mayor Pro Tem Teresa Adams, Michael Courtright, James Thorne, Josh Massey, Spence Redwine and Aaron Thomas. Staff present were Interim City Manager, Bobby Atteberry, City Attorney, Julie Fort, Assistant City Manager, Renee Waggoner, City Clerk, Christine Wallentine and Deputy City Clerk, Karen Avery. Department Directors were also present.

1. INVOCATION, PLEDGE OF ALLEGIANCE AND TEXAS PLEDGE

Jeff Humphrey, Pastor of Parkside Baptist Church, gave the invocation which was followed by the Pledge of Allegiance and Texas Pledge led by Fire Chief, Kenneth Jacks.

2. PUBLIC COMMENTS

Mayor Crawley called for any public comments at this time and reminded those wanting to comment of the guidelines established by the City Council. Christine Wallentine, City Clerk, confirmed there were no Request to Speak Cards received by this point in the meeting. Therefore, no public comments were received.

4. CONSENT AGENDA

- A. Receive a report, hold a discussion and take action on approving the Minutes from the Regular City Council Meeting held on January 21, 2025.
- B. Receive a report, hold a discussion and take action on an ordinance calling a General Election to be held jointly with the School District sharing polling locations only, on Saturday May 3, 2025, for the purpose of electing a Council Member for Single Member District 4, Place 4, and Place 6, At-Large, each to serve a three-year term.
- C. Receive a report, hold a discussion and take action on entering into Joint Election Agreements with Denison Independent School District (Contract No. 2025-0014) and the Grayson County Elections Administration (Contract No. 2025-0015) for the May 3, 2025, General Election and authorize the Interim City Manager to execute the same.
- D. Receive a report, hold a discussion and take action on a Resolution adopting guidelines for an amnesty program prior to the 2025 Warrant Round Up.

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- E. Receive a report, hold a discussion, and take action on a Resolution calling a public hearing pursuant to the Requirement of Section 13-165 (c) of the Code of Ordinances of the City of Denison for the purposes of receiving the report of demolition of the property situated at 116 N. Lynn, Denison, Texas.
- F. Receive a report and hold a discussion, and take action on Contract No. 2025-0010, a Professional Services Agreement with Geo-Tex Engineering for geotechnical engineering services for City projects in an amount not to exceed \$250,000 and authorize the Interim City Manager to execute all related documents.
- G. Receive a report, hold a discussion and take action on Contract No. 2025-0012, a Professional Services Agreement with Kimley-Horn Engineering in an amount not to exceed \$350,000 for 2025 on-call engineering services, and authorize the Interim City Manager to execute all related documents.
- H. Receive a report, hold a discussion and take action on entering into purchase contracts (Contract Nos. 2025-0006 and 2025-0016) with ODP Business Solutions to furnish the Visitor's Center at 321 W Main Street in the total amount of \$141,326.27 and authorize the Interim City Manager to execute all associated documents.
- I. Receive a report, hold a discussion, and take action on approving \$100,000, as budgeted, for the City's match for the Texas General Land Office Resilient Communities Grant.
- J. Receive a report, hold a discussion and take action on a Resolution authorizing continued participation with the Steering Committee of Cities Served by Oncor and authorizing the payment of eleven cents (\$0.11) per capita to the Steering Committee to fund regulatory and legal proceedings and activities related to Oncor Electric Delivery Company, LLC.
- K. Receive a report, hold a discussion and take action on the appointment of Jackie Melancon to Place No. 7 on the Texoma Community Center Board of Trustees to serve the remainder of an unexpired two-year term, effective upon appointment to August 31, 2026.
- L. Receive a report, hold a discussion and take action on a resolution authorizing the Interim City Manager to make applications for the FY 2025 ALERRT Travel Assistance Grant Program (Grant No. 5383701) by and between the Office of the Governor Public Safety Office and the City of Denison.
- M. Receive a report, hold a discussion and take action on a resolution authorizing the Interim City Manager to make applications for the FY 2026 Body Worn Camera Grant Program (Grant No. 5439401) by and between the Office of the Governor Public Safety Office and the City of Denison.
- N. Receive a report, hold a discussion and take action on a resolution authorizing the Interim City Manager to make application for the FY 2026 State and Local Cybersecurity Grant Program – Assessment and Evaluation (Grant No. 5444001) by and between the Office of the Governor Public Safety Office and the City of Denison.

- O. Receive a report, hold a discussion and take action on a resolution authorizing the Interim City Manager to make applications for the FY 2026 State and Local Cybersecurity Grant Program – Governance and Planning (Grant No. 5444101) by and between the Office of the Governor Public Safety Office and the City of Denison.
- P. Receive a report, hold a discussion and take action on a resolution authorizing the Interim City Manager to make applications for the FY 2026 State and Local Cybersecurity Grant Program – Workforce Development (Grant No. 5444301) by and between the Office of the Governor Public Safety Office and the City of Denison.

Council Action

On motion by Council Member Redwine, seconded by Council Member Thomas, the City Council unanimously approved **Ordinance No. 5376**, “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DENISON, TEXAS, CALLING A JOINT GENERAL ELECTION, WITH GRAYSON COUNTY ON SATURDAY, MAY 3, 2025 FOR THE PURPOSE OF ELECTING A COUNCIL MEMBER, PLACE 4, SINGLE MEMBER DISTRICT 4, AND PLACE 6, AT LARGE, EACH FOR THREE (3) YEAR TERMS FOR SAID CITY; PROVIDING FOR RESIDENCY REQUIREMENTS FOR CANDIDATES; PROVIDING FOR DESIGNATING THE POLLING PLACES, DATE, AND TIME OF SAID ELECTIONS AND VOTING PERIODS; PROVIDING FOR BALLOT APPLICATION PROCEDURES; PROVIDING FOR DESIGNATING FILING DEADLINES; PROVIDING INFORMATION FOR EARLY VOTING; PROVIDING THAT SUCH ELECTION SHALL BE ADMINISTERED BY THE GRAYSON COUNTY ELECTIONS ADMINISTRATOR, PURSUANT TO A CONTRACT WITH THE CITY, THE TEXAS ELECTION CODE, AND THE TEXAS CONSTITUTION; PROVIDING INFORMATION FOR CANVASSING; ORDERING NOTICES OF ELECTION TO BE POSTED AND PUBLISHED AS PRESCRIBED BY LAW IN CONNECTION WITH SUCH ELECTION; PROVIDING A SAVINGS, REPEALING AND SEVERABILITY CLAUSE; PROVIDING FOR A FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; AND PROVIDING AN EFFECTIVE DATE”; **Resolution No. 4185**, “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DENISON, TEXAS ADOPTING GUIDELINES FOR AN AMNESTY PROGRAM PRIOR TO THE 2025 WARRANT ROUND-UP AND OTHER MATTERS IN CONNECTION THEREWITH; AND PROVIDING AN EFFECTIVE DATE”; **Resolution No. 4186**, “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DENISON, TEXAS CALLING A PUBLIC HEARING PURSUANT TO THE REQUIREMENTS OF SECTION 13-159(c) OF THE CODE OF ORDINANCES OF THE CITY FOR THE PURPOSES OF RECEIVING THE REPORT OF DEMOLITION OF THE PROPERTY SITUATED AT 116 N. LYNN AVENUE IN THE CITY OF DENISON, TEXAS; SETTING THE DATE, LOCATION AND HOUR OF SUCH PUBLIC HEARING; CALLING FOR THE REVIEW OF THE REASONABLENESS OF THE COSTS OF DEMOLITION; PROVIDING FOR THE NOTICE TO OWNER(S) OF SUCH PROPERTY; AND FINDING AND DETERMINING THE MEETING AT WHICH THIS RESOLUTION IS ADOPTED TO BE OPEN TO THE PUBLIC AS

REQUIRED BY LAW”; **Resolution No. 4187**, “A RESOLUTION AUTHORIZING CONTINUED PARTICIPATION WITH THE STEERING COMMITTEE OF CITIES SERVED BY ONCOR; AND AUTHORIZING THE PAYMENT OF ELEVEN CENTS PER CAPITA TO THE STEERING COMMITTEE TO FUND REGULATORY AND LEGAL PROCEEDINGS AND ACTIVITIES RELATED TO ONCOR ELECTRIC DELIVERY COMPANY, LLC”; **Resolution No. 4188**, “RESOLUTION AUTHORIZING AL-ALERT LAW ENFORCEMENT TRAINING GRANT APPLICATION (GRANT NO. 5383701) WITH OFFICE OF THE GOVERNOR PUBLIC SAFETY OFFICE”; **Resolution No. 4189**, “RESOLUTION AUTHORIZING BC-BODY-WORN CAMERA (BWC) PROGRAM GRANT APPLICATION (GRANT NO. 5439401) WITH OFFICE OF THE GOVERNOR PUBLIC SAFETY OFFICE; **Resolution No. 4190**, “RESOLUTION AUTHORIZING STATE AND LOCAL CYBERSECURITY GRANT PROGRAM – ASSESSMENT AND EVALUATION GRANT APPLICATION (GRANT NO. 5444001) WITH OFFICE OF THE GOVERNOR PUBLIC SAFETY OFFICE; **Resolution No. 4191**, “RESOLUTION AUTHORIZING STATE AND LOCAL CYBERSECURITY GRANT PROGRAM – GOVERNANCE AND PLANNING GRANT APPLICATION (GRANT NO. 5444101) WITH OFFICE OF THE GOVERNOR PUBLIC SAFETY OFFICE; **Resolution No. 4192**, “RESOLUTION AUTHORIZING STATE AND LOCAL CYBERSECURITY GRANT PROGRAM – WORKFORCE DEVELOPMENT GRANT APPLICATION (GRANT NO. 5444301) WITH OFFICE OF THE GOVERNOR PUBLIC SAFETY OFFICE; and the rest of the Consent Agenda as presented.

4. ITEMS FOR INDIVIDUAL CONSIDERATION

- A. Receive a report, hold a discussion, and take action on authorizing Quarter 1 amendments to the FY2025 operating budget.

Council Action

Laurie Alsabbagh, Finance Director, stated staff was requesting approval of quarter one budget amendments for the fiscal year 2025 budget, covering October through December of 2024. There are two parts to these amendments. The first part is for overages and expenditures, and the second part is simply a restructuring. So, if you refer to the list of amendments provided, you will see that part one is for overages in the General Fund only. There are no amendments being requested for the Utility Fund. All but one of the amendments are related to unforeseen vehicle expenses. The non-vehicle amendment is for an unpaid IT invoice from last fiscal year that was discovered in November, just less than two months into our new fiscal year, unpaid from the prior director we had. The total amendment requested is \$292,687.00, which equates to around two and a quarter days of reserves. On part two, this is related to an item brought before the Council on November 4, 2024, by the Parks and Recreation Department. It's an alternative plan to the City's mowing and maintenance program which was presented to Council and approved. The plan included moving away from using a third party to handle the City's mowing needs and using those funds to purchase equipment and hire staff to handle this in-house. This amendment will simply reallocate those funds. It will not cause an increase to the overall budget. It's just moving from mowing line to supplies and equipment. Ms. Alsabbagh

stated she plans to present quarterly budget amendments, if there are any, and Council can choose to approve them at that time or postpone to another meeting.

Mayor Pro Tem Adams asked about the reallocated mowing budget and if there were any cost savings there. Ms. Alsabbagh said there will be. The cost savings will remain in that division, but just to show the effect of the adjustment itself is moving funds from one account to the other.

Council Member Massey asked about the IT invoice, which wasn't found until November, and if that means we will need to address last year's budget to correct for something that went unpaid on last year's budget. Ms. Alsabbagh replied that once the year is closed out, we don't go back and amend it. However, the auditors may choose to go back and make the adjustment since the period of the invoice was for service in FY2024, but there will be nothing on our end that we need to do. Council Member Massey stated it wasn't entered into as an invoice received last year, but surely, that's a contractual agreement where there is an expected cost structure for the year, for this year. Council Member Massey then asked if it had been received in time, would it have been a surprise. Ms. Alsabbagh said it would not have been a surprise. However, from last year our budget kind of went over, and thinks this maybe why we didn't realize this hadn't been paid. Ms. Alsabbagh thinks the invoice was being held by the prior director pending some tweaks to the program that was being purchased. We then had to hire a new Director, and he just wasn't aware of the invoice from the prior director. So, this is one reason staff didn't realize there was extra funding last year that should have been used for this invoice. This is what the amendment is for since we did not get the full budget amount paid last year.

Council Member Thomas asked how many new hires, if any, we are going to hire with the salaries and wages for the in-house mowing needs. Ms. Alsabbagh deferred to Amanda Parsons, Parks and Recreation Director for response. Ms. Parsons responded there will be four (4) hired. Council Member Thomas asked if these would be full time employees and if they would receive about \$25,000 per year. Ms. Parsons said it would be more than this. It is based on our current compensation plan. They will range between the low and medium range of pay. Council Member Thomas asked about the \$97,000 set aside for salaries. Ms. Parsons explained in the first year there will be a portion that will be covered by contract mowing. So, they are not actually hired yet, which will result in savings in the beginning part of this year. Interim City Manager, Bobby Atteberry, added that this is only about six months' worth of funding because we are not ready to hire them yet until the growing season. Council Member Thomas also asked about some of the equipment the City is purchasing and if it was possible that the City could get some automated mowers. Ms. Parsons stated this is something they have discussed and may look into in the future, but not at this time. Ms. Parsons stated the City does have one used for the dam out at Randell Lake and so forth, but this is going to be in the future where we can find robotic mowers, A.I. mowers, etc.

There was no further discussion or questions from the City Council.

On motion by Mayor Pro Tem Adams, seconded by Council Member Massey, the City Council unanimously approved Quarter 1 amendments to the FY2025 operating budget as

presented.

- B. Receive a report hold a discussion and take action on Contract # 2024-0163 with RJN Engineering for Phase 2 of the Lead Service Line inventory.

Council Action

Fanchon Stearns, CIP/Engineering Manager, reported this contract with RJN Group is for phase two of the lead service line inventory and replacement project. As has been talked about before, the EPA and the state have directed all water service providers to inventory their water service connections and replace any lead and galvanized steel service lines found. Denison is one of only a handful of Texas cities to apply for and receive Texas Water Development Board funding for the project. The City received ten million (\$10,000,000); about half of that as a grant, and about half of that is a low interest loan that is actually subsidized. The interest is subsidized by the Texas Water Development Board. Just a little bit less than 50% of the City's water service lines were inventoried in phase one of the project. Under this contract, RJN will inventory the remaining service lines. They'll also develop construction plans for replacement of the lines that are eligible for replacement. They'll also help staff with some bid phase and construction phase services and help keep up with the reporting that's required by the Texas Water Development Board for this funding received. The timeline for completion of the project will vary based on how many total lines requiring replacement have been found. Replacement will include the water service line from the water main to the building line. So, it's not just on the City side. It will actually be part of the customer sideline too. Ms. Stearns provided an image showing this includes everything from the water main to the building line. Site restoration, including any sidewalk that has to be removed, street cuts, landscaping, grass and other items disturbed by construction are also included. All of this is at no cost to the property owner and the homeowner. We anticipate at this point this project taking about 24 months, but that will change when we know more. State approval of the proposed project will also affect the timeline.

Council Member Massey asked about the percentage of houses or properties that were noticed in the first phase as far as in need of some amendment to their water line. Ms. Stearns said they identified 16 lead service lines and 70 galvanized requiring replacement, so just over 80 in total. Ms. Stearns added about 6,200 lines have been inventoried, so this is a very small percentage.

On motion by Mayor Pro Tem Adams, seconded by Council Member Thorne, the City Council unanimously approved Contract # 2024-0163 with RJN Engineering for Phase 2 of the Lead Service Line inventory and authorized the Interim City Manager to execute all related documents.

5. PROJECT UPDATES

- A. Receive a report and hold a discussion regarding the CDBG 5 Year Consolidated Plan.

Council Action

Robert Lay, Neighborhood Services Manager, provided an update on the CDBG 5-year Consolidated Plan. Every five years Housing and Urban Development (HUD) requires the City to put this plan together to help guide the City on how we are going to allocate funding that we get from HUD for the Community Development Block Grant. Just a reminder, the CDBG grant is to go towards benefiting low to moderate income residents within the City. The plan, as we develop it, requires input from our residents, from city leaders, and from city staff to assess the needs of our community, to help us facilitate the plan. This year, we contracted with Karen Dash, who will help put the plan together over the next few months. As far as a timeline on how this will all come together, we currently have a survey that's going it is live. We have already received 273 responses to the survey, which is considerably more than we had when we did this five-year plan five years ago. So, we are excited about that and get all the input possible. The survey is asking just a variety of demographic type questions regarding the community and will be posted until March 22, 2025. In late March through April, staff will pull together some community focus groups and invite church leaders, nonprofit leaders, our CDBG steering committee, business leaders, school district officials and city leaders to be on these focus groups and give input on what is needed. Mr. Lay also advised the Council if they have any recommendations on people or groups that would benefit from these focus groups, to please let staff know. During May and June, staff and Ms. Dash will work together with all the input received from groups, from the survey and from any other sources we receive information from to put a draft together of the five-year Consolidated Plan. Right now, Ms. Dash is planning to present the draft plan to the Council in July. This will also open up the public comment period for citizens if they have questions that they can ask, ask staff about the plan. If Council approves moving forward with the draft presented in July, we will submit that plan to HUD in August for final approval, and then, of course, year one of the plan would start October 1, 2025. So, over the next few months, we're going to be gathering a lot of data and a lot of intel and getting a lot of opinions about what we need to go into the plan.

There was no discussion or questions from the City Council.

No action taken. Informational presentation only.

- B. Receive a report and hold a discussion regarding the complete re-write of Chapter 19 - Signs of the City of Denison Code of Ordinances.

Council Action

Dianne York, Planner, provided an update on the proposed rewrite of Chapter 19 – Signs of the City of Denison Code of Ordinances, which provide standards and requirements for signage within the City. Staff from Development Services have been working for quite some time on the proposed rewrite and, pending legal review, are hoping to have the full draft of the ordinance provided to Council for action at the next Council meeting. Prior to placing the ordinance before Council, staff wanted to make Council aware of a few significant changes within the ordinance. The first significant change is good for everybody as a whole. It makes it easier to understand what sign types and development standards are required for each sign with graphic illustrations of the permitted signs. Right now, it's all

words within the sign ordinance. This new graphic will provide an illustration of the sign type, as well as development standards which relate to size, location, whether the sign is permitted or not, if there's a fee associated with it, etc. All of this will be within tables located within the ordinance. The development standards will be bulletized, which is just a little bit easier for staff to review, for contractors to review, residents to review, rather than having to read words. New and amended definitions are also provided, as well as new sign types with standards that are not within the current ordinance. The new ordinance will also establish that new pole signs are prohibited throughout the City, except for property that is adjacent to US Highway 75. Additionally, staff is proposing within the ordinance to reduce the height, or the maximum height, of pole signs from 70 feet to 40 feet. Lastly, one of the significant changes staff wants everybody to be made aware of are the other signs that are prohibited, prohibiting new billboards. Existing billboards will become non-conforming and cannot be relocated within the City or within the ETJ. Staff is also proposing prohibiting wind devices, and this is an established definition within the ordinance so there is no interpretation needed from staff or from the public on what a wind device is. Staff is proposing prohibiting banners from being affixed to T-Posts for promotional needs, and rather allowing banners to be affixed to fences or to buildings for temporary promotional needs. This is a very high level of change, and these are just a few. There are a lot of changes that have been made, but mostly it has been modernizing and clarifying any kind of enforcement that is needed from the divisions who enforce the sign ordinance.

Council Member Massey asked about the tallest building in town and how far the fire ladder can reach. Chief Jacks responded with 70 feet. Mayor Crawley asked when staff anticipates presenting the final product to the Council. Ms. York replied that right now it is being reviewed by legal just to make sure we are compliant with Freedom of Speech and such, but staff is hoping to bring it for action at the next City Council meeting. If for some reason additional time is needed, or legal has significant changes, then sometime in March. Mayor Crawley asked if this will also cover political signs. Ms. York responded that standards for political signs are already established within the current ordinance, but this spells it out a little bit easier and defines political signs. All of this will be within a table, so it is easier for everybody to understand.

Council Member Courtright said he assumes there are already signs along US highway 75 that are 70 feet tall, which Ms. York confirmed. The concern expressed by Council Member Courtright is that if there is a new business going on US highway 75, new signs will be reduced in height, which seems they would be at a disadvantage to the ones who are already established. An example would be two restaurants put next to each other, one that has 70-foot sign and one that has a 40-foot sign. Obviously, there is a disadvantage there. Ms. York stated that a lot of US Highway 75 has been undeveloped except for right at the FM 120 corridor. So, it might not put those areas at a disadvantage, but Ms. York does understand where he is coming from. Council Member Massey asked about a map showing which ones are 70 feet now and which ones are not and asked if staff has done a survey of what is in the market today. Ms. York said we may have, but she does not have that as part of this presentation, but if this is something staff needs to put together they can. Council Member Courtright said he thinks this would be important to survey these potential areas where new businesses come in because he does not want to put any new business at

a disadvantage. Council Member Massey asked if it was possible to bring this forward for action in the middle of March as he will be out of the country for the next Council meeting and he would like very much to have a voice in how this goes.

Ronnie Bates, Public Works Director, came forward to provide more information on this. Texas Department of Transportation (TxDOT) is pushing towards getting rid of all the signs along the freeway. Sherman has recently passed an ordinance where they are actually taking signs down. Some cities are doing it differently on how to eliminate and get rid of the clutter. The way they look at it, some of them, like Sherman, decided that they were going to start taking some down. Other cities are saying what is here now can stay until it becomes inoperable, but it needs maintenance. So, instead of giving it maintenance, they are just going to have to take it down. Especially in the Metroplex, which is coming this way, they are getting rid of a lot of these signs. If somebody wanted to come in right now and install a sign, the City actually issues the permit for TxDOT, but TxDOT is asking us not to do this any longer. To hold off on any more signs. So, hopefully this might answer more questions about the height. Council Member Massey asked Mr. Bates if these signs increase traffic collisions and things when you have the distractions on the side walls. Mr. Bates responded in the affirmative.

Ms. York added, as Mr. Bates mentioned, it is trending to reduce the height of the signs for the more visual aesthetic as you drive down your main thoroughfares. If you look along the toll road, 121, a lot of the buildings have signage. The topography is a little different, 121 is higher than some of those business that are along the service road, but a lot of monument signs and things of that nature are seen more often.

There was no further discussion or questions from the City Council.

No action taken. Informational presentation only.

There being no further business to come before the Council, the meeting was adjourned at 6:31 p.m.

ROBERT CRAWLEY, Mayor

ATTEST:

Christine Wallentine, City Clerk

City Council Meeting Staff Report



Agenda Item

Receive a report, hold a discussion, and take action on entering into an Interlocal Agreement (Contract No. 2025-0020) between the City of Denison and Texoma Community Center, pertaining to collaboration on the provision of a Co-Responder Program for the City of Denison and authorize the Interim City Manager to execute the same.

Staff Contact

Mike Gudgel, Chief of Police
mgudgel@cityofdenison.com
903-465-2422, ext. 2303

Summary

- The purpose of this interlocal agreement is to establish the terms and conditions under which the City of Denison and Texoma Community Center will collaborate for the provision of a Co-Responder Program for the City of Denison.
- This agreement enables Texoma Community Center to expand access to intervene for crisis response services for individuals in behavioral health emergencies.

Staff Recommendation

Staff recommends approval of the interlocal agreement.

Recommended Motion

“I move to approve the Interlocal Agreement (Contract No. 2025-0020) between the City of Denison and Texoma Community Center, pertaining to collaboration on the provision of a Co-Responder Program for the City of Denison and authorizing the Interim City Manager to execute the same.”

Background Information and Analysis

The purpose of the proposed Interlocal Agreement between the City of Denison and the Texoma Community Center (TCC) is to formalize a collaborative effort to implement a Co-Responder Program. This program is designed to enhance the city’s ability to respond effectively to individuals experiencing behavioral health crises by integrating mental health professionals into law enforcement response efforts. By fostering this partnership, Denison aims to take a proactive approach to mental health crisis response, ensuring individuals receive appropriate care while optimizing police resources for public safety priorities.

