



**CITY OF DENISON  
CITY COUNCIL MEETING  
AGENDA**

**Monday, March 7, 2022**

After determining that a quorum is present, the City Council of the City of Denison, Texas will convene in a Regular Meeting on **Monday, March 7, 2022, 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. Badge presentation ceremony for Fire Chief Kenneth Jacks.

**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. Comments related to the Public Hearings listed below, will be heard when the specific hearing starts.

**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 22, 2022.

B. Receive a report, hold a discussion and authorize the purchase of two Variable Frequency Drives through a purchasing cooperative from Texas AirSystems, LLC in the amount of \$160,790.66 for the Randell Water Plant and authorize the Interim City Manager to execute all necessary documents.

C. Receive a report, hold discussion and take action on Tax Abatement Agreement with Ruiz Food Products within Denison Commercial-Industrial Tax Abatement Reinvestment Zone Number RZ22-001 at Ruiz Food Products existing facility (and surrounding areas) at 2410 Texoma Drive, Denison, TX, including land situated in the County of Grayson, State of Texas, being a part of the J.D. Sutherland Survey, Abstract No. 1150, being all of the 16.738 acre tract of land and part of the 33.063 acre tract of

land conveyed to General Mills Operations, Inc., by deed of record in Volume 3366, Page 789, of the Official Public Records, Grayson County, Texas (approximately 48.456 acres).

- D. Receive a report, hold a discussion and take action on a Resolution authorizing the Mayor to execute Texas Subdivision and Special District Election and Release Forms, for settlement with Endo/Par and Teva and any future release forms as part of the Global Opioid Settlement led by the Texas Attorney General.
- E. Receive a report, hold a discussion, and act on the appointment of Mike Zapata as an Alternate Member of the Zoning Board of Adjustments and Appeals to serve an unexpired two-year term.

## 5. ITEMS FOR INDIVIDUAL CONSIDERATION

- A. Receive a report, hold discussion and take action on a Resolution stating the City of Denison intends to participate in tax abatement under Chapter 312 of the Texas Tax Code and adopting guidelines and criteria governing tax abatement agreements.

## 6. 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 *City of Denison v. Sherman Pro Auto Glass, LLC, et.al.*, 397th District Court, Grayson County, Texas.
  - 2. Confer with City Attorney on development of property in TIRZ #3.
- 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.**

1. Update by Denison Development Alliance on pending negotiations and projects.

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 4<sup>th</sup> day of March 2022, before 6:00 PM.

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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  
Tuesday, February 22, 2022**

Announce the presence of a quorum.

Mayor Gott called the meeting to order at 6:00 p.m. City Council Members present were Brian Hander, Michael Courtright, James Thorne, J.C. Doty, Robert Crawley and Kristofor Spiegel. Staff present were Interim City Manager, Bobby Atteberry, City Attorney, Julie Fort, City Clerk, Christine Wallentine, and Deputy City Clerk, Fanchon Stearns. Department Directors and members of the media were also present.

1. INVOCATION, PLEDGE OF ALLEGIANCE AND TEXAS PLEDGE

Raymond England, Pastor of Trinity Lighthouse Church, gave the Invocation, which was followed by the Pledge of Allegiance and Texas Pledge leg by Cooper Duce and Brady Young, both students at Denison High School.

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. Mayor Gott then asked City Clerk, Christine Wallentine, if any Request to Speak Cards were received with regard to any of the agenda items. Ms. Wallentine confirmed there were no Request to Speak Cards returned to her. Therefore, no public comments were received.

Prior to announcing the Consent Agenda, Mayor Gott announced that Item H on the Consent Agenda would be pulled and considered individually. Mayor Gott then announced the Consent Agenda and called for a motion.

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 7, 2022.
- B. Receive a report, hold a discussion and take action on approval of the DPD Contact Data Annual Report for 2021.

