



**CITY OF DENISON
CITY COUNCIL MEETING
MINUTES**

Monday, December 4, 2023

Announce the presence of a quorum.

Mayor Janet Gott called the meeting to order at 6:01 p.m. Council Members present were Mayor Pro Tem Robert Crawley, Brian Hander, Michael Courtright, James Thorne, Joshua Massey and Aaron Thomas. Staff present were 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

Gene Amerson, Pastor of New Beginning Fellowship gave the invocation which was followed by the Pledge of Allegiance and Texas Pledge led by Police Chief, Mike Gudgel.

2. PROCLAMATIONS AND PRESENTATION

A. Denison Development Alliance Outgoing Board Member Recognition.

Mayor Gott presented outgoing Board Member, Brett Evans with a plaque recognizing his years of service as a Board Member and Board Chair for the Denison Development Alliance over the past six years. Mr. Evans has always brought insight and has always been willing and committed to the improvement of our community.

B. Employee of the Year Presentation.

Amy Lay, Director of Employee Services, introduced this award and provided some background on the criteria for the award. This award recognizes an employee who reflects the City of Denison's core values, STACI, which stands for service teamwork, accountability, commitment and integrity. To deserve consideration of the award the nominated employee must possess and demonstrate the following; to exemplify STACI; to provide exceptional effort during the past year on special projects or assignments; to have a track record of going above and beyond their job duties; to have a positive can-do attitude; and must be an employee that others look up to, regardless of what position they hold. Ms. Lay then introduced Interim City Manager, Bobby Atteberry, to present the award. Mr. Atteberry announced the award to Kirk Kern, Senior IT Support Technician. Mr. Kern started for the City in March of 1992 as a street laborer and also served as a sanitation truck worker, equipment operator, traffic sign technician, and then moving into the IT

Department. Mr. Atteberry included some comments from his coworkers which focused on his can-do attitude and friendly, professional and positive demeanor.

3. PUBLIC COMMENTS

Mayor Gott 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 heard.

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 November 20, 2023.
- B. Receive a report, hold a discussion, and take action on a Resolution requesting financial assistance from the Texas Water Development Board; authorizing the filing of an application for assistance; and making certain findings in connection therewith for Collections System Improvements.
- C. Receive a report, hold a discussion, and take action on a Resolution requesting financial assistance from the Texas Water Development Board; authorizing the filing of an application for assistance; and making certain findings in connection therewith for a Lead Service Line Inventory and Replacement Program.

Council Action

On motion by Mayor Pro Tem Crawley, seconded by Council Member Hander, the City Council unanimously approved, **Resolution No. 4148**, “A RESOLUTION REQUESTING FINANCIAL ASSISTANCE FROM THE TEXAS WATER DEVELOPMENT BOARD; AUTHORIZING THE FILING OF AN APPLICATION FOR ASSISTANCE; AND MAKING CERTAIN FINDINGS IN CONNECTION THEREWITH IN AN AMOUNT NOT TO EXCEED \$28,200,000 TO PROVIDE FOR THE COSTS OF WASTEWATER COLLECTION SYSTEM IMPROVEMENTS”; **Resolution No. 4149**, “A RESOLUTION REQUESTING FINANCIAL ASSISTANCE FROM THE TEXAS WATER DEVELOPMENT BOARD; AUTHORIZING THE FILING OF AN APPLICATION FOR ASSISTANCE; AND MAKING CERTAIN FINDINGS IN CONNECTION THEREWITH IN AN AMOUNT NOT TO EXCEED \$10,000,000 TO PROVIDE FOR THE COSTS OF LEAD SERVICE LINE INVENTORY & REPLACEMENT PROGRAM”; and the rest of the Consent Agenda as presented.

5. PUBLIC HEARINGS

- A. Receive a report, hold a discussion, conduct a public hearing and take action on an ordinance adopting updated Standard Construction Details, amending Chapter 22, “Subdivision Regulations”, Article IV, “Requirements for Public Improvements and Design”, Division 1, “Adequate Public Facilities Policy”, Section 22-74 “Conformance to Plans and Incorporation of Manuals.”

Council Action

Fanchon Stearns, CIP/Engineering Manager, thanked the Council for considering this item before them this evening. If approved, this would be the second update to the Standard Construction Details this year. Staff plans to continue to update these once or twice a year as necessary. This update includes additional guidance and details for side load dumpster enclosure design. Public Works will soon have the front load and the side load dumpsters and trucks to serve them, and this will help engineers and builders design enclosures that are compatible with both. We have a handful of other updates that go along with this and all of those and the updated details will be available on the City's website this week.