Financial Considerations

None.

Prior Board or Council Action

None.

Alternatives

Council could elect not to approve execution of the inter-local agreement.

INTERLOCAL AGREEMENT
BETWEEN
TEXOMA COMMUNITY CENTER
AND
CITY OF DENISON

This Interlocal Contract ("Agreement") is made and entered into and effective as of the 1st day of February, 2025 ("Effective Date") pursuant to the Texas Interlocal Cooperation Act, Chapter 791 of the Texas Government Code (the "Act"), by and between, City of Denison, Grayson County (the "City"), a political subdivision of the State of Texas, and the Texoma Community Center (the "Center"), established pursuant to provisions of Chapter 534 of the Texas Health & Safety Code Ann. (Vernon 1992) as amended.

RECITALS

Chapter 791 of the Texas Government Code, as amended, entitled Interlocal Cooperation Contracts, authorizes contracts between political subdivisions for the performance of governmental functions and services.

The purpose of this Interlocal Agreement is to establish the terms and conditions under which the City and Center will collaborate for the provision of a Co Responder program for the City of Denison.

This Agreement enables the Center to expand access to intervene for crisis response services for individuals in behavioral health emergencies.

ARTICLE 1 – CENTERS RESPONSIBILITY AND SERVICES.

Section 1.01 The Center agrees to provide:

- a. Response to requests for crisis intervention for individuals identified to be in a behavioral health emergency and serve as a liaison between law enforcement, human services providers and community stakeholders with an interest in behavioral health services to improve crisis response and increase jail diversion.
- b. Based on the behavioral crisis and clinical need, TCC-MCOT will collaborate with law enforcement to institute a clinically appropriate response that considers the Least Restrictive Environment for an individual, including if necessary, an emergency detention or seek a judge's or magistrate's order for emergency detention or seek a judge's or magistrate's order for emergency apprehension and detention, as instituted under Chapter 573 of the Texas Health and Safety Code (Emergency Detention).
- c. Based on the behavioral crisis and clinical need TCC-MCOT will coordinate transportation of individuals experiencing behavioral health crises, as defined in 26 Texas Administrative Code Chapter 301, Subchapter G (Mental Health Community Service Standards) to the appropriate service location where the individual can receive crisis intervention services.
- d. One time, annually, coordinate and/or conduct training for law enforcement officers collaborating with TCC-MCOT. The training will consist of:
 - i. Recognizing signs and symptoms of mental illness, intellectual and developmental disability, substance use, and co-occurring mental illness;
 - ii. Cultural competency.
 - iii. Crisis intervention and de-escalation; and
 - iv. Information on community resources and must provide the following: A Community Support Guide for Alternatives to Inpatient Mental Health Treatment. This guide can

be found online by following this link:
<https://hhs.texas.gov/services/mentalhealthsubstance-use/mental-health-substance-use-resources>.

ARTICLE 2 – CITY’S (DENISON PD) RESPONSIBILITY AND SERVICES.

Section 2.01 The City agrees to provide:

- a. Coordinated dispatch of the Co-Responder Team to the location as deemed appropriate for individuals in a behavioral health crisis.
- b. When necessary for safety reasons, transportation of individuals experiencing behavioral health crises, as defined in 26 Texas Administrative Code Chapter 301, Subchapter G (Mental Health Community Service Standards) to the appropriate service location where the individual can receive crisis intervention services.
- c. Attend training provided collaboratively with TCC-MCOT. The training will consist of:
 - i. Recognizing signs and symptoms of mental illness, intellectual and developmental disability, substance use, and co-occurring mental illness;
 - ii. Cultural competency.
 - iii. Crisis intervention and de-escalation; and
 - iv. Information on community resources and must provide the following: A Community Support Guide for Alternatives to Inpatient Mental Health Treatment. This guide can be found online by following this link:
<https://hhs.texas.gov/services/mentalhealthsubstance-use/mental-health-substance-use-resources>.

ARTICLE 3 - TERM OF AGREEMENT

This agreement shall become effective February 1, 2025 and remain in effect until August 31, 2027 or until terminated by either party, without cause, after sixty (60) days written notice to the other party.

ARTICLE 4 - CANCELLATION OF AGREEMENT

This agreement may be cancelled at any time by either party providing sixty (60) days’ notice of intention to terminate.

ARTICLE 5 – LIABILITY

Section 5.01 - No Personal Liability of Center. To the extent allowed by law the Center’s officers, either singularly or collectively, are not personally liable on this Agreement or for any breach thereof.

Section 5.02 - No Personal Liability of the City. To the extent allowed by law, the City’s officers, agents and employees, either singularly or collectively, are not personally liable on this Agreement or for any breach thereof.

ARTICLE 6 – MISCELLANEOUS

Section 6.01 - Laws. The parties hereto agree to abide with all applicable laws, regulations, and grant provisions of the United States, the State of Texas, and any other lawful authorities having jurisdiction.

Section 6.02 - Notices. All notices, demands, or requests from one party to another shall be in writing and shall be personally delivered, sent by mail, certified, registered, express or overnight, postage prepaid, or sent by facsimile transmission, to the addresses stated in this Section, or to such other address as the party may request in writing, and are deemed to have been given at the time of delivery:

Party 1

Texoma Community Center
Attn: Sylvia Cave, CEO
902 Cottonwood
Sherman, TX 75092

Party 2

City of Denison
Attn: Chief Mike Gudgel
108 W Main Street
Denison, TX 75021

Section 6.03 - Texas Law to Apply and Venue. This Agreement shall be construed under and in accordance with the laws of the State of Texas, and all obligations of the parties created hereunder are performable in Grayson County, Texas.

Section 6.04 - Legal Construction. In case any one or more of the provisions contained in this Agreement is for any reason held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability does not affect any other provision hereof and this Agreement will be construed as if such invalid, illegal, or unenforceable provision had never been contained herein, if consistent with the overall intent of this Agreement.

Section 6.05 - Amendment. No amendment, modification, or alteration of the terms of this Agreement is binding unless in writing, dated subsequent to the Effective Date and executed by the City and the Center or their successors and permitted assigns.

Section 6.06 - Counterparts. This Agreement may be executed in any number of counterparts, and each counterpart is deemed to be an original instrument, but all such counterparts together constitute but one Agreement. A photocopy or facsimile reproduction of an original signature of a party on this Agreement binds that party to the terms, covenants and conditions of this Agreement.

Section 6.07 - Headings. The headings, captions, and arrangements used in this Agreement are for convenience only and do not affect the interpretation of this Agreement.

This agreement is executed by the parties in multiple originals on the dates set forth below following the authorized signature of the party representatives.

TEXOMA COMMUNITY CENTER

CITY OF DENISON

Sylvia Cave, CEO

Bobby Atteberry, Interim City Manager

Date: _____

Date: _____

City Council Meeting Staff Report



Agenda Item

Receive a report, hold a discussion and take action on approval of the DPD Contact Data Annual Report for 2024.

Staff Contact

Mike Gudgel, Chief of Police
mgudgel@cityofdenison.com
903-465-2422, ext. 2303

Summary

- This is a required annual report done in accordance with the Texas Racial Profiling Law (S.B. No. 1074).
- This report covers the period of 1/01/2024 to 12/31/2024.
- Presentation of this report to council each year is required.

Staff Recommendation

Staff recommends approval of this report.

Recommended Motion

“I move to approve the DPD Contact Data Annual Report for 2024.”

Background Information and Analysis

Since January, 2002, the Denison Police Department, in accordance with the Texas Racial Profiling Law (S.B. No. 1074), has been collecting police contact data for the purpose of identifying and responding (if necessary) to concerns regarding racial profiling practices. It is my hope that the findings provided in this report will serve as evidence that the Denison Police Department continues to strive towards the goal of maintaining strong relations with the community.

In this report, the reader will encounter several sections designed at providing background information on the rationale and objectives of the Texas Racial Profiling Law. Other sections contain information relevant to the institutional policies adopted by the Denison Police Department banishing the practice of racial profiling among its officers.

The final components of this report provide statistical data relevant to the public contacts made during the period of 1/01/2024 to 12/31/2024. This information has been analyzed and compared to the Department of Public Safety data on licensed drivers residing in the Denison area. The analysis of the data and recommendations for future areas of research are also included. It is my sincere hope that the channels of communication between community leaders and the Denison Police Department continue to strengthen as we move forward to meet the challenges of the near future.

Financial Considerations

None

Prior Board or Council Action

Council last approved this report in February, 2024.

Alternatives

None

DENISON POLICE DEPARTMENT
Contact Data Annual Report
January 01, 2024 – December 31, 2024



I. Introduction

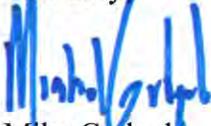
01-10-25

Since January 1, 2002, the Denison Police Department in accordance with the Texas Racial Profiling Law (S.B. No. 1074), has been collecting police contact data for the purpose of identify and responding (if necessary) to concerns regarding racial profiling practices. It is my hope that the findings provided in this report will serve as evidence that the Denison Police Department continues to strive towards the goal of maintaining strong relations with the community.

In this report, the reader will encounter several sections designed at providing background information on the rationale and objectives of the Texas Racial Profiling Law. Other sections contain information relevant to the institutional policies adopted by the Denison Police Department banishing the practice of racial profiling among its officers.

The final components of this report provide statistical data relevant to the public contacts made during the period of 1/1/24 and 12/31/24. This information has been analyzed and compared to the Department of Public Safety data on motorists residing in the Denison area. The analysis of the data and recommendations for future areas of research are also included. It is my sincere hope that the channels of communication between community leaders and the Denison Police Department continue to strengthen as we move forward to meet the challenges of the near future.

Sincerely,



Mike Gudgel
Chief of Police

Police Contact Data Annual Report January 01, 2024---December 31, 2024

Table of Content

(I) Introduction

- a) Opening Statement Outlining Rationale and Objective of Report
- b) Table of Content
- c) The Texas Law on Racial Profiling (S.B. 1074) (S.B. 1849)
- d) Outline of Requirements Introduced by The Texas Racial Profiling Law

(II) Background

- a) Police Department's Background/Demographics
- b) Police Department's General Orders/Procedures (include organizational chart if available)
- c) Report on Inventory/Usage of Video/Audio Equipment in Police Vehicles

(III) Responding to the Texas Racial Profiling Law

- a) Institutional Policy on Racial Profiling (definition/prohibition of racial profiling)
- b) Implementation of Complaint Process Addressing Allegations of Racial Profiling Practices (includes efforts relevant to the implementation of an educational campaign aimed at informing the public on the complaint process)
- c) Training Administered to Law Enforcement Personnel
- d) Tables Depicting Police Contact Information (01/01/24—12/31/24).
Include Tier 1 information (Comparative Analysis)
- e) Report on Complaints (if any) Filed Against Officers for Violating Racial Profiling Policy (includes institutional procedures/corrective action used when responding to racial profiling complaints)
- f) Analysis and Interpretation of Data (explain rationale for use of DPS data)

(IV) Summary of Findings

- a) Summary Statement Regarding Findings
- b) Check List/Contact Information

Racial Profiling Reporting to TCOLE

House Bill 3389 changed several portions of the Code of Criminal Procedures Article 2.131 – 2.138. The major change that is now in the law is that all agencies must report racial profiling data to TCOLE as well as their governing body.

The law changes require reporting beginning in 2011 reporting data collected during calendar year 2010.

The attached documents outline three options. Every law enforcement agency must select the option that applies to their particular situation.

These options are:

1. Law enforcement agencies that do not routinely make motor vehicle stops can be fully exempt from reporting.
2. Law enforcement agencies that routinely perform traffic stops or motor vehicle stops and who have their vehicles that routinely perform these stops equipped with video and audio equipment can report under CCP 2.135. (This is called Tier 1 reporting).
3. Law enforcement agencies that routinely perform traffic stops or motor vehicle stops and who do not equip their vehicles with video and audio equipment must report under CCP 2.133 and perform a analysis as required by CCP 2.134.

**RACIAL PROFILING REPORTING
AS REQUIRED BY HB 3389
OF THE 81ST LEGISLATURE
STATE OF TEXAS**

As a Chief Administrator of a Law Enforcement Agency you must submit one (1) of the following three (3) documents.

Please read the Code of Criminal Procedures, Article 2.131 – 2.138 and make a decision about which of the following three categories applies to your department.

Which ONE applies to you?

- Full Exemption from Racial Profiling Reporting – agency does not routinely make traffic stops.
- Tier 1 Partial Exemption from Racial Profiling Report because of video and audio equipment records motor vehicle stops.
- Tier 2 Fully Reporting with no recording video and audio equipment in vehicles performing motor vehicle stops.

By law, one of the above three must be submitted to TCOLE each year by March 1st. This will begin with the 2010 year's data submitted by March 1st, 2011.



Partial Exemption Racial Profiling Reporting
(Tier 1)

Department Name _____
 Agency Number _____
 Chief Administrator Name _____
 Reporting Name _____
 Contact Number _____
 E-mail Address _____

Certification to Report 2.132 (Tier 1) – Partial Exemption

Policy Requirements (2.132(b) CCP):

Each law enforcement agency in this state shall adopt a detailed written policy on racial profiling. The policy must:

- (1) clearly define acts constituting racial profiling;
- (2) strictly prohibit peace officers employed by the agency from engaging in racial profiling;
- (3) implement a process by which an individual may file a complaint with the agency if the individual believes that a peace officer employed by the agency has engaged in racial profiling with respect to the individual;
- (4) provide public education relating to the agency's complaint process;
- (5) require appropriate corrective action to be taken against a peace officer employed by the agency who, after an investigation, is shown to have engaged in racial profiling in violation of the agency's policy adopted under this article;
- (6) require collection of information relating to motor vehicle stops in which a citation is issued and to arrests made as a result of those stops, including information relating to:
 - (A) the race or ethnicity of the individual detained;
 - (B) whether a search was conducted and, if so, whether the individual detained consented to the search; and
 - (C) whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual; and
- (7) require the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit an annual report of the information collected under Subdivision (6) to:
 - (A) the Commission on Law Enforcement Officer Standards and Education; and
 - (B) the governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.

These policies are in effect

Chief Administrator

Date



**Partial Exemption Racial Profiling Reporting
(Tier 1)**

Video and Audio Equipment Exemption

Partial Exemption Claimed by (2.135(a) CCP):

all cars regularly used for motor vehicle stops are equipped with video camera and transmitter-activated equipment and each motor stop is recorded and the recording of the stop is retained for at least 90 days after the stop.

OR

In accordance with 2.135(a)(2) the agency has requested and not received funds to install the recording equipment

I claim this exemption

Chief Administrator

Date

AN ACT

relating to the prevention of racial profiling by certain peace officers.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 2, Code of Criminal Procedure, is amended by adding Articles 2.131 through 2.138 to read as follows:

Art. 2.131. RACIAL PROFILING PROHIBITED. A peace officer may not engage in racial profiling.

Art. 2.132. LAW ENFORCEMENT POLICY ON RACIAL PROFILING. (a) In this article:

(1) "Law enforcement agency" means an agency of the state, or of a county, municipality, or other political subdivision of the state, that employs peace officers who make traffic stops in the routine performance of the officers' official duties.

(2) "Race or ethnicity" means of a particular descent, including Caucasian, African, Hispanic, Asian, or Native American descent.

(b) Each law enforcement agency in this state shall adopt a detailed written policy on racial profiling. The policy must:

(1) clearly define acts constituting racial profiling;

(2) strictly prohibit peace officers employed by the agency from engaging in racial profiling;

(3) implement a process by which an individual may file a complaint with the agency if the individual believes that a peace officer employed by the agency has engaged in racial profiling with respect to the individual;

(4) provide public education relating to the agency's complaint process;

(5) require appropriate corrective action to be taken against a peace officer employed by the agency who, after an investigation, is shown to have engaged in racial profiling in violation of the agency's policy adopted under this article;

(6) require collection of information relating to traffic stops in which a citation is issued and to arrests resulting from those traffic stops, including information relating to:

(A) the race or ethnicity of the individual detained;

and

(B) whether a search was conducted and, if so, whether the person detained consented to the search; and

(7) require the agency to submit to the governing body of each county or municipality served by the agency an annual report of the information collected under Subdivision (6) if the agency is an agency of a county, municipality, or other political subdivision of the state.

(c) The data collected as a result of the reporting requirements of this article shall not constitute prima facie evidence of racial profiling.

(d) On adoption of a policy under Subsection (b), a law enforcement agency shall examine the feasibility of installing video camera and transmitter-activated equipment in each agency law enforcement motor vehicle regularly used to make traffic stops and transmitter-activated equipment in each agency law enforcement motorcycle regularly used to make traffic stops. If a law enforcement agency installs video or audio equipment as provided by this subsection, the policy adopted by the agency under Subsection (b) must include standards for reviewing video and audio documentation.

(e) A report required under Subsection (b)(7) may not include identifying information about a peace officer who makes a traffic stop or about an individual

who is stopped or arrested by a peace officer. This subsection does not affect the collection of information as required by a policy under Subsection (b)(6).

(f) On the commencement of an investigation by a law enforcement agency of a complaint described by Subsection (b)(3) in which a video or audio recording of the occurrence on which the complaint is based was made, the agency shall promptly provide a copy of the recording to the peace officer who is the subject of the complaint on written request by the officer.

Art. 2.133. REPORTS REQUIRED FOR TRAFFIC AND PEDESTRIAN STOPS. (a) In this article:

(1) "Race or ethnicity" has the meaning assigned by Article 2.132(a).

(2) "Pedestrian stop" means an interaction between a peace officer and an individual who is being detained for the purpose of a criminal investigation in which the individual is not under arrest.

(b) A peace officer who stops a motor vehicle for an alleged violation of a law or ordinance regulating traffic or who stops a pedestrian for any suspected offense shall report to the law enforcement agency that employs the officer information relating to the stop, including:

(1) a physical description of each person detained as a result of the stop, including:

(A) the person's gender; and

(B) the person's race or ethnicity, as stated by the person or, if the person does not state the person's race or ethnicity, as determined by the officer to the best of the officer's ability;

(2) the traffic law or ordinance alleged to have been violated or the suspected offense;

(3) whether the officer conducted a search as a result of the stop and, if so, whether the person detained consented to the search;

(4) whether any contraband was discovered in the course of the search and the type of contraband discovered;

(5) whether probable cause to search existed and the facts supporting the existence of that probable cause;

(6) whether the officer made an arrest as a result of the stop or the search, including a statement of the offense charged;

(7) the street address or approximate location of the stop;

and

(8) whether the officer issued a warning or a citation as a result of the stop, including a description of the warning or a statement of the violation charged.

Art. 2.134. COMPILATION AND ANALYSIS OF INFORMATION

COLLECTED. (a) In this article, "pedestrian stop" means an interaction between a peace officer and an individual who is being detained for the purpose of a criminal investigation in which the individual is not under arrest.

(b) A law enforcement agency shall compile and analyze the information contained in each report received by the agency under Article 2.133. Not later than March 1 of each year, each local law enforcement agency shall submit a report containing the information compiled during the previous calendar year to the governing body of each county or municipality served by the agency in a manner approved by the agency.

(c) A report required under Subsection (b) must include:

(1) a comparative analysis of the information compiled under Article 2.133 to:

(A) determine the prevalence of racial profiling by peace officers employed by the agency; and

(B) examine the disposition of traffic and pedestrian stops made by officers employed by the agency, including searches resulting from the stops; and

(2) information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling.

(d) A report required under Subsection (b) may not include identifying information about a peace officer who makes a traffic or pedestrian stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the reporting of information required under Article 2.133(b)(1).

(e) The Commission on Law Enforcement Officer Standards and Education shall develop guidelines for compiling and reporting information as required by this article.

(f) The data collected as a result of the reporting requirements of this article shall not constitute prima facie evidence of racial profiling.

Art. 2.135. EXEMPTION FOR AGENCIES USING VIDEO AND AUDIO EQUIPMENT. (a) A peace officer is exempt from the reporting requirement under Article 2.133 and a law enforcement agency is exempt from the compilation, analysis, and reporting requirements under Article 2.134 if:

(1) during the calendar year preceding the date that a report under Article 2.134 is required to be submitted:

(A) each law enforcement motor vehicle regularly used by an officer employed by the agency to make traffic and pedestrian stops is equipped with video camera and transmitter-activated equipment and each law enforcement motorcycle regularly used to make traffic and pedestrian stops is equipped with transmitter-activated equipment; and

(B) each traffic and pedestrian stop made by an officer employed by the agency that is capable of being recorded by video and audio or audio equipment, as appropriate, is recorded by using the equipment; or

(2) the governing body of the county or municipality served by the law enforcement agency, in conjunction with the law enforcement agency, certifies to the Department of Public Safety, not later than the date specified by rule by the department, that the law enforcement agency needs funds or video and audio equipment for the purpose of installing video and audio equipment as described by Subsection (a)(1)(A) and the agency does not receive from the state funds or video and audio equipment sufficient, as determined by the department, for the agency to accomplish that purpose.

(b) Except as otherwise provided by this subsection, a law enforcement agency that is exempt from the requirements under Article 2.134 shall retain the video and audio or audio documentation of each traffic and pedestrian stop for at least 90 days after the date of the stop. If a complaint is filed with the law enforcement agency alleging that a peace officer employed by the agency has engaged in racial profiling with respect to a traffic or pedestrian stop, the agency shall retain the video and audio or audio record of the stop until final disposition of the complaint.

(c) This article does not affect the collection or reporting requirements under Article 2.132.

Art. 2.136. LIABILITY. A peace officer is not liable for damages arising from an act relating to the collection or reporting of information as required by Article 2.133 or under a policy adopted under Article 2.132.

Art. 2.137. PROVISION OF FUNDING OR EQUIPMENT. (a) The Department of Public Safety shall adopt rules for providing funds or video and audio equipment to law enforcement agencies for the purpose of installing video and audio equipment as described by Article 2.135(a)(1)(A), including specifying criteria to prioritize funding or equipment provided to law enforcement agencies. The criteria may include consideration of tax

effort, financial hardship, available revenue, and budget surpluses. The criteria must give priority to:

(1) law enforcement agencies that employ peace officers whose primary duty is traffic enforcement;

(2) smaller jurisdictions; and

(3) municipal and county law enforcement agencies.

(b) The Department of Public Safety shall collaborate with an institution of higher education to identify law enforcement agencies that need funds or video and audio equipment for the purpose of installing video and audio equipment as described by Article 2.135(a)(1)(A). The collaboration may include the use of a survey to assist in developing criteria to prioritize funding or equipment provided to law enforcement agencies.

(c) To receive funds or video and audio equipment from the state for the purpose of installing video and audio equipment as described by Article 2.135(a)(1)(A), the governing body of a county or municipality, in conjunction with the law enforcement agency serving the county or municipality, shall certify to the Department of Public Safety that the law enforcement agency needs funds or video and audio equipment for that purpose.

(d) On receipt of funds or video and audio equipment from the state for the purpose of installing video and audio equipment as described by Article 2.135(a)(1)(A), the governing body of a county or municipality, in conjunction with the law enforcement agency serving the county or municipality, shall certify to the Department of Public Safety that the law enforcement agency has installed video and audio equipment as described by Article 2.135(a)(1)(A) and is using the equipment as required by Article 2.135(a)(1).

Art. 2.138. RULES. The Department of Public Safety may adopt rules to implement Articles 2.131-2.137.

SECTION 2. Chapter 3, Code of Criminal Procedure, is amended by adding Article 3.05 to read as follows:

Art. 3.05. RACIAL PROFILING. In this code, "racial profiling" means a law enforcement-initiated action based on an individual's race, ethnicity, or national origin rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity.

SECTION 3. Section 96.641, Education Code, is amended by adding Subsection (j) to read as follows:

(j) As part of the initial training and continuing education for police chiefs required under this section, the institute shall establish a program on racial profiling. The program must include an examination of the best practices for:

(1) monitoring peace officers' compliance with laws and internal agency policies relating to racial profiling;

(2) implementing laws and internal agency policies relating to preventing racial profiling; and

(3) analyzing and reporting collected information.