- C. 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 per capita to the Steering Committee to fund regulatory and legal proceedings and activities related to Oncor Electric Delivery Company, LLC.
- D. Receive a report, hold a discussion and take action on an Ordinance repealing Ordinance No. 5162, establishing classifications for the Police Department, providing for reclassification of a Lieutenant position to Sergeant and establishing additional police officer positions.
- E. Receive a report, hold a discussion and take action on an Ordinance repealing Ordinance No. 5021, establishing classifications for the Fire Department, establishing an additional Battalion Chief position and establishing additional Firefighter positions.
- F. Receive a report, hold a discussion and take action on a Resolution appointing Bobby Atteberry as a Voting Member and Carrie Jones as an Alternate Member to the Technical Advisory Committee, or TAC, of the Grayson County Metropolitan Planning Organization, or GCMPO.
- G. Receive a report, hold a discussion and take action on the reappointment of Linwood Smith and the appointment of Charles Shearer as regular members to the Zoning Board of Adjustments and Appeals each to serve a two-year term, commencing January 1, 2022.

#### Council Action

On motion by Council Member Crawley, seconded by Mayor Pro Tem Hander, the City Council unanimously approved **Resolution No. 4089**, “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”; **Resolution No. 4090**, “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DENISON, TEXAS APPOINTING A VOTING MEMBER TO THE TECHNICAL ADVISORY COMMITTEE OF THE GRAYSON COUNTY METROPOLITAN PLANNING ORGANIZATION”; **Ordinance No. 5194**, “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DENISON, TEXAS, REPEALING ORDINANCE NO. 5162 AND ESTABLISHING CLASSIFICATIONS FOR THE POLICE DEPARTMENT; PROVIDING FOR RECLASSIFICATION OF A LIEUTENANT POSITION TO SERGEANT AND ESTABLISHING ADDITIONAL POLICE OFFICER POSITIONS; PROVIDING FOR SEVERABILITY; FINDING AND DETERMINING THE MEETING AT WHICH THIS ORDINANCE IS ADOPTED TO BE OPEN TO THE PUBLIC AS REQUIRED BYLAW; AND PROVIDING AN EFFECTIVE DATE”; **Ordinance No. 5195**, “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DENISON, TEXAS, REPEALING ORDINANCE NO. 5021 AND ESTABLISHING CLASSIFICATIONS FOR THE FIRE DEPARTMENT; ESTABLISHING AN ADDITIONAL BATTALION CHIEF POSITION AND ESTABLISHING ADDITIONAL FIREFIGHTER POSITIONS; PROVIDING FOR SEVERABILITY; FINDING AND DETERMINING THE MEETING AT WHICH THIS ORDINANCE IS ADOPTED TO BE OPEN TO THE PUBLIC AS REQUIRED BYLAW; AND

PROVIDING AN EFFECTIVE DATE”; and the rest of the Consent Agenda as presented, with the exception of Item H, which was addressed separately.

Mayor Gott then announced Item H from the Consent Agenda to be considered individually.

- H. Receive a report, hold a discussion and authorize the purchase of three generators through a purchasing cooperative from Generator Source in the amount of \$368,500 for the Water Plant, Lake Randell Pump Station and Parkdale Water Tower and authorize the Interim City Manager to execute all necessary documents.

#### Council Action

Carrie Jones, Public Works Director, reported this item needed to be pulled from the consent agenda because the hope was to be able to purchase these generators through a purchasing Co-Op. Ms. Jones stated staff has been in contact with multiple co-ops and since these are used to generators, they cannot be purchased through a purchasing Co-Op. Co-ops usually only do new equipment, but staff was hoping to find one that would accept a used piece of equipment. The City does have an emergency provision in our purchasing policy to purchase these in order to meet TCEQ requirements of having backup power at water plants no later than July 1 of 2022. Ms. Jones also reported these generators are warrantied. So, the City will have a guarantee from Generator Source that these will hook up and they will run. They have a clean bill with very low hours. The water plant will obviously have the largest generator and the benefit of this particular one is the fuel tank size so it can run almost three days without having to be refueled. This is a very big benefit, and you don't find these very often.

There was no discussion or questions from Council.