Mayor Gott then asked if there was anyone present who wished to speak on this agenda item, to which there were none. With that, Mayor Gott closed the public hearing

There was no discussion or questions from Council.

On motion by Mayor Pro Tem Crawley, seconded by Council Member Courtright, the City Council unanimously approved Ordinance No. 5326, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DENISON, TEXAS, ADOPTING UPDATED STANDARD CONSTRUCTION DETAILS; AMENDING CHAPTER 22 "SUBDIVISION REGULATIONS", ARTICLE IV "REQUIREMENTS FOR PUBLIC IMPROVEMENTS AND DESIGN", DIVISION 1 "ADEQUATE PUBLIC FACILITIES POLICY", SECTION 22-74 "CONFORMANCE TO PLANS AND INCORPORATION OF MANUALS" BY PROVIDING FOR THE INCORPORATION OF THE CITY'S STANDARD CONSTRUCTION DETAILS AND PUBLIC WORKS DESIGN MANUAL; PROVIDING FOR A PENALTY; PROVIDING FOR SAVINGS, REPEALING, AND SEVERABILITY CLAUSES; PROVIDING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED WAS AN OPEN MEETING IN COMPLIANCE WITH THE TEXAS OPEN MEETINGS ACT; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE."

6. ITEMS FOR INDIVIDUAL CONSIDERATION

- A. Receive a report, hold a discussion and take action on awarding the proposal for the design build project at 321 W. Main Street and entering into a contract with Piazza Construction for preconstruction services and design.

Council Action

Bobby Atteberry, Interim City Manager, reminded the Council this property at 321 W. Main was acquired through eminent domain a little over two years ago. City staff issued an RFQ/RFP on August 27, 2023 for the design build of a City facility to contain a visitor's center and public restrooms. Responses were due by 2:00 p.m. on September 12, 2023, to put this in the hands of a Construction Manager at Risk. During Phase One of the process, one of the proposers was eliminated by the selection committee, leaving two finalists, C1S Group, Inc. and Piazza Construction. The selection committee then conducted a site visit with both finalists on October 3rd, 2023 and provided each with the Design Criteria Package. The finalists were given one week to provide questions and then staff had one week to respond. Staff provided responses to the questions posed through a Second

Addendum, giving the proposers until 5:00 p.m. on October 30, 2023, to submit their proposals. Piazza Construction ended up with a higher overall score and came in at an overall lower price. Staff is ready to move forward with awarding the design build project to Piazza Construction and entering into a contract for preconstruction services and design. Staff recommends awarding the CMAr contract to Piazza Construction. Mr. Atteberry also stated we plan to build out the 2nd and 3rd floors of the building to allow for additional City offices.

There was no discussion or questions from Council.

On motion by Mayor Pro Tem Crawley, seconded by Council Member Thomas, the City Council unanimously approved awarding the proposal for the design build project at 321 W. Main Street and entering into a contract with Piazza Construction for preconstruction services and design.

- B. Receive a report, hold a discussion, and take action on approval of entering into a contract with SYB Construction Company, Inc. for emergency potable water pipeline replacement services for \$1,791,742.55 and authorize the Interim City Manager to execute all related documents.

Council Action

Ervin Pareira, Assistant Public Works Director, introduced this agenda item for consideration. This item is ratification of a contract with SYB Construction for an emergency potable water pipeline replacement on Chandler Avenue. It is important to know this project is already underway. The contractor is actively receiving and staging materials at this time and expect to break ground the next few weeks. Mr. Pareira provided a PowerPoint slide which illustrates the alignment of the current and future pipelines. The existing pipeline has been a problem for staff for quite a few years now and we have had multiple main breaks as you can tell if you drive down this portion of Chandler. Unfortunately, this past summer, we experienced an increase in that frequency to the point where we were having main breaks on consecutive days. Staff worked with Plummer and Associates to do a root cause analysis on why the increased frequency, and it was determined the pure age and condition of the existing pipeline was the root cause. The pipe is a 14-inch cast iron pipe and was installed pre-1950s, to the best we can estimate. So, it has served its time, and it has become very old and fragile at this point. Staff is really concerned that when high demand starts to kick up, we won't be able to properly pressurize this pipeline and feed our downstream customers without risking a catastrophic failure. The pipeline was actually identified in the 2019 potable water master plan as a short-term project to replace it. Given its age, and its strategic alignment within our distribution system, Teague Nall and Perkins recommended a 24-inch PVC line to replace this pipeline, which is exactly what we're going to install. So, we will be installing the 24-inch main and then we'll be doing an eight-inch parallel lateral service main. This will give us some flexibility in the distribution system because it really pressurizes the 24 inch more in the future, but not impacting the residents and businesses that are tapped off the eight inch. This is why we will also be installing or replacing all the existing fire hydrants with new ones. All the valving will be new, and they will perform pavement restoration services once the construction is completed. Staff estimates the duration of the project will be approximately three months.