SECTION 4. Section 1701.253, Occupations Code, is amended by adding Subsection (e) to read as follows:

(e) As part of the minimum curriculum requirements, the commission shall establish a statewide comprehensive education and training program on racial profiling for officers licensed under this chapter. An officer shall complete a program established under this subsection not later than the second anniversary of the date the officer is licensed under this chapter or the date the officer applies for an intermediate proficiency certificate, whichever date is earlier.

SECTION 5. Section 1701.402, Occupations Code, is amended by adding Subsection (d) to read as follows:

(d) As a requirement for an intermediate proficiency certificate, an officer must complete an education and training program on racial profiling established by the commission under Section 1701.253(e).

SECTION 6. Section 543.202, Transportation Code, is amended to read as follows:

Sec. 543.202. FORM OF RECORD. (a) In this section, "race or ethnicity" means of a particular descent, including Caucasian, African, Hispanic, Asian, or Native American descent.

(b) The record must be made on a form or by a data processing method acceptable to the department and must include:

(1) the name, address, physical description, including race or ethnicity, date of birth, and driver's license number of the person charged;

(2) the registration number of the vehicle involved;

(3) whether the vehicle was a commercial motor vehicle as defined by Chapter 522 or was involved in transporting hazardous materials;

(4) the person's social security number, if the person was operating a commercial motor vehicle or was the holder of a commercial driver's license or commercial driver learner's permit;

(5) the date and nature of the offense, including whether the offense was a serious traffic violation as defined by Chapter 522;

(6) whether a search of the vehicle was conducted and whether consent for the search was obtained;

(7) the plea, the judgment, and whether bail was forfeited;

(8) ~~[(7)]~~ the date of conviction; and

(9) ~~[(8)]~~ the amount of the fine or forfeiture.

SECTION 7. Not later than January 1, 2002, a law enforcement agency shall adopt and implement a policy and begin collecting information under the policy as required by Article 2.132, Code of Criminal Procedure, as added by this Act. A local law enforcement agency shall first submit information to the governing body of each county or municipality served by the agency as required by Article 2.132, Code of Criminal Procedure, as

added by this Act, on March 1, 2003. The first submission of information shall consist of information compiled by the agency during the period beginning January 1, 2002, and ending December 31, 2002.

SECTION 8. A local law enforcement agency shall first submit information to the governing body of each county or municipality served by the agency as required by Article 2.134, Code of Criminal Procedure, as added by this Act, on March 1, 2004. The first submission of information shall consist of information compiled by the agency during the period beginning January 1, 2003, and ending December 31, 2003.

SECTION 9. Not later than January 1, 2002:

(1) the Commission on Law Enforcement Officer Standards and Education shall establish an education and training program on racial profiling as required by Subsection (e), Section 1701.253, Occupations Code, as added by this Act; and

(2) the Bill Blackwood Law Enforcement Management Institute of Texas shall establish a program on racial profiling as required by Subsection (j), Section 96.641, Education Code, as added by this Act.

SECTION 10. A person who on the effective date of this Act holds an intermediate proficiency certificate issued by the Commission on Law Enforcement Officer Standards and Education or has held a peace officer license issued by the Commission on Law Enforcement Officer Standards and Education for at least two years shall complete an education and training program on racial profiling established under Subsection (e), Section 1701.253, Occupations Code, as added by this Act, not later than September 1, 2003.

SECTION 11. An individual appointed or elected as a police chief before the effective date of this Act shall complete a program on racial profiling established under Subsection (j), Section 96.641, Education Code, as added by this Act, not later than September 1, 2003.

SECTION 12. This Act takes effect September 1, 2001.

S.B. No. 1074

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1074 passed the Senate on April 4, 2001, by the following vote: Yeas 28, Nays 2; May 21, 2001, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 22, 2001, House granted request of the Senate; May 24, 2001, Senate adopted Conference Committee Report by a viva-voce vote.

Secretary of the Senate

I hereby certify that S.B. No. 1074 passed the House, with amendments, on May 15, 2001, by a non-record vote; May 22, 2001, House granted request of the Senate for appointment of Conference Committee; May 24, 2001, House adopted Conference Committee Report by a non-record vote.

Chief Clerk of the House

S.B. No. 1074

Approved:

Date

Governor

AN ACT

relating to interactions between law enforcement and individuals detained or arrested on suspicion of the commission of criminal offenses, to the confinement, conviction, or release of those individuals, and to grants supporting populations that are more likely to interact frequently with law enforcement.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

ARTICLE 1. SHORT TITLE

SECTION 1.01. SHORT TITLE. This Act shall be known as the Sandra Bland Act, in memory of Sandra Bland.

ARTICLE 2. IDENTIFICATION AND DIVERSION OF AND SERVICES FOR PERSONS SUSPECTED OF HAVING A MENTAL ILLNESS, AN INTELLECTUAL DISABILITY, OR A SUBSTANCE ABUSE ISSUE

SECTION 2.01. Article 16.22, Code of Criminal Procedure, is amended to read as follows:

Art. 16.22. EARLY IDENTIFICATION OF DEFENDANT SUSPECTED OF HAVING MENTAL ILLNESS OR INTELLECTUAL DISABILITY [~~MENTAL RETARDATION~~]. (a)(1) Not later than 12 [~~72~~] hours after receiving credible information that may establish reasonable cause to believe that a defendant committed to the sheriff's custody has a mental illness or is a person with an intellectual disability [~~mental retardation~~], including observation of the defendant's behavior immediately before, during, and after the defendant's arrest and the results of any previous assessment of the defendant, the sheriff shall provide written or electronic notice of the information to the magistrate. On a determination that there is reasonable cause to believe that the defendant has a mental illness or is a person with an intellectual disability [~~mental retardation~~], the magistrate, except as provided by Subdivision (2), shall order the local mental health or intellectual and developmental disability [~~mental retardation~~] authority or another qualified mental health or intellectual disability [~~mental retardation~~] expert to:

(A) collect information regarding whether the defendant has a mental illness as defined by Section 571.003, Health and Safety Code, or is a person with an intellectual disability [~~mental retardation~~] as defined by Section 591.003, Health and Safety Code, including information obtained from any previous assessment of the defendant; and

(B) provide to the magistrate a written assessment of the information collected under Paragraph (A).

(2) The magistrate is not required to order the collection of information under Subdivision (1) if the defendant in the year preceding the defendant's applicable date of arrest has been determined to have a mental illness or to be a person with an intellectual disability [~~mental retardation~~] by the local mental health or intellectual and developmental disability [~~mental retardation~~] authority or another mental health or intellectual disability [~~mental retardation~~] expert described by Subdivision (1). A court that elects to use the results of that previous determination may proceed under Subsection (c).

(3) If the defendant fails or refuses to submit to the collection of information regarding the defendant as required under Subdivision (1), the magistrate may order the defendant to submit to an examination in a mental health facility determined to be

appropriate by the local mental health or intellectual and developmental disability [~~mental retardation~~] authority for a reasonable period not to exceed 21 days. The magistrate may order a defendant to a facility operated by the Department of State Health Services or the Health and Human Services Commission [~~Department of Aging and Disability Services~~] for examination only on request of the local mental health or intellectual and developmental disability [~~mental retardation~~] authority and with the consent of the head of the facility. If a defendant who has been ordered to a facility operated by the Department of State Health Services or the Health and Human Services Commission [~~Department of Aging and Disability Services~~] for examination remains in the facility for a period exceeding 21 days, the head of that facility shall cause the defendant to be immediately transported to the committing court and placed in the custody of the sheriff of the county in which the committing court is located. That county shall reimburse the facility for the mileage and per diem expenses of the personnel required to transport the defendant calculated in accordance with the state travel regulations in effect at the time.

(b) A written assessment of the information collected under Subsection (a)(1)(A) shall be provided to the magistrate not later than the 30th day after the date of any order issued under Subsection (a) in a felony case and not later than the 10th day after the date of any order issued under that subsection in a misdemeanor case, and the magistrate shall provide copies of the written assessment to the defense counsel, the prosecuting attorney, and the trial court. The written assessment must include a description of the procedures used in the collection of information under Subsection (a)(1)(A) and the applicable expert's observations and findings pertaining to:

(1) whether the defendant is a person who has a mental illness or is a person with an intellectual disability [~~mental retardation~~];

(2) whether there is clinical evidence to support a belief that the defendant may be incompetent to stand trial and should undergo a complete competency examination under Subchapter B, Chapter 46B; and

(3) recommended treatment.

(c) After the trial court receives the applicable expert's written assessment relating to the defendant under Subsection (b) or elects to use the results of a previous determination as described by Subsection (a)(2), the trial court may, as applicable:

(1) resume criminal proceedings against the defendant, including any appropriate proceedings related to the defendant's release on personal bond under Article 17.032;

(2) resume or initiate competency proceedings, if required, as provided by Chapter 46B or other proceedings affecting the defendant's receipt of appropriate court-ordered mental health or intellectual disability [~~mental retardation~~] services, including proceedings related to the defendant's receipt of outpatient mental health services under Section 574.034, Health and Safety Code; or

(3) consider the written assessment during the punishment phase after a conviction of the offense for which the defendant was arrested, as part of a presentence investigation report, or in connection with the impositions of conditions following placement on community supervision, including deferred adjudication community supervision.

(d) This article does not prevent the applicable court from, before, during, or after the collection of information regarding the defendant as described by this article:

(1) releasing a defendant who has a mental illness [mentally ill] or is a person with an intellectual disability [mentally retarded defendant] from custody on personal or surety bond; or

(2) ordering an examination regarding the defendant's competency to stand trial.

SECTION 2.02. Chapter 16, Code of Criminal Procedure, is amended by adding Article 16.23 to read as follows:

Art. 16.23. DIVERSION OF PERSONS SUFFERING MENTAL HEALTH CRISIS OR SUBSTANCE ABUSE ISSUE. (a) Each law enforcement agency shall make a good faith effort to divert a person suffering a mental health crisis or suffering from the effects of substance abuse to a proper treatment center in the agency's jurisdiction if:

(1) there is an available and appropriate treatment center in the agency's jurisdiction to which the agency may divert the person;

(2) it is reasonable to divert the person;

(3) the offense that the person is accused of is a misdemeanor, other than a misdemeanor involving violence; and

(4) the mental health crisis or substance abuse issue is suspected to be the reason the person committed the alleged offense.

(b) Subsection (a) does not apply to a person who is accused of an offense under Section 49.04, 49.045, 49.05, 49.06, 49.065, 49.07, or 49.08, Penal Code.

SECTION 2.03. Section 539.002, Government Code, is amended to read as follows:

Sec. 539.002. GRANTS FOR ESTABLISHMENT AND EXPANSION OF COMMUNITY COLLABORATIVES. (a) To the extent funds are appropriated to the department for that purpose, the department shall make grants to entities, including local governmental entities, nonprofit community organizations, and faith-based community organizations, to establish or expand community collaboratives that bring the public and private sectors together to provide services to persons experiencing homelessness, substance abuse issues, or [and] mental illness. [~~The department may make a maximum of five grants, which must be made in the most populous municipalities in this state that are located in counties with a population of more than one million.~~] In awarding grants, the department shall give special consideration to entities:

(1) establishing [a] new collaboratives; or

(2) establishing or expanding collaboratives that serve two or more counties, each with a population of less than 100,000 [collaborative].

(b) The department shall require each entity awarded a grant under this section to:

(1) leverage additional funding from private sources in an amount that is at least equal to the amount of the grant awarded under this section; ~~[and]~~

(2) provide evidence of significant coordination and collaboration between the entity, local mental health authorities, municipalities, local law enforcement agencies, and other community stakeholders in establishing or expanding a community collaborative funded by a grant awarded under this section; and

(3) provide evidence of a local law enforcement policy to divert appropriate persons from jails or other detention facilities to an entity affiliated with a community collaborative for the purpose of providing services to those persons.

SECTION 2.04. Chapter 539, Government Code, is amended by adding Section 539.0051 to read as follows:

Sec. 539.0051. PLAN REQUIRED FOR CERTAIN COMMUNITY

COLLABORATIVES. (a) The governing body of a county shall develop and make public a plan detailing:

(1) how local mental health authorities, municipalities, local law enforcement agencies, and other community stakeholders in the county could coordinate to establish or expand a community collaborative to accomplish the goals of Section 539.002;

(2) how entities in the county may leverage funding from private sources to accomplish the goals of Section 539.002 through the formation or expansion of a community collaborative; and

(3) how the formation or expansion of a community collaborative could establish or support resources or services to help local law enforcement agencies to divert persons who have been arrested to appropriate mental health care or substance abuse treatment.

(b) The governing body of a county in which an entity that received a grant under Section 539.002 before September 1, 2017, is located is not required to develop a plan under Subsection (a).

(c) Two or more counties, each with a population of less than 100,000, may form a joint plan under Subsection (a).

ARTICLE 3. BAIL, PRETRIAL RELEASE, AND COUNTY JAIL STANDARDS

SECTION 3.01. The heading to Article 17.032, Code of Criminal Procedure, is amended to read as follows:

Art. 17.032. ~~RELEASE ON PERSONAL BOND OF CERTAIN [MENTALLY ILL]~~ DEFENDANTS WITH MENTAL ILLNESS OR INTELLECTUAL DISABILITY.

SECTION 3.02. Articles 17.032(b) and (c), Code of Criminal Procedure, are amended to read as follows:

(b) A magistrate shall release a defendant on personal bond unless good cause is shown otherwise if the:

(1) defendant is not charged with and has not been previously convicted of a violent offense;

(2) defendant is examined by the local mental health or intellectual and developmental disability [~~mental retardation~~] authority or another mental health expert under Article 16.22 [~~of this code~~];

(3) applicable expert, in a written assessment submitted to the magistrate under Article 16.22:

(A) concludes that the defendant has a mental illness or is a person with an intellectual disability [~~mental retardation~~] and is nonetheless competent to stand trial; and

(B) recommends mental health treatment or intellectual disability treatment for the defendant, as applicable; and

(4) magistrate determines, in consultation with the local mental health or intellectual and developmental disability [~~mental retardation~~] authority, that appropriate community-based mental health or intellectual disability [~~mental retardation~~] services for the defendant are available through the [~~Texas~~] Department of State [~~Mental~~] Health Services [~~and Mental Retardation~~] under Section 534.053, Health and Safety Code, or through another mental health or intellectual disability [~~mental retardation~~] services provider.

(c) The magistrate, unless good cause is shown for not requiring treatment, shall require as a condition of release on personal bond under this article that the defendant submit to outpatient or inpatient mental health or intellectual disability [~~mental retardation~~] treatment as recommended by the local mental health or intellectual and developmental disability [~~mental retardation~~] authority if the defendant's:

(1) mental illness or intellectual disability [~~mental~~

retardation] is chronic in nature; or

(2) ability to function independently will continue to deteriorate if the defendant is not treated.

SECTION 3.03. Article 25.03, Code of Criminal Procedure, is amended to read as follows:

Art. 25.03. IF ON BAIL IN FELONY. When the accused, in case of felony, is on bail at the time the indictment is presented, [~~it is not necessary to serve him with a copy, but~~] the clerk shall [~~on request~~] deliver a copy of the indictment [~~same~~] to the accused or the accused's [~~his~~] counsel[~~7~~] at the earliest possible time.

SECTION 3.04. Article 25.04, Code of Criminal Procedure, is amended to read as follows:

Art. 25.04. IN MISDEMEANOR. In misdemeanors, the clerk shall deliver a copy of the indictment or information to the accused or the accused's counsel at the earliest possible time before trial [~~it shall not be necessary before trial to furnish the accused with a copy of the indictment or information, but he or his counsel may demand a copy, which shall be given as early as possible~~].

SECTION 3.05. Section 511.009(a), Government Code, as amended by Chapters 281 (H.B. 875), 648 (H.B. 549), and 688 (H.B. 634), Acts of the 84th Legislature, Regular Session, 2015, is reenacted and amended to read as follows:

(a) The commission shall:

(1) adopt reasonable rules and procedures establishing minimum standards for the construction, equipment, maintenance, and operation of county jails;

(2) adopt reasonable rules and procedures establishing minimum standards for the custody, care, and treatment of prisoners;

(3) adopt reasonable rules establishing minimum standards for the number of jail supervisory personnel and for programs and services to meet the needs of prisoners;

(4) adopt reasonable rules and procedures establishing minimum requirements for programs of rehabilitation, education, and recreation in county jails;

(5) revise, amend, or change rules and procedures if necessary;

(6) provide to local government officials consultation on and technical assistance for county jails;

(7) review and comment on plans for the construction and major modification or renovation of county jails;

(8) require that the sheriff and commissioners of each county submit to the commission, on a form prescribed by the commission, an annual report on the conditions in each county jail within their jurisdiction, including all information necessary to determine compliance with state law, commission orders, and the rules adopted under this chapter;

(9) review the reports submitted under Subdivision (8) and require commission employees to inspect county jails regularly to ensure compliance with state law, commission orders, and rules and procedures adopted under this chapter;

(10) adopt a classification system to assist sheriffs and judges in determining which defendants are low-risk and consequently suitable participants in a county jail work release program under Article 42.034, Code of Criminal Procedure;

(11) adopt rules relating to requirements for segregation of classes of inmates and to capacities for county jails;

(12) require that the chief jailer of each municipal lockup submit to the commission, on a form prescribed by the commission, an annual report of persons under 17 years of age

securely detained in the lockup, including all information necessary to determine compliance with state law concerning secure confinement of children in municipal lockups;

(13) at least annually determine whether each county jail is in compliance with the rules and procedures adopted under this chapter;

(14) require that the sheriff and commissioners court of each county submit to the commission, on a form prescribed by the commission, an annual report of persons under 17 years of age securely detained in the county jail, including all information necessary to determine compliance with state law concerning secure confinement of children in county jails;

(15) schedule announced and unannounced inspections of jails under the commission's jurisdiction using the risk assessment plan established under Section 511.0085 to guide the inspections process;

(16) adopt a policy for gathering and distributing to jails under the commission's jurisdiction information regarding:

(A) common issues concerning jail administration;

(B) examples of successful strategies for maintaining compliance with state law and the rules, standards, and procedures of the commission; and

(C) solutions to operational challenges for jails;

(17) report to the Texas Correctional Office on Offenders with Medical or Mental Impairments on a jail's compliance with Article 16.22, Code of Criminal Procedure;

(18) adopt reasonable rules and procedures establishing minimum requirements for jails to:

(A) determine if a prisoner is pregnant; and

(B) ensure that the jail's health services plan addresses medical and mental health care, including nutritional requirements, and any special housing or work assignment needs for persons who are confined in the jail and are known or determined to be pregnant;

(19) provide guidelines to sheriffs regarding contracts between a sheriff and another entity for the provision of food services to or the operation of a commissary in a jail under the commission's jurisdiction, including specific provisions regarding conflicts of interest and avoiding the appearance of impropriety; ~~and~~

(20) adopt reasonable rules and procedures establishing minimum standards for prisoner visitation that provide each prisoner at a county jail with a minimum of two in-person, noncontact visitation periods per week of at least 20 minutes duration each;

~~(21)~~ ~~[(+20)]~~ require the sheriff of each county to:

(A) investigate and verify the veteran status of each prisoner by using data made available from the Veterans Reentry Search Service (VRSS) operated by the United States Department of Veterans Affairs or a similar service; and

(B) use the data described by Paragraph (A) to assist prisoners who are veterans in applying for federal benefits or compensation for which the prisoners may be eligible under a program administered by the United States Department of Veterans Affairs;

~~(22)~~ ~~[(+20)]~~ adopt reasonable rules and procedures regarding visitation of a prisoner at a county jail by a guardian, as defined by Section 1002.012, Estates Code, that:

(A) allow visitation by a guardian to the same

extent as the prisoner's next of kin, including placing the guardian on the prisoner's approved visitors list on the guardian's request and providing the guardian access to the prisoner during a facility's standard visitation hours if the prisoner is otherwise eligible to receive visitors; and

(B) require the guardian to provide the sheriff with letters of guardianship issued as provided by Section 1106.001, Estates Code, before being allowed to visit the prisoner; and

(23) adopt reasonable rules and procedures to ensure the safety of prisoners, including rules and procedures that require a county jail to:

(A) give prisoners the ability to access a mental health professional at the jail through a telemental health service 24 hours a day;

(B) give prisoners the ability to access a health professional at the jail or through a telehealth service 24 hours a day or, if a health professional is unavailable at the jail or through a telehealth service, provide for a prisoner to be transported to access a health professional; and

(C) if funding is available under Section 511.019, install automated electronic sensors or cameras to ensure accurate and timely in-person checks of cells or groups of cells confining at-risk individuals.

SECTION 3.06. Section 511.009, Government Code, is amended by adding Subsection (d) to read as follows:

(d) The commission shall adopt reasonable rules and procedures establishing minimum standards regarding the continuity of prescription medications for the care and treatment of prisoners. The rules and procedures shall require that a qualified medical professional shall review as soon as possible any prescription medication a prisoner is taking when the prisoner is taken into custody.

SECTION 3.07. Chapter 511, Government Code, is amended by adding Sections 511.019, 511.020, and 511.021 to read as follows:

Sec. 511.019. PRISONER SAFETY FUND. (a) The prisoner safety fund is a dedicated account in the general revenue fund.

(b) The prisoner safety fund consists of:

(1) appropriations of money to the fund by the legislature; and

(2) gifts, grants, including grants from the federal government, and other donations received for the fund.

(c) Money in the fund may be appropriated only to the commission to pay for capital improvements that are required under Section 511.009(a)(23).

(d) The commission by rule may establish a grant program to provide grants to counties to fund capital improvements described by Subsection (c). The commission may only provide a grant to a county for capital improvements to a county jail with a capacity of not more than 96 prisoners.

Sec. 511.020. SERIOUS INCIDENTS REPORT. (a) On or before the fifth day of each month, the sheriff of each county shall report to the commission regarding the occurrence during the preceding month of any of the following incidents involving a prisoner in the county jail:

(1) a suicide;

(2) an attempted suicide;

(3) a death;

(4) a serious bodily injury, as that term is defined by

Section 1.07, Penal Code;

(5) an assault;

(6) an escape;
(7) a sexual assault; and
(8) any use of force resulting in bodily injury, as
that term is defined by Section 1.07, Penal Code.

(b) The commission shall prescribe a form for the report
required by Subsection (a).

(c) The information required to be reported under
Subsection (a)(8) may not include the name or other identifying
information of a county jailer or jail employee.

(d) The information reported under Subsection (a) is public
information subject to an open records request under Chapter 552.

Sec. 511.021. INDEPENDENT INVESTIGATION OF DEATH OCCURRING
IN COUNTY JAIL. (a) On the death of a prisoner in a county jail,
the commission shall appoint a law enforcement agency, other than
the local law enforcement agency that operates the county jail, to
investigate the death as soon as possible.

(b) The commission shall adopt any rules necessary relating
to the appointment of a law enforcement agency under Subsection
(a), including rules relating to cooperation between law
enforcement agencies and to procedures for handling evidence.

SECTION 3.08. The changes in law made by this article to
Article 17.032, Code of Criminal Procedure, apply only to a
personal bond that is executed on or after the effective date of
this Act. A personal bond executed before the effective date of
this Act is governed by the law in effect when the personal bond was
executed, and the former law is continued in effect for that
purpose.

SECTION 3.09. Not later than January 1, 2018, the
Commission on Jail Standards shall:

(1) adopt the rules and procedures required by Section
511.009(d), Government Code, as added by this article, and the
rules required by Section 511.021(b), Government Code, as added by
this article; and

(2) prescribe the form required by Section 511.020(b),
Government Code, as added by this article.

SECTION 3.10. Not later than September 1, 2018, the
Commission on Jail Standards shall adopt the rules and procedures
required by Section 511.009(a)(23), Government Code, as added by
this article. On and after September 1, 2020, a county jail shall
comply with any rule or procedure adopted by the Commission on Jail
Standards under that subdivision.

SECTION 3.11. To the extent of any conflict, this Act
prevails over another Act of the 85th Legislature, Regular Session,
2017, relating to nonsubstantive additions to and corrections in
enacted codes.

