



**CITY OF DENISON
CITY COUNCIL MEETING
MINUTES**

Monday, February 5, 2024

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, and Aaron Thomas. Council Member Joshua Massey was absent. Staff present were City Manager, Bobby Atteberry, City Attorney, Julie Fort, City Clerk, Christine Wallentine and Deputy City Clerk, Karen Avery. Assistant City Manager, Renee Waggoner, was absent. 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 Denison Firefighters Bryan Forth and Chad Honeycutt and Captain James Robinson.

2. 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 received.

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 January 16, 2024.
- B. Receive a report, hold a discussion and take action on a Resolution adopting guidelines for an amnesty program prior to the 2024 Warrant Round Up.
- C. Receive a report, hold a discussion and take action on entering into Joint Election Agreements with Denison Independent School District (Contract No. 2024-0006) and the Grayson County Elections Administration (Contract No. 2024-0007) for the May 4, 2024 General and Special Elections, and authorize the Interim City Manager to execute the same.
- D. Receive a report, hold a discussion and take action on an ordinance calling a Special Election for the purpose of electing a City Council Member for Place 6, At-Large, and a Council Member for Place 4, Single Member District 4, each to serve the remainder of an unexpired term until the next regular City Council election in May 2025, in conjunction

with a General Election to be held jointly with the School District sharing polling locations only, on Saturday May 4, 2024, for the purpose of electing a Council Member for Single Member District 1, Place 1, a Council Member for Single Member District 2, Place 2 and Place 7 (Mayor), At-Large, each to serve a three year term.

- E. Receive a report, hold a discussion, and take action on a Professional Engineering Services Agreement with Huitt-Zollars Inc. (Contract No. 2024-0008) to conduct and prepare a City Facility Needs Assessment in the amount of \$189,000 and authorize the Interim City Manager to execute all related documents.
- F. Receive a report, hold a discussion, and take action on an agreement in the amount of \$990,765 with CobbFendley (Contract No. 2024-0009) for design and construction support of the Perrin Estates Utility Improvements project, and authorize the Interim City Manager to execute all related documents.
- G. Receive a report, hold a discussion and take action on denying the extraterritorial jurisdiction release petition received from Ray C. Davis and Linda B. Davis for property commonly known as 1421 US Highway 69, Denison, Texas more particularly described as G-0996 Rubio Ramon A-G0996, Acres 0.29, GCAD Property ID No. 113210.
- H. Receive a report, hold a discussion and take action on denying the extraterritorial jurisdiction release petition received from Ray C. Davis for property commonly known as 1335 US Highway 69, Denison, Texas more particularly described as G-0996 Rubio Ramon A-G0996, Acres 0.55, GCAD Property ID No. 113203.
- I. Receive a report, hold a discussion and take action on denying the extraterritorial jurisdiction release petition received from Ray C. Davis and Linda B. Davis for property commonly known as 1191 Highway 69, Denison, Texas more particularly described as G-1311 Wright William A-G1311, Acres 36.94, GCAD Property ID No. 113345.
- J. Receive a report, hold a discussion and take action on denying the extraterritorial jurisdiction release petition received from Ray C. Davis and Linda B. Davis for property commonly known as 411 Snow Road, Denison, Texas more particularly described as Delmar Estates, Lot 9, Acres 1.02, GCAD Property ID No. 113292.
- K. Receive a report, hold a discussion and take action on denying the extraterritorial jurisdiction release petition received from Vincent William McKeon, Jr., Lisa Kusch McKeon and Tressie Elizabeth McKeon for three parcels of land commonly known as 2705 Preston Road, Denison, Texas more particularly described as G-0062 Bennett D W & HRS A-G0062, Acres 123.593, GCAD Property ID No. 113436; 1173 Davy Lane, Denison, Texas more particularly described as G-0062 D W & HRS A-G0062, Acres 13.0, GCAD Property ID No. 113430; and 2705 Preston Road, Denison, Texas, more particularly described as G-0062 Bennett D W & HRS A-G0062, Acres 19.11, GCAD Property ID No. 445083.
- L. Receive a report, hold a discussion and take action on denying the extraterritorial jurisdiction release petition received from Ray C. Davis and Linda B. Davis for property located at Highway 69, Denison, Texas, more particularly described as Delmar Estates, Lot 11, Acres 3.66, GCAD Property ID No. 113294.

- M. Receive a report, hold a discussion and take action on denying the extraterritorial jurisdiction release petition received from Ray C. Davis and Linda B. Davis for property located at Highway 69, Denison, Texas, more particularly described as Delmar Estates, Lot 12, Acres 3.66, GCAD Property ID No. 113295.
- N. 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 ten cents (\$0.10) per capita to the Steering Committee regulatory and legal proceedings and activities related to Oncor Electric Delivery Company, LLC.
- O. Receive a report, hold a discussion and take action on the reappointment of Jeff Thompson, as a regular member, to the Zoning Board of Adjustments and Appeals to serve a two-year term effective January 1, 2024.
- P. Receive a report, hold a discussion, and take action on the approval of the purchase of a CASE tractor loader, with a total purchase amount of \$105,842.00, from ASCO Equipment and authorize the Interim City Manager to execute any associated documents.
- Q. Receive a report, hold a discussion, and take action on the approval of the purchase of a new replacement engine for a Sanitation automatic residential collection truck, with a total purchase amount of \$65,007.92, from Bruckner Truck Sales and authorize the Interim City Manager to execute any associated documents.
- R. Receive a report, hold a discussion, and take action on the purchase of pump repair services from A.W. Chesterton for \$62,464.00 and authorize the Interim City Manager to execute all related documents.