On motion by Mayor Pro Tem Hander, seconded by Council Member Spiegel, the City Council unanimously approved the purchase of three generators from Generator Source in the amount of \$368,500.00 and authorized the Interim City Manager to execute all necessary documents.

#### 4. PUBLIC HEARINGS

- A. Receive a report, hold a discussion, conduct a public hearing, and take action on an Ordinance changing the zoning of approximately 21.55 acres for property located north of Ridge Dr., from SF-7.5, Single Family Residential Zoning District to Planned Development Zoning District. (Case No. 2021-178PD).

#### Council Action

Dianne York, Planner, introduced this agenda item. The request is to rezone approximately 22 acres from Single Family 7.5 to Planned development. The subject property is located just to the east of US 75 and to the southeast are the Hyde Park Apartments off of Loy Lake. Ms. York then showed aerial and zoning maps of the subject property. The northern portion is zoned Single Family 7.5 and the southern portion is also Single Family 7.5. The applicant is requesting this Planned Development Zoning District to accommodate smaller lot sizes. The applicant is proposing two areas, as shown on the concept plan, with area one on the southern portion to accommodate lot sizes of 50 x 100 and the northern portion

calls this area to be 60 feet x 100. Within the PD the applicant is proposing a base zoning district of that single family 7.5 with the only difference being the smaller lot size. The applicant is also proposing two car garages and minimum dwelling size of 1600 square feet. The applicant is also proposing an HOA to maintain all of the open spaces and sidewalks throughout the development and along open spaces. The Planning and Zoning Commission recommended approval for the planned development on January 11, 2022. This Planned Development District complies with the Comprehensive Plan.

Mayor Pro Tem Hander asked a question about the masonry as it was somewhat hard to understand in the Planned Development. It said that 75% will be masonry and called out that stucco is considered masonry. Mayor Pro Tem Hander asked what the other materials that are considered masonry. What is the 25% going to be? Is it going to wood siding or something else? Ms. York replied that she did not know, and this would be a good question for the applicant.

Mayor Gott then asked if there was anyone present who wished to speak to this Agenda item. Mr. Cranell with CCM Engineering came forward and provided the following information for the record:

Name: Jeff Cranell

Address: 2570 Justin Road  
Highland Village, TX

Mr. Cranell stated he was an old Texas boy and has been around here a long time. Mr. Cranell stated he is the engineer for the project and is representing the developers who were also present this evening in case there are some questions. Mr. Cranell stated they have looked at this property very closely. It's got a lot of natural features and they felt like they can best utilize those natural features by reducing the lot size on the southern sector only and using the 7.5 based zoning district on the north end. Mr. Cranell said they do have some transitional zoning occurring. There is multifamily to the east and west, as well as to the south and commercial. So, they felt like this was a good transitional zoning for this tract, as well as what it does, it allows him as the engineer to utilize the pond, utilize the little creek to the west, maintain smooth open spaces while not trying to pack everything in. Not that this is wrong, but certainly it gives him flexibility as an engineer to utilize some of the features of the site. Mr. Cranell pointed out on the western side, there is a street paralleling the open space. So, there is full access to it for all the residents here, as well as their neighbors that are in the some of the other established neighborhoods. Mr. Cranell said they tried their best to keep to the 7.5, except for those lot sizes to the south, everything else follows pretty closely.

Mayor Gott stated she thinks the question the Mayor Pro Tem had is, is it does not specifically call out in the PD what kind of external building materials that are going to be used. It refers to 75% and that stucco is considered a masonry product, but it does not say specifically that you are using stucco or what other components you are using in the construction of the exterior. Mayor Gott said this is a question that we need to have answered. Mr. Cranell replied absolutely, but they are not the builders on this piece, but he can speak to that they get this question a lot. The answer is 75% Masonry is the typical standard, some cities are a little bit a little bit less, some a little bit more. They do not want 100% masonry, especially when you have large gables and there is a weight factor and a