ARTICLE 4. PEACE OFFICER AND COUNTY JAILER TRAINING

SECTION 4.01. Chapter 511, Government Code, is amended by
adding Section 511.00905 to read as follows:

Sec. 511.00905. JAIL ADMINISTRATOR POSITION; EXAMINATION
REQUIRED. (a) The Texas Commission on Law Enforcement shall
develop and the commission shall approve an examination for a
person assigned to the jail administrator position overseeing a
county jail.

(b) The commission shall adopt rules requiring a person,
other than a sheriff, assigned to the jail administrator position
overseeing a county jail to pass the examination not later than the
180th day after the date the person is assigned to that position.
The rules must provide that a person who fails the examination may
be immediately removed from the position and may not be reinstated
until the person passes the examination.

(c) The sheriff of a county shall perform the duties of the

jail administrator position at any time there is not a person available who satisfies the examination requirements of this section.

(d) A person other than a sheriff may not serve in the jail administrator position of a county jail unless the person satisfies the examination requirement of this section.

SECTION 4.02. Section 1701.253, Occupations Code, is amended by amending Subsection (j) and adding Subsection (n) to read as follows:

(j) As part of the minimum curriculum requirements, the commission shall require an officer to complete a 40-hour statewide education and training program on de-escalation and crisis intervention techniques to facilitate interaction with persons with mental impairments. An officer shall complete the program not later than the second anniversary of the date the officer is licensed under this chapter or the date the officer applies for an intermediate proficiency certificate, whichever date is earlier. An officer may not satisfy the requirements of this subsection [section] or Section 1701.402(g) by taking an online course on de-escalation and crisis intervention techniques to facilitate interaction with persons with mental impairments.

(n) As part of the minimum curriculum requirements, the commission shall require an officer to complete a statewide education and training program on de-escalation techniques to facilitate interaction with members of the public, including techniques for limiting the use of force resulting in bodily injury.

SECTION 4.03. Section 1701.310(a), Occupations Code, is amended to read as follows:

(a) Except as provided by Subsection (e), a person may not be appointed as a county jailer, except on a temporary basis, unless the person has satisfactorily completed a preparatory training program, as required by the commission, in the operation of a county jail at a school operated or licensed by the commission. The training program must consist of at least eight hours of mental health training approved by the commission and the Commission on Jail Standards.

SECTION 4.04. Section 1701.352(b), Occupations Code, is amended to read as follows:

(b) The commission shall require a state, county, special district, or municipal agency that appoints or employs peace officers to provide each peace officer with a training program at least once every 48 months that is approved by the commission and consists of:

(1) topics selected by the agency; and
 (2) for an officer holding only a basic proficiency certificate, not more than 20 hours of education and training that contain curricula incorporating the learning objectives developed by the commission regarding:

(A) civil rights, racial sensitivity, and cultural diversity;

(B) de-escalation and crisis intervention techniques to facilitate interaction with persons with mental impairments; ~~and~~

(C) de-escalation techniques to facilitate interaction with members of the public, including techniques for limiting the use of force resulting in bodily injury; and

(D) unless determined by the agency head to be inconsistent with the officer's assigned duties:

(i) the recognition and documentation of cases that involve child abuse or neglect, family violence, and

sexual assault; and

(ii) issues concerning sex offender characteristics.

SECTION 4.05. Section 1701.402, Occupations Code, is amended by adding Subsection (n) to read as follows:

(n) As a requirement for an intermediate proficiency certificate or an advanced proficiency certificate, an officer must complete the education and training program regarding de-escalation techniques to facilitate interaction with members of the public established by the commission under Section 1701.253(n).

SECTION 4.06. Not later than March 1, 2018, the Texas Commission on Law Enforcement shall develop and the Commission on Jail Standards shall approve the examination required by Section 511.00905, Government Code, as added by this article.

SECTION 4.07. (a) Not later than March 1, 2018, the Texas Commission on Law Enforcement shall establish or modify training programs as necessary to comply with Section 1701.253, Occupations Code, as amended by this article.

(b) The minimum curriculum requirements under Section 1701.253(j), Occupations Code, as amended by this article, apply only to a peace officer who first begins to satisfy those requirements on or after April 1, 2018.

SECTION 4.08. (a) Section 1701.310, Occupations Code, as amended by this article, takes effect January 1, 2018.

(b) A person in the position of county jailer on September 1, 2017, must comply with Section 1701.310(a), Occupations Code, as amended by this article, not later than August 31, 2021.

ARTICLE 5. MOTOR VEHICLE STOPS, RACIAL PROFILING, AND ISSUANCE OF CITATIONS

SECTION 5.01. Article 2.132, Code of Criminal Procedure, is amended by amending Subsections (b) and (d) and adding Subsection (h) to read as follows:

(b) Each law enforcement agency in this state shall adopt a detailed written policy on racial profiling. The policy must:

(1) clearly define acts constituting racial profiling;

(2) strictly prohibit peace officers employed by the agency from engaging in racial profiling;

(3) implement a process by which an individual may file a complaint with the agency if the individual believes that a peace officer employed by the agency has engaged in racial profiling with respect to the individual;

(4) provide public education relating to the agency's compliment and complaint process, including providing the telephone number, mailing address, and e-mail address to make a compliment or complaint with respect to each ticket, citation, or warning issued by a peace officer;

(5) require appropriate corrective action to be taken against a peace officer employed by the agency who, after an investigation, is shown to have engaged in racial profiling in violation of the agency's policy adopted under this article;

(6) require collection of information relating to motor vehicle stops in which a ticket, citation, or warning is issued and to arrests made as a result of those stops, including information relating to:

(A) the race or ethnicity of the individual detained;

(B) whether a search was conducted and, if so, whether the individual detained consented to the search; [and]

(C) whether the peace officer knew the race or ethnicity of the individual detained before detaining that

individual;

(D) whether the peace officer used physical force that resulted in bodily injury, as that term is defined by Section 1.07, Penal Code, during the stop;

(E) the location of the stop; and

(F) the reason for the stop; and

(7) require the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit an annual report of the information collected under Subdivision (6) to:

(A) the Texas Commission on Law Enforcement; and

(B) the governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.

(d) On adoption of a policy under Subsection (b), a law enforcement agency shall examine the feasibility of installing video camera and transmitter-activated equipment in each agency law enforcement motor vehicle regularly used to make motor vehicle stops and transmitter-activated equipment in each agency law enforcement motorcycle regularly used to make motor vehicle stops. The agency also shall examine the feasibility of equipping each peace officer who regularly detains or stops motor vehicles with a body worn camera, as that term is defined by Section 1701.651, Occupations Code. If a law enforcement agency installs video or audio equipment or equips peace officers with body worn cameras as provided by this subsection, the policy adopted by the agency under Subsection (b) must include standards for reviewing video and audio documentation.

(h) A law enforcement agency shall review the data collected under Subsection (b)(6) to identify any improvements the agency could make in its practices and policies regarding motor vehicle stops.

SECTION 5.02. Article 2.133, Code of Criminal Procedure, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) A peace officer who stops a motor vehicle for an alleged violation of a law or ordinance shall report to the law enforcement agency that employs the officer information relating to the stop, including:

(1) a physical description of any person operating the motor vehicle who is detained as a result of the stop, including:

(A) the person's gender; and

(B) the person's race or ethnicity, as stated by the person or, if the person does not state the person's race or ethnicity, as determined by the officer to the best of the officer's ability;

(2) the initial reason for the stop;

(3) whether the officer conducted a search as a result of the stop and, if so, whether the person detained consented to the search;

(4) whether any contraband or other evidence was discovered in the course of the search and a description of the contraband or evidence;

(5) the reason for the search, including whether:

(A) any contraband or other evidence was in plain view;

(B) any probable cause or reasonable suspicion existed to perform the search; or

(C) the search was performed as a result of the towing of the motor vehicle or the arrest of any person in the motor vehicle;

(6) whether the officer made an arrest as a result of the stop or the search, including a statement of whether the arrest was based on a violation of the Penal Code, a violation of a traffic law or ordinance, or an outstanding warrant and a statement of the offense charged;

(7) the street address or approximate location of the stop; [and]

(8) whether the officer issued a verbal or written warning or a ticket or citation as a result of the stop; and

(9) whether the officer used physical force that resulted in bodily injury, as that term is defined by Section 1.07, Penal Code, during the stop.

(c) The chief administrator of a law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, is responsible for auditing reports under Subsection (b) to ensure that the race or ethnicity of the person operating the motor vehicle is being reported.

SECTION 5.03. Article 2.134(c), Code of Criminal Procedure, is amended to read as follows:

(c) A report required under Subsection (b) must be submitted by the chief administrator of the law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, and must include:

(1) a comparative analysis of the information compiled under Article 2.133 to:

(A) evaluate and compare the number of motor vehicle stops, within the applicable jurisdiction, of persons who are recognized as racial or ethnic minorities and persons who are not recognized as racial or ethnic minorities; [and]

(B) examine the disposition of motor vehicle stops made by officers employed by the agency, categorized according to the race or ethnicity of the affected persons, as appropriate, including any searches resulting from stops within the applicable jurisdiction; and

(C) evaluate and compare the number of searches resulting from motor vehicle stops within the applicable jurisdiction and whether contraband or other evidence was discovered in the course of those searches; and

(2) information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling.

SECTION 5.04. Article 2.137, Code of Criminal Procedure, is amended to read as follows:

Art. 2.137. PROVISION OF FUNDING OR EQUIPMENT. (a) The Department of Public Safety shall adopt rules for providing funds or video and audio equipment to law enforcement agencies for the purpose of installing video and audio equipment in law enforcement motor vehicles and motorcycles or equipping peace officers with body worn cameras [as described by Article 2.135(a)(1)(A)], including specifying criteria to prioritize funding or equipment provided to law enforcement agencies. The criteria may include consideration of tax effort, financial hardship, available revenue, and budget surpluses. The criteria must give priority to:

(1) law enforcement agencies that employ peace officers whose primary duty is traffic enforcement;

(2) smaller jurisdictions; and

(3) municipal and county law enforcement agencies.

(b) The Department of Public Safety shall collaborate with an institution of higher education to identify law enforcement agencies that need funds or video and audio equipment for the purpose of installing video and audio equipment in law enforcement

motor vehicles and motorcycles or equipping peace officers with body worn cameras [as described by Article 2.135(a)(1)(A)]. The collaboration may include the use of a survey to assist in developing criteria to prioritize funding or equipment provided to law enforcement agencies.

(c) To receive funds or video and audio equipment from the state for the purpose of installing video and audio equipment in law enforcement motor vehicles and motorcycles or equipping peace officers with body worn cameras [as described by Article 2.135(a)(1)(A)], the governing body of a county or municipality, in conjunction with the law enforcement agency serving the county or municipality, shall certify to the Department of Public Safety that the law enforcement agency needs funds or video and audio equipment for that purpose.

(d) On receipt of funds or video and audio equipment from the state for the purpose of installing video and audio equipment in law enforcement motor vehicles and motorcycles or equipping peace officers with body worn cameras [as described by Article 2.135(a)(1)(A)], the governing body of a county or municipality, in conjunction with the law enforcement agency serving the county or municipality, shall certify to the Department of Public Safety that the law enforcement agency has taken the necessary actions to use and is using [installed] video and audio equipment and body worn cameras for those purposes [as described by Article 2.135(a)(1)(A) and is using the equipment as required by Article 2.135(a)(1)].

SECTION 5.05. Article 2.1385(a), Code of Criminal Procedure, is amended to read as follows:

(a) If the chief administrator of a local law enforcement agency intentionally fails to submit the incident-based data as required by Article 2.134, the agency is liable to the state for a civil penalty in an [the] amount not to exceed \$5,000 [of \$1,000] for each violation. The attorney general may sue to collect a civil penalty under this subsection.

SECTION 5.06. Article 2.135, Code of Criminal Procedure, is repealed.

SECTION 5.07. Articles 2.132 and 2.134, Code of Criminal Procedure, as amended by this article, apply only to a report covering a calendar year beginning on or after January 1, 2018.

SECTION 5.08. Not later than September 1, 2018, the Texas Commission on Law Enforcement shall:

(1) evaluate and change the guidelines for compiling and reporting information required under Article 2.134, Code of Criminal Procedure, as amended by this article, to enable the guidelines to better withstand academic scrutiny; and

(2) make accessible online:

(A) a downloadable format of any information submitted under Article 2.134(b), Code of Criminal Procedure, that is not exempt from public disclosure under Chapter 552, Government Code; and

(B) a glossary of terms relating to the information to make the information readily understandable to the public.

ARTICLE 6. EFFECTIVE DATE

SECTION 6.01. Except as otherwise provided by this Act, this Act takes effect September 1, 2017.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1849 passed the Senate on May 11, 2017, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 1849 passed the House on May 20, 2017, by the following vote: Yeas 137, Nays 0, one present not voting.

Chief Clerk of the House

Approved:

Date

Governor

Guidelines for Compiling and Reporting Data under Senate Bill 1074

Background

Senate Bill 1074 of the 77th Legislature established requirements in the Texas Code of Criminal Procedure (TCCP) for law enforcement agencies. The Commission developed this document to assist agencies in complying with the statutory requirements.

The guidelines are written in the form of standards using a style developed from accreditation organizations including the Commission on Accreditation for Law Enforcement Agencies (CALEA). The standards provide a description of *what* must be accomplished by an agency but allows wide latitude in determining *how* the agency will achieve compliance with each applicable standard.

Each standard is composed of two parts: the standard statement and the commentary. The *standard statement* is a declarative sentence that places a clear-cut requirement, or multiple requirements, on an agency. The commentary supports the standard statement but is not binding. The commentary can serve as a prompt, as guidance to clarify the intent of the standard, or as an example of one possible way to comply with the standard.

Standard 1

Each law enforcement agency has a detailed written directive that:

- clearly defines acts that constitute racial profiling;
- strictly prohibits peace officers employed by the agency from engaging in racial profiling;
- implements a process by which an individual may file a complaint with the agency if the individual believes a peace officer employed by the agency has engaged in racial profiling with respect to the individual filing the complaint;
- provides for public education relating to the complaint process;
- requires appropriate corrective action to be taken against a peace officer employed by the agency who, after investigation, is shown to have engaged in racial profiling in violation of the agency's written racial profiling policy; and
- requires the collection of certain types of data for subsequent reporting.

Commentary

Article 2.131 of the TCCP prohibits officers from engaging in racial profiling, and article 2.132 of the TCCP now requires a written policy that contains the elements listed in this standard. The article also specifically defines a law enforcement agency as it applies to this statute as an "agency of the state, or of a county, municipality, or other political subdivision of the state, that employs peace officers who make traffic stops in the routine performance of the officers' official duties."

The article further defines race or ethnicity as being of "a particular descent, including Caucasian, African, Hispanic, Asian, or Native American." The statute does not limit the required policies to just these ethnic groups.

This written policy is to be adopted and implemented no later than January 1, 2002.

Standard 2

Each peace officer who stops a motor vehicle for an alleged violation of a law or ordinance regulating traffic, or who stops a pedestrian (**pedestrian has been omitted**) for any suspected offense reports to the employing law enforcement agency information relating to the stop, to include:

- a physical description of each person detained, including gender and the person's race or ethnicity, as stated by the person, or, if the person does not state a race or ethnicity, as determined by the officer's best judgment;
- the traffic law or ordinance alleged to have been violated or the suspected offense;
- whether the officer conducted a search as a result of the stop and, if so, whether the person stopped consented to the search;
- whether any contraband was discovered in the course of the search, and the type of contraband discovered;
- whether probable cause to search existed, and the facts supporting the existence of that probable cause;
- whether the officer made an arrest as a result of the stop or the search, including a statement of the offense charged;
- the street address or approximate location of the stop; and
- whether the officer issued a warning or citation as a result of the stop, including a description of the warning or a statement of the violation charged.

Commentary

The information required by 2.133 TCCP is used to complete the agency reporting requirements found in Article 2.134. A peace officer and an agency may be exempted from this requirement under Article 2.135 TCCP Exemption for Agencies Using Video and Audio Equipment. An agency may be exempt from this reporting requirement by applying for the funds from the Department of Public Safety for video and audio equipment and the State does not supply those funds. Section 2.135 (a)(2) states, "the governing body of the county or municipality served by the law enforcement agency, in conjunction with the law enforcement agency, certifies to the Department of Public Safety, not later than the date specified by rule by the department, that the law enforcement agency needs funds or video and audio equipment for the purpose of installing video and audio equipment as described by Subsection (a) (1) (A) and the agency does not receive from the state funds for video and audio equipment sufficient, as determined by the department, for the agency to accomplish that purpose."

Standard 3

The agency compiles the information collected under 2.132 and 2.133 and analyzes the information identified in 2.133.

Commentary

Senate Bill 1074 from the 77th Session of the Texas Legislature created requirements for law enforcement agencies to gather specific information and to report it to each county or municipality served. New sections of law were added to the Code of Criminal Procedure regarding the reporting of traffic and pedestrian stops. Detained is defined as when a person stopped is not free to leave.

Article 2.134 TCCP requires the agency to compile and provide and analysis of the information collected by peace officer employed by the agency. The report is provided to the governing body of the municipality or county no later than March 1 of each year and covers the previous calendar year.

There is data collection and reporting required based on Article 2.132 CCP (tier one) and Article 2.133 CCP (tier two).

The minimum requirements for "tier one" data for traffic stops in which a citation results are:

- 1) the race or ethnicity of individual detained (race and ethnicity as defined by the bill means of "a particular descent, including Caucasian, African, Hispanic, Asian, or Native American");
- 2) whether a search was conducted, and if there was a search, whether it was a consent search or a probable cause search; and
- 3) whether there was a custody arrest.

The minimum requirements for reporting on "tier two" reports include traffic and pedestrian stops. Tier two data include:

- 1) the detained person's gender and race or ethnicity;
- 2) the type of law violation suspected, e.g., hazardous traffic, non-hazardous traffic, or other criminal investigation (the Texas Department of Public Safety publishes a categorization of traffic offenses into hazardous or non-hazardous);
- 3) whether a search was conducted, and if so whether it was based on consent or probable cause;
- 4) facts supporting probable cause;
- 5) the type, if any, of contraband that was collected;
- 6) disposition of the stop, e.g., arrest, ticket, warning, or release;
- 7) location of stop; and
- 8) statement of the charge, e.g., felony, misdemeanor, or traffic.

Tier one reports are made to the TCOLE and governing body of each county or municipality served by the agency an annual report of information if the agency is an agency of a county, municipality, or other political subdivision of the state. Tier one and two reports are reported to the county or municipality and TCOLE not later than March 1 for the previous calendar year beginning March 1, 2003. Tier two reports include a comparative analysis between the race and ethnicity of persons detained to see if a differential pattern of treatment can be discerned based on the disposition of stops including searches resulting from the stops. The reports also include information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling. An agency may be exempt from the tier two reporting requirement by applying for the funds from the Department of Public Safety for video and audio equipment and the State does not supply those funds [See 2.135 (a)(2) TCCP].

Reports should include both raw numbers and percentages for each group. Caution should be exercised in interpreting the data involving percentages because of statistical distortions caused by very small numbers in any particular category, for example, if only one American Indian is stopped and searched, that stop would not provide an accurate comparison with 200 stops among Caucasians with 100 searches. In the first case, a 100% search rate would be skewed data when compared to a 50% rate for Caucasians.

Standard 4

If a law enforcement agency has video and audio capabilities in motor vehicles regularly used for traffic stops, or audio capabilities on motorcycles regularly used to make traffic stops, the agency:

- adopts standards for reviewing and retaining audio and video documentation; and
- promptly provides a copy of the recording to a peace officer who is the subject of a complaint on written request by the officer.

Commentary

The agency should have a specific review and retention policy. Article 2.132 TCCP specifically requires that the peace officer be promptly provided with a copy of the audio or video recordings if the officer is the subject of a complaint and the officer makes a written request.

Standard 5

Agencies that do not currently have video or audio equipment must examine the feasibility of installing such equipment.

Commentary

None

Standard 6

Agencies that have video and audio recording capabilities are exempt from the reporting requirements of Article 2.134 TCCP and officers are exempt from the reporting requirements of Article 2.133 TCCP provided that:

- the equipment was in place and used during the proceeding calendar year; and
- video and audio documentation is retained for at least 90 days.

Commentary

The audio and video equipment and policy must have been in place during the previous calendar year. Audio and video documentation must be kept for at least 90 days or longer if a complaint has been filed. The documentation must be retained until the complaint is resolved. Peace officers are not exempt from the requirements under Article 2.132 TCCP.

Standard 7

Agencies have citation forms or other electronic media that comply with Section 543.202 of the Transportation Code.

Commentary

Senate Bill 1074 changed Section 543.202 of the Transportation Code requiring citations to include:

- race or ethnicity, and
- whether a search of the vehicle was conducted and whether consent for the search was obtained.

II. Background

Police Department Background

The Denison Police Department was founded in the late 1880's. At the time, the Denison Police Department was only made up of a chief and three patrolmen. Today, the Denison Police Department (DPD) is made up of 59 commissioned officers, 3 Animal Control Officers, 1 canine and 20 civilian members. The DPD officers are committed to performing their jobs in a professional manner while serving the community members of Denison and its surrounding areas.

The department promotes, to all its members, to engage in community-policing practices in order to provide quality service to all residents of the community. In 2002, the Denison Police Department adopted a policy, in accordance to the Texas Law on Racial Profiling, banishing racial profiling practices among all DPD officers.

Oath of Office

Each member and volunteer of the Denison Police Department shall subscribe to and abide by the Oath of Office:

I _____ do solemnly swear or affirm that I will faithfully execute the duties of a Police Officer of the City of Denison, Grayson County, Texas, and will to the best of my ability preserve, protect and defend the Constitution and Laws of the United States, and of this State, and of this City; and I furthermore solemnly swear or affirm that I have not directly nor indirectly paid, offered, or promised to pay, contributed, nor promised to contribute, any money or valuable thing to receive my appointment.

So Help Me God.

Upon swearing to the Oath of Office, a signed copy is placed in the employee's personnel file.

Code of Ethics

Each member of the Denison Police Department shall subscribe to and abide by the Code of Ethics:

As a Law Enforcement Officer, my fundamental duty is to serve humanity; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the Constitutional Rights of all people to liberty, equality and justice.

I will keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in obeying the laws of the land and the regulations of my Department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, animosities, or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to ethics of Law Enforcement. I will constantly strive to achieve these objectives and ideals, dedicating myself to my chosen profession . . . Law Enforcement.

The newly sworn member shall be given one copy of the Code of Ethics.

Equal Opportunity/Affirmative Action

The policy of the Denison Police Department is to be fair and impartial in all of its relations with its employees or applicants for employment while adhering to the concept of equal employment opportunity and affirmative action as a necessary element of basic merit system principles. In order to achieve this goal, the Denison Police Department hereby reaffirms its official policy that discrimination on the basis of race, sex, color, religion, national origin, age, mental or physical handicap, disabled or veteran status is prohibited by all employees of the Denison Police Department. This policy will apply and is not limited to recruitment, promotion, hiring, layoff, termination, demotion, transfer, training, rates of pay, fringe benefits, or other forms of compensation, use of facilities, and other terms, conditions and privileges of employment for all job classifications. The City of Denison will take the necessary steps in its employment policies, practices and procedures and make reasonable accommodations in order to assure that appropriate equal employment opportunities are available to all persons.

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<i>Effective Date</i> October 19, 2012		<i>Amended Date</i> March 17, 2017		<i>Directive</i> 2.01.1	
<i>Subject</i> Bias and Racial Based Profiling					
<i>Reference</i>					
<i>Distribution</i> All Personnel City Manager City Attorney		<i>TPCA Best Practices Recognition</i> Program Reference 2.01.1 Bias Based Profiling		<i>Review Date</i>	
				<i>Pages</i> 5	

SECTION 1 PURPOSE

The purpose of this order is to provide general guidance on reducing the presence of bias in law enforcement actions, to identify key contexts in which bias may influence these actions, and emphasize the importance of the constitutional guidelines within which we operate.

