



**CITY OF DENISON  
CITY COUNCIL MEETING  
MINUTES**

**Monday, December 18, 2023**

Announce the presence of a quorum.

Mayor Janet Gott called the meeting to order at 6:00 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

Rodney Ward, Pastor of Harless Memorial United Church gave the invocation which was followed by the Pledge of Allegiance and Texas Pledge led by United States Veteran Bill Akins, who is also a member of the American Legion Post 62.

2. PROCLAMATIONS AND PRESENTATION

A. St. Luke's Episcopal Church 150th Anniversary Proclamation.

Mayor Gott presented a proclamation recognizing St. Luke's Episcopal Church's 150<sup>th</sup> Anniversary to Stephen Walker, Senior Warden, and Thomas Redwine, Vestry Member. St. Luke's Episcopal Church, who has been a beacon of faith and community, and a cornerstone of our City, is commemorating its 150<sup>th</sup> anniversary in December of 2023. The organization of St. Luke's occurred in 1873 without any contact with or support from a diocese. Technically, Denison fell within the confines of the Diocese of Texas, whose Bishop was located at the other end of the state in Houston, who had little interest in events in Denison. The General Convention of 1874 in New York City remedied this ecclesiastical isolation for north Texas. It split the area away from the Diocese of Texas, creating the Missionary District of North Texas under the direction of the Reverend Alexander Garrett, who would later serve as the First Bishop of Dallas and the fourteenth Presiding Bishop of the National Church. Although unaffiliated with a Diocese, St. Luke's was functioning as a Parish, owned real property, and was in the process of building its sanctuary by virtue of the legal existence provided by its civil articles of association. Bishop Garrett moved quickly to legitimize this state of affairs ecclesiastically by approving St. Luke's as a mission on February 5, 1875. Then, several months later at the first opportunity, Garrett elevated the church to full status as a parish in the Missionary District of North Texas. This chain of events has given St. Luke's an unusual financial relationship to the diocese that has continued to the present day. By the end of the nineteenth century, St. Luke's Church

had become a congregation of one hundred fifty communicants and attracted a diverse group of parishioners who represented the cosmopolitan nature of Denison as a regional transportation and commercial center, including employees of the Railroad Company, teachers, attorneys, physicians, and business people. In some cases, the great-grandchildren of these early parishioners are present-day communicants at St. Luke's. Luke's Parish Day School opened in 1959 during this period of expansion, providing kindergarten through early elementary education for children in Grayson County. Over the years, St. Luke's School has prospered and grown. The school has about 50 students, employs a full-time Headmaster, a full office staff, and teachers offering instruction from pre-kindergarten through pre-k 4. Over the past century and a half, St. Luke's Church has played a vital role in the lives of countless individuals, offering solace in times of sorrow, celebration in times of joy and unwavering support throughout the seasons of life. The leadership, clergy and dedicated members of St. Luke's Church have worked tirelessly to create a welcoming and inclusive environment that reflects the values of love, compassion and service to others. Mayor Gott, on behalf of the City of Denison, honored and recognized the 150<sup>th</sup> anniversary of St. Luke's Church as a momentous occasion and encouraged all residents to express gratitude for the positive impact St. Luke's Church has had on the community and extended heartfelt congratulations to the leadership and members of St. Luke's Church.

### 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 was one Request to Speak Card received by this point in the meeting. Mayor Gott then called Kurt Cichowski to the podium to address agenda items 6C and 6D on the Items for Individual Consideration portion of the agenda. Mr. Cichowski came forward and provided the following information for the record:

Name: Kurt Cichowski

Address: 1419 W. Woodard Street  
Denison, TX 75020

Mr. Cichowski stated he was representing the Historic Preservation Board and was addressing agenda Items 6.C. and 6.D. Mr. Cichowski reports he was commending the Council's specific attention to and anticipating their positive concurrence of both items. As Mrs. Dow outlined, over nine months ago, the process to update and provide fuller guidance in the historic preservation area began. An ad hoc taskforce of City Council Members, City staff, a historic preservation consultant, and other City committee and board members started meeting to take on the effort to make ownership in Denison's Historic District Overlay a much more transparent and easier to navigate endeavor for owners, developers, builders being attracted to our city, while maintaining our historic heritage. This effort was to support the state position that resolved the City of Denison Texas hereby declares that as a matter of public policy, the protection, enhancement and perpetration. ongoing commitment to districts and landmarks of historic and cultural importance and significance are necessary to promote the economic, cultural, educational and general welfare of the public. With one of the intentions is to protect and enhance the City of Denison's attractiveness to visitors and to support and stimulus of the economy thereby provided. For the 30-block area of our downtown we applied for in 1983 and have been recognized therefore as a National Registry of Historic Places. These two documents under consideration, the revised city ordinance, Chapter 30, and the historic preservation

