



**CITY OF DENISON
CITY COUNCIL MEETING
MINUTES**

Monday, February 19, 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 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

Todd Catteau, Pastor of Park Avenue Church of Christ gave the invocation which was followed by the Pledge of Allegiance and Texas Pledge led by Denison Police Chief, Mike Gudgel.

2. PROCLAMATIONS AND PRESENTATION

A. Government Communicators Day Proclamation.

Mayor Gott called to the podium Emily Agans, Grant Yoder, Jordan Starr, Zoe May and Haley Banks to present the group with a proclamation recognizing Government Communicators Day. Government communicators play a crucial role in disseminating information, facilitating dialogue and engaging with the public on matters of policy, programs and services, and are vital to the functioning of government at all levels, enabling transparency, understanding and trust among citizens. Government communicators create relationships and calls to action, build awareness and understanding through storytelling, engage and foster engagement on civic issues and use all channels to include people in critical decisions. Government communicators demonstrate professionalism, integrity and dedication in their efforts to uphold the principles of democracy, so citizens have the freedom to make their voice heard. Government communicators work tirelessly to ensure that citizens are informed about important issues, initiatives and developments, utilizing various channels such as traditional media, social media, websites and public events. recognizing the contributions of government communicators fosters appreciation for their work and encourages continued excellence in communication practices within government. The City of Denison is proud and has deep gratitude and recognition for its government communicators dedication, hard work, commitment, enthusiasm and sacrifice. Mayor Gott then proclaimed February 24, 2024 as Government Communicators Day in the City of Denison and urged all citizens to recognize the vital role of government communicators

and to express gratitude for their commitment to effective communication and public service.

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 two Request to Speak Cards received, both related to the public hearing. Mayor Gott announced any comments would be reserved for when the public hearing item was called. Both speakers indicated they would only speak if the Council had questions. Therefore, no public comments were received at this point in the meeting.

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 February 5, 2024.
- B. Receive a report, hold a discussion and take action on approval of the DPD Contact Data Annual Report for 2023.
- C. Receive a report, hold a discussion, and take action on a granting approval for the Interim City Manager, or his designee, to enter into various loan documents with Clayton Holdings, LLC, for the purchase of two Mack refuse trucks and bodies, traffic control equipment, and reimbursement for the purchase of 30-yard dumpsters, and a Mack truck with hoist.
- D. Receive a report, hold a discussion, and take action on authorizing the Second Amendment to the Sublease Agreement between the City of Denison and Homeless Empowerment Action Team (HEAT).
- E. Receive a report, hold a discussion and take action on the appointment of Angela J. Harwell, as a regular member, to the Planning and Zoning Commission, to serve a two-year term effective January 1, 2024.
- F. Receive a report, hold a discussion, and take action on the approval of the purchase of a Kubota tractor loader, with a total purchase amount of \$94,962.11, from Zimmerer Kubota & Equipment, Inc. and authorize the Interim City Manager to execute any associated documents.
- G. Receive a report, hold a discussion, and take action on the approval of the purchase of a Volvo wheeled excavator, with a total purchase amount of \$305,212.47, from ROMCO Equipment Company and authorize the Interim City Manager to execute any associated documents.
- H. Receive a report, hold a discussion, and take action on approval of a pavement condition assessment services purchase proposal in the amount of \$128,799.00 from Infrastructure Management Services, LP and authorize the Interim City Manager to execute any associated documents.
- I. Receive a report, hold a discussion and take action on the appointment of Jimmy Cravens and Braeden Wright, as regular members, to the Zoning Board of Adjustments and Appeals, each to serve a two-year term effective January 1, 2024.

- J. Receive a report, hold a discussion and take action on adopting a resolution authorizing membership in the Atmos Cities Steering Committee and authorizing the payment of \$.05 cents per capita to the Atmos Cities Steering Committee to fund regulatory and related activities related to Atmos Energy Corporation.

Council Action

On motion by Mayor Pro Tem Crawley, seconded by Council Member Courtright, the City Council unanimously approved, Resolution No. 4154, "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"; 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 an approximately 2.94 acre tract identified as GCAD Property ID No. 141832, said property being legally described as Lots 1 through 16 and including the twenty (20) foot alley, Block 2 of Miller's First Addition to the City of Denison, Grayson County, Texas, according to the deed recorded in Volume Y, Page 330, Deed Records of Grayson County, Texas; being commonly known as 715 W. Sears Street, to amend the current Planned Development Ordinance No. 5218 by changing the current zoning classification from Planned Development Overlay (PD) District with the base zoning of Single-Family Residential Attached (SF-TH) District to a Planned Development Overlay (PD) District with the base zoning of Multi-Family Residential (MF-2) District and Local Retail (LR) District for residential and retail use and amending Exhibit B "Development Standards" and Exhibit C "Concept Plan" of Ordinance No. 5218. (Case No. 2023-117PD)

