



**CITY OF DENISON
CITY COUNCIL MEETING
AGENDA**

Monday, August 19, 2024

After determining that a quorum is present, the City Council of the City of Denison, Texas will convene in a Regular Meeting on **Monday, August 19, 2024, at 6:00 PM** in the Council Chambers at City Hall, 300 W. Main Street, Denison, Texas at which the following items will be considered:

1. INVOCATION, PLEDGE OF ALLEGIANCE AND TEXAS PLEDGE

2. PROCLAMATIONS AND PRESENTATION

- A. Parkside Baptist Church 75th Birthday Weekend Proclamation.
- B. Introduction of new Director of Parks and Recreation.

3. PUBLIC COMMENTS

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

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 August 5, 2024.
- B. Receive a report, hold a discussion and take action on a resolution adopting a Boards and Commissions Membership Appointment Policy for all City of Denison Boards and Commissions.
- C. Receive a report, hold a discussion, and take action, and adopt the resolution granting approval for the Interim City Manager, or his designee, to enter into various loan documents with Clayton Holdings, LLC, for the reimbursement financing of a skid steer loader, crane truck, excavator, and a dump truck.

5. ITEMS FOR INDIVIDUAL CONSIDERATION

- A. Receive a report, hold a discussion and take action on a Resolution calling a public hearing to consider an increase in tax revenue.

6. PROJECT UPDATES

- A. Receive a report, hold a discussion, and receive direction from Council on the FY2025 Budget.

7. EXECUTIVE SESSION

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

- A. Consult with attorney on a matter in which the attorney's duty to the governmental body under the Texas Disciplinary Rules of Professional Conduct conflicts with this chapter and/or consult with attorney about pending or contemplated litigation or contemplated settlement of the same. Section 551.071.**
1. Confer with City Attorney regarding *North Texas Natural Select Materials, LLC v. City of Denison*, Case No. 4:24-cv-00717, United States District Court, Eastern District of Sherman.
 2. Confer with City Attorney regarding Courtyards at Katy Trail Public Improvement District 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.

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

CERTIFICATION

I do hereby certify that a copy of this Notice of Meeting was posted on the front window of City Hall readily accessible to the general public at all times and posted on the City of Denison website on the 16th day of August 2024, before 6:00 PM.

Christine Wallentine, City Clerk

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



**CITY OF DENISON
CITY COUNCIL MEETING
MINUTES**

Monday, August 5, 2024

Announce the presence of a quorum.

Mayor Robert Crawley called the meeting to order at 6:00 p.m. Council Members present were Mayor Pro Tem, Teresa Adams, Michael Courtright, James Thorne, Joshua Massey, Spence Redwine and Aaron Thomas. Staff present were Interim City Manager, Bobby Atteberry, Assistant City Manager, Renee Waggoner, City Attorney, Julie Fort, City Clerk, Christine Wallentine, and Deputy City Clerk, Karen Avery. Department Directors and members of the media 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 members of Denison Scout Troop 605.

2. PUBLIC COMMENTS

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

4. CONSENT AGENDA

- A. Receive a report, hold a discussion and take action on approving the Minutes from the Special Called City Council Meeting (Budget Workshop) held on June 28, 2024, and the Regular City Council Meeting held on July 15, 2024.
- B. Receive a report, hold a discussion, and take action on a Resolution providing support for the installation and operation of four automatic license plate reader (ALPR) cameras within the Texas Department of Transportation (TXDOT) right-of-way and authorization to enter into a multiple use agreement (MUA) with TXDOT allowing the placement of the ALPRs.
- C. Receive a report, hold a discussion and take action on the appointment of Janet Gott-Douglass, as a new member, to the Board of Directors for the Business and Industrial Corporation of Denison, Inc., dba Denison Development Alliance, to fill an unexpired three-year term.

- D. Receive a report, hold a discussion and take action on the reappointment of Holly Jenkins to Place No. 8 on the Texoma Community Center Board of Trustees to serve a two-year term, effective September 1, 2024, to August 31, 2026.
- E. Receive a report, hold a discussion and take action on adopting a resolution authorizing the City to implement the Grant Procurement Policy which ensures compliance with State and Federal grant regulations.
- F. Receive a report, hold a discussion and take action on adopting a resolution authorizing the City to implement the Grant Management Policy which ensures compliance with State and Federal grant regulations.
- G. Receive a report, hold a discussion and take action on the appointment of Nathan Petri as a new member to the Community Development Steering Committee (CDBG) to serve the remainder of an unexpired two-year term, effective upon appointment and expiring on December 31, 2025.