There was no discussion or questions from Council.

On motion by Mayor Pro Tem Crawley, seconded by Council Member Thorne, the City Council unanimously approved entering into a contract with SYB Construction Company, Inc. for emergency potable water pipeline replacement services for \$1,791,742.55 and authorized the Interim City Manager to execute all related documents.

- C. Receive a report, hold a discussion and consider adoption of a resolution directing the publication of notice of intention to issue combination tax and revenue certificates of obligation for water and sewer system improvements and design for Loy Lake Dam upgrades.

Council Action

Laurie Alsabbagh, Finance Director, reported she was here this evening to request approval of a resolution to publish a notice of intent to issue combination tax and revenue certificates of obligation. The principal amount is not to exceed \$57,500,000. The majority of this issuance, approximately %55 to \$56 million dollars, is for needed water and sewer capital projects that were discussed during the budget process. This includes new and ongoing projects. A few of these are improvements to the northwest development area, the Rylant Water Treatment Plant, Lake Texoma Pump Station, Waterloo Lake sewer line, a radio trunking system and several smaller system improvements. The remaining funds, approximately \$1.6 million, will be used for design costs and initial improvements to Loy Lake Dam upgrades. Payments for that portion of the issuance will come from TIRZ No. 4 funding. Notices of intent for the issuance will be posted on the City's website and published on December 10th and December 17th. Approval of the ordinance to issue the certificates will come before Council on February 19, 2024 and funding is scheduled to occur on March 20, 2024.

There was no discussion or questions from Council.

On motion by Mayor Pro Tem Crawley, seconded by Council Member Thomas, the City Council unanimously approved Resolution No. 4150, "RESOLUTION DIRECTING THE PUBLICATION OF NOTICE OF INTENTION TO ISSUE COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION."

7. EXECUTIVE SESSION

The Council then adjourned into Executive Session at 6:22 p.m. pursuant the Chapter 551, Texas Government Code, in accordance with the Authority:

- 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 First Amendment to the Preston Harbor Development Agreement between the City of Denison and Waterfall Development Partners, L.P., Preston Harbor, L.P., and Preston Harbor Homeplace, L.P.

2. Confer with City Attorney regarding Senate Bill 2038.
 3. Confer with City Attorney regarding McKeon's ETJ Release Petition.
- 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.

RECONVENE INTO REGULAR SESSION

The Council then reconvened into Regular Session at 7:24 p.m. and took the following action:

- 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 First Amendment to the Preston Harbor Development Agreement between the City of Denison and Waterfall Development Partners, L.P., Preston Harbor, L.P., and Preston Harbor Homeplace, L.P.

Council Action

On motion by Mayor Pro Tem Crawley, seconded by Council Member Hander, the City Council unanimously approved the First Amendment to the Preston Harbor 2023 Development Agreement between the City of Denison, Texas, and Waterfall Development Partners, LP, Preston Harbour, LP and Preston Harbor Homeplace LP, subject to the First Amendment becoming effective upon adoption of an ordinance amending Ordinance No. 4679, which adoption must be within 90 days from today, subject to Lake Texoma M.U.D. No. 1 joining as a party but no subdistricts created by division becoming a part, subject to final edits being drafted by the City Attorney, and subject to the Council ratifying the First Amendment.

2. Confer with City Attorney regarding Senate Bill 2038.

Council Action

No action taken.

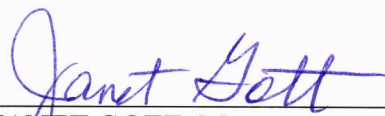
3. Confer with City Attorney regarding McKeon's ETJ Release Petition.

Council Action

On motion by Mayor Pro Tem Crawley, seconded by Council Member Thomas, the City Council unanimously approved denying the McKeon Petition to remove property from the City's extraterritorial jurisdiction because it does not meet the technical requirements of Senate Bill 2038 and Senate Bill 2038 is an unconstitutional delegation of legislative authority and it conflicts with the City's grant of legislative discretion under Local Government Code Section 42.023. The City does not consent to removal of property from its ETJ.


- 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.

There being no further business to come before the Council, the meeting was adjourned at 7:27 p.m.



JANET GOTT, Mayor

ATTEST:



Christine Wallentine, City Clerk