guidelines, provide the rules and procedures notifying what building owners, builders and developers need to know concerning the US Department of Interior Conditions. Requirements that, if met, could provide tax incentives to assist in restoring, renovating or rehabilitating our downtown area. As the Dennison Hotel and the Travelers Hotel has found out. They will also ensure that we remain qualified as a National Registry of Historic Places. These two documents will also be the standard that the Historic Preservation Board will use to guide us in the decisions regarding approvals for the downtown construction projects regarding buildings within the designated historic preservation overlay. Therefore, agenda items 6.C. and 6.D. are the result of nine months of focused effort by a myriad of individuals and organizations to ensure Denison's future while retaining its historically significant past. Mr. Cichowski requested the Council's favorable consideration of both these agenda items in the section for individual consideration.

There were no other Request to Speak Cards received. Therefore, there were no additional public comments.

### 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 December 4, 2023.
- B. Receive a report, hold a discussion and take action on the appointment of Ken Brawley to the Civil Service Commission.
- C. Receive a report, hold a discussion, and take action on authorizing the Interim City Manager to enter into a First Amendment to the Professional Services Agreement with MuniServices, LLC for sales tax compliance review services, the sales tax capture leakage analysis service, and local occupancy tax program audit and administration services.
- D. Receive a report, hold a discussion and take action on the reappointment of Dorothy Wilson as a member of the Community Development Steering Committee.
- E. Receive a report, hold a discussion, and take action on an Ordinance amending Chapter 26, "Utilities" of the City's Code of Ordinances by adding Article IX "Liquid Waste" to regulate the operation of liquid waste generators and liquid waste transporters.
- F. Receive a report, hold a discussion, and take action on reappointing Paisley Conrad, Brandon Cates, Tracey Bullard, and Lee Thornton to the Sister Cities Board of Directors.
- G. Receive a report, hold a discussion and take action on the reappointment of Michael Roberts, Zac Duce, and Laura Longmire and appointment of Amanda Lanum to the Conventions and Visitors Bureau Advisory Board.
- H. Receive a report, hold a discussion and take action on the reappointment of current members Derrick Roberts, Lexi Rains, Kimberlea Miller, Mel Climer, Jimmayshun Mundine, and Kathy Pryor to the Main Street Advisory Board each to serve a two-year term, commencing January 1, 2024.
- I. Receive a report, hold a discussion and take action on the reappointment of Linda Anderson and Rhonda Borgne as members to the Historic Preservation Board each to serve a two-year term, commencing January 1, 2024.

- J. Receive a report, hold a discussion and take action on the reappointment of Derrick Roberts, Lexi Rains, Kimberlea Miller, Mel Climer, and Jimmayshun Mundine to the Main Street Inc. Board of Directors, each to serve a two-year term commencing January 1, 2024.
- K. Receive a report, hold a discussion, and take action on a Professional Services Agreement with Huitt-Zollars Inc. for Sound Stage and Lighting Design and Structural Engineering Services related to Phase 2 of the Designing Downtown Denison, or D3, Project in the amount of \$109,500 and authorize the City Manager to execute all related documents.
- L. Receive a report, hold a discussion, and take action on awarding a bid and entering into a contract with Dyna-Mist Construction Company for the 2023 Texoma Health Foundation (THF) Park Mowing and Maintenance Program, and authorize the Interim City Manager to execute the same.
- M. Receive a report, hold a discussion, and take action on awarding a bid and entering into a contract with Brightview Landscape Services, Inc. for the 2023 Right of Way Mowing and Maintenance Program, and authorize the Interim City Manager to execute the same.
- N. Receive a report, hold a discussion, and take action on rejecting all bids received for the 2023 Mowing and Maintenance Program, and authorizing staff to readvertise and reopen the bidding for the 2023 Mowing and Maintenance.
- O. Receive a report, hold a discussion, and take action on scopes of work for a website redesign, updated mobile application, and new mass messaging platform and authorize the Interim City Manager to execute all related documents.
- P. Receive a report, hold a discussion and take action on the appointment of Robert Sylvester and Ernest Pickens, as new regular members, to the Planning and Zoning Commission, each to serve a two-year term effective January 1, 2024.