Council Action

On motion by Council Member Redwine, seconded by Council Member Thorne, the City Council unanimously approved Resolution No. 4158, “A RESOLUTION OF THE CITY OF DENISON, TEXAS IN SUPPORT OF APPROVING, AUTHORIZING, AND FUNDING TO ENTER INTO AN AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR THE PLACEMENT TO PERMIT THE CONSTRUCTION, MAINTENANCE, AND OPERATION OF A PUBLIC AUTOMATED LICENSE PLATE RECOGNITION SYSTEM ON THE HIGHWAY RIGHT OF WAY AT FOUR LOCATIONS AT THE 3300 BLOCK OF FM 120, AT THE 2800 BLOCK OF WEST MORTON STREET (FM 120), AT THE 200 BLOCK U.S HIGHWAY 69, AND ON THE STATE HIGHWAY 75 AT THE OKLAHOMA BORDER; PROVIDING A SAVINGS/REPEALINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; DETERMINING COMPLIANCE WITH THE TEXAS OPEN MEETINGS ACT; AND PROVIDING AN EFFECTIVE DATE”; **Resolution No. 4159**, “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DENISON, TEXAS, ADOPTING A GRANT PROCUREMENT POLICY FOR ALL FEDERALLY FUNDED PROJECTS AND PURCHASES FOR THE CITY OF DENISON, TEXAS; PROVIDING A SAVINGS AND REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE”; **Resolution No. 4160**, “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DENISON, TEXAS, ADOPTING A GRANT MANAGEMENT POLICY FOR ALL FEDERALLY FUNDED PROJECTS AND PURCHASES FOR THE CITY OF DENISON, TEXAS; PROVIDING A SAVINGS AND REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE”; 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 a resolution adopting the Community Development Block Grant 2024 Annual Action Plan.

Council Action

Mary Tate, Director of Development Services, state that the item before the Council for consideration is part of the five-year Consolidated Action Plan for the Community Development Block Grant, which is through the Department or the Housing and Urban Development of the federal government. During each fiscal year of the five-year plan, of which this is our last, they determine a formula in which they provide an allocation to all of the entitlement communities across the country. This year, our allocation is \$266,630.00, which is about \$12,000 less than last year. Each year we have seen a significant decrease in the allocation amount. The proposed uses include the following:

- Minor/Emergency Rehabilitation: \$30,000 (not a whole lot to do much with for this program)
- Section 108 Loan Payment: \$188,107 (a loan was taken out in 2017 through HUD for road repairs in low-income areas and we still have about 4 payments left over the next two years)
- Code Compliance: \$24,675 (this supplements half of a salary for one of the Code Compliance officers – which is an allowable use through the CDBG Program)
- Program Administration: \$23,848 (this is for all of staff's time that goes into writing reports, etc. – with this being a federal program there is a lot of reporting required and this covers staff time. With this being a federal program, we are allowed to have up to 20% in admin costs, but staff felt this was too high – so we try to target about 10%)

There is also a public hearing and a public comment period requirement. This meeting covers the public hearing portion. We have also posted the annual action plan on the website and there has been a notice published in the newspaper and copies at City Hall and other City facilities. The public comment period is from July 14, 2024, through August 14, 2024, but in order to meet the deadline of August 16 for which the plan and required documentation need to be filed by, we needed to hold the public hearing this evening. If Council chooses to accept the annual action plan, the motion will need to reflect that approval is contingent upon the closing of the public comment period on August 14, 2024

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

There was no discussion or questions from Council.

On motion by Council Member Massey, seconded by Council Member Redwine, the City Council unanimously approved Resolution No. 4161, contingent upon the closing of the public comment period on August 14, 2024, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DENISON, TEXAS ADOPTING AND AUTHORIZING SUBMISSION OF THE ANNUAL ACTION PLAN FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FOR PROGRAM YEAR 2024-2025;

PROVIDING FOR SAVINGS AND REPEALING CLAUSES; AND PROVIDING AN EFFECTIVE DATE.”

- B. Receive a report, hold a discussion, conduct a public hearing, and take action on an Ordinance for a Conditional Use Permit for Lot 19, Block 46 of The Original Town Plat of Denison, an addition of to the City of Denison, Grayson County, Texas according to the deed recorded in Volume 28, Page 362 Deed Records of Grayson County, Texas; being commonly known as 127 W. Main Street, GCAD Property ID No. 143076, located within the Central Area (CA) and Commercial Historic Overlay District (CH) for the operation of a bar for Black Sheep Cigar Lounge. (Case No. 2024-071CUP)

Council Action

Dianne York, Planner, introduced this agenda item and stated that this request is for a Conditional Use Permit for 127 W. Main Street to operate a Bar for the operations of Black Sheep Cigar Lounge. Ms. York stated that this request may be familiar to some of the Council Members as the Applicant came through for a Conditional Use Permit a couple of months ago for property located at 202 W. Main Street. Ms. York stated that that meeting was held on May 6, 2024, and City Council did approve that Conditional Use Permit, however, given that the Applicant wishes to move from 202 W. Main Street to 127 W. Main Street, a new Conditional Use Permit is required. Ms. York stated that the subject property is zoned Central Area and does fall within the Commercial Historic Overlay District. Per the project narrative, Black Sheep Cigar Lounge will offer a space for the enjoyment of both cigars and cocktails. Similar to their project narrative they presented for 202 W. Main Street, they are going to initiate a complete internal remodel of the space to include, but not limited to, sub flooring, flooring, painting of the walls and ceiling, and adding spaces such as bathrooms and a humidior so they may properly store the cigars. Additionally, the Applicant will install a ventilation system as well as air purifiers in order to mitigate the cigar smoke. The future Land Use Plan depicts this subject property to fall within the City's Downtown Center. Per the Comprehensive Plan, Denison's Downtown Center should be engaged in mixed use activities with retail, restaurants, entertainment spaces, offices, and some medium density residential units. Ms. York stated that permitting the use of bar is compliant with the Comprehensive Plan. There are no parking requirements within the Central Area Zoning District. However, there is adequate on-street and off-street parking provided via Main Street and public parking lots located near the space. Staff recommends approval of this request, and the Planning and Zoning Commission recommended approval of the request at their meeting held on July 23, 2024. Ms. York reiterated there were no other requests presented within this Conditional Use Permit application – it is the exact same as it was with the 202 W. Main Street application – only the street address is different.