design factor as well. So, they want the small percentage of non-masonry. Most builders are using Hardy Board, which is the best material. Stucco is a good accent wall as well, but the masonry would be considered brick, stone, stucco, those types of materials. Now, can they use wood siding? Yes, that would be allowed under this, and Mr. Cranell believed this follows the City's 7.5 ordinance. Mr. Cranell said they pulled some of this data from the existing 7.5. They did not want to overshoot too much and did not want to undershoot. Mr. Cranell added they actually raised the minimum house size so they can get in. There is a good market here in Denison. So, the growth is coming this way. Mr. Cranell stated he would expect to see masonry and then the additional 25% would either be wood siding, windows, could be Hardy Board, which would be his suggestion to the builder. Mayor Gott clarified that the reference to stucco does not mean that this is going to be 75% stucco. It just means this is a considered masonry product. Mr. Cranell replied it is an option. They just do not want to see the exact same house all the way down the road. They would like some diversification and a nice neighborhood. Mr. Cranell added he is proud of all the neighborhoods he has done and wants to be proud of this one as well. So, this just gives them some diversity. Julie Fort, City Attorney, interjected and said that even though this is a PD, the zoning ordinance, Chapter 28, does contain a definition for masonry and that definition would still apply to the PD and the definition in the zoning ordinance is brick, stone, granite, marble, concrete, hollow clay, tile, concrete brick or tile, brick veneer, exterior plasters including stucco and other similar building units and then it goes on for another sentence or two. Mayor Pro Tem Hander asked if the applicant owned the land to the north where the street extension is going to go through and asked if this was currently part of the plan. Mr. Cranell said it was as they will need a second point of access. Mr. Cranell said they have worked really hard with the landowner and are working on a boundary survey. They are working on closing and this piece should be owned shortly. Mayor Pro Tem Hander asked if it would include sidewalks on this portion as well. Mr. Cranell stated this was a valid question. They are putting sidewalks in front of all the houses and will be putting sidewalks in front of all of the open spaces. Mr. Cranell commented they do not put sidewalks typically where there's future construction going on. Mr. Cranell added to be honest, he had not given that any thought, for instance, in looking at a concept plan of sidewalks along the greenbelt to the west. They will have sidewalks in front of the pond in that area. The builder then comes in and put sidewalks in front of his houses. So, there will be gaps that are there in the street extension to the north. Mr. Cranell said they would not put sidewalks there yet, unless somebody really wanted them as they just do not know what is going in there and they may get torn out. Mayor Pro Tem Hander responded that he felt this would make it a safer access for the neighborhoods that are going to connect to the through street, the restaurants, Huck's and that sort of thing as this is going to connect to Fourth Street. Mayor Pro Tem Hander went on to say he would be a proponent of having sidewalks here because we keep talking about connectivity and walkability. It may be another couple of years before this are develops. Mr. Cranell stated the builder would not be responsible for what he is not building in front of. The reason is good, because they'll tear it up. There is a good chance it will get torn up during construction. So, we let them finish that off. You will see a segmented set of sidewalks where we have open space in common areas, the developer does put those in. They could be amendable to do sidewalks on one side, possibly on the extension to the north. Mr. Cranell said there is a cost factor involved, but he did like the connectivity and the fact these folks could get down to the restaurants and shops to the south.



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

Mayor Pro Tem stated this is a great development and is really excited about it. Mayor Pro Tem added he appreciated all of the work in helping bring this to fruition.

There was no discussion or questions from Council.

On motion by Mayor Pro Tem Hander, seconded by Council Member Spiegel, the City Council unanimously approved, with the caveat that the north extension of the street have a sidewalk on at least one side of the road, Ordinance No. 5196, "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 CHANGING THE ZONING CLASSIFICATION FROM SINGLE-FAMILY 7.5 DISTRICT (SF-7.5) TO PLANNED DEVELOPMENT OVERLAY DISTRICT (PD) WITH BASE ZONING OF SINGLE-FAMILY 7.5 DISTRICT (SF-7.5) ON AN APPROXIMATELY 21.545-ACRE TRACT IN THE SPENCER RICE SURVEY, ABSTRACT NO. 1037, OF THE OFFICIAL PUBLIC RECORDS OF GRAYSON COUNTY, TEXAS; BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT "A-1" AND DEPICTED IN EXHIBIT "A-2"; 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."