#### Council Action

On motion by Mayor Pro Tem Crawley, seconded by Council Member Hander, the City Council unanimously approved, Ordinance No. 5327, "AN ORDINANCE OF THE CITY OF DENISON, TEXAS, AMENDING CHAPTER 26 "UTILITIES" BY ADDING ARTICLE IX "LIQUID WASTE" TO REGULATE THE OPERATION OF LIQUID WASTE GENERATORS AND LIQUID WASTE TRANSPORTERS; PROVIDING FOR REPEALING, SAVINGS, AND SEVERABILITY CLAUSES; PROVIDING FOR A PENALTY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; AND FINDING AND DETERMINING THE MEETING AT WHICH THIS ORDINANCE IS ADOPTED TO BE OPEN TO THE PUBLIC AS REQUIRED BY LAW; 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 to rezone property legally described as a 3.513-acre tract being located partially in the I. G. Belcher Survey, Abstract No. 133, and partially in the William Oldham Survey, Abstract No. 919, Grayson County, Texas, according to the deed recorded in Volume 3183, Page 929, Deed Records of Grayson County, Texas; being commonly known as 2700 S. Fannin Avenue, GCAD Property ID No. 150060, from the Local Retail (LR) District partially within the Austin Avenue Overlay District to the Single Family-5 (SF-5) District partially within the Austin Avenue Overlay District, to allow for residential use. (Case No. 2023-105Z)

### Council Action

Dianne York, Planner, introduced this agenda item. The applicant is requesting a rezone of the subject property commonly known as 2700 S. Fannin Avenue from the Local Retail Zoning District to SF-5. The area has been predominantly developed in a residential manner, as has the subject property. There is currently a house on the property, and it was built per the project narrative sometime around 1910. Ms. York then provided an aerial zoning view of the area. The applicant wishes to pursue rezoning so that the property is more in line with how it has been developed. Also, upon zoning approval, they will move forward with requesting a minor plat to subdivide the property into three lots with one of those lots housing the existing house. The Planning and Zoning Commission recommended approval of the request at their meeting held on December 12, 2023, and staff also recommends approval of the request.

Council Member Massey reported that he has had several constituents on the South Fannin side right behind the subject property discuss some issues with the road back there. So, coming down South Fannin it has deteriorated a little bit and that is dangerous. There are several 80-year-olds and so forth that are there and walk up and down this street. They are concerned about the condition, and if you have additional housing units developed there would need to be something done there. Council Member Massey asked if there are any City plans to resurface this road any time soon. Ms. York responded that she is not aware of any plans for this road. However, it is something that can definitely be discussed with Public Works. There has been substantial development on the north side of Fannin. So, this might be something we can have a discussion with the applicant on.

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 further discussion or questions from Council.

On motion by Mayor Pro Tem Crawley, seconded by Council Member Thomas, the City Council unanimously approved Ordinance No. 5328, "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 3.513 ACRE TRACT OF LAND LEGALLY DESCRIBED AS BEING LOCATED PARTIALLY IN THE I.G. BELCHER SURVEY, ABSTRACT NO. 133, AND PARTIALLY IN THE WILLIAM

OLDHAM SURVEY, ABSTRACT NO. 919, GRAYSON COUNTY, TEXAS, ACCORDING TO THE DEED RECORDED IN VOLUME 3183, PAGE 929, DEED RECORDS OF GRAYSON COUNTY, TEXAS, COMMONLY REFERRED TO AS 2700 S FANNIN AVENUE, DENISON, TX, AND MORE PARTICULARLY DESCRIBED AND DEPICTED IN EXHIBIT "A", FROM ITS ZONING CLASSIFICATION OF LOCAL RETAIL DISTRICT PARTIALLY WITHIN THE AUSTIN AVENUE OVERLAY DISTRICT TO SINGLE FAMILY-5 DISTRICT PARTIALLY WITHIN THE AUSTIN AVENUE OVERLAY 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 SINGLE FAMILY-5 DISTRICT PARTIALLY WITHIN THE AUSTIN AVENUE OVERLAY DISTRICT FOR THE PROPERTY; PROVIDING A PENALTY; PROVIDING REPEALING, SEVERABILITY, AND SAVINGS CLAUSES; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE."