Council Action

On motion by Mayor Pro Tem Crawley, seconded by Council Member Courtright, the City Council unanimously approved, **Ordinance No. 5336**, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DENISON, TEXAS, CALLING A JOINT GENERAL ELECTION, WITH GRAYSON COUNTY ON SATURDAY, MAY 4, 2024 FOR THE PURPOSE OF ELECTING A COUNCIL MEMBER, PLACE 1, SINGLE MEMBER DISTRICT 1, A COUNCIL MEMBER, PLACE 2, SINGLE MEMBER DISTRICT 2, AND PLACE 7 (MAYOR), AT LARGE, EACH FOR THREE (3) YEAR TERMS FOR SAID CITY; AND A SPECIAL ELECTION FOR THE PURPOSE OF ELECTING A CITY COUNCIL MEMBER, PLACE 6, AT LARGE, AND A COUNCIL MEMBER, PLACE 4, SINGLE MEMBER DISTRICT 4, EACH TO SERVE THE REMAINDER OF AN UNEXPIRED TERM UNTIL THE GENERAL ELECTION IN MAY 2025, ; PROVIDING RESIDENCY REQUIREMENTS FOR CANDIDATES; DESIGNATING THE POLLING PLACES, DATE, AND TIME OF SAID ELECTIONS AND VOTING PERIODS; PROVIDING FOR BALLOT APPLICATION PROCEDURES; 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 CLAUSE AND SEVERABILITY CLAUSE; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND PROVIDING AN EFFECTIVE DATE”; **Resolution No. 4152**, “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DENISON, TEXAS ADOPTING GUIDELINES FOR AN AMNESTY PROGRAM PRIOR TO THE 2024 WARRANT ROUND-UP AND OTHER MATTERS IN CONNECTION THEREWITH; AND PROVIDING AN EFFECTIVE DATE”; **Resolution No. 4153**, “A RESOLUTION AUTHORIZING CONTINUED PARTICIPATION WITH THE STEERING COMMITTEE OF CITIES SERVED BY ONCOR; AND AUTHORIZING THE PAYMENT OF TEN CENTS PER CAPITA TO THE STEERING COMMITTEE TO FUND REGULATORY AND LEGAL PROCEEDINGS AND ACTIVITIES RELATED TO ONCOR ELECTRIC DELIVERY COMPANY, LLC”; and the rest of the Consent Agenda as presented.

4. PUBLIC HEARINGS

- A. Receive a report, hold a discussion, conduct a public hearing, and take action on an Ordinance to rezone an approximately 0.475-acre tract identified as GCAD Property ID No. 140644, said property being legally described as being situated in the M.C. Davis Survey, Abstract No. 336, according to the deed recorded in Volume 1138, Page 298, Deed Records of Grayson County, Texas; commonly known as 2713 W. Morton Street, from the SF-7.5, Single Family Residential District (SF-7.5) within the Highway Oriented and Corridor Overlay District (HO) to the Commercial (C) within the Highway Oriented and Corridor Overlay District (HO) to allow for commercial use. (Case No. 2023-126Z)

Council Action

Dianne York, Planner, introduced this agenda item. The applicant is requesting a rezone of the property located at 2713 W. Morton Street from the Single Family 7.5, within the Highway Oriented and Corridor Overlay District, to the Commercial with Highway Oriented to allow for commercial use. The property has been developed in a commercial manner. The existing structure was built sometime around 2006. The Future Land Use Plan suggests this area to be developed in a mixed commercial manner. So, the requested zoning is appropriate for the property. With this, staff recommends approval of the request as did the Planning and Zoning Commission at their meeting held on January 23, 2024.

Mayor Gott then asked if there was anyone present who wished to speak on this agenda item. Mr. came forward and provided the following information for the record:

Name: David Keese
Address: 7201 Darrow Drive
McKinney, TX

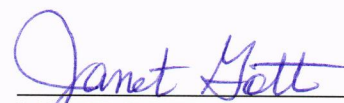
Mr. Keese stated he represents the applicant and as staff mentioned, this property was built in 2005 or 2006. At the time, both the City and the appraiser thought the property was zoned commercial, which is why the applicant did not come forward previously for a zoning change. The applicant respectfully requests that the Council approve the zoning change as requested.

Mayor Got then asked if there was anyone else present who wished to speak to 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 Council Member Hander, seconded by Mayor Pro Tem Crawley, the City Council unanimously approved Ordinance No. 5337,"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 AN APPROXIMATELY 0.475 ACRE TRACT OF LAND LEGALLY DESCRIBED AS BEING SITUATED IN THE M. C. DAVIS SURVEY, ABSTRACT NO. 336, ACCORDING TO THE DEED RECORDED IN VOLUME 1138, PAGE 298, DEED RECORDS OF GRAYSON COUNTY, TEXAS; IDENTIFIED AS GRAYSON CAD PROPERTY ID NO. 140644, AND COMMONLY REFERRED TO AS 2713 W MORTON STREET, DENISON, TEXAS, AND MORE PARTICULARLY DESCRIBED AND DEPICTED IN EXHIBIT "A", FROM ITS ZONING CLASSIFICATION OF SINGLE-FAMILY 7.5 (SF-7.5) RESIDENTIAL DISTRICT WITHIN THE HIGHWAY OVERLAY (HO) DISTRICT TO THE COMMERCIAL (C) DISTRICT WITHIN THE HIGHWAY OVERLAY (HO) 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 (C) DISTRICT WITHIN THE HIGHWAY OVERLAY (HO) DISTRICT FOR THE PROPERTY; PROVIDING A PENALTY; PROVIDING REPEALING, SEVERABILITY, AND SAVINGS CLAUSES; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE."

There being no further business to come before the Council, the meeting was adjourned at 6:06 p.m.



JANET GOTT, Mayor

ATTEST:



Christine Wallentine, City Clerk