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

Council Member Massey stated that he has one recommendation and that is to have staff see if the Applicant is willing to have the building set up as a Conditional Use Permit

because it may make it easier in the future to not have it associated with the business inside. Mr. Massey stated that it's not because he does not have any expectations the Applicant will not be successful, but sometimes it makes it easier for future applications. Ms. York stated she would speak with the Applicant after the meeting.

There was no further discussion or questions from Council.

On motion by Council Member Redwine, seconded by Council Member Thomas, the City Council unanimously approved Ordinance No. 5364, "AN ORDINANCE OF THE CITY OF DENISON, TEXAS, PROVIDING FOR SPECIFIED CHANGES IN THE OFFICIAL ZONING MAP OF THE CITY OF DENISON, TEXAS; PROVIDING FOR A CONDITIONAL USE PERMIT FOR A BAR ON PROPERTY LOCATED IN THE CENTRAL AREA DISTRICT, THE AUSTIN AVENUE OVERLAY DISTRICT, AND THE COMMERCIAL HISTORIC OVERLAY DISTRICT; BEING LEGALLY DESCRIBED AS LOT 19, BLOCK 46, ORIGINAL TOWN PLAT, DENISON, GRAYSON COUNTY, TEXAS; AND BEING MORE COMMONLY KNOWN AS 127 W. MAIN STREET, CITY OF DENISON, GRAYSON COUNTY, TEXAS; PROVIDING A PENALTY CLAUSE; PROVIDING REPEALER, SEVERABILITY AND SAVINGS CLAUSES; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE."

5. PROJECT UPDATES

- A. Receive a report and hold a discussion regarding Vape/Smoke Shop Proposed Ordinance.

Council Action

Mary Tate, Director of Development Services, stated staff is seeking guidance from the Council on how to handle a situation that has come across staff's desk and has caused maybe some increasing concern as to the placement of vape shops, including vape, CBD and tobacco. We are covering all of that with the term "vape shop". Ms. Tate provided a map showing 10 locations currently considered to be vape, tobacco, CBD shops. The current ordinance, within the use chart, does not have a use for this area at all. So, they are falling into the category of Retail which is permitted in all zoning districts. Ms. Tate also pointed out on the map yellow stars marking the schools from all of the school districts. It does not include churches or daycares. Staff within the Planning Department as well as the Chief of Police and some of his department, are concerned about the placement. So, we want to be intentional about where we are allowing these kinds of shops, primarily due to the health hazards, but also to the ease of accessibility to our youth. Staff is looking for guidance on where to place them and if we should restrict the zoning districts they are in, or if we should eliminate them altogether. After doing some research and consulting the City Attorney, we came up with two options. We looked at ordinances from several other cities across the state, and we settled on the City of Lavon and the City of Sugar Land. The City of Sugar Land prohibits vape shops throughout their city limits. This raises a few concerns for us, due to the lack of case law at this point in time, because it is a newer topic for cities to be handling. So, we are not totally sure

about what this could look like. This option could bring risk of litigation from current owners or potentially future shop owners if we were to eliminate the use altogether. Option two requires staff to determine certain zoning districts for which vape shops would be allowed, and also put into the regulation the requirement for a conditional use permit (CUP) that would allow staff to make sure and build in other conditions the Council may want to see and hold them accountable to other things we would build into the language. Regardless of which option, if the Council should choose one of these options, or maybe there's something else that comes to mind, we do want to ensure we add language to make sure we are talking about the public health and safety issues staff sees. There is a lot of scientific data to support that at this point in time. Regardless of which option, there are significant zoning noticing requirements that will have to be met, such as notifying all of the existing shop owners and business owners currently that these uses would become non-conforming, but they would be allowed to stay in operation until something triggered either a change of use or a huge expansion or something like this, which would require them to get back into compliance. At that time, we would have to come up with a different solution. Staff would also be required to contact and notice, just like we do for zoning cases, as this is essentially a zoning case, all the property owners, but it is a little more extensive than contacting the property owners within a certain radius. It would include all of the property owners within that district. So, there is some significant staff time that might have to be involved with a certain change, but staff did want to bring this to your attention, because we continue to see certificates of occupancy being applied for on a very regular basis, and it does give staff some hesitancy in how many we are allowing and where we are allowing them. So, staff really needs some guidance from the Council as to what your concerns are and what you think is appropriate. We have discussed, similarly to TABC, they require all liquor licenses to be within a certain distance from schools and churches, and so we sign off on that. Maybe this is an approach we consider.