- B. Receive a report, hold a discussion, conduct a public hearing, and take action on an Ordinance to rezone a 3.213-acre tract legally described as being a part of the M. C. Davis Survey, Abstract No. 336 and being all of the 2.33 acre tract of land conveyed by deed without warranty from the Union Pacific Railroad Company to the City of Denison, Texas on February 18, 1999 and recorded in Volume 2771, Page 355, and being all of the 0.88 acre tract of land conveyed to the City of Denison, Texas by Affidavit of Lost Deed on February 17, 2023 as recorded in Inst. No. 2023-4052; Grayson County, Texas; GCAD Property ID No.'s 438291 and 438292, from the Single Family 7.5 (7.5) Residential District within the Highway Oriented and Corridor District to the Commercial Zoning District within the Highway Oriented and Corridor District to allow for retail or commercial use. (Case No. 2023-109Z)

#### Council Action

Dianne York, Planner, stated the applicant is requesting a rezone of the subject property from the Single Family 7.5 Zoning District to Commercial to allow for retail or commercial space. This is the property that sits between the West End Fire Station and Simmons Bank across from Chik-Fil-A. This property does fall within the Highway Oriented and Corridor Overlay District. This request does comply with the Future Land Use Plan, as this area has been designed as mixed commercial use. Staff recommends approval of this request and so did the Planning and Zoning Commission at their meeting held on December 12, 2023.

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. 5329, "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 3.213 ACRE TRACT LEGALLY DESCRIBED AS BEING A PART OF THE M. C. DAVIS SURVEY,

ABSTRACT NO. 336 AND BEING ALL OF THE 2.33 ACRE TRACT OF LAND CONVEYED BY DEED WITHOUT WARRANTY FROM UNION PACIFIC RAILROAD COMPANY TO THE CITY OF DENISON, TEXAS ON FEBRUARY 18, 1999 AND RECORDED IN VOLUME 2771, PAGE 355, AND BEING ALL OF THE 0.88 ACRE TRACT OF LAND CONVEYED TO THE CITY OF DENISON, TEXAS BY AFFIDAVIT OF LOST DEED ON FEBRUARY 17, 2023 AS RECORDED IN INST. NO. 2023-4052, DEED RECORDS OF GRAYSON COUNTY, TEXAS, AND MORE PARTICULARLY DESCRIBED AND DEPICTED IN EXHIBIT "A", FROM ITS ZONING CLASSIFICATION OF SINGLE FAMILY-5 DISTRICT WITHIN THE HIGHWAY OVERLAY DISTRICT TO COMMERCIAL DISTRICT WITHIN THE HIGHWAY OVERLAY 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 COMMERCIAL DISTRICT WITHIN THE HIGHWAY OVERLAY DISTRICT FOR THE PROPERTY; PROVIDING A PENALTY; PROVIDING REPEALING, SEVERABILITY, AND SAVINGS CLAUSES; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.'

Before addressing Item 6.A. below, Mayor Gott announced she would need to recuse herself for this item and called upon Mayor Pro Tem Crawley to facilitate this item. Mayor Gott left the dais at 6:21 p.m. Mayor Pro Tem Crawley then announced Item 6.A. below.

## 6. ITEMS FOR INDIVIDUAL CONSIDERATION

- A. Receive a report, hold a discussion, and take action on awarding a bid and entering into a contract with SF Landscaping for the 2023 Utilities Mowing and Maintenance Program, and authorize the Interim City Manager to execute the same.