SECTION 2 POLICY

Denison Police Department is committed to a respect for constitutional rights in the performance of our duties. Our success is based on the respect we give to our communities, and the respect members of the community observe toward law enforcement. To this end, we shall exercise our sworn duties, responsibilities, and obligations in a manner that does not discriminate on the basis of race, sex, gender, sexual orientation, national origin, ethnicity, age, or religion. Respect for diversity and equitable enforcement of the law are essential to Denison Police Department's mission.

All enforcement actions shall be based on the standards of reasonable suspicion or probable cause as required by the Fourth Amendment to the U. S. Constitution and by statutory authority. In all enforcement decisions, officers shall be able to articulate specific facts, circumstances, and conclusions that support probable cause or reasonable suspicion for arrests, searches, seizures, and stops of individuals. Officers shall not stop, detain, arrest, search, or attempt to search anyone based solely upon the person's race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group.

All departmental orders are informed and guided by this directive. Nothing in this order limits non-enforcement contacts between officers and the public.

SECTION 3 DEFINITIONS

Most of the following terms appear in this policy statement. In any case, these terms appear in the larger public discourse about alleged biased enforcement behavior and in other orders. These definitions are intended to facilitate on-going discussion and analysis of our enforcement practices.

Bias- Prejudice or partiality based on preconceived ideas, a person's upbringing, culture, experience, or education.

Biased policing- Stopping, detaining, searching, or attempting to search, or using force against a person based upon his or her race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group.

Ethnicity- A cluster of characteristics that may include race but also cultural characteristics or traits that are shared by a group with a common experience or history.

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Gender- Unlike sex, a psychological classification based on cultural characteristics or traits.

Probable cause- Facts or apparent facts and circumstances within an officer's knowledge and of which the officer had reasonable, trustworthy information to lead a reasonable person to believe that an offense has been or is being committed, and that the suspect has committed it.

Race- A category of people of a particular decent, including Caucasian, African, Hispanic, Asian, Middle Eastern, or Native American descent. As distinct from ethnicity, race refers only to physical characteristics sufficiently distinctive to group people under a classification.

Racial profiling- A law-enforcement initiated action based on an individual's race, ethnicity, or national origin rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity.

Reasonable suspicion- Articulate, objective facts that lead an experienced officer to suspect that a person has committed, is committing, or may be about to commit a crime. A well-founded suspicion is based on the totality of the circumstances and does not exist unless it can be articulated. Reasonable suspicion supports a stop of a person. Courts require that stops based on reasonable suspicion be "objectively reasonable."

Sex- A biological classification, male or female, based on physical and genetic characteristics.

Stop- An investigative detention. The detention of a subject for a brief period of time, based on reasonable suspicion.

SECTION 4 PROCEDURES

A. General responsibilities

1. Officers are prohibited from engaging in bias-based profiling or stopping, detaining, searching, arresting, or taking any enforcement action including seizure or forfeiture activities, against any person based solely on the person's race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group. These characteristics, however, may form part of reasonable suspicion or probable cause when officers are seeking a suspect with one or more of these attributes.
2. Investigative detentions, traffic stops, arrests, searches, and property seizures by officers will be based on a standard of reasonable suspicion or probable cause in accordance with the Fourth Amendment of the U.S. Constitution. Officers must be able to articulate specific facts and circumstances that support reasonable suspicion or probable cause for investigative detentions, traffic stops, subject stops, arrests, nonconsensual searches, and property seizures. Except as provided in number 3 below, officers shall not consider race/ethnicity in establishing either reasonable suspicion or probable cause. Similarly, except as provided below, officers shall not consider race/ethnicity in deciding to initiate even those nonconsensual encounters that do not amount to legal detentions or to request consent to search.
3. Officers may take into account the reported race or ethnicity of a specific suspect or suspects based on trustworthy, locally relevant information that links a person or

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persons of a specific race/ethnicity to a particular unlawful incident(s). Race/ethnicity can never be used as the sole basis for probable cause or reasonable suspicion. Except as provided above, reasonable suspicion or probable cause shall form the basis for any enforcement actions or decisions. Individuals shall be subjected to stops, seizures, or detentions only upon reasonable suspicion that they have committed, are committing, or are about to commit an offense. Officers shall document the elements of reasonable suspicion and probable cause in appropriate reports.

4. Officers shall observe all constitutional safeguards and shall respect the constitutional rights of all persons.
 - a. As traffic stops furnish a primary source of bias-related complaints, officers shall have a firm understanding of the warrantless searches allowed by law, particularly the use of consent. How the officer disengages from a traffic stop may be crucial to a person's perception of fairness or discrimination.
 - b. Officers shall not use the refusal or lack of cooperation to justify a search of the person or vehicle or a prolonged detention once reasonable suspicion has been dispelled.
2. All personnel shall treat everyone with the same courtesy and respect that they would have others observe to department personnel. To this end, personnel are reminded that the exercise of courtesy and respect engenders a future willingness to cooperate with law enforcement.
 - a. Personnel shall facilitate an individual's access to other governmental services whenever possible, and shall actively provide referrals to other appropriate agencies.
3. When feasible, personnel shall offer explanations of the reasons for enforcement actions or other decisions that bear on the individual's well-being unless the explanation would undermine an investigation or jeopardize an officer's safety.
4. When feasible, all personnel shall identify themselves by name. When a person requests the information, personnel shall give their departmental identification number, name of the immediate supervisor, or any other reasonable information.

B. Supervisory responsibilities

1. Supervisors shall be held accountable for the observance of constitutional safeguards during the performance of their duties. Supervisors shall identify and correct instances of bias in the work of their subordinates.
2. Supervisors shall use the disciplinary mechanisms of the department to ensure compliance with this order and the constitutional requirements of law enforcement.
3. Supervisors shall be mindful that in accounting for the actions and performance of subordinates, supervisors are key to maintaining community trust in law enforcement. Supervisors shall continually reinforce the ethic of impartial

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enforcement of the laws, and shall ensure that personnel, by their actions, maintain the community's trust in law enforcement.

4. Supervisors are reminded that biased enforcement of the laws engenders not only mistrust of law enforcement, but increases safety risks to personnel. Lack of control over bias also exposes the department to liability consequences.
5. Supervisors shall be held accountable for repeated instances of biased enforcement of their subordinates.
6. Supervisors shall ensure that all enforcement actions are duly documented per departmental policy. Supervisors shall ensure that all reports show adequate documentation of reasonable suspicion and probable cause, if applicable.
7. Supervisors will randomly review at least three video tapes per officer (either body camera and/or in-car camera video) per quarter. For this policy a "quarter" is defined as a 3-month period of time. Supervisors are not required to watch each incident of an entire shift; however, reviewing the footage in a manner intended to gain an understanding of that officer's performance and adherence to policy and law is required. Supervisors will document the random review of the video in their daily activity logs and any violations of policy or law will be addressed through the use of existing internal affairs policy.
8. Section 7 above applies only to first-line uniformed officers and their immediate supervisors. In the absence of a first-line supervisor this responsibility will move to patrol lieutenants.

SECTION 5 TRAINING

Officers are responsible for adhering to all Texas Commission on Law Enforcement (TCOLE) training and the Law Enforcement Management Institute of Texas (LEMIT) requirements as mandated by law. All officers shall complete a TCOLE training and education program on bias-based profiling not later than the second anniversary of the date the officer is licensed under Chapter 1701 of the Texas Occupations Code or the date the officer applies for an intermediate proficiency certificate, whichever date is earlier. The Chief of Police, as part of the initial training and continued education for such appointment, will be required to attend the LEMIT program on bias-based profiling.

SECTION 6 COMPLAINT INVESTIGATION

The department shall accept complaints from any person who believes he or she has been stopped or searched based on racial, ethnic or national origin profiling. No person shall be discouraged, intimidated or coerced from filing a complaint, nor discriminated against because he or she filed such a complaint. Refer to General Orders Chapters 2.4.1 through 2.10.1 for the complaint and investigation process.

SECTION 7 PUBLIC EDUCATION

This department will inform the public of its policy against racial and bias based profiling and the complaint process. Methods that may be utilized to inform the public are the news media, radio, service or civic presentations, the Internet, as well as governing board meetings. Additionally, information will be made available as appropriate in languages other than English, if necessary.

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SECTION 8 USE OF VIDEO AND AUDIO EQUIPMENT

Each motor vehicle regularly used by this department to make traffic and pedestrian stops is equipped with a video camera and transmitter-activated equipment, and each motorcycle regularly used by this department to make traffic and pedestrian stops is equipped with transmitter-activated equipment.

Each traffic and pedestrian stop made by an officer of this department that is capable of being recorded by video and audio, or audio, as appropriate, is recorded.

This department shall retain any video and/or audio recordings of each traffic and pedestrian stop for at least ninety (90) days after the date of the stop. If a complaint is filed with this department alleging that one of our officers has engaged in racial profiling with respect to a traffic or pedestrian stop, this department shall retain the video and/or audio recordings of the stop until final disposition of the complaint.

Supervisors will ensure officers of this department are recording their traffic and pedestrian stops. A recording of each officer will be reviewed at least once every ninety (90) days.

If the equipment used to record audio and/or video of traffic or pedestrian stops is malfunctioning or otherwise not operable, the officer making the stop may properly record and report the information to the equipment officer as soon as possible but no later than the end of the shift. If another unit is available which is equipped with properly functioning video and/or audio equipment, then the officer will change to the other unit.

SECTION 9 RESPONSIBILITY

1. All members of the Department shall know and comply with all aspects of this directive.
2. All Division Commanders and supervisory personnel are responsible for ensuring compliance with the provisions and intent of this directive.

III. Responding to the Texas Racial Profiling Law

Filing a Complaint with The Denison Police Department

*** The following information has been disseminated to the public as part of an educational campaign aimed at informing community members of the complaint process relevant to violations of the Texas Racial Profiling Law. The following Citizen Complaint Process has been posted in the foyer of the police department and has been added to the Denison Police Department's portion of the City of Denison website. This process is also aired on the local television advertisement network.



POLICE

CITIZEN COMPLAINT FORM

A message from Mike Gudgel, Chief of Police Denison Police Department

The employees of the Denison Police Department are committed to delivering the highest level of public safety services possible to our citizens and visitors to our community. We hold ourselves to high standards of conduct and the expectation is for our employees to always perform their duties with integrity, respect and in a professional manner.

I realize that sometimes we will make mistakes. While the number of these mistakes should be few, it is important that I am aware of any complaints toward our efforts in providing the best level of service possible. I would also like to know of any instances where our employees should be recognized or receive a commendation for a job well done.

If you do have a complaint, please complete the attached form to allow our agency to evaluate our employee's actions based on the facts of the incident. As your Chief of Police, I have a responsibility to you and the members of this department to ensure that any complaints of alleged misconduct are properly and thoroughly investigated, and discipline and/or training is provided when appropriate.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Gudgel".

Mike Gudgel, Chief of Police
Denison Police Department
108 W. Main Street
Denison, Texas 75021

Attachments: Denison Police Department
Complaint Form

**DENISON POLICE DEPARTMENT
COMPLAINT AGAINST EMPLOYEE
ADMINISTRATIVE INVESTIGATIONS
STATEMENT NOTIFICATION**

This filing of a formal complaint against an employee of the Denison Police Department by you institutes an administrative investigation, which could result in disciplinary action being taken against the employee(s).

Therefore, a person who makes a false statement under oath concerning a complaint filed (as required by Section 614.022, Texas Government Code) against a law enforcement officer, with intent to deceive and with knowledge of the statement's meaning, is guilty of Aggravated Perjury under Section 37.03 of the Texas Penal Code, if he/she has knowledge of the content of the complaint, the purpose of its filing, and the official character of the investigation conducted in connection therewith, and if the statement is material.

I acknowledge that I have read the above notification prior to or at the conclusion of my statement.

COMPLAINANT

DATE

WITNESS

Today is _____, the _____ day of _____, 20__.

I am submitting a formal complaint against the following named employee(s) of the Denison Police Department:

1) _____ 2) _____

3) _____ 4) _____

I do not know the employee(s) name. I can describe the employee as:

1) ___ Male ___ Female ___ White ___ Black ___ Hispanic ___ Asian

___ Height ___ Weight ___ Hair Color _____

2) ___ Male ___ Female ___ White ___ Black ___ Hispanic ___ Asian

___ Height ___ Weight ___ Hair Color _____

My complete name is: _____.

My complete address is: _____ Zip _____.

My birthday is: _____.

My Driver's license number is: _____.

My Social Security number is: _____.

Telephone numbers where I may be reached are:

() _____
Home

() _____
Work

() _____
Cell

Tell your story in your own words using the narrative on the next page(s). Include as much detail as possible. Please include name(s), places, times, witnesses and descriptions. When you have completed the narrative, return the complaint form to the Police Department.

If there are witnesses, do not take statements from them. The Internal Affairs Lieutenant will interview them. If you need additional pages, number and initial the bottom of each additional page.

When you have completed preparing your complaint, you are required to call the Internal Affairs Lieutenant (903-465-2422 ext. 2316) to schedule an appointment to meet with him personally. Do not leave your complaint with the receptionist. The I.A. Lieutenant must review your complaint with you present. The complaint will then be notarized by the I.A. Lieutenant once signed.

If the I.A. Lieutenant is on an extended absence (vacation etc.), ask the receptionist to call any police supervisor to meet you in the lobby. After a police supervisor has reviewed your complaint with you, the receptionist must notarize your signature and will forward your complaint to the I.A. Lieutenant.

DO NOT sign page 7 of the complaint unless your complaint has first been reviewed; in person; by either the I.A. Lieutenant or another police supervisor.

A complaint should be made in a timely manner after the incident so that the details are readily available to the investigating supervisor and prompt attention can be focused to correct and/or discipline an officer acting in an unacceptable manner.

According to state law, the Police Department's receipt of the complaint, investigation, and beginning of discipline of the officer must be completed within 180 days after the occurrence of the act. For criminal matters, the time frame is 180 days from the discovery of the act.

NOTARIZATION

On this, the _____ day of _____, 20____ personally appeared before me, the undersigned authority, _____ who, after being duly sworn by me deposes and says:

The statements contained in this report, made by me, are true and correct to the best of my knowledge.

Signature: _____ Date: _____, 20____.

Sworn and subscribed to before me, a Notary Public, in and for the State of Texas on this the _____ day of _____, 20____.

Notary Signature: _____.

(stamp)

Denison Police Department General Orders

The following section establishes the mission, vision, values, goals, objectives, oath, ethics, and employment practices of the Denison Police Department. Each of these components is often reviewed in order to ensure it adequately addresses the emerging needs of the department, the city, and the residents of the Denison community.

Mission Statement

The Denison Police Department is committed to serving and protecting while partnering with our community to enhance public safety and quality of life within the city.

Motto

Serving and Protecting

Values

SERVICE - We strive to meet or exceed the expectations for those in need of law enforcement assistance.

HONESTY - We adhere to the facts with fairness and straightforwardness of conduct.

INTEGRITY - We are committed to the highest standards of ethical conduct, with strict adherence to moral values and principles.

STACI – City of Denison Core Values

- Service
- Team Work
- Accountability
- Commitment
- Integrity

Training

In compliance with the Texas Racial Profiling Law, the Denison Police Department has asked that all its officers adhere to all Texas Commission on Law Enforcement (TCOLE) training and the Law Enforcement Management Institute of Texas (LEMIT) requirements as mandated by law.

All officers from the Denison Police Department have been asked to complete TCOLE training and education program on racial profiling not later than the second anniversary of the date the officer is licensed under Chapter 1701 of the Texas Occupations Code or the date the officer applies for an intermediate proficiency certificate, whichever date is earlier. A person, who on September 1, 2001, held a TCOLE intermediate proficiency certificate or who had held a peace officer license issued by TCOLE for at least two years, will complete a TCOLE training and education program on racial profiling not later than September 1, 2003.

The Chief of Police, as part of the initial training and continued education for such appointment, attended the LEMIT program on racial profiling. This fulfills the training requirement as specified in the Education Code (96.641) of the Texas Racial Profiling Training law.

Denison, TX PD

Jan 1, 2024 - Dec 31, 2024

Texas TCOLE SB1187 Racial Profiling Report (2024)

PLEASE NOTE: This report is based on the format provided by the Texas Commission on Law Enforcement (TCOLE), current as of Dec. 14, 2022.

01. Total Traffic Stops

	10,119
Total	10,119

02. Location of Stop

CITY STREET	93.84%	9,496
COUNTY ROAD	0.30%	30
PRIVATE PROPERTY OR OTHER	0.40%	40
STATE HIGHWAY	2.51%	254
US HIGHWAY	2.95%	299
Total	100.00%	10,119

03. Was Race Known Prior to Stop?

N	96.91%	9,806
Y	3.09%	313
Total	100.00%	10,119

04. Race or Ethnicity

ALASKA NATIVE/AMERICAN INDIAN	0.41%	41
ASIAN/PACIFIC ISLANDER	0.82%	83
BLACK	14.45%	1,462
HISPANIC/LATINO	11.32%	1,145
WHITE	73.01%	7,388
Total	100.00%	10,119

05. Gender

FEMALE	ALASKA NATIVE/AMERICAN INDIAN	0.32%	12
	ASIAN/PACIFIC ISLANDER	0.58%	22
	BLACK	13.10%	497
	HISPANIC/LATINO	7.20%	273
	WHITE	78.80%	2,989

		100.00%	3,793
MALE	ALASKA	0.46%	29
	NATIVE/AMERICAN INDIAN		
	ASIAN/PACIFIC ISLANDER	0.96%	61
	BLACK	15.25%	965
	HISPANIC/LATINO	13.78%	872
	WHITE	69.54%	4,399
		100.00%	6,326
Total			10,119

06. Reason for Stop?

MOVING TRAFFIC VIOLATION	ALASKA	0.33%	17
	NATIVE/AMERICAN INDIAN		
	ASIAN/PACIFIC ISLANDER	1.04%	53
	BLACK	14.29%	730
	HISPANIC/LATINO	11.80%	603
	WHITE	72.54%	3,707
		100.00%	5,110
PRE EXISTING KNOWLEDGE	ALASKA	10.53%	2
	NATIVE/AMERICAN INDIAN		
	ASIAN/PACIFIC ISLANDER	5.26%	1
	BLACK	15.79%	3
	WHITE	68.42%	13
		100.00%	19
VEHICLE TRAFFIC VIOLATION	ALASKA	0.42%	17
	NATIVE/AMERICAN INDIAN		
	ASIAN/PACIFIC ISLANDER	0.51%	21
	BLACK	14.69%	601
	HISPANIC/LATINO	11.29%	462
	WHITE	73.09%	2,991
		100.00%	4,092
VIOLATION OF LAW	ALASKA	0.56%	5
	NATIVE/AMERICAN INDIAN		
	ASIAN/PACIFIC ISLANDER	0.89%	8
	BLACK	14.25%	128
	HISPANIC/LATINO	8.91%	80
	WHITE	75.39%	677
		100.00%	898
Total			10,119

07. Was a Search Conducted?

N	ALASKA	0.42%	40
	NATIVE/AMERICAN INDIAN		
	ASIAN/PACIFIC ISLANDER	0.85%	82
	BLACK	13.94%	1,339
	HISPANIC/LATINO	11.42%	1,097

	WHITE	73.37%	7,046
		100.00%	9,604
Y	ALASKA NATIVE/AMERICAN INDIAN	0.19%	1
	ASIAN/PACIFIC ISLANDER	0.19%	1
	BLACK	23.88%	123
	HISPANIC/LATINO	9.32%	48
	WHITE	66.41%	342
		100.00%	515
Total			10,119
08. Reason for Search?			
CONSENT	ALASKA NATIVE/AMERICAN INDIAN	0.53%	1
	ASIAN/PACIFIC ISLANDER	0.53%	1
	BLACK	12.83%	24
	HISPANIC/LATINO	9.09%	17
	WHITE	77.01%	144
		100.00%	187
CONTRABAND IN PLAIN VIEW	BLACK	31.03%	9
	HISPANIC/LATINO	13.79%	4
	WHITE	55.17%	16
		100.00%	29
INCIDENT TO ARREST	BLACK	20.00%	1
	HISPANIC/LATINO	40.00%	2
	WHITE	40.00%	2
		100.00%	5
INVENTORY	BLACK	23.53%	4
	HISPANIC/LATINO	23.53%	4
	WHITE	52.94%	9
		100.00%	17
NO SEARCH	ALASKA NATIVE/AMERICAN INDIAN	0.42%	40
	ASIAN/PACIFIC ISLANDER	0.85%	82
	BLACK	13.94%	1,339
	HISPANIC/LATINO	11.42%	1,097
	WHITE	73.37%	7,046
		100.00%	9,604
PROBABLE CAUSE	BLACK	30.69%	85
	HISPANIC/LATINO	7.58%	21
	WHITE	61.73%	171
		100.00%	277
Total			10,119

09. Was Contraband Discovered?

N	ASIAN/PACIFIC ISLANDER	0.67%	1
	BLACK	18.79%	28
	HISPANIC/LATINO	12.08%	18
	WHITE	68.46%	102
		100.00%	149
Y	ALASKA NATIVE/AMERICAN INDIAN	0.27%	1
	BLACK	25.96%	95
	HISPANIC/LATINO	8.20%	30
	WHITE	65.57%	240
		100.00%	366
Total			515

10. Description of Contraband

ALCOHOL	BLACK	22.06%	15
	HISPANIC/LATINO	11.76%	8
	WHITE	66.18%	45
		100.00%	68
DRUGS	BLACK	26.74%	73
	HISPANIC/LATINO	7.33%	20
	WHITE	65.93%	180
		100.00%	273
OTHER	BLACK	23.64%	13
	HISPANIC/LATINO	10.91%	6
	WHITE	65.45%	36
		100.00%	55
STOLEN PROPERTY	BLACK	50.00%	1
	WHITE	50.00%	1
		100.00%	2
WEAPONS	ALASKA NATIVE/AMERICAN INDIAN	10.00%	1
	BLACK	60.00%	6
	WHITE	30.00%	3
		100.00%	10
Total			408

11. Result of the Stop

CITATION	ALASKA NATIVE/AMERICAN INDIAN	0.55%	16
	ASIAN/PACIFIC ISLANDER	0.76%	22
	BLACK	16.18%	470
	HISPANIC/LATINO	16.36%	475
	WHITE	66.15%	1,921

		100.00%	2,904
CITATION AND ARREST	BLACK	20.83%	5
	HISPANIC/LATINO	16.67%	4
	WHITE	62.50%	15
		100.00%	24
WRITTEN WARNING	ALASKA NATIVE/AMERICAN INDIAN	0.35%	25
	ASIAN/PACIFIC ISLANDER	0.85%	61
	BLACK	13.61%	974
	HISPANIC/LATINO	9.24%	661
	WHITE	75.94%	5,433
			100.00%
WRITTEN WARNING AND ARREST	BLACK	35.14%	13
	HISPANIC/LATINO	13.51%	5
	WHITE	51.35%	19
		100.00%	37
Total			10,119

12. Arrest Based On

OUTSTANDING WARRANT	BLACK	34.78%	8
	HISPANIC/LATINO	8.70%	2
	WHITE	56.52%	13
		100.00%	23
VIOLETION OF CITY ORDINANCE	WHITE	100.00%	1
		100.00%	1
VIOLETION OF PENAL CODE	BLACK	27.78%	10
	HISPANIC/LATINO	16.67%	6
	WHITE	55.56%	20
		100.00%	36
VIOLETION OF TRAFFIC LAW	HISPANIC/LATINO	100.00%	1
		100.00%	1
Total			61

13. Was Physical Force Used?

N	ALASKA NATIVE/AMERICAN INDIAN	0.41%	41
	ASIAN/PACIFIC ISLANDER	0.82%	83
	BLACK	14.42%	1,458
	HISPANIC/LATINO	11.32%	1,145
	WHITE	73.03%	7,384
			100.00%
USE OF FORCE - BODILY INJURY TO BOTH	BLACK	100.00%	1

		100.00%	1
USE OF FORCE - BODILY INJURY TO OFC	BLACK	50.00%	1
	WHITE	50.00%	1
		100.00%	2
USE OF FORCE - BODILY INJURY TO SUS	WHITE	100.00%	1
		100.00%	1
USE OF FORCE - NO BODILY INJURY	BLACK	50.00%	2
	WHITE	50.00%	2
		100.00%	4
Total			10,119

Was Arrest Due to Contraband Found?