Council Member Massey asked what the School's position on this is and if 1,000 feet is enough distance. Ms. Tate responded that she has not spoken with them about this. Staff wanted to seek direction from the Council and then start to develop the ordinance. Council Member Massey asked if we were addressing the tobacco product and is guessing this does not include the various other things such as delta eight. Ms. Tate confirmed this is included. Council Member Massey added we can solve some of this through the ordinance. Ms. Tate replied we do not define any of these definitions. So, we would have to come back and define each of these. So, tobacco, vape, CBD, THC – all of this and be very explicit in the definition. Council Member Massey stated that we as adults should have the right to do the things we want to do, as long as it doesn't impact somebody else. In that vein, eliminating tobacco smoking in public has certainly had health benefits for those who do not smoke tobacco. Vapes are not the perfect solution, but they are a good segue into, ultimately, potentially eliminating tobacco. Council Member Massey wonders how much focus we as a community need to make into the presentation of health benefits. This is something we are trying to make sure the kids don't do. Ms. Tate said when you have a gateway into the community and you see multiple vape shops, it might send a message. Council Member Massey said he likes the idea of matching the City's TABC conditional use permit process. It seems like low

hanging fruit for what we could easily put into an ordinance. Ms. Tate clarified that these cases don't come before Planning and Zoning. This is something the City Clerk operates out of her office. The Fire Marshal, Planning Department and Chief Building Official all review and certify there are certain stipulations they are meeting in order to sell liquor.

Council Member Courtright added there needs to be a distance away from schools and thinks it is a good point to start with the Superintendent. Do we want to make it down the corridors, such as Highway 75, Austin Avenue, Main Street? These are restricted areas, possibly and then in other areas require a CUP. Council Member Courtright said he does not want to see a vape shop along Highway 75, Austin Avenue, Main Street, these areas.

Council Member Massey pointed out that we don't allow tattoo parlors downtown, in the Central Area, because we want a particular clientele. Council Member Massey added some of the buildings he owns the tenant have restrictive covenants in their lease agreements stating they can't have something next to them, etc.

Council Member Thomas asked about option one, where it would be a complete ban, if the existing owners would be grandfathered in. Ms. Tate confirmed they would be. Council Member Thomas then asked if a change of ownership count as a transaction that would require the new owner to find a different business. Ms. Tate replied that if the current owner wanted to sell to another vape shop owner, this would be allowed. Council Member Thomas confirmed the number was currently 10 vape shops in existence. Ms. Tate responded this was correct, but she failed to mention there are 33 convenience stores and eight liquor stores that also sell these items. So, it is significantly higher than just the vape shops. This would give us the ability to put something into our use, to define it and help us to be intentional. Ms. Tate does not think it is right to tell people they can't operate a business necessarily. However, we do want to be strategic and intentional about where they are and making sure we are working with the current business owners in the current neighborhoods, as well to make sure we are doing the things they want to see or don't want to see.

Council Member Massey asked if step one would be to create a new category in our zoning that is retail, with a subcategory of tobacco sales. Ms. Tate confirmed this was the case. The use chart would show a "P" if it is permitted in a certain district or "C" if it requires a CUP. This is what guidance staff is seeking. If the Council does not want to ban them completely, then staff can start looking at CUP requirements to include 1,000 feet away from churches, schools, and the appropriate districts Council feels they should be located in. Such as not in residential, but maybe in light industrial, etc. Wherever the Council feels this use is appropriate.

Council Member Thomas asked what the estimated population is right now. Ms. Tate stated it is right around 30,000. Council Member Thomas asked if it would be possible to divide this number by 10 and say we can only have one shop per 3,000 people and if our population grows, we can add another one. The City Attorney confirmed this type of

restriction is not possible. Council Member Thomas added that at 30,000 people, he felt 10 vape shops is enough.

Council Member Massey commented that if we are going to have vape shops at all, you want to win the best that are here, the ones that will survive, the ones that have good customer service, the ones that present well. The others will go out of business if there is competition marketplace. Council Member Massey said he does not want to restrict somebody's behavior. He is not a smoker, but he is going to go to a cigar lounge and likes the fact that we have a cigar lounge available for that service. His wife at the hospital says these babies will ruin your lungs, the crystals in the vape, and can put you in the hospital. Don't do it, especially when you are kids. So, he is on board with restrictions.

Council Member Thomas asked Police Chief, Mike Gudgel, if there is a direct correlation between the more shots, we have with 21 being the age limit now, it is no longer 18, are there more individuals that are having paraphernalia they should not have. Police Chief, Mike Gudgel responded yes, they are. We talk about the Delta and different things like that. Be aware there is also vape THC, and it's the real deal. So, we see that quite often, unfortunately. Chief Gudgel is hopeful none of the shops we have here would be dealing with these kinds of things, but I know there's a state just north of us that does. So, we have to think about that. Chief Gudgel added that just from being the husband of a schoolteacher at one of our local schools, it is an issue. Chief Gudgel sees more of it than he needs to. It's more concerning for him, for the children, and that is the big thing. It is a concerning fact right now that kids are getting a hold of these things, and it's the cool thing to do, right.

Mayor Crawley stated, based on the conversation, it appears the Council is leaning toward Option 2, with a conditional use permit. Ms. Tate stated this gives staff a good starting point and will present the Council with an update once there is a draft of the ordinance and Council can provide feedback.

There was not further discussion or questions from the Council.

No action taken. Informational presentation only.

There being no further business to come before the Council, the meeting was adjourned at 6:28 p.m.