Council Action

Dianne York, Planner, introduced this agenda item. The applicant is requesting to amend the existing Planned Development to allow for multifamily and retail uses for property commonly known as 715 W. Sears. Ms. York then provided an aerial view of the subject property. The proposed development named "The Village" will consist of approximately 200 residential units and approximately 6,000 square feet of retail space. The retail space is located at the northeast corner of the structure, or at the corner of Morton Street and North Barrett Avenue. In order to accommodate this density, the applicant has requested a deviation from the base zoning district, multifamily to allow for a four-story structure with five stories over the small retail portion to allow for 11 units. The building will have a minimum side yard and front yard setback of 10 feet for the yards adjacent to North Armstrong, North Barrett and West Sears Street, and a zero-foot rear yard setback for the rear yard adjacent to W. Morton. Street parking for the residents will be accommodated by the internal parking garage. Ms. York then referred to the concept plan. The parking garage is located on the west side of the structure at 1.5 spaces per unit. The visitor parking and leasing office parking spaces are located on West Sears Street. The parking to accommodate the retail spaces for visitors and employees is located on North Barrett. A minimum of 10% of the total lot area will be dedicated to landscape and usable open space. Amenities for the residents will include a courtyard with a pool, grilling stations, open

space for activities, a fitness center, a club room and a mail center. Ms. York also noted there is no dedicated unloading or loading space for the retail. However, there is a requirement built into the PD that no unloading or loading can occur on West Morton Street. Ms. York then provided drawings of the proposed elevations provided by the applicant. The Planning and Zoning Commission recommended these conceptual elevations be made a part of the planned development ordinance. There are no building material standards built into the PD, and so the Planning and Zoning Commission felt it was appropriate to add these conceptual elevations to the planned development ordinance. This case is for zoning only. The proposed development is required to develop in accordance with city standards. There are additional applications upon zoning approval that the applicant will have to submit such as a petition for right of way abandonment, civil engineering plans to include a traffic impact study, replat and site plan all must be submitted before a building permit can be pulled. The City Council did approve an ordinance for the previous PD in July of 2022 to accommodate 30 townhomes. This was a question that was posed during the Planning and Zoning Commission meeting. So, Ms. York wanted to make sure to provide this information to the Council. Staff recommends approval of the request as did the Planning and Zoning Commission with the condition that these conceptual elevations be included in the PD ordinance.

Council Member Hander stated that in looking over the notes from the Planning and Zoning Commission meeting, there was some concern that if the Council approves the rezone and then the property sells, that it would be zoning it multifamily, but is only rezoning it within the planned development. So, it can only be this project, and whoever would have to come back to amend this unless they get this plan. Ms. York responded that whatever the zoning is, in the development standards that are built into the PD, they would have to abide by it.

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.

Council Member Hander asked if the applicant could come forward as he wanted to know if the façade will be the same on all sides. Mr. Stafford came forward and provided the following information for the record:

Name: Dawson Stafford

Address: None provided for the record

Mr. Stafford responded that the façade will be the same all the way around. Council Member Hander then asked Ms. York if since the property is going to be replatted will the application have to pay impact fees. Ms. York confirmed the applicant would need to pay impact fees and a part dedication fee.

Council Member Thomas asked since there is no dedicated loading zone, how would retail be accommodated. Mr. Stafford stated they will have areas that will be part of the final drawing, which is not yet completed, but they plan to have areas for retail and also areas for dumpster pick up, etc. Council Member Hander then asked about the height of the building in comparison to the old Central Ward School. Mr. Stafford asked their engineer to come forward. Mr. Crandall came forward and provided the following information for the record:

Name: Jeff Crandall
Address: CCM Engineering
2570 Justin Road
Highland Village, TX

Mr. Crandall said that the building would be 54 feet tall. Council Member Hander stated the old Central Ward was 42 feet tall, so this will not be that much taller.

There was no further discussion or questions from Council.

On motion by Mayor Pro Tem Crawley, seconded by Council Member Thorne, the City Council unanimously approved Ordinance No. 5338, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DENISON, TEXAS, AMENDING CHAPTER 28 OF THE CODE OF ORDINANCES OF THE CITY OF DENISON, THE SAME BEING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY BY AMENDING THE CURRENT PLANNED DEVELOPMENT ORDINANCE NO. 5218 BY CHANGING THE CURRENT ZONING CLASSIFICATION FROM PLANNED DEVELOPMENT OVERLAY (PD) DISTRICT WITH BASE ZONING OF SINGLE-FAMILY RESIDENTIAL—SINGLE-FAMILY ATTACHED (SF-TH) DISTRICT TO PLANNED DEVELOPMENT OVERLAY (PD) DISTRICT WITH BASE ZONING OF MULTI-FAMILY RESIDENTIAL DISTRICT (MF-2) AND LOCAL RETAIL DISTRICT (LR), AND AMENDING EXHIBIT B "DEVELOPMENT STANDARDS" OF ORDINANCE NO. 5218, ON AN APPROXIMATELY 2.94 ACRE TRACT IDENTIFIED AS GCAD PROPERTY ID NO. 141832, SAID PROPERTY BEING LEGALLY DESCRIBED AS LOTS 1 THROUGH 16 AND INCLUDING THE TWENTY (20') FOOT ALLEY, BLOCK 2 OF MILLER'S FIRST ADDITION TO THE CITY OF DENISON, GRAYSON COUNTY, TEXAS, ACCORDING TO THE DEED RECORDED IN VOLUME Y, PAGE 330, DEED RECORDS OF GRAYSON COUNTY, TEXAS; BEING COMMONLY KNOWN AS 715 W. SEARS STREET; BEING MORE PARTICULARLY DESCRIBED AND DEPICTED IN EXHIBIT "A"; PROVIDING DEVELOPMENT STANDARDS, ATTACHED HERETO AS EXHIBIT "B"; PROVIDING A CONCEPT PLAN, ATTACHED HERETO AS EXHIBIT "C"; PROVIDING FOR SEVERABILITY, REPEALING, AND SAVINGS CLAUSES; PROVIDING A PENALTY CLAUSE; PROVIDING FOR PUBLICATION; PROVIDING 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."