- B. Receive a report, hold a discussion, conduct a public hearing and take action on an Ordinance changing the zoning of approximately 0.3444 acres for property located on the corner of N. Chandler Ave. and W. Elm St. from the Local Retail Zoning District to SF-5, Single Family Residential Zoning District. (Case No. 2022-001Z)

#### Council Action

Dianne York, Planner, reported the applicant is requesting to rezone the corner of North Chandler and West Elm Street from Local Retail Zoning District to SF-5, Single Family Residential Zoning District. This request is just an extension of the surrounding SF5 Zoning District. The applicant is requesting the zoning change in order to construct a single-family residence. The Planning and Zoning Commission recommended approval at their meeting on February 8, 2022. The rezone does comply with the Comprehensive Plan.

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

There was no further discussion or questions from the Council.

On motion by Council Member Courtright, seconded by Mayor Pro Tem Hander, the City Council unanimously approved Ordinance No. 5197, "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 TRACT OF LAND LEGALLY DESCRIBED AS LOTS 9 & 10, BLOCK 2, MILLER'S SECOND ADDITION, AN ADDITION TO THE CITY OF DENISON, GRAYSON COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN VOLUME Y, PAGE 539, DEED RECORDS OF GRAYSON COUNTY, TEXAS, AND MORE PARTICULARLY DESCRIBED AND DEPICTED IN EXHIBIT "A", FROM ITS ZONING CLASSIFICATION OF LOCAL RETAIL DISTRICT (LR) TO SINGLE FAMILY-5 DISTRICT (SF-5); 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 (SF-5) FOR THE PROPERTY; PROVIDING A PENALTY; PROVIDING REPEALING, SEVERABILITY, AND SAVINGS CLAUSES; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE."

5. ITEMS FOR INDIVIDUAL CONSIDERATION

- A. Receive a report, hold a discussion and take action on a Services Agreement with Fire Recovery USA, LLC for EMS and fire billing, and authorize the Interim City Manager to execute the same.

Council Action

Kenneth Jacks, Fire Chief, stated he was present to ask for approval to change the current EMS and fire billing service to Fire Recovery USA. Denison Fire Rescue (DFR) is currently using Emergicon for all EMS and fire billing. With taking back EMS, we as an organization have been looking to find a more efficient and transparent billing service to better serve our citizens and to better meet our EMS funding needs. After careful consideration, we believe Fire Recovery USA will meet those needs. Fire Recovery USA will charge a lower rate per recovery, 5% as opposed to 15% from our current billing service and will offer exceptional customer service and communication. Having a billing company that is transparent and easy to communicate with is essential for not only DFR but also the citizens. If a citizen has any questions or concerns about billing, they will contact Fire Recovery USA directly. The City of Denison must use a company that provides top tier customer service to ensure our citizens needs are being properly met and in a timely manner. DFR has determined that Fire Recovery USA is best suited for EMS and fire billing needs. Chief Jacks added he has worked with this company in the past and they have excellent recovery rate, and the price is right. They also have a very transparent way of doing things. They are up to the minute, easy for us to ask questions, find out where the billing is coming from and are very receptive. Chief Jacks believes this will help us meet our funding needs that we are going to need in taking over EMS.

There was no discussion or questions from Council.

On motion by Mayor Pro Tem Hander, seconded by Council Member Crawley, the City Council unanimously approved a Services Agreement with Fire Recovery USA, LLC for EMS and fire billing, and authorized the Interim City Manager to execute the same.

- B. Receive a report, hold a discussion and take action on an agreement with Plummer Associates for engineering and design services for new secondary clarifier and clarifier mechanism in primary clarifier no. 1 for a total amount of \$985,983.00 and authorize the Interim City Manager to execute the same.