ROBERT CRAWLEY, Mayor

ATTEST:

Christine Wallentine, City Clerk

City Council Meeting Staff Report



Agenda Item

Receive a report, hold a discussion and take action on a resolution adopting a Boards and Commissions Membership Appointment Policy for all City of Denison Boards and Commissions.

Staff Contact

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

Summary

- The City of Denison has 21 Boards, Commissions and Committees, all of which have a staff liaison – usually a director.
- Boards and Commissions are established to work with and through the City staff to develop policies, procedures and long-range planning of projects that will affect the area of interest.
- City staff recognizes a need for a Boards and Commissions Membership Appointment Policy to provide for an appointment system of quality and integrity, provide for the fair and equitable opportunity for all interested persons to make application to serve on City Boards, Commissions and Committees.
- All applications received, including those from incumbents, will be reviewed and considered for interview.
- The interview committee will be made up of four members, one Council Member, the City Manager, or their designee, the staff liaison and Board or Commission Chair for the board or commission for which an applicant is being considered.

Staff Recommendation

Staff recommends adoption of the resolution.

Recommended Motion

“I move to adopt the resolution adopting a Boards and Commissions Membership Appointment Policy for all City of Denison Boards and Commissions.”

Background Information and Analysis

The City of Denison has 21 Boards, Commissions and Committees, all of which have a staff liaison – usually a director. The Planning and Zoning Commission and Zoning Board of Adjustments are “quasi-official” in that they are required by state statute. All others result from the City Charter or Code of Ordinances and are only advisory in nature, as no authority exists to establish policy independent of the City council. However, all board and commissions add value by helping guide some aspects of City government and by making recommendations on a wide range of topics that may eventually come before the City Council. Boards and Commissions are established to work with and through the City staff to develop policies, procedures and long-range planning of projects that will affect the area of interest. The City has a variety of advisory boards and committees, some of which are standing boards and committees

(that remain in existence year-round) and some of which are *ad-hoc* boards and committees (which are created on an as needed basis, and which expire once the assigned work has been completed).

City staff recognizes a need for a Boards and Commissions Membership Appointment Policy to provide for an appointment system of quality and integrity, provide for the fair and equitable opportunity for all interested persons to make application to serve on City Boards, Commissions and Committees. This policy will outline procedures to reflect and conform to applicable state and local regulations.

The open period for submitting applications for consideration for appointment to a board or commission will be October 1 through October 31 annually. Applications are considered current for twelve (12) months after their original submittal, after which the application will not be considered eligible for appointment. After twelve (12) months, the applicant will need to submit a new application to be considered for future appointment to a board or commission.

All applications received, including those from incumbents, will be reviewed and considered for interview. Interviews are typically held in November. Appointments are made in December and effective January 1, except where term effective dates differ, such as the Parks and Recreation Commission, Cemetery Advisory Board, etc. (These interviews will be conducted one month prior to the term start date and appointments will be made at the City Council meeting closest to the term start date.) The interview committee will be made up of four members, one Council Member, the City Manager, or their designee, the staff liaison and Board or Commission Chair for the board or commission for which an applicant is being considered.

Financial Considerations

None.

Prior Board or Council Action

None.

Alternatives

City Council may deny, modify or table this agenda item.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DENISON, TEXAS, ADOPTING A BOARDS AND COMMISSIONS MEMBERSHIP APPOINTMENT POLICY FOR ALL CITY BOARDS AND COMMISSIONS OF THE CITY OF DENISON, TEXAS; PROVIDING A SAVINGS AND REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Denison, Texas is a Home Rule City operating under the provisions of the State of Texas; and

WHEREAS, the City Council of the City of Denison, Texas (“City Council”) recognizes the need for a Boards and Commissions Membership Appointment Policy (“Board Policy”) to provide for an appointment system of quality and integrity, provide for the fair and equitable opportunity for all interested persons to make application to serve on City Boards and Commissions; and

WHEREAS, the City Council desires to adopt a Board Policy that outlines procedures to reflect and conform to applicable state and local; and

WHEREAS, the City Council has reviewed the Board Policy attached hereto as **Exhibit “A”** and incorporated herein, and has determined it appropriate to adopt the Board Policy as set forth; and

WHEREAS, upon consideration, the City Council finds and determines it to be in the best interests of the City to adopt **Exhibit “A”** as the City’s Board Policy.

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

Section 1. That the foregoing recitals are hereby adopted and incorporated into this Resolution.

Section 2. That the City Council has reviewed the attached Board Policy and hereby adopts the attached Board Policy set forth in **Exhibit “A.”** The Board Policy shall apply to all applications for membership to a City Board or Commission.

Section 3. The City Clerk, or their designee, shall be responsible for implementing and enforcing the Board Policy.

Section 5. All provisions of any resolution in conflict with this Resolution are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending action for violation of the repealed resolution, nor shall the repeal prevent an action from being commenced for any violation if occurring prior to the repeal of the resolution. Any remaining portions of said resolutions shall remain in full force and effect.

Section 6. The Board Policy may be amended from time to time by resolution of the City Council.

Section 7. That this Resolution shall take effect immediately upon its passage and approval.

PASSED AND APPROVED this 19th day of August 2024.