N	BLACK	25.58%	11
	HISPANIC/LATINO	18.60%	8
	WHITE	55.81%	24
		100.00%	43
Y	BLACK	38.89%	7
	HISPANIC/LATINO	5.56%	1
	WHITE	55.56%	10
		100.00%	18

Report Created on: Jan 9, 2025 8:12 PM

Page: 1 of ?

Total

61

Denison, TX PD

Jan 1, 2024 - Dec 31, 2024

Racial Profiling Report - Del Carmen

PLEASE NOTE: The official form does not allow for Other and Unknown in the Race or Ethnicity boxes on the TCOLE website. Please contact TCOLE for instructions on how to resolve these issues. This report only includes traffic stops resulting in a citation, traffic stops resulting in a citation with an arrest, traffic stops resulting in a warning with an arrest, and field interviews that resulted in an arrest. This report does not include any stops from traffic collisions.

Table 1. (Motor Vehicle Contacts Including Tickets, Citations and Warnings) - COUNT

	CITATION	WRITTEN WARNING	CITATION AND ARREST	WRITTEN WARNING AND ARREST	Total
A	22	61			83
B	470	974	5	13	1,462
H	475	661	4	5	1,145
I	16	25			41
W	1,921	5,433	15	19	7,388
Total	2,904	7,154	24	37	10,119

Table 1. (Motor Vehicle Contacts Including Tickets, Citations and Warnings) - %

	CITATION	WRITTEN WARNING	CITATION AND ARREST	WRITTEN WARNING AND ARREST	Total
A	0.22%	0.60%			0.82%
B	4.65%	9.64%	0.05%	0.13%	14.47%
H	4.70%	6.56%	0.04%	0.05%	11.35%
I	0.16%	0.25%			0.41%
W	18.95%	53.67%	0.15%	0.19%	72.96%
Total	28.68%	70.72%	0.24%	0.36%	100.00%

(II) Comparative Analysis

Table 1. Comparison of Self-Initiated Stops of Contacts and DPS Resident Data

Race/Ethnicity*	Contacts		DPS Data		Variance	
	N	%	N	%	N	%
Caucasian**	7388	73.0	44544	86.9	N/A	13.9
African	1462	14.5	3774	7.4	N/A	-7.1
Asian	83	.8	559	1.1	N/A	.3
Native American	41	.4	881	1.7	N/A	1.3
Other	1145	11.3	1480	2.9	N/A	-8.4
Total	10119	100%	51238	100%		

* Race/Ethnicity are defined by Senate Bill 1074 as being of a “particular descent, including Caucasian, African, Hispanic, Asian, Middle Eastern or Native American”.

** In this table, Hispanics have been added to the Caucasian population and the Middle Easterners have been added to the “Other” population.

This has been done in order to correspond with DPS data collection methods.

According to DPS, Hispanics are combined, in their data reports, with the Caucasian population and the Middle Easterners in the “Other” population.

Corrective Action

It is the policy of the Denison Police Department that any officer who, after an internal investigation, has been found guilty of engaging in racial profiling, that one of the following series of disciplinary measures is taken (as per the recommendation of the chief of police):

- 1) Officer is retrained in racial sensitivity issues.
- 2) Officers are suspended and as a condition of further involvement with the police department are asked to undergo racial sensitivity training.
- 3) Officer is terminated.

Data on Corrective Action

The following table contains data regarding officers that have been the subject of a complaint, during the period of 01/01/24---12/31/24, based on allegations outlining possible violations related to the Texas Racial Profiling Law. The final disposition of the case is also included.

Check above if the Denison Police Department has not received any complaints on any members of its police force, for having violated the Texas Racial Profiling Law during the period of 01/01/24 ---- 12/31/24.

Complaints Filed for Possible Violations of S.B. 1074 (The Texas Racial Profiling Law)

Complaint No.	Alleged Violation			Disposition of the Case

Additional Comments:

Analysis

The data presented in this report contains valuable information regarding police contacts with the public between 01/01/24 and 12/31/24. Despite its value, the raw data does not present much information relevant to racial profiling trends.

Thus, it is felt that further analysis of the data is warranted. As such, data was obtained through the Texas Department of Public Safety (DPS), via a public information request. The data obtained from DPS included the race and gender of drivers in the city of Denison during the 2024 calendar year. The decision to obtain DPS data was made since, according to experts, census data presents challenges to any effort made at establishing a fair and accurate analysis. That is, census data contains information of all residents of a particular community, regardless of the fact they may or may not be among the driving population. Further, census data, when used as a benchmark of comparison, presents the challenge that it captures information related to city residents only. Thus, excluding individuals who may have come in contact with the Denison Police Department, but reside outside city limits. This has a tendency of inflating the overall figures; thus, providing an inaccurate representation of police contacts with the public. Therefore, it is felt that DPS data relevant to city residents, if compared only to the portion of individuals who reside in the city of Denison and have come in contact with the police during a given year, will offer a more accurate representation and provide further insights than other sources including census data.

For example: When comparing the city residents who came in contact with the Denison Police Department during 2024 with those who, according to DPS, were residents of the city during that time and held a valid driver's license, the data produced interesting findings. That is, the number of police contacts with White drivers, when compared to the number of White city residents who held a valid drivers license, demonstrated that the number of contacts with the police were under-represented. It must be noted that Hispanics were grouped with Caucasians for purposes of this analysis since DPS does not collect information related to the ethnicity of drivers. In fact, according to their own language, DPS considers the number of Hispanic drivers but not their gender.

IV. Summary Findings

Summary Statement

The findings suggest that the Denison Police Department does not currently experience a problem regarding racial profiling practices. This is supported by the fact that we have not received any written formal complaints from community members regarding officers misconduct associated with racial profiling practices. Even though the comparison data indicates a higher rate for African Americans, this is due to the fact the comparison was totaled with resident and non-resident contacts.

The continuing effort to collect police contact data will assure an on-going evaluation of the Denison Police Department practices and allow for the citizens of the Denison community to benefit from professional and courteous service from their police department.

Checklist

(I) The following requirements ***must*** be met by all law enforcement agencies in the State of Texas:

- Clearly defined act of actions that constitute racial profiling.
- Statement indicating prohibition of any peace officer employed by the Denison Police Department from engaging in racial profiling.
- Implement a process by which an individual may file a complaint regarding racial profiling violations.
- Provide public education related to the complaint process.
- Implement disciplinary guidelines for officer found in violation of the Texas Racial Profiling Law.
- Collect data (Tier 1) that includes information on:
 - a) Race and ethnicity of individual detained
 - b) Whether a search was conducted
 - c) If there was a search, whether it was a consent search or a probable cause search
 - d) Whether a custody arrest took place
- Produce an annual report on police contacts (Tier 1) and present this to local governing body and TCOLE by March 1, 2025.
- Adopt a policy, if video/audio equipment is installed, on standards for reviewing video and audio documentation.

(II) Report and stats compiled by Asst. Chief Joe Clapp.

(III) For additional questions regarding the information presented in this report, please contact:

Chief Mike Gudgel
108 West Main St.
Denison, Texas 75021
(903) 465-2422

City Council Meeting Staff Report



Agenda Item

Receive a report, hold a discussion, and take action on a Resolution permitting staff to develop and submit an application to the Texas Water Development Board Water Loss Reduction Program for a Water System Improvements project.

Staff Contact

Fanchon Stearns, CIP/Engineering Manager

fstearns@denisontx.gov

903-647-3335

Summary

- The City submitted a water system improvements project to the Texas Water Development Board (TWDB) in 2023.
- While funding was not provided at that time, the TWDB has invited the City to submit a full application for funding under the new Water Loss Reduction program.
- This resolution allows staff to move forward with preparing and submitting the application for TWDB consideration.

Staff Recommendation

Staff recommends approval of the resolution.

Recommended Motion

“I move to approve the Resolution permitting staff to develop and submit an application to the Texas Water Development Board Water Loss Reduction program for a Water System Improvements project.”

Background Information and Analysis

This resolution is part of the City’s application to the Texas Water Development Board (TWDB) for their Water Loss Reduction funding program. The City was invited to apply for the program based on a previous Project Information Form submitted for the Drinking Water State Revolving Funding in 2023. TWDB has determined that, while the project was not funded based on the 2023 submittal, they thought the project was a good fit for the new Water Loss Reduction funding program and invited the City to apply. The application will be for \$16.9M (70% grant, 30% subsidized loan) and will target north, central, and east Denison for water system improvements including water main replacement. This resolution permits staff to move forward with preparing the application for consideration by the TWDB. This resolution and the application do not obligate the City to accept any funding offers made.

Financial Considerations

None. If the application is sufficient and funding is offered, additional Council action will be necessary to accept the funding.

Prior Board or Council Action

The Council approved submitting the original project PIF to the TWDB in 2023.

Alternatives

Council may deny or modify the item.

RESOLUTION NO. _____
Application Filing and Authorized Representative Resolution

A RESOLUTION by the City council of the City of Denison, Texas requesting financial assistance from the Texas Water Development Board; authorizing the filing of an application for assistance; and making certain findings in connection therewith.

BE IT RESOLVED BY THE City Council OF THE City of Denison, Texas:

SECTION 1: That an application is hereby approved and authorized to be filed with the Texas Water Development Board seeking financial assistance in an amount not to exceed \$16,950,000.00 to provide for the costs of Water Distribution Improvements Project for Disadvantaged Areas.

SECTION 2: That Ronnie Bates be and is hereby designated the authorized representative of the City of Denison for purposes of furnishing such information and executing such documents as may be required in connection with the preparation and filing of such application for financial assistance and the rules of the Texas Water Development Board.

SECTION 3: That the following firms and individuals are hereby authorized and directed to aid and assist in the preparation and submission of such application and appear on behalf of and represent the City of Denison before any hearing held by the Texas Water Development Board on such application, to wit:

Financial Advisor: Hilltop Securities Inc.
Marti Shew

Engineer: RJN Group
William Moriarty P.E.

Bond Counsel: McCaul Parkhurst & Horton LLP
Greg Schaecher

PASSED AND APPROVED, this the _____ day of February, 2025 _____.

ATTEST: _____
Christine Wallentine, City Clerk

By: _____
ROBERT CRAWLEY, Mayor

City Council Meeting Staff Report



Agenda Item

Receive a report, hold a discussion and take action on a resolution authorizing membership in the Atmos Cities Steering Committee and authorizing the payment of five cents (\$0.05) per capita to the Atmos Cities Steering Committee to fund regulatory and related activities related to Atmos Energy Corporation.

Staff Contact

Christine Wallentine, City Clerk/Assistant to the City Manager
cwallentine@denisontx.gov
(903) 465-2720, Ext. 2437

Summary

- The Atmos Cities Steering Committee (“ACSC”) is composed of 186 municipalities in the service area of Atmos Energy Corporation, Mid-Tex Division that have retained original jurisdiction.
- Because Atmos has no competitors, regulation of the rates that it charges its customers is the only way that cities can ensure that natural gas rates are fair. Working as a coalition to review the rates charged by Atmos allows cities to accomplish more collectively than each city could do acting alone.
- ACSC protects the authority of municipalities over the monopoly natural gas provider and defends the interests of residential and small commercial customers within the cities.
- ACSC is actively involved in rate cases, appeals, rulemakings, and legislative efforts impacting the rates charged by Atmos within the City.
- A per capita assessment has historically been used and is a fair method for the members to bear the burdens associated with the benefits received from that membership.

Staff Recommendation

Staff recommends approval of the item.

Recommended Motion

“I move to adopt the resolution authorizing membership in the Atmos Cities Steering Committee and authorizing the payment of five cents (\$0.05) per capita to the Atmos Cities Steering Committee to fund regulatory and related activities related to Atmos Energy Corporation.”

Background Information and Analysis

Most municipalities have retained original jurisdiction over gas utility rates and services within municipal limits. The Atmos Cities Steering Committee (“ACSC”) is composed of 186 municipalities in the service area of Atmos Energy Corporation, Mid-Tex Division that have retained original jurisdiction. Atmos is a monopoly provider of natural gas. Because Atmos has no competitors, regulation of the rates that it charges its customers is the only way that cities can ensure that natural gas rates are fair. Working as a coalition to review the rates charged by Atmos allows cities to accomplish more collectively than each city could do acting alone. Cities have more than 100 years’ experience in regulating natural gas rates in Texas.

ACSC is the largest coalition of cities served by Atmos Mid-Tex. There are 186 ACSC member cities, which represent more than 60 percent of the total load served by Atmos-Mid Tex. ACSC protects the authority of municipalities over the monopoly natural gas provider and defends the interests of residential and small commercial customers within the cities. Although many of the activities undertaken by ACSC are connected to rate cases (and therefore expenses are reimbursed by the utility), ACSC also undertakes additional activities on behalf of municipalities for which it needs funding support from its members.

ACSC is actively involved in rate cases, appeals, rulemakings, and legislative efforts impacting the rates charged by Atmos within the City. These activities will continue throughout the calendar year. It is possible that additional efforts will be necessary on new issues that arise during the year, and it is important that ACSC be able to fund its participation on behalf of its member cities. A per capita assessment has historically been used and is a fair method for the members to bear the burdens associated with the benefits received from that membership.

Financial Considerations

Continued membership will result in a \$1,317.15 membership assessment for the year, which amount is budgeted out of the General Fund.

Prior Board or Council Action

Council has historically approved these annually over the last several years.

Alternatives

None.

Atmos Cities Steering Committee
 C/O City of Arlington
 Attn: Brandi Stigler
 PO Box 90231
 Arlington, TX 76004

Invoice

Date	Invoice #
1/29/2025	25-51

Bill To
City of Denison

Item	Population	Per Capita	Amount
2025 Membership Assessment	26,343	0.05	1,317.15
Please make check payable to: Atmos Cities Steering Committee and mail to Atmos Cities Steering Committee, C/O City of Arlington, Attn: Brandi Stigler, PO Box 90231, Arlington, Texas 76004			Total \$1,317.15

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING MEMBERSHIP IN THE
ATMOS CITIES STEERING COMMITTEE; AND
AUTHORIZING THE PAYMENT OF FIVE CENTS PER
CAPITA TO THE ATMOS CITIES STEERING
COMMITTEE TO FUND REGULATORY AND RELATED
ACTIVITIES RELATED TO ATMOS ENERGY
CORPORATION**

WHEREAS, the City of Denison, Texas is a regulatory authority under the Gas Utility Regulatory Act (GURA) and has exclusive original jurisdiction over the rates and services of Atmos Energy Corporation, Mid-Tex Division (Atmos) within the municipal boundaries of the city; and

WHEREAS, the Atmos Cities Steering Committee (ACSC) has historically intervened in Atmos rate proceedings and gas utility related rulemakings to protect the interests of municipalities and gas customers residing within municipal boundaries; and

WHEREAS, ACSC is participating in Railroad Commission dockets and projects, as well as court proceedings and legislative activities, affecting gas utility rates; and

WHEREAS, the City would like to become a member of ACSC; and

WHEREAS, in order for ACSC to continue its participation in these activities which affects the provision of gas utility service and the rates to be charged, it must assess its members for such costs; NOW THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DENISON, TEXAS:

I.

That the City is authorized to become a member in the Atmos Cities Steering Committee to protect the interests of the City of Denison and protect the interests of the customers of Atmos Energy Corporation, Mid-Tex Division residing and conducting business within the City limits.

II.

The City is further authorized to pay its 2025 assessment to the ACSC in the amount of five cents (\$0.05) per capita.

III.

A copy of this Resolution and approved assessment fee payable to “City of Arlington, c/o Atmos Cities Steering Committee,” shall be sent to:

City of Arlington
Brandi Stigler
PO Box 90231
Arlington, Texas 76004

PRESENTED AND PASSED on this the 17th day of February 2025, by a vote of _____ ayes and _____ nays at a regular meeting of the City Council of the City of Denison, Texas.

ROBERT CRAWLEY, Mayor

ATTEST:

Christine Wallentine, City Clerk

City Council Meeting Staff Report



Agenda Item

Receive a report, hold a discussion, and take action on an ordinance amending Chapter 22, Article IV “Requirements for Public Improvements and Design” of the City of Denison’s Code of Ordinances to add Division 10 “Engineering Standards Variance.”

Staff Contact

Fanchon Stearns, CIP/Engineering Manager

fstearns@denisontx.gov

903-647-3335

Summary

- Requests for variances to City engineering criteria are sometimes necessary due to the constraints posed by specific sites and specific developments.
- Staff and contract professional engineers currently consider and help grant requests for variances when warranted.
- This Ordinance formalizes current practice in an effort to be transparent and equitable.

Staff Recommendation

Staff recommends approval of the item.

Recommended Motion

“I move to approve the ordinance amending Chapter 22, Article IV “Requirements for Public Improvements and Design” of the City of Denison’s Code of Ordinances to add Division 10 “Engineering Standards Variance.”

Background Information and Analysis

Staff has received more frequent requests for variances to City engineering criteria, including the Public Works Design Manual. This Ordinance formalizes current and common practice. Variance requests can be made during the engineering plan review process. Exhibits or drawings for particular variances should be included in the request. Engineering staff will review and when warranted, approve minor variances. Variances granted may not pose health/safety hazards or significant maintenance problems. If a variance is denied, the applicant may appeal to the Director of Public Works.

Financial Considerations

None.

Prior Board or Council Action

None.

Alternatives

Council may table or deny the item to keep the process informal.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DENISON, TEXAS, AMENDING CHAPTER 22 OF THE CODE OF ORDINANCES OF THE CITY, THE SAME BEING THE SUBDIVISION REGULATIONS OF THE CITY OF DENISON, TO AMEND ARTICLE IV (REQUIREMENTS FOR PUBLIC IMPROVEMENTS AND DESIGN), TO ADD DIVISION 10 (ENGINEERING STANDARDS VARIANCE); PROVIDING FOR SAVINGS, REPEALING AND SEVERABILITY CLAUSES; PROVIDING A PENALTY CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, the City of Denison (the “City”) is a Home Rule Municipality acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Texas Local Government Code; and

WHEREAS, the City Council adopted Chapter 22 of its Code of Ordinances, the same being the Subdivision Regulations of the City, which sets forth various regulations for the construction of public improvements, including sidewalks; and

WHEREAS, after complying with all legal notices, requirements, and conditions, THE city Council has determined it would increase efficiency in development to provide for an administrative variance procedure for engineering standards.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DENISON, TEXAS:

SECTION 1. INCORPORATION OF PREMISES. The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

SECTION 2. SUBDIVISION REGULATIONS AMENDMENTS. Chapter 22 of the Code of Ordinances of the City of Denison, Texas, the same being the City’s Subdivision Regulations, is hereby amended to add Division 10, Engineering Variance Procedures, to Article IV, Requirements for Public Improvements and Design, as follows:

DIVISION 10: ENGINEERING STANDARDS VARIANCE

SECTION 22-120. Procedures. The director of public works or his/her designee shall review and render judgement on requests for variances from the technical requirements contained in the Public Works Design Manual.

(a) The applicant must formally request a variance in writing. The written variance request shall (i) be submitted in writing as a response to City comments during the construction plan review process; or (ii) be submitted in writing by emailing the request to the City’s engineering staff. Variance requests to the Public Works Design Manual will not be reviewed until a construction plan set has been submitted.

(b) A written request for a variance must include the following items. Incomplete requests will not be reviewed and may be returned.

- (1) A construction plan submittal,
- (2) An explanation why the ordinances and/or requirements in the Public Works Design Manual cannot be met,
- (3) A proposed solution or alternative for consideration, and
- (4) An exhibit or drawing that illustrates the existing conditions, site constraints and the proposed solution or alternative.

(c) Engineering staff shall review the complete variance request and supporting documentation and issue a written response (i) within 15 business days, or (ii) upon issuing a review letter for the most recent plan review.

(d) The applicant will have up to 5 business days to appeal the denial of a variance request to the Director of Public Works. The applicant must submit a written response to the variance denial and any other supporting documentation necessary to support the variance with the request for appeal.

(e) The Director of Public Works shall review the appeal of the variance denial and provide a final determination on whether the denial is upheld or overturned within 15 business days of timely receipt of a complete request for an appeal.

SECTION 3. SAVINGS/REPEALING CLAUSE. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 4. SEVERABILITY. Should any section, subsection, sentence, clause, phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Denison hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

SECTION 5. PENALTY. Any person, firm, entity or corporation who violates any provision of this Ordinance or Denison's Subdivision Ordinance Chapter 22, as they exist or may be amended, shall be deemed guilty of a misdemeanor, and upon conviction therefore, shall be fined in accordance with Chapter 1, Section 1-12 of the Code of Ordinances. Each continuing day's violation shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude Denison from filing suit to enjoin the violation. Denison retains all legal rights and remedies available to it pursuant to local, state and federal law.

SECTION 6. EFFECTIVE DATE. This Ordinance shall become effective immediately upon its adoption and its publication as required by law.

SECTION 7. OPEN MEETINGS. That it is hereby found and determined that the meeting at which this Ordinance was passed was open to the public as required by law, and that public notice of the time, place and purpose of said meeting was given, all as required by Article 551.041, Texas Government Code.

AND IT IS SO ORDERED.

On motion by Council Member _____, seconded by Council Member _____, the above and foregoing ordinance was passed and approved on this the ____ day of _____, 2025, by the following vote:

Ayes:
Abstentions:
Nays:

At regular meeting _____, 2025.

ROBERT CRAWLEY, MAYOR

ATTEST:

Christine Wallentine, City Clerk

City Council Meeting Staff Report



Agenda Item

Receive a report, hold a discussion, conduct a public hearing, and take action on an Ordinance to rezone an approximately 6.200-acre tract identified as GCAD Property ID No. 101027, said property being legally described as being situated in the Jacob Willcox Survey, Abstract No. 1358 and Polly Stamps Survey, Abstract No. 1098, according to the recorded instrument No. 2023-32617, official records of Grayson County, Texas; located at Harbor Road and Highway 84, from the Planned Development Overlay (PD) District to the Light Industrial (LI) District to allow for an electrical substation. (Case No. 2024-34Z).

Staff Contact

Dianne York, Planning Manager
dyork@denisontx.gov
903-465-2720

Summary

- The applicant is requesting a rezone of the subject property from a Planned Development Overlay District (PD) to Light Industrial (LI) District to accommodate an electrical substation.
- The subject property is currently located within the Preston Harbor development.
- The applicant has requested that the public hearing be tabled to the City Council meeting held on March 3rd, 2025.

Staff Recommendation

Staff recommends tabling the public hearing to the City Council meeting held on March 3rd, 2025.

Recommended Motion

"I move to table the public hearing to the City Council meeting held on March 3rd, 2025."

Background Information and Analysis

The applicant has requested that the public hearing for this item be tabled to the March 3rd, 2025 City Council meeting due to their team being unable to attend the meeting held on February 17th, 2025.

City staff received an application requesting a rezone of approximately 6.200 acres to the Light Industrial District to accommodate an Oncor electrical substation. The subject tract of land currently falls within the bounds of the Preston Harbor Planned Development Overlay District (PD). This Planned Development (PD) was approved by City Council at their meeting held on April 1st, 2024.

The current Preston Harbor PD establishes specific uses that are allowed within the development. An electrical substation is not listed as an allowed use. In order to meet the current demand for electricity as well as future demand needs for the subject area, it is essential that the property be rezoned to the Light Industrial District (LI). Rezoning the subject property will allow for the construction of the Oncor electrical substation.

The applicant has provided a preliminary Site Plan detailing the location and access for the substation. The future substation must meet development standards outlined in Chapter 28 as it pertains to screening, landscaping, and submittal requirements.

According to Ordinance Section 28.10, City staff and the Planning and Zoning Commission shall consider the following factors when reviewing rezone requests:

1. *Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned, and their relationship to the general area and to the city as a whole;*

The majority of the area adjacent to the subject property has currently been undeveloped. Directly north of the subject property, commercial uses are in place as well as a neighborhood.