6. 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 2024;" authorizing the issuance of the Certificates; approving and authorizing instruments and procedures relating to said Certificates; and enacting other provisions relating to the subject.

Council Action

Laurie Alsabbagh, Finance Director, reminded the Council that on December 4, 2023, they approved a resolution to publish notice of intent to issue combination tax and revenue certificates of obligation to fund infrastructure projects for water and sewer and improvements to Loy Lake Dam. Notices of intent were published on December 10 and December 17, 2023, which listed the sale date for the certificates and approval of the ordinance for this evening on February 19. However, during the initial scheduling, there was an oversight that today, February 19, is Presidents Day, and the bond markets would be closed. So, because today's date was published in the Notice of Intent, we are required to bring this before you this evening. Staff is requesting this item be tabled to the March 4, 2024 Council meeting.

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 tabling adoption of the ordinance authorizing the issuance of the City's Combination Tax and Limited Surplus Revenue Certificates of Obligation, Series 2024, to the City Council meeting scheduled to begin at 6:00 p.m., March 4, 2024, at City Hall located at 300 W. Main, Denison, Texas.

7. PROJECT UPDATES

- A. Receive a report and hold a discussion regarding an update on the Ike Hike Trail Project.

Council Action

Fanchon Stears, CIP/Engineering Manager, thanked the Council for the opportunity to provide an update on the Ike Hike Trail Project. This is a portion of the iconic trail that will connect downtown Denison to the President Eisenhower Birthplace State Historic Site with a concrete path. The sidewalk will connect the new streetscape in Designing Downtown Denison, Phase One on East Main Street and will continue down Crockett to Sheppard Street, which will be the new entrance to the birthplace after their current capital improvements projects have been completed. The Ike Hike project is currently at 30% design, with the contract having been approved by the Council late last year. Staff anticipates construction being done in two phases. The path will be approximately 10 feet wide, it will be raised and separated from the road with a six-inch curb. The existing right of way is wide enough to accommodate the path, so no additional right of way will need to be acquired. The path will be stamped and marked to match other segments of the trail in downtown Denison and in Forest Park. Ms. Stearns then proceeded to discuss Phase One, which will start at the Eisenhower Birthplace, from Shepherd to about Owings. This phase may also include improvements to the creek and the failing headwall on the southeast corner of Owings and Crockett intersection. Going to Phase Two, on the other side of Owings, we are going to make some improvements to the intersection at Crockett and Owings. Someone in one of our meetings called this intersection dysfunction junction. There are actually three lanes of traffic that come in from the north. One of these lanes will be closed, the right turn only, which is currently separated with an island leaving just two lanes. So, this will clean it up a lot for visibility, and make it safer for pedestrians to cross here who are using the trail. Another piece of Phase Two, that makes it a little bit tricky and the reason we have actually pushed it to phase two is because of the active

railroad tracks that we are going to be crossing with the path. We have actually already engaged the railroad to make sure that whatever requirements they have, whatever needs they have, we capture in the engineering of this project. Construction drawings for Phase One should take about two months. Staff estimates Phase Two will take maybe about six months to allow for coordination with the railroad. We are at about 30% complete for design, so any feedback is appreciated as the project moves forward with design.

Council Member Hander asked what fund this project was coming out of. Ms. Stearns stated Fund 15, which is Streets Maintenance.

There was no further discussion or questions from Council.

No action taken. Informational item only.

8. EXECUTIVE SESSION

The Council then adjourned into Executive Session at 6:23 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.
- 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. Alternate 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 6:37 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.
- 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.**

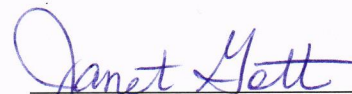
- 1. Alternate Municipal Judge

Council Action

On motion by Mayor Pro Tem Crawley, seconded by Council Member Hander, the City Council unanimously appointed Stephen Feil as Alternate Municipal Judge effective March 4, 2024, at the rate of \$75 per hour while conducting Magistration, and \$250 per day when filling in for the Presiding Judge on the bench during scheduled court dockets or trials.


- 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 6:37 p.m.



JANET GOTT, Mayor

ATTEST:



Christine Wallentine, City Clerk