ROBERT CRAWLEY, Mayor

ATTEST:

Christine Wallentine, City Clerk

EXHIBIT A
CITY OF DENISON BOARDS AND COMMISSIONS MEMBERSHIP APPOINTMENT
POLICY



Boards and Commissions Membership Appointment Policy

(Approved by Resolution No. ____ on _____, 2024)

The City Council is excited about residents serving as members of a board or commission in the City of Denison. As an interested citizen and/or community leader, you can provide an invaluable service to the City through your membership and participation. Board and commission members volunteer for many hours annually to help the City grow, by sharing their time and expertise, and learning more about City operations through their service. Boards and commissions are established to offer citizens an extraordinary opportunity to participate in the City's governmental affairs and influence public policy in various areas. Denison has several boards, commissions and committees that endeavor to reflect the varied interests of our residents, including such subjects as parks, planning, library, zoning, downtown and historic preservation.

Structural Overview

Some of the City's boards and commissions are "quasi-official", such as the Zoning Board of Adjustment and Appeals and the Planning and Zoning Commission, being required and established by State statute. Others result from provisions of the City Charter or from the City's Code of Ordinances, and are only advisory in nature, as no authority exists to establish policy independent of City Council. However, all boards and commissions add value by helping guide some aspects of City government and by making recommendations on a wide range of topics that may eventually come before the City Council.

Boards and commissions are established to work with and through the City staff to develop policies, procedures and long-range planning of projects that will affect the area of interest. The City has a variety of advisory boards and committees, some of which are standing boards and committees (that remain in existence year-round) and some of which are *ad-hoc* boards and committees (which are created on an as needed basis, and which expire once the assigned work has been completed).

Member Expectations

Members of the City's boards and commissions are governed by local and state guidelines and regulations that affect all boards and commissions, including, but not limited to, the State's laws governing Open Meetings, Public Information/Open Records, Nepotism and Conflicts of Interest. Moreover, members of City boards and commissions are expected to conduct themselves, both on and off of the dais, so as to give no occasions for distrust or raise questions of integrity or professionalism.

Members of the City's boards and commissions are also advocates of the City's adopted Comprehensive Plan and all other applicable long-range planning policies and documents. Since members serve at the will and pleasure of the City Council, a demonstrable commitment to the long-range goals of the City is expected.

Eligibility

The following minimum qualifications apply to all prospective applicants seeking appointment to a board or commission:

- *Residency.* Applicants shall be a resident of the City prior to appointment to a board or commission, except where provided by State law, or where a vested interest in the well-being of the community otherwise qualifies the applicant, such as property or business owners pursuing appointment to the Main Street, Inc. or Main Street Advisory Board.
- *Terms of Office.* No person shall be appointed to nor eligible to serve on the same board, agency or commission of the City for more than three (3) consecutive two-year terms of office.
- *Attendance.* Board and commission members shall maintain an annual attendance record of not less than seventy-five percent (75%) of all regularly and specially called meetings of such board or commission. Each board or commission shall review annually the attendance of members and report to the City Council any noncompliance, along with a recommendation of appropriate City Council action. In the event the City Council determines that any person subject to the requirements of this section has failed to meet such requirements, the City Council may declare such member's seat to be vacant.
- *Relevancy.* Applicants should show some degree of qualification or special interest for participation on the board or commission for which they have applied.
- *Ex-Officio.* Each board and commission shall have Ex-Officio members as set forth in the City's Code of Ordinances. Such Ex-Officio Members do not possess voting privileges unless otherwise authorized by state or local law.
- *Nepotism.* Applicants to sovereign boards or commissions may not be related, within the first two degrees, to an existing board member of the same board or commission.
- *Opposition.* Applicants should not be in arrears to the City for citations, fees, bills or taxes either at time of application or during term of service. Applicants should not be adverse parties to (nor employees of nor business associates of an adverse party with) pending litigation or a claim against the City or a City employee.
- *Removal.* The City Council may discretionarily remove any board or commission member at any time, with or without cause, including for, but not limited to, failure to adhere to attendance regulations, residency, or improper conduct unbecoming an appointed official of the City.

Appointment Process

Applications for all boards, commissions and committees can be accessed through the City's website or by contacting the City Clerk's Office. ***The open period for submitting applications for consideration for appointment to a board or commission is October 1 through October 31 annually.*** Applications are considered current for twelve (12) months after their original submittal, after which the application will not be considered eligible for appointment. After twelve

(12) months, the applicant will need to submit a new application to be considered for future appointment to a board or commission.

For those citizens who are considering appointment to a board or commission, it is recommended that they contact the City Clerk to receive information on the approximate time commitment required, as well as the meeting times and places.

All applications received, including those from incumbents, will be reviewed and considered for interview. Interviews are typically held in November. Appointments are made in December and effective January 1, except where term effective dates differ, such as the Parks and Recreation Commission, Cemetery Advisory Board, etc. (These interviews will be conducted one month prior to the term start date and appointments will be made at the City Council meeting closest to the term start date.) The interview committee will be made up of four members, one Council Member, the City Manager, or their designee, the staff liaison and Board or Commission Chair for the board or commission for which an applicant is being considered.

Onboarding

Members of boards and commissions are expected to attend all formal and informal orientation offerings by the City and its support staff. Some boards and commissions may receive specialized training.