2. *Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the area;*

N/A

3. *The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the city, and any special circumstances that may make a substantial part of such vacant land unavailable for development;*

Rezoning of this property will not impact the availability of similar land for development.

4. *The recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed change;*

The majority of the area adjacent to the subject property is currently undeveloped with a few commercial uses to the north of the property.

5. *How other areas designated for similar development will be, or are likely to be, affected if the proposed amendment is approved;*

N/A

6. *Whether the zoning petition is consistent with the current land use plan; and*

The Future Land Use Map calls for the subject area to be developed in a “Neighborhood” manner. However, the use is essential for existing development as well as future development.

7. *Any other factors that will substantially affect the public health, safety, morals, or general welfare.*

Other factors which may substantially affect general welfare have been addressed above.

Financial Considerations

N/A

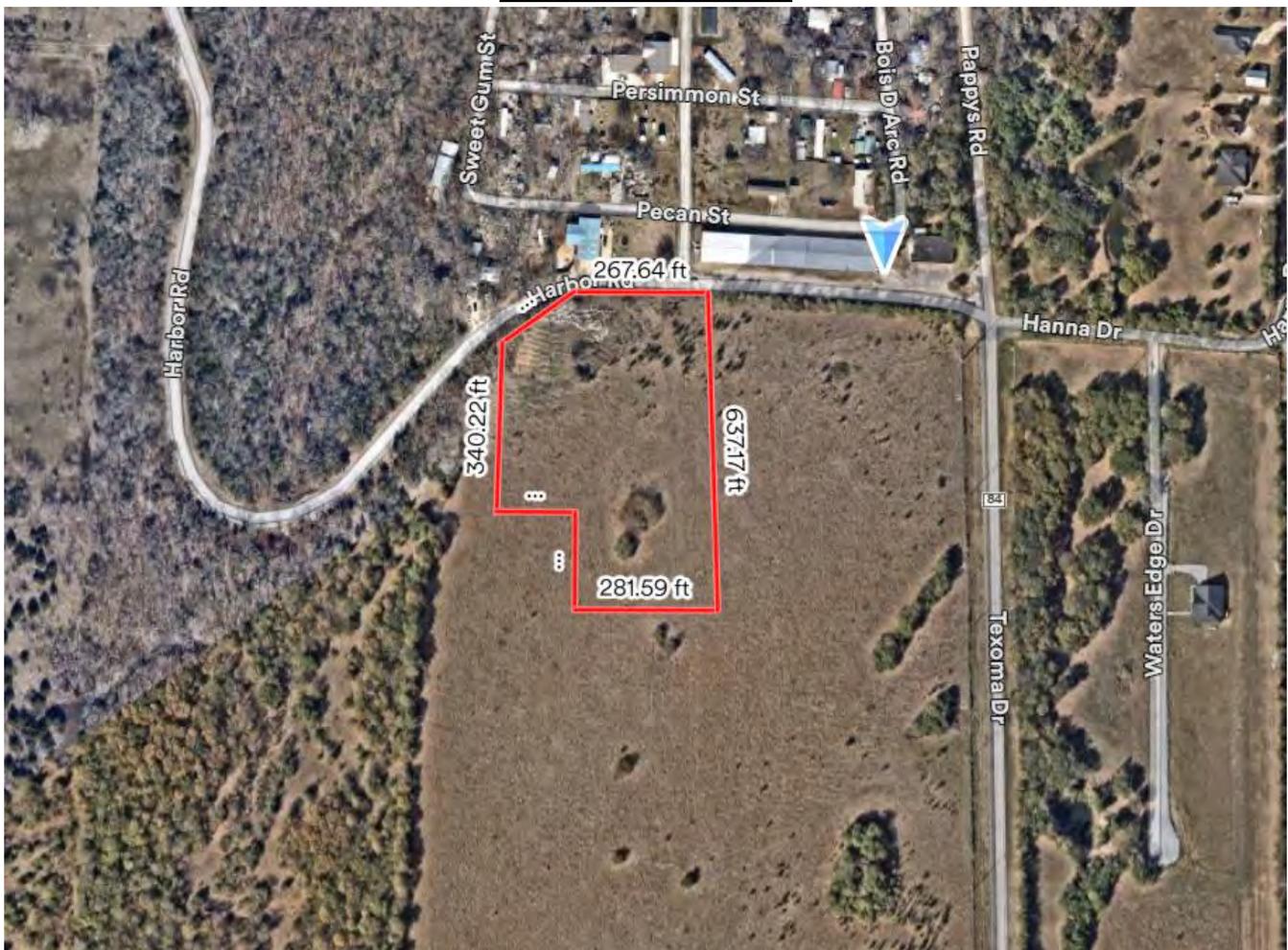
Prior Board or Council Action

- The Planning and Zoning Commission recommended approval of this request at their meeting held on February 17th, 2025.

Alternatives

- The City Council may table, recommend denial or recommend approval with conditions.

Aerial of Subject Area



PROJECT NARRATIVE
Oncor Harbor Substation
Jacob Wilcox Survey, Abstract No. 1358, Grayson County, Texas
Polly Stamps Survey, Abstract No. 1098, Grayson County, Texas

Location:

The site is located at the southwest corner of the intersection of Harbor Road and F.M. Highway 48 in Denison. The proposed development would consist of one Oncor substation on 6.200 acres.

Purpose of Zoning District Change Submittal:

The purpose of this rezoning submittal is to rezone the existing PD to a LI straight zoning district for an electrical substation.

Is there vacant land that is zoned for your proposed use available in other areas of the City? Why are those vacant areas not appropriate for your proposed project?:

Oncor determined the subject property is appropriate for a substation based on the electrical load demand in the area and proximity to the existing transmission lines.

If approved how will your request affect other areas designated for similar development?:

The electrical substation does not generate traffic and is used to help the reliability of the electrical grid in the area.

How are the uses permitted by the requested zoning district appropriate in the immediate area surrounding the subject property and the city as a whole?

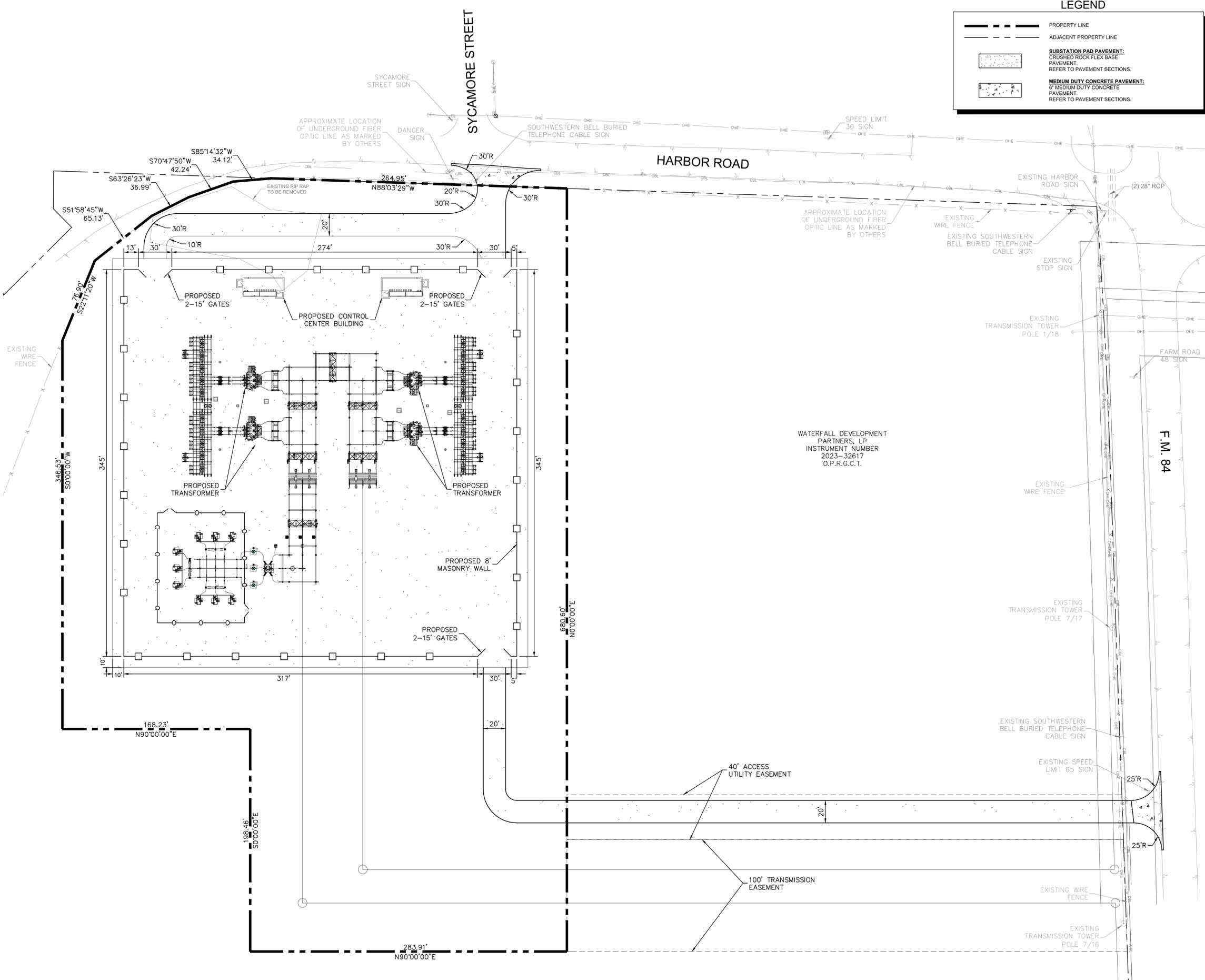
The substation will improve the reliability and service for the current and future customers in the City of Denison and meet the growing demand in the area.

Ordinance Section 25.10.01.B Approval Criteria

1. Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned, and their relationship to the general area and to the city as a whole.
 - a. Oncor determined the subject property is appropriate for a substation based on the electrical load demand in the area and proximity to the existing transmission lines.
2. Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the area.
 - a. The electrical substation will utilize the existing transmission lines and provide additional support for the electrical utility demand in this area.

3. The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the city, and any special circumstances that may make a substantial part of such vacant land unavailable for development.
 - a. Oncor uses a specific property selection process based on the location of the electrical demand and proximity to the existing transmission infrastructure. The subject property was determined to be the prime location for this project.
4. The recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed change.
 - a. Light Industrial zoning is a common zoning district on the north side of Denison and will serve the surrounding area.
5. How other areas designated for similar development will be, or are likely to be, affected if the proposed amendment is approved.
 - a. The electrical substation development will help support the electrical grid for surrounding areas.
6. Whether the zoning petition is consistent with the current land use plan.
 - a. The zoning petition is consistent with the current land use plan.
7. Any other factors that will substantially affect the public health, safety, morals, or general welfare.
 - a. The substation and security proposed are industry standard to help protect public health, safety, and general welfare.

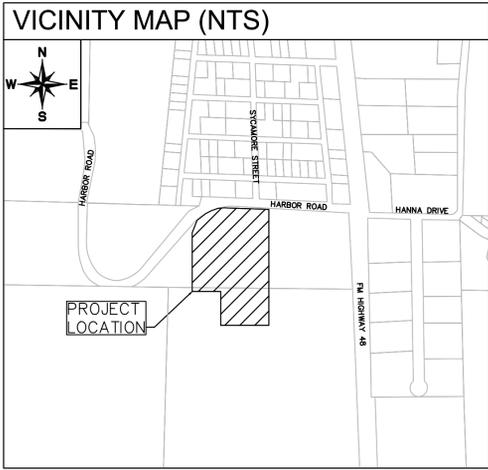
PREPARED BY: KIMLEY-HORN AND ASSOCIATES, INC. DATE: 12/16/2024 DRAWN BY: R.J.M. CHECKED BY: G.C.B. SCALE: AS SHOWN DATE: 12/16/2024 PROJECT NO.: 064424986
 WATERFALL DEVELOPMENT PARTNERS, LP INSTRUMENT NUMBER 2023-32617 O.P.R.G.C.T.
 This document, together with the concepts and designs presented herein, is an instrument of service, as an instrument of service, is intended only for the specific purpose and client for which it was prepared. Reuse of and improper reliance on this document without written authorization and adaptation by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.



LEGEND

	PROPERTY LINE
	ADJACENT PROPERTY LINE
	SUBSTATION PAD PAVEMENT: CRUSHED ROCK FLEX BASE PAVEMENT. REFER TO PAVEMENT SECTIONS.
	MEDIUM DUTY CONCRETE PAVEMENT: 6" MEDIUM DUTY CONCRETE PAVEMENT. REFER TO PAVEMENT SECTIONS.

GRAPHIC SCALE 40'



PROPOSED DEVELOPMENT REGULATIONS	
EXISTING ZONING	PD
PROPOSED ZONING	LI
USES	ELECTRICAL SUBSTATION
SETBACKS	
FRONT YARD	25 FT.
SIDE YARD	N/A
SIDE YARD (CORNER LOTS)	N/A
REAR YARD	N/A
LOT WIDTH (MINIMUM)	N/A
LOT DEPTH (MINIMUM)	N/A
LOT AREA (MINIMUM)	N/A
HEIGHT (MAXIMUM)	6 STORIES
BUILDING MATERIALS	PREFAB METAL
SCREENING	8' MASONRY WALL
OPEN SPACE	122,839 SQ. FT.
GROSS SITE AREA	270,075 SQ. FT.
LOT COVERAGE	50.32%

SITE PLAN
 FOR
ONCOR HARBOR SUBSTATION
 CURRENT ZONING: PD
 JACOB WILCOX SURVEY, ABSTRACT NO. 1358
 POLLY STAMPS SURVEY, ABSTRACT NO. 1098
 6.20 ACRES OR 270,075 SQ. FEET
 IN THE
CITY OF DENISON, GRAYSON COUNTY, TEXAS

OWNER: Waterfall Development Partners LP 6850 TPC DR Suite 104, Mckinney, TX 75070 Tel: 972-529-1371	DEVELOPER: Oncor 777 Main Street, Suite 707, Fort Worth, TX 76102 Tel: (817) 215-8807 Contact: Seth Sampson, P.E.	ENGINEER/SURVEYOR: Kimley-Horn 6180 Warren Parkway, Suite 210 Frisco, TX 75034 Tel: (972) 335-3580 Contact: Rob Myers, P.E.
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DESIGNED	DRAWN	CHECKED	SCALE	DATE	KH PROJECT NO.
RJM	GCB	RJM	AS SHOWN	12/16/2024	064424986

EXHIBIT 'A'

Metes & Bounds Description

BEING a 6.200 acre tract of land situated in the Jacob Wilcox Survey, Abstract No. 1358, and the Polly Stamps Survey, Abstract No. 1098, Grayson County, Texas and being a portion of the tract of land described in deed to Waterfall Development Partners, LP, as recorded in Instrument No. 2023-32617, Official Public Records of Grayson County, Texas (O.P.R.G.C.T), said 6.200 acre tract of land described as follows:

COMMENCING at a found Corp of Engineers monument for a northern interior corner of said Waterfall Development Partners, LP tract, from which a found Corp of Engineers monument bears North 01 degree 57 minutes 38 seconds East, a distance of 411.57 feet, said point of commencement being locatable by NAD83 Grid coordinates N: 7,358,084.58', E: 2,532,772.37';

THENCE South 88 degrees 03 minutes 29 seconds East, a distance of 765.56 feet to a set 5/8-inch iron rod with yellow cap stamped "DUNAWAY ASSOC." on the south right-of-way line of Harbor Road (60 foot right-of-way width), for the POINT OF BEGINNING, said point of beginning being locatable by NAD83 Grid coordinates N: 7,358,058.64', E: 2,533,537.44';

THENCE South 88 degrees 03 minutes 29 seconds East, along the south right-of-way line of said Harbor Road, a distance of 264.97 feet to a set 5/8-inch iron rod with yellow cap stamped "DUNAWAY ASSOC.";

THENCE South 00 degrees 00 minutes 00 seconds East, departing the south right-of-way line of said Harbor Road, a distance of 680.64 feet to a set 5/8-inch iron rod with yellow cap stamped "DUNAWAY ASSOC.";

THENCE North 90 degrees 00 minutes 00 seconds West, a distance of 283.92 feet to a set 5/8-inch iron rod with yellow cap stamped "DUNAWAY ASSOC.";

THENCE North 00 degrees 00 minutes 00 seconds East, a distance of 198.48 feet to a set 5/8-inch iron rod with yellow cap stamped "DUNAWAY ASSOC.";

THENCE South 90 degrees 00 minutes 00 seconds West, a distance of 168.24 feet to a set 5/8-inch iron rod with yellow cap stamped "DUNAWAY ASSOC.";

THENCE North 00 degrees 00 minutes 00 seconds East, a distance of 346.55 feet to a set 5/8-inch iron rod with yellow cap stamped "DUNAWAY ASSOC.";

THENCE North 22 degrees 11 minutes 20 seconds East, a distance of 76.91 feet to a set 5/8-inch iron rod with yellow cap stamped "DUNAWAY ASSOC.";

THENCE North 51 degrees 58 minutes 45 seconds East, a distance of 65.13 feet to a set 5/8-inch iron rod with yellow cap stamped "DUNAWAY ASSOC.";

THENCE North 63 degrees 26 minutes 23 seconds East, a distance of 36.99 feet to a set 5/8-inch iron rod with yellow cap stamped "DUNAWAY ASSOC.";

THENCE North 70 degrees 47 minutes 50 seconds East, a distance of 42.25 feet to a set 5/8-inch iron rod with yellow cap stamped "DUNAWAY ASSOC.";

THENCE North 85 degrees 14 minutes 32 seconds East, a distance of 34.13 feet to the POINT OF BEGINNING and containing 6.200 acres or 270,075 square feet of land more or less.

NOTES:

The basis of bearings for this survey is the Texas State Coordinate System, North Central Zone 4202, based upon GPS measurements. Distances and areas hereon are surface values. A combined scale factor of 0.99993664 was used for this project.

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PAGE 1 OF 1

A plat of even date accompanies this metes and bounds description.

APRIL 23, 2024



**BOUNDARY SURVEY
OF
6.200 ACRES**

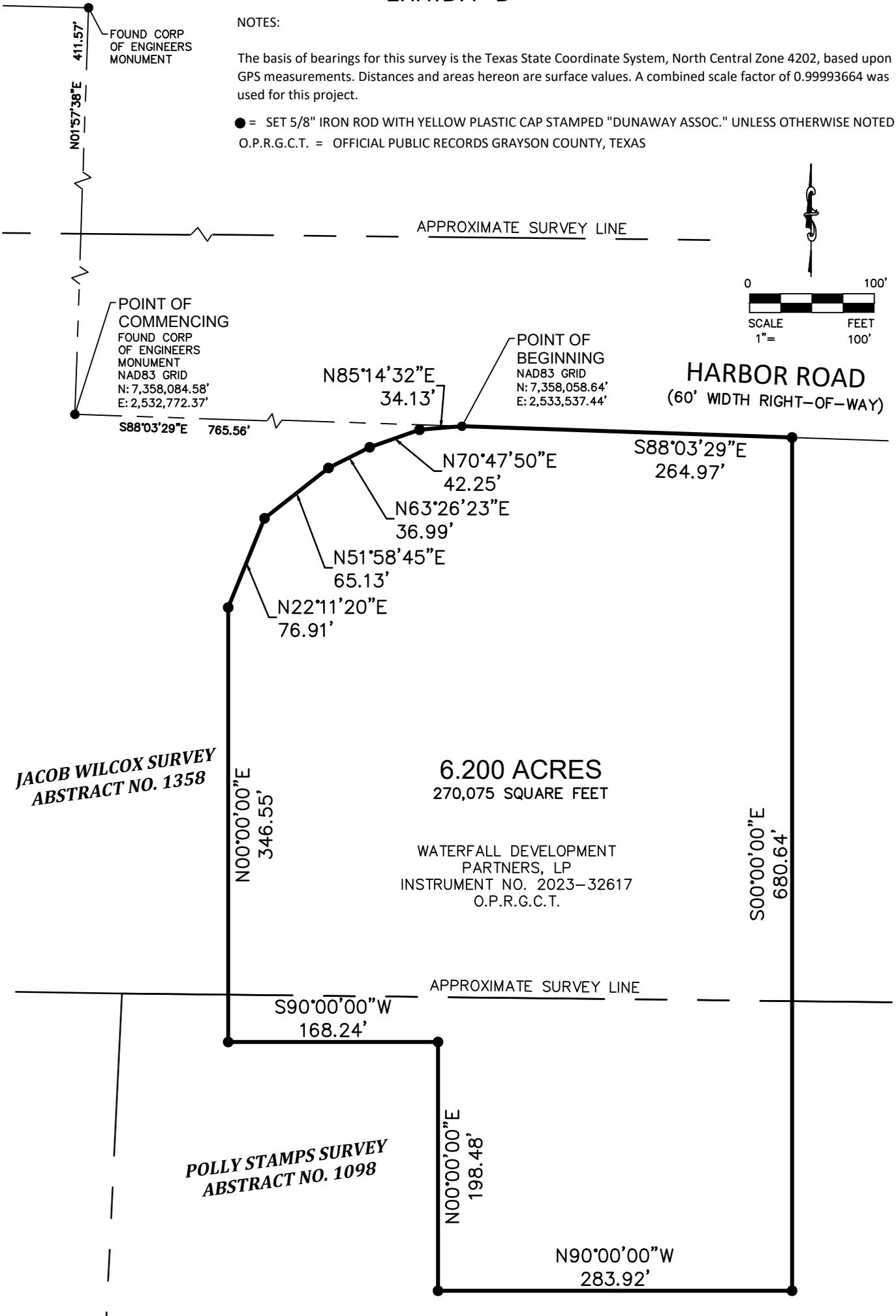
LOCATED IN
JACOB WILCOX SURVEY, ABSTRACT NO. 1358
AND POLLY STAMPS SURVEY, ABSTRACT NO. 1098,
GRAYSON COUNTY, TEXAS

EXHIBIT 'B'

NOTES:

The basis of bearings for this survey is the Texas State Coordinate System, North Central Zone 4202, based upon GPS measurements. Distances and areas hereon are surface values. A combined scale factor of 0.99993664 was used for this project.

- = SET 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "DUNAWAY ASSOC." UNLESS OTHERWISE NOTED
- O.P.R.G.C.T. = OFFICIAL PUBLIC RECORDS GRAYSON COUNTY, TEXAS



**JACOB WILCOX SURVEY
ABSTRACT NO. 1358**

**6.200 ACRES
270,075 SQUARE FEET**

WATERFALL DEVELOPMENT
PARTNERS, LP
INSTRUMENT NO. 2023-32617
O.P.R.G.C.T.

**POLLY STAMPS SURVEY
ABSTRACT NO. 1098**

A metes and bounds description of even date accompanies this plat.