### Council Action

Chip Egger, Parks Administrative Superintendent, reported that earlier this fall, staff advertised seeking services to help with the City's mowing needs at its utility sites. During the advertisement, there were 15 applicants who picked up bid packages. Three submitted successful bids. These bids were scored by staff and the scoring came in with S.F. Landscaping the highest in the scoring based on pricing, contractor qualifications and their work plan for the sites. Staff recommends entering into an agreement with S.F. Landscaping based on their high score.

There was no discussion or questions from Council.

On motion by Council Member Hander, seconded by Council Member Thomas, the City Council unanimously approved awarding a bid and entering into a contract with SF Landscaping for the 2023 Utilities Mowing and Maintenance Program, and authorizing the Interim City Manager to execute the same.

Mayor Gott returned to the dais as 6:23 p.m.

- B. Receive a report, hold a discussion and take action on awarding a request for proposal and entering into a contract with Denison Animal Welfare Group (DAWG) for animal shelter services and authorize the Interim City Manager to execute the same.

Council Action

Mike Gudgel, Police Chief, stated the City has had a long-standing contract for the animal shelter services with Morton Street Animal Hospital. In May of 2018, the City hired a consultant to evaluate the needs of our animal services. Based on this report, and the continued growing needs of the City as it relates to Animal Services, staff felt it was time to work on preparing a request for proposal for animal shelter services. On October 6 2023, a Request for Proposals (RFP) was issued with responses due no later than October 24, 2023. The City reviewed the two proposals in response to the RFP; one from Denison Animal Welfare Group (DAWG), and the other from Morton Street Animal Hospital. A selection committee was put together to evaluate the proposals. The committee also made an on-site visit to each of the facilities at DAWG and the Morton Street Animal Hospital. Following the onsite visits, review of the submitted proposals and scoring of the proposers, the committee recommends awarding the animal services contract to DAWG. The new contract with DAWG will cost \$180,000 annually. In the first year, \$151,500 is currently budgeted for this service in the General Fund. The remaining cost outside of what was budgeted will need to come out of fund balance. Based on the committee's recommendation, staff recommends awarding the RFP and entering into a contract with DAWG.

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 awarding a request for proposal and entering into a contract with Denison Animal Welfare Group (DAWG) for animal shelter services and authorizing the Interim City Manager to execute the same.

- C. Receive a report, hold a discussion and take action on an ordinance repealing and restating Chapter 30 of the Code of Ordinances, the same being the Historic Preservation Ordinance of the City of Denison.

Council Action

Donna Dow, Main Street Director, stated that as has been reported, we have been working on this for quite some time. Ms. Dow added that we are very proud of our historic building stock downtown and thinks it is one of the most charming things about this city. Fortunately, in the 1980's. Denison took measures to protect that building stock. In the last two years, we've updated the website with a video that the Mayor was in, and we have also placed deed restrict on the properties, and we've updated the City's zoning map to show the Historic District. So, as you can tell, we took many measures to try to let everybody know they are in a historic district and are sure there are many more that we can continue to do, but these were at the top of the list. Ms. Dow reported that there is also an update to the ordinance before the Council this evening followed by consideration of the Design Guidelines. Some of the items that are different in the ordinance, which it is not making wholesale changes, it is just strengthening the information available. One of the items added was a six-month deadline instead of permission being granted indefinitely. It gives



the applicant six months, and then they can ask for renewing this. The ordinance has also been updated to comply with the Texas Local Government Code. So, if you add a property or a district, the Texas Local Government Code has since come through and stated the way that it must be done. The ordinance will now comply with this. Also, the definition of routine maintenance has been tightened and specifically states what this is so that people in the Historic District will know. For emergency repairs, the Historic Preservation Officer can now approve these, eliminating the need to wait for a meeting if it is in fact an emergency repair. The ordinance amendment also outlines post demolition requirements including fencing. If there is a fire or other catastrophe caused by weather, the ordinance states what must happen in order to get buildings put back in place to avoid the look of a distraction to the Historic District. Ms. Dow added that the participants in the ordinance amendment and the design guidelines included City staff such as our Development Services Team, the Fire Marshal and other key staff who typically participate in this process. We are also part of the Certified Local Governments of the state of Texas through the Texas Historic Commission and ran the proposed changes by them as well as the City Attorney. We also included our consultant, Rosin Preservation, to assist with and provide guidance as well as Council Member Hander. Ms. Dow also pointed out that two members from the Historic Preservation Board, Ms. Linda Anderson and Mr. Curt Cichowski, were present, both of whom were invaluable in reviewing this ordinance.