Each board and commission member will receive a Boards and Commissions Policy Manual, which explains in more detail the responsibilities and expectations of your role as a member.

Meeting Management

City support staff serve as advisors and liaisons to boards and commissions and can provide research and administrative services; however, support staff shall not be tasked nor assigned work by board and commission members, as no authority exists to assign work to city staff. City support staff is responsible for the coordination, set-up and compliant posting of all meetings, agenda and minutes.

The City Council thanks you for your interest in serving in Denison and encourages you to continue to be involved with the community whether appointed at this time or not. Boards and commissions examine many of the vital issues that face our City, so you are encouraged to engage and become a part of the solution. You have an opportunity to help maintain and improve the quality of life that we desire in Denison.

City Council Meeting Staff Report



August 19, 2024

Agenda Item

Receive a report, hold a discussion, and take action, and adopt the resolution granting approval for the Interim City Manager, or his designee, to enter into various loan documents with Clayton Holdings, LLC, for the reimbursement financing of a skid steer loader, crane truck, excavator, and a dump truck.

Staff Contact

Amber Pilcher, Finance Controller
apilcher@denisontx.gov
(903) 465-2720, Ext. 2443

Summary

- At the November 6, 2023, Council meeting the purchase of a crane truck in the amount of \$155,000 from Sewell Chrysler Dodge Jeep Ram was approved.
- At the January 16, 2024, Council meeting the purchase of a skid steer loader in the amount of \$117,492 from ASCO and a dump truck in the amount of \$199,018.21 from Bruckner's Truck & Equipment were approved.
- At the February 19, 2024, Council meeting the purchase of an excavator in the amount of \$303,466.41 from ROMCO Equipment, Inc. was approved.
- Requests for quotes were sent out on July 19, 2024.
- Quotes were received and tabulated.
- Presentation to Council requesting approval of reimbursing resolution to move forward with financing.

Staff Recommendation

Staff recommends approval of the purchase and reimbursing resolutions.

Recommended Motion

"I move to adopt the resolution granting approval for the Interim City Manager, or his designee, to enter into various loan documents with Clayton Holdings, LLC, for the reimbursement financing of a skid steer loader, crane truck, excavator, and a dump truck in the principal amount of \$774,976.62, subject to final legal review and approval."

Background Information and Analysis

Divisions 84, 88, and 94 are each in need of updated equipment to maintain production expectations and best serve the Denison community. All equipment purchases were approved during the FY2024 budget process.

Financial Considerations

Total principal amount is \$774,976.62 with a 7-year loan at 4.12% interest rate.

Prior Board or Council Action

Council approved the purchase of equipment during the FY2024 budget process.

Alternatives

Council could choose not to approve the resolution to move forward with the loan document as requested. In doing so, the equipment purchase expenses would be funded directly from Utility Fund reserves.

City of Denison, Texas
Quote Tabulation
Municipal Lease Financing
\$774,977
Various PW Equipment

FINANCING VENDOR	INTEREST RATE	ANNUAL PAYMENT	TOTAL INTEREST	TERM LENGTH
Clayton Holdings, LLC	4.120%	\$129,107.28	\$128,774.34	7
U.S. Bancorp	4.273%	\$ 129,756.20	\$ 133,316.75	7
Simmons Bank	4.85%	\$ 133,539.58	\$ 159,800.43	7
First State Bank	5.38%	\$ 136,157.46	\$ 178,122.62	7
American National Leasing Com	5.75%	\$ 137,594.25	\$ 188,184.13	7

Resolution Approving Financing Terms

WHEREAS: The City of Denison, Texas (“Borrower”) has previously determined to undertake a project for the reimbursement for the purchase of a skid steer loader, crane truck, excavator, and a dump truck (the “Project”), and the finance officer (the “Finance Officer”) has now presented a proposal for the financing of such Project.

BE IT THEREFORE RESOLVED, as follows:

1. The Borrower hereby determines to finance the Project through Clayton Holdings, LLC (“Lender”) in accordance with the proposal July 19, 2024. The amount financed will not exceed \$774,976.62, the annual interest rate (in the absence of default or change in tax status) will not exceed 4.12%, and the financing term will not exceed seven years from closing.

2. All financing contracts and all related documents for the closing of the financing (the “Financing Documents”) will be consistent with the foregoing terms. All officers and employees of the Borrower are hereby authorized and directed to execute and deliver any Financing Documents, and to take all such further action as they may consider necessary or desirable, to carry out the financing of the Project as contemplated by the proposal and this resolution.

3. The Finance Officer is hereby authorized and directed to hold executed copies of the Financing Documents until the conditions for the delivery of the Financing Documents have been completed to such officer's satisfaction. The Finance Officer is authorized to approve changes to any Financing Documents previously signed by Borrower officers or employees, provided that such changes will not substantially alter the intent of such documents or certificates from the intent expressed in the forms executed by such officers. The Financing Documents will be in such final forms as the Finance Officer will approve, with the Finance Officer’s release of any Financing Document for delivery constituting conclusive evidence of such officer's final approval of the Document’s final form.

4. The Borrower will not take or omit to take any action the taking or omission of which will cause its interest payments on this financing to be includable in the gross income for federal income tax purposes of the registered owners of the interest payment obligations.