APRIL 23, 2024

DUNAWAY
550 Bailey Avenue • Suite 400 • Fort Worth, Texas 76107
Tel: 817.335.1121
TEXAS REGISTERED SURVEYING FIRM NO. 10098100



**BOUNDARY SURVEY
OF
6.200 ACRES**
LOCATED IN
JACOB WILCOX SURVEY, ABSTRACT NO. 1358
AND POLLY STAMPS SURVEY, ABSTRACT NO. 1098,
GRAYSON COUNTY, TEXAS

PLOTTED BY: Kevin Junge ON: Monday, May 13, 2024 AT: 9:14 AM FILEPATH: P:\005700\5700\291-Harbor Sub\Survey\Drawings\B005700.291-Harbor Sub Boundary TXNC SURFACE.dwg

EXHIBIT 'A'

Metes & Bounds Description

BEING a 0.457 acre tract of land situated in the Polly Stamps Survey, Abstract No. 1098, Grayson County, Texas and being a portion of the tract of land described in deed to Waterfall Development Partners, LP, as recorded in Instrument No. 2023-32617, Official Public Records of Grayson County, Texas (O.P.R.G.C.T), said 0.457 acre tract of land described as follows:

COMMENCING at a found Corp of Engineers monument for a northern interior corner of said Waterfall Development Partners, LP tract, from which a found Corp of Engineers monument bears North 01 degree 57 minutes 38 seconds East, a distance of 411.57 feet, said point of commencement being locatable by NAD83 Grid coordinates N: 7,358,084.58', E: 2,532,772.37';
THENCE South 88 degrees 03 minutes 29 seconds East, a distance of 765.56 feet to a set 5/8-inch iron rod with yellow cap stamped "DUNAWAY ASSOC." on the south right-of-way line of Harbor Road (60 foot right-of-way width);
THENCE South 00 degrees 00 minutes 00 seconds East, departing the south right-of-way line of said Harbor Road, a distance of 540.70 feet to the POINT OF BEGINNING, said point being locatable by NAD83 Grid coordinates N: 7,357,509.05', E: 2,533,802.22';
THENCE North 90 degrees 00 minutes 00 seconds East, a distance of 497.36 feet to a point for corner on the west right-of-way line of F.M. Highway No. 84 (100 foot right-of-way width);
THENCE South 02 degrees 01 minute 09 seconds East, along the west right-of-way line of said F.M. Highway No. 84, a distance of 40.02 feet to a point for corner;
THENCE North 90 degrees 00 minutes 00 seconds West, departing the west right-of-way line of said F.M. Highway No. 84, a distance of 498.77 feet to a point for corner;
THENCE North 00 degrees 00 minutes 00 seconds East, a distance of 40.00 feet to the POINT OF BEGINNING and containing 0.457 acres or 19,923 square feet of land more or less.

NOTES:

The basis of bearings for this survey is the Texas State Coordinate System, North Central Zone 4202, based upon GPS measurements. Distances and areas hereon are surface values. A combined scale factor of 0.99993664 was used for this project.

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PAGE 1 OF 1

A plat of even date accompanies this metes and bounds description.

APRIL 23, 2024



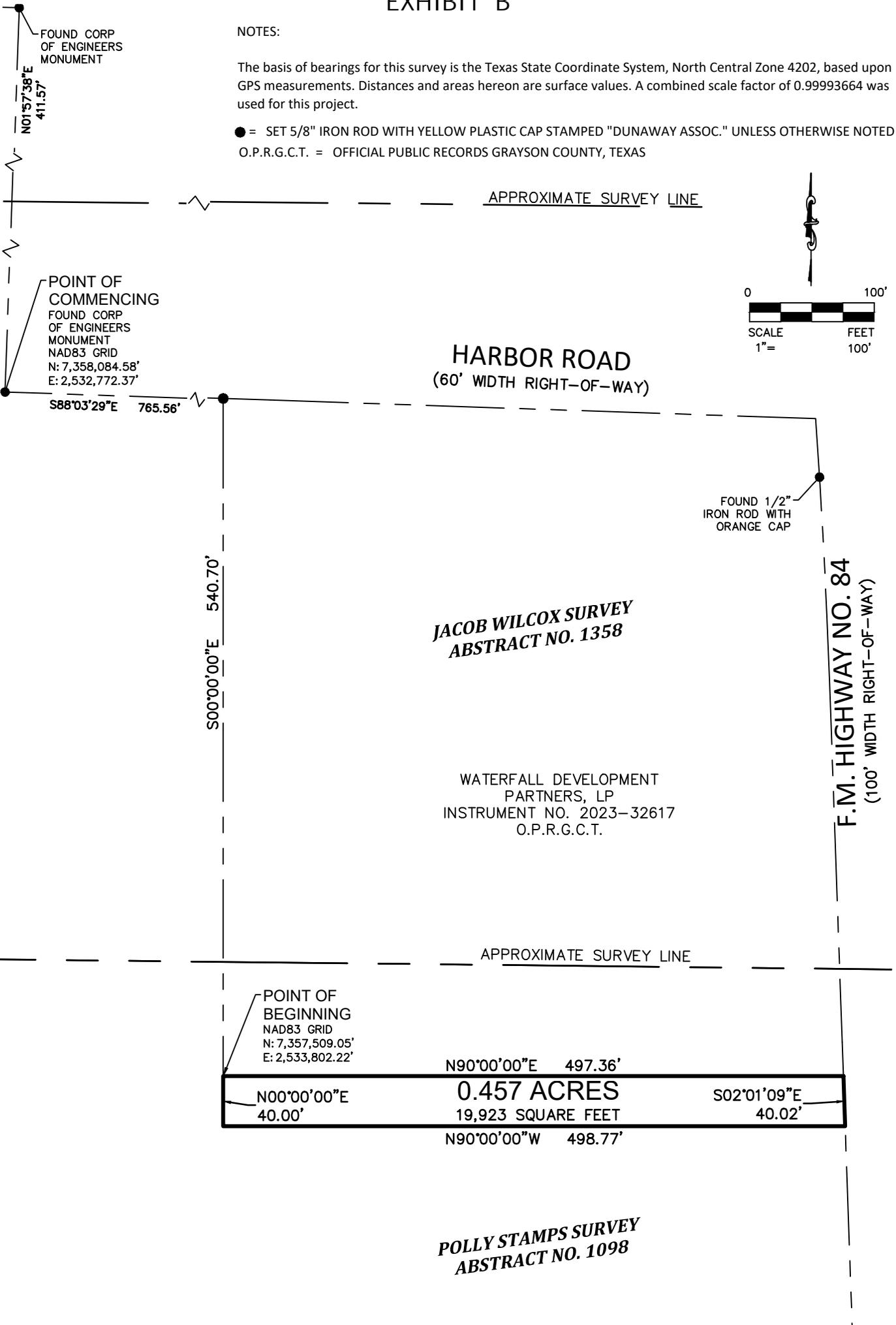
40' ACCESS & UTILITY EASEMENT
0.457 ACRES
LOCATED IN
THE POLLY STAMPS SURVEY, ABSTRACT NO. 1098,
GRAYSON COUNTY, TEXAS

EXHIBIT 'B'

NOTES:

The basis of bearings for this survey is the Texas State Coordinate System, North Central Zone 4202, based upon GPS measurements. Distances and areas hereon are surface values. A combined scale factor of 0.99993664 was used for this project.

- = SET 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "DUNAWAY ASSOC." UNLESS OTHERWISE NOTED
- O.P.R.G.C.T. = OFFICIAL PUBLIC RECORDS GRAYSON COUNTY, TEXAS



PLOTTED BY: Kevin Jungge ON: Monday, May 13, 2024 AT: 9:31 AM FILEPATH: P:\005700\5700\291-Harbor Sub\Survey\Drawings\B005700.291 Harbor Sub Access & Utility Easement TXNC SURFACE.dwg

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PAGE 1 OF 1

A metes and bounds description of even date accompanies this plat.

APRIL 23, 2024

DUNAWAY
550 Bailey Avenue • Suite 400 • Fort Worth, Texas 76107
Tel: 817.335.1121
TEXAS REGISTERED SURVEYING FIRM NO. 10098100



40' ACCESS & UTILITY EASEMENT
0.457 ACRES
LOCATED IN
THE POLLY STAMPS SURVEY, ABSTRACT NO. 1098,
GRAYSON COUNTY, TEXAS

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF DENISON, TEXAS, AMENDING CHAPTER 28 OF THE CODE OF ORDINANCES OF THE CITY, THE SAME BEING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY, BY CHANGING THE ZONING CLASSIFICATION ON A CERTAIN TRACT OF LAND LEGALLY DESCRIBED AS BEING A 6.200 ACRE TRACT OF LAND SITUATED IN THE JACOB WILCOX SURVEY, ABSTRACT NUMBER 1358, AND THE POLLY STAMPS SURVEY, ABSTRACT NUMBER 1098, GRAYSON COUNTY, TEXAS AND BEING A PORTION OF THE TRACT OF LAND DESCRIBED IN DEED TO WATERFALL DEVELOPMENT PARTNERS, LP, AS RECORDED IN INSTRUMENT NUMBER 2023-32617, OFFICIAL PUBLIC RECORDS OF GRAYSON COUNTY, TEXAS, AND MORE PARTICULARLY DESCRIBED AND DEPICTED IN EXHIBIT “A”, FROM ITS ZONING CLASSIFICATION OF PLANNED DEVELOPMENT DISTRICT TO LIGHT INDUSTRIAL DISTRICT; PROVIDING THAT SUCH TRACT OF LAND SHALL BE USED IN ACCORDANCE WITH THE REQUIREMENTS OF THE COMPREHENSIVE ZONING ORDINANCE AND ALL OTHER APPLICABLE ORDINANCES OF THE CITY; PROVIDING THAT THE ZONING MAP SHALL REFLECT THE LIGHT INDUSTRIAL DISTRICT FOR THE PROPERTY; PROVIDING A PENALTY; PROVIDING REPEALING, SEVERABILITY, AND SAVINGS CLAUSES; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, the City of Denison, Texas (hereinafter referred to as “City”) is a Home Rule Municipality acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Texas Local Government Code; and

WHEREAS, the City Council of the City (the “City Council”) adopted Chapter 28 of its Code of Ordinances, the same being the Comprehensive Zoning Ordinance of the City, which governs the use and development of land in the City (the “Zoning Ordinance”); and

WHEREAS, Waterfall Development Partners, LP (the “Owner”) owns a 6.200 acre tract of land situated in the Jacob Wilcox Survey, Abstract Number 1358, and the Polly Stamps Survey, Abstract Number 1098, Grayson County, Texas and being a portion of the tract of land described in deed to Waterfall Development Partners, LP, as recorded in Instrument Number 2023-32617, Official Public Records of Grayson County, Texas,, as described and depicted in **Exhibit “A,”** which is attached and incorporated as if fully set forth herein (the “Property”), and has made an application under the provisions of the Zoning Ordinance for a zoning change on the Property from the current zoning district classification of Planned Development District to Light Industrial District; and

WHEREAS, Owner has designated Rob Myers of Kimley-Horn to act in the capacity of Owner as agent for submittal, processing, representation, and/or presentation of the application, and as the principal contact person for responding to all requests for information; and

WHEREAS, after public notices were given in compliance with State law and public hearings were conducted, and after considering the information submitted at those public hearings and all other relevant information and materials, the Planning and Zoning Commission of the City has recommended to the City Council the adoption of the amendments to the Zoning Ordinance as set forth in this Ordinance; and

WHEREAS, after complying with all legal notices, requirements, and conditions, a public hearing was held before the City Council at which the City Council considered the requested zoning change, the recommendation of the Planning and Zoning Commission, and among other things, the character of the land and its suitability for particular uses, and compatibility with surrounding uses, with a view of encouraging the most appropriate use of land in the City, and the City Council does hereby find that the rezoning approved hereby accomplishes such objectives.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DENISON, TEXAS:

SECTION 1. Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein, and found to be true.

SECTION 2. Findings. After due deliberation and consideration of the recommendation of the Planning and Zoning Commission and the information and other materials received at the public hearing, the City Council has concluded that the adoption of this Ordinance is in the best interests of the City, and of the public health, safety, and welfare.

SECTION 3. Zoning Amendments. Chapter 28 of the Code of Ordinances of the City, the same being the City's Comprehensive Zoning Ordinance, is hereby amended in the following particulars, and all other articles, chapters, sections, paragraphs, sentences, phrases, and words not expressly amended hereby are hereby ratified and affirmed.

The zoning district classification on the Property is hereby changed from Planned Development District to Light Industrial District. The Property shall be subject to all applicable City ordinances and regulations governing a Light Industrial District.

SECTION 4. Zoning Map. The Zoning Map of the City, adopted by Section 28.3 of the Code of Ordinances, and on file in the office of the Planning Director is hereby amended to reflect the foregoing zoning use changes herein made.

SECTION 5. Severability. Should any section, subsection, sentence, clause, or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City hereby declares that it would have passed this Ordinance, and each section,

subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional or invalid.

SECTION 6. Savings/Repealing Clause. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 7. Penalty. Any person, firm, entity or corporation who violates any provision of this Ordinance or the Zoning Ordinance, as they exist or may be amended, shall be deemed guilty of a misdemeanor, and upon conviction therefore, shall be fined in a sum not exceeding Two Thousand and No/100 Dollars (\$2,000.00). Each continuing day's violation shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude the City from filing suit to enjoin the violation. The City retains all legal rights and remedies available to it pursuant to local, state, and federal law.

SECTION 8. Publication and Effective Date. This Ordinance shall become effective immediately upon its adoption and its publication as required by law.

SECTION 9. Open Meeting. That it is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required by law, and that public notice of the time, place, and purpose of said meeting was given, all as required by Article 551.041, Texas Government Code.

AND IT IS SO ORDERED.

On motion by Councilmember _____, seconded by Councilmember _____, the above and foregoing Ordinance was passed and approved by the following vote:

Ayes:

Abstentions:

Nays:

At regular meeting February 17, 2025.

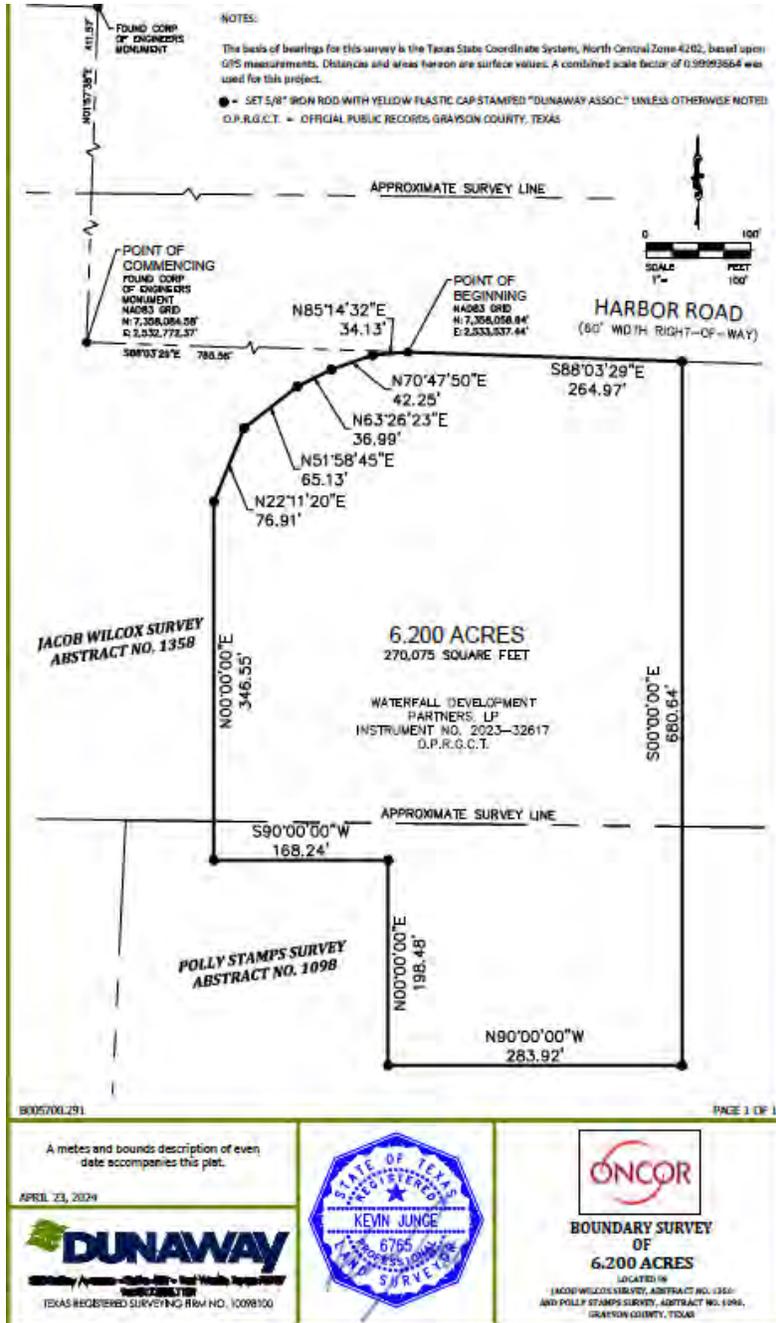
JANET GOTT, MAYOR

ATTEST:

Christine Wallentine, City Clerk

EXHIBIT "A"
LEGAL DESCRIPTION AND DEPICTION

BEING A 6.200 ACRE TRACT OF LAND SITUATED IN THE JACOB WILCOX SURVEY, ABSTRACT NUMBER 1358, AND THE POLLY STAMPS SURVEY, ABSTRACT NUMBER 1098, GRAYSON COUNTY, TEXAS AND BEING A PORTION OF THE TRACT OF LAND DESCRIBED IN DEED TO WATERFALL DEVELOPMENT PARTNERS, LP, AS RECORDED IN INSTRUMENT NUMBER 2023-32617, OFFICIAL PUBLIC RECORDS OF GRAYSON COUNTY, TEXAS.



City Council Meeting Staff Report



February 17, 2025

Agenda Item

Receive a report, hold a discussion and take action on an ordinance considering all matters incident and related to the issuance, sale and delivery of "City of Denison, Texas Combination Tax and Limited Surplus Revenue Certificates of Obligation, Series 2025A;" authorizing the issuance of said Certificates; approving and authorizing instruments and procedures relating to said Certificates; and enacting other provisions relating to the subject.

Staff Contact

Laurie Alsabbagh, Finance Director
lalsabbagh@denisontx.gov
903-465-2720 EXT 2492

Summary

- Capital Improvement Projects were discussed with Council during the FY2025 budget process.
- Projects to be covered under this issuance include Water & Sewer improvements, D3 phase II Streetscape project, design costs for Fire Station 1 remodel and Fire Station 4 construction, and repairs to Waterloo pool.
- Resolution for Publication of Notice of Intent adopted by Council on November 18, 2024.
- Notices published in The Herald Democrat newspaper on November 24, 2024 and December 1, 2024, and posted on the City's website.
- Bond sale was originally scheduled for approval at the City Council meeting on February 17, 2025. Due to this being President's Day, the bond markets will be closed for the holiday.
- This item will need to be tabled to the March 3, 2025, City Council meeting.

Staff Recommendation

Staff recommends tabling this agenda item to March 3, 2025.

Recommended Motion

"I move to table adoption of the ordinance authorizing the issuance of the City's Combination Tax and Limited Surplus Revenue Certificates of Obligation, Series 2025A, to the City Council meeting scheduled to begin at 6:00 p.m., on March 3, 2025, at its regular meeting place at City Hall, 300 W. Main, Denison, Texas."

Background Information and Analysis

Each year during the budget process, staff brings before Council various needed projects, including the multi-year capital improvement plan. The City will need to issue combination tax and revenue certificates of obligation to fund the FY2025 City projects. Projects include water & sewer improvements, D3 phase II Streetscape project, design costs for Fire Station 1 remodel and Fire Station 4 construction, and repairs to Waterloo pool.

Staff published the required notices on two separate occasions in the Herald Democrat and also posted notice on the City's website, as required by law.

The bond sale was originally scheduled for approval at the City Council meeting on February 17, 2025. Due to this being President's Day, the bond markets will be closed for the holiday. Consequently, this item will need to be tabled for the March 3, 2025 City Council meeting.

Financial Considerations

Principal amount of Bonds to be issued will not exceed \$53,000,000.

Prior Board or Council Action

Council adopted a resolution directing the publication of notice of intention to issue combination tax and revenue certificates of obligation at their meeting on November 18, 2024.

Alternatives

Since this item was published in the notice of intent to issue the certificates on February 17th, 2025, and since the sale cannot occur due to the holiday, this item must be tabled to the March 3, 2025 City Council Meeting.

City Council Meeting Staff Report



February 17, 2025

Agenda Item

Receive a report, hold a discussion and take action on an ordinance considering all matters incident and related to the issuance, sale and delivery of "City of Denison, Texas Combination Tax and Surplus Revenue Certificates of Obligation, Taxable Series 2025B;" authorizing the issuance of said Certificates; approving and authorizing instruments and procedures relating to said Certificates; and enacting other provisions relating to the subject.

Staff Contact

Laurie Alsabbagh, Finance Director
lalsabbagh@denisontx.gov
903-465-2720 EXT 2492

Summary

- The City submitted an application to the Texas Water Development Board (TWDB) to secure funding for the City's lead service line inventory and replacement program in the amount of ten million dollars.
- Application was approved as a low interest loan with a 51% loan forgiveness option.
- Requesting approval for the issuance of Combination Tax and Surplus Revenue Certificates of Obligation, Taxable Series 2025B, to finance the inventory portion of the lead service line inventory and replacement program.

Staff Recommendation

Staff recommends approval of the ordinance.

Recommended Motion

"Move to table adoption of the ordinance authorizing the issuance of the City's Combination Tax and Surplus Revenue Certificates of Obligation, Taxable Series 2025B, to the City Council meeting scheduled to begin at 6:00 p.m. on March 3, 2025, at its regular meeting place at City Hall, 300 W. Main, Denison, Texas."

Background Information and Analysis

On December 4, 2023 Council approved a resolution to move forward with an application for financial assistance in the amount of ten million dollars from the Texas Water Development Board for the Lead Service Line Inventory and Replacement Program. The City's application was approved as a low interest loan with a 51% loan forgiveness option. The loan will require the issuance of two series of certificates for the inventory and non-inventory portions of the program. Series 2025B will finance the inventory portion.

Financial Considerations

Financial assistance from TWDB to the City will be in the amount of \$4,306,122, consisting of the City's Combination Tax and Surplus Revenue Certificates of Obligation, Taxable Series 2025B, in the amount of \$2,110,000, and Principal Forgiveness in the amount of \$2,196,122.

Prior Board or Council Action

Council adopted a resolution directing the publication of notice of intention to issue combination tax and revenue certificates of obligation at their meeting on November 18, 2024.

Alternatives

If Council chooses not to approve, then the City will not move forward with financial assistance from the TWDB and will need to seek alternate funding.

City Council Meeting Staff Report



February 17, 2025

Agenda Item

Receive a report, hold a discussion and take action on an ordinance considering all matters incident and related to the issuance, sale and delivery of "City of Denison, Texas Combination Tax and Surplus Revenue Certificates of Obligation, Series 2025C;" authorizing the issuance of said Certificates; approving and authorizing instruments and procedures relating to said Certificates; and enacting other provisions relating to the subject.

Staff Contact

Laurie Alsabbagh, Finance Director
lalsabbagh@denisontx.gov
903-465-2720 EXT 2492

Summary

- The City submitted an application to the Texas Water Development Board (TWDB) to secure funding for the City's lead service line inventory and replacement program in the amount of ten million dollars.
- Application was approved as a low interest loan with a 51% loan forgiveness option.
- Requesting approval for the issuance of combination tax and revenue certificates of obligation, Series 2025C, to the Texas Water Development Board in order to finance the non-inventory portion of the lead service line inventory and replacement program.

Staff Recommendation

Staff recommends approval of the ordinance.

Recommended Motion

"I Move to table adoption of the ordinance authorizing the issuance of the City's Combination Tax and Surplus Revenue Certificates of Obligation, Series 2025C, to the City Council meeting scheduled to begin at 6:00 p.m. on March 3, 2025, at its regular meeting place at City Hall, 300 W. Main, Denison, Texas."

Background Information and Analysis

On December 4, 2023 Council approved a resolution to move forward with an application for financial assistance in the amount of ten million dollars from the Texas Water Development Board for the Lead Service Line Inventory and Replacement Program. The City's application was approved as a low interest loan with a 51% loan forgiveness option. The loan will require the issuance of two series of certificates for the inventory and non-inventory portions of the program. Series 2025C will finance the non-inventory portion.

Financial Considerations

Financial assistance from TWDB to the City will be in the amount of \$5,693,878, consisting of the City's Combination Tax and Surplus Revenue Certificates of Obligation, Series 2025C, in the amount of \$2,790,000, and Principal Forgiveness in the amount of \$2,903,878.

Prior Board or Council Action

Council adopted a resolution directing the publication of notice of intention to issue combination tax and revenue certificates of obligation at their meeting on November 18, 2024.

Alternatives

If Council chooses not to approve, then the City will not move forward with financial assistance from the TWDB and will need to seek alternate funding.