Council Member Massey thanked Ms. Dow and her team. As a participant in the historic preservation process in Denison, to his profit and hopefully to the City's as well, appreciate the way they have worked hand in hand with the developers. Council Member Massey added he was glad to see the six-month deadline added in order to keep these guys focused on moving forward. At this point, he would make sure there is a better understanding of how long the process actually takes in today's market with lending and so forth. So, he likes how the six month is a renewable. What he really likes to see is that this is a bigger part of the brain for what Denison is pushing for folks like him in that you come to town to invest in these historic properties because this is 61% of your money which can come back to you if you do it right and do it to the right process. So, having somebody like Mary Tate with her experience and with Ms. Dow and her team's passion, he appreciates it.

Council Member Hander stated that the big thing you will see is that we tried to make it easier, make the language easier to understand and the process a little easier to do. We did some things where now the Historic Preservation Officer can approve certain types of signage, that kind of thing. So, we are not holding businesses back. Also like any good code that has been added to throughout the years, it kind of contradicted itself near the end, so this had to be fixed. Everything was to make this a smoother transaction for everybody.

There was no further discussion or questions from Council.

On motion by Mayor Pro Tem Crawley, seconded by Council Member Hander, the City Council unanimously approved Ordinance No. 5330, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DENISON, TEXAS, REPEALING AND RESTATING CHAPTER 30 OF THE CODE OF ORDINANCES OF THE CITY, THE SAME BEING THE HISTORIC PRESERVATION ORDINANCE OF THE CITY OF DENISON; PROVIDING FOR SAVINGS, REPEALING AND SEVERABILITY CLAUSES; **PROVIDING A PENALTY; PROVIDING AN EFFECTIVE DATE; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW.**"

- D. Receive a report, hold a discussion and take action on a resolution adopting Design Guidelines for the Historic Preservation District.

Council Action

Donna Dow, Main Street Director, stated this item was part B of the process. These are guidelines which give some instructions and information to the property owners, the applicants, and whomever applies. Maps were also added along with an explanation of the differences between the maps. The Texas Historical Commission had a certain map when we did our national register district. This map is different from our Commercial Historic Overlay District, which has to go by the guidelines in this. This is larger and is squared off and so it explains these differences in there. We also updated the energy efficiency section, which was not as much of an issue in the 80s and in 2003. So, we added some information here. We added reference to our public art guidelines that we have now. Not a lot of detail, but just reference to it. Ms. Dow stated they moved the color scheme. The Council a couple of years ago looked at colors, and we moved that part from the ordinance to the design guidelines, which we feel is a much better place for it. Then we updated and added an explanation on Windows. A lot of people modify their windows and this gives us pictures and a little bit more guidance on what they can and cannot do to maintain our historic district.

Council Member Massey asked a question of Mary Tate, Director of Development Services. When you go through the energy efficient and the construction process, a lot of times you are doing a remodel on the inside of a building, and if you are adding a residential to an otherwise previously non-residential, you normally would go through a new construction permit. In some cases, to meet current code, the energy efficiency of the windows and the insulation and so forth, make it almost impossible to meet envelope requirements. Council Member Massey asked if Ms. Tate is comfortable as we move forward with these having it be a remodel permit, as opposed to a new construction permit, even if all of what is being built is new to that structure. Ms. Tate confirmed she was and that this has all been discussed.

There was no further discussion or questions from Council.

On motion by Mayor Pro Tem Crawley, seconded by Council Member Massey, the City Council unanimously approved Resolution No. 4151, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DENISON, TEXAS ADOPTING DESIGN GUIDELINES FOR THE HISTORIC PRESERVATION DISTRICT; PROVIDING SEVERABILITY, SAVINGS AND REPEALING CLAUSES; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND PROVIDING AN EFFECTIVE DATE."

7. PROJECT UPDATES

- A. Receive a report and hold a discussion regarding the Katy Trail Project.