5. The Borrower intends that the adoption of this resolution will be a declaration of the Borrower’s official intent to reimburse expenditures for the Project that are to be financed from the proceeds of the Lender financing described above. The Borrower intends that funds that have been advanced, or that may be advanced, from the Borrower’s general fund or any other Borrower fund related to the Project, for project costs may be reimbursed from the financing proceeds.

6. All prior actions of Borrower officers in furtherance of the purposes of this resolution are hereby ratified, approved, and confirmed. All other resolutions (or parts thereof) in conflict with this resolution are hereby repealed, to the extent of the conflict. This resolution will take effect immediately.

Approved this _____ day of _____, 2024.

Robert Crawley, Mayor
City of Denison, Texas

Christine Wallentine, City Clerk
City of Denison, Texas

City Council Meeting Staff Report



August 19, 2024

Agenda Item

Receive a report, hold a discussion and take action on a Resolution calling a public hearing to consider an increase in tax revenue.

Staff Contact

Laurie Alsabbagh, Finance Director

lalsabbagh@denisontx.gov

903-465-2720 EXT 2492

Summary

- Grayson Appraisal District issued Certified Totals on July 17, 2024
- Budget prepared based on revenue generated by Ad Valorem Tax
- Resolution to call public hearing on tax rate brought before Council on August 19, 2024
- Notice to be posted August 23, 2024
- Public Hearing to be held September 3, 2024
- Vote on tax rate to take place on September 3, 2024

Staff Recommendation

Staff recommends approving this resolution and calling for a public hearing to increase tax revenue.

Recommended Motion

“I move to approve the resolution calling a public hearing for an increase in tax revenue.”

Background Information and Analysis

The Truth in Taxation rules mandate a governmental unit publish the proposed tax rate and also hold one public hearing on a tax revenue increase. The current tax rate \$.652034 has been in place since tax year 2019. This rate will generate in tax revenue, an amount of \$533,454 more than last year’s budget. If Council chooses to maintain this rate, or chooses to propose a higher rate, the additional revenue generated will require a public hearing, notices to be published, and vote on the tax revenue increase. Notices will be posted August 23, 2024, and a public hearing will be held on September 3, 2024. Adoption of the tax rate will be September 3, 2024 as well.

Financial Considerations

Tax revenue generated from Ad Valorem taxes for FY2025 at the current tax rate will raise more revenue from property taxes than last year’s budget by an amount of \$533,454, which is a 4.0 percent increase from last year’s calculations. The property tax revenue to be raised from new property added to the tax roll this year is \$709,083.

Prior Board or Council Action

None.

Alternatives

Council must follow the requirements of the law as stated above.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DENISON, TEXAS, CALLING ONE PUBLIC HEARING TO CONSIDER A TAX INCREASE BY INCREASING THE TOTAL TAX REVENUE FROM PROPERTIES ON THE TAX ROLL EXCEEDING THE AMOUNT GENERATED THE PRECEDING YEAR; PROVIDING SAVINGS CLAUSE; PROVIDING SEVERABILITY CLAUSE; PROVIDING EFFECTIVE DATE; AND FINDING AND DETERMINING THE MEETING AT WHICH THIS RESOLUTION IS ADOPTED TO BE OPEN TO THE PUBLIC AS RQUIRED BY LAW.

WHEREAS, the City Council of the City of Denison is considering the adoption of its annual budget and the adoption of a tax rate to partially fund such budget; and

WHEREAS, Chapter 26, Texas Tax Code, requires that taxing jurisdictions conduct one public hearing if the taxing jurisdiction is considering a proposal to increase total tax revenues from properties on the tax roll that exceeds the total tax revenues generated the previous years, and

WHEREAS, The Denison City Council wishes to consider increasing total tax revenue over the amount generated the previous year; now, therefore,

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

SECTION 1: That the City Council of the City of Denison, Texas does hereby call one (1) public hearing to be conducted on September 3, 2024, at 6:00 p.m. in the Denison City Council Chambers, 300 West Main, Denison, Texas 75020. The purpose of such public hearing is to consider a tax rate that, if adopted, would increase revenue generated the previous year.

SECTION 2: That the City Council does hereby instruct the City Clerk to cause notice of such public hearing to be given in a manner complying with the requirements of Chapter 26, Texas Tax Code.

SECTION 3: That should any part of this resolution conflict with any other resolution, then such other resolution is repealed to the extent of the conflict with this resolution.

SECTION 4: That should any word, phrase, or part of this resolution be found to be invalid or unconstitutional, such finding shall not affect any other word, phrase, or part hereof and such shall be and continue in force and effect.

SECTION 5: That this resolution shall be effective on and after its adoption.

SECTION 6: That it is hereby officially found and determined that the meeting at which this Resolution is passed is open to the public and that public notice of the time, place, location, and purpose of said meeting was given as required by law.

On motion by Council member, seconded by Council member , the above and foregoing Resolution was passed and approved at a Regular Meeting of the City Council of the City of Denison, Texas, on this the 19th day of August 2024.

Ayes:
Nays:
Abstentions:

CITY OF DENISON, TEXAS

BY: _____
ROBERT CRAWLEY, MAYOR

ATTEST:

BY: _____
CITY CLERK