Council Action

Justin Eastwood, Parks and Recreation Director, spoke about one of the great features here at the City – the Katy Trail. In particular phase two. There has been some action since Mr. Eastwood last came before the Council. If you remember, we finished phase one. So, we are looking to do phase two between Loy Lake and Spur 503, which is what Mr. Eastwood is specifically discussing this evening. Staff attended a virtual workshop today. The big thing that came about is we will have a project management team coordinator from TxDOT, and we will get with them between January and March. They did not give us specific details on this, but they will be able to walk alongside us with the continuance of the project. We are going to coordinate with TxDOT and the Metropolitan Organization (MPO) to begin the process to list the project and the local Transportation Improvement Program document and then the statewide TIP. After that, we will select the project manager. In the meantime, we are actually as a team, finishing a provisional crossing at Katy Trail right now. So, even though the project may not start in the ensuing months, it will be walkable. We are going to need to do a little additional maintenance. When construction starts residents will not be able to walk on it at that time. Mr. Eastwood then went on to highlight the addition of two new sculptures at the bookends of phase one of our trail. At Waterloo Lake Drive, the Crawley family generously donated toward this sculpture. At the Courtright family donated toward the sculpture off Day Street. Mr. Eastwood also highlighted our local artists, Jodi Castelli and Mark Niemi of Casni Studio who created the beautiful art. Mr. Eastwood stated we are grateful for our community and everyone who has helped make this project happen. Mr. Eastwood also gave special thanks to Council Member Hander for coordinating the art on the trail. We have received really positive feedback from residents on the development and their anticipation of the next phase.

No action taken. Informational item only.

## 8. EXECUTIVE SESSION

The Council then adjourned into Executive Session at 6:42 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 City of Denison vs. Sherman Pro Auto Glass, LLC dba Pro Auto Glass, et. al., 397th Judicial District, Grayson County, Texas, Cause No. CV-21-0166.
2. Confer with City Attorney regarding Roque/Pantuso ETJ Release Petition.
3. 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.
4. Confer with City Attorney regarding ordinance to amend Ordinance No. 4679 regarding Lake Texoma Municipal Utility District No. 1.

- 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.**
  - 1. Annual evaluation of Municipal Judge.
- 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 7:22 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 City of Denison vs. Sherman Pro Auto Glass, LLC dba Pro Auto Glass, et. al., 397th Judicial District, Grayson County, Texas, Cause No. CV-21-0166.

Council Action

No action taken.

- 2. Confer with City Attorney regarding Roque/Pantuso ETJ Release Petition.

Council Action

On motion by Mayor Pro Tem Crawley, seconded by Council Member Thomas, the City Council unanimously denied the Roque and Pantuso Petition to remove property from the City's extraterritorial jurisdiction because 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.

3. 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 Thomas, the City Council unanimously approved the First Amendment to the Preston Harbor Development Agreement and authorized the Mayor to execute the same.

4. Confer with City Attorney regarding ordinance to amend Ordinance No. 4679 regarding Lake Texoma Municipal Utility District No. 1.

Council Action

On motion by Mayor Pro Tem Crawley, seconded by Council Member Thomas, the City Council unanimously approved Ordinance No. 5331, "AN ORDINANCE OF THE CITY COUNCIL OF DENISON, TEXAS AMENDING ORDINANCE NO. 4679, SECTION 5 "ISSUANCE OF BONDS", RELATED TO THE ISSUANCE OF DEBT WITHIN LAKE TEXOMA MUNICIPAL UTILITY DISTRICT NO. 1; INCORPORATING RECITALS; PROVIDING AN EFFECTIVE DATE; AND FINDING THIS ORDINANCE WAS PASSED IN A LAWFULLY OPEN MEETING."

- 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.**
  1. Annual evaluation of Municipal Judge.

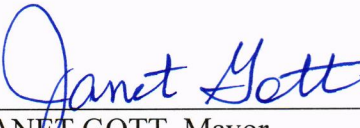
Council Action

On motion by Mayor Pro Tem Crawley, seconded by Council Member Thomas, the City Council unanimously approved increasing the annual salary of the Municipal Judge to \$41,000.00, effective January 1, 2024.


- 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 7:25 p.m.

  
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JANET GOTT, Mayor

ATTEST:

  
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Christine Wallentine, City Clerk