#### Council Action

Carrie Jones, Public Works Director, reported this is step two in the upgrades at the PawPaw Wastewater plant. In our master plan, that we are finalizing, this is the second step to increase capacity at the plant and to be able to bring it up to current standards. Currently, our secondary clarifiers have some structural issues, and we are in the process of fixing the splitter box, which is where the bulge on the wall came in last year. Our goal right now is to make sure that design runs concurrently with the current construction. As soon as that construction project is completed, we can roll directly into this one, which will be the complete reconstruction of two of our secondary clarifiers. We have two right now, but we will be replacing both of these with plans for a third once we are ready for that kind of growth. It'll probably be years before we get there, but it may come sooner than we think. The construction for these secondary clarifiers is anticipated to take about two years. So, we are looking at 2025 before these two secondary clarifiers are in the ground and ready to be in operation. Involved in this one as well is the replacement of the primary clarifier number one mechanism. We replaced the mechanism in primary clarifier number two in 2018, and this one is beyond its useful life. So, we have lumped this one in with this design contract. Now, we may separate that from a construction contract, but this will not be determined until closer to the time of construction. Staff is recommending that we move forward with the design in the amount of \$985,983.00. This is part of the fiscal year 2022 CIP budget.

There was no discussion or questions from Council.

On motion by Council Member Crawley, seconded by Council Member Spiegel, the City Council unanimously approved an agreement with Plummer Associates for engineering and design services for new secondary clarifier and clarifier mechanism in primary clarifier no. 1 for a total amount of \$985,983.00 and authorized the Interim City Manager to execute the same.

#### 6. EXECUTIVE SESSION

The Council then adjourned into Executive Session at 6:26 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 Tax Increment Reinvestment Zone No. 2.
2. Confer with City Attorney regarding *City of Denison vs. Tico-Grande, LP*, Cause No. 2021-1-001ED, County Court at Law #1, Grayson County.

3. Confer with City Attorney regarding City Hall facilities.
- B. Discuss the possible purchase, exchange, lease or sale of 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.**
    1. Discuss Tax Increment Reinvestment Zone No. 2.

RECONVENE INTO REGULAR SESSION

The Council then reconvened into Regular Session at 6:57 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 Tax Increment Reinvestment Zone No. 2.

Council Action

No action taken.

2. Confer with City Attorney regarding *City of Denison vs. Tico-Grande, LP*, Cause No. 2021-1-001ED, County Court at Law #1, Grayson County.

Council Action

On motion by Mayor Pro Tem Hander, seconded by Council Member Crawley, the City Council unanimously approved the Settlement Agreement as discussed in Executive Session and authorize the City Attorney to prepare the necessary documents and authorize the City Manager to execute the closing documents.

3. Confer with City Attorney regarding City Hall facilities.

Council Action

No action taken.

- B. Discuss the possible purchase, exchange, lease or sale of 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.**
  - 1. Discuss Tax Increment Reinvestment Zone No. 2

Council Action

No action taken.

There being no further business to come before the Council, the meeting adjourned at 6:58 pm.

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JANET GOTT, Mayor

ATTEST

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Christine Wallentine, City Clerk

# City Council Meeting Staff Report



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## Agenda Item

Receive a report, hold a discussion and authorize the purchase of two Variable Frequency Drives through a purchasing cooperative from Texas AirSystems, LLC in the amount of \$160,790.66 for the Randell Water Plant and authorize the Interim City Manager to execute all necessary documents.

## Staff Contact

Carrie Jones, Director of Public Works  
cjones@cityofdenison.com  
903-465-2720 x2441

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## Summary

- The current variable frequency drives were installed in 1994 and are obsolete as well as have reached their serviceable lifespan. We are no longer able to buy replacement parts or have parts repaired for these units.
- The new units will meet all current IEEE-519 requirements for harmonics as well as the requirements of Oncor Electric Utility Company.
- These units are identified in the Water Plant Master Plan for replacement/upgrade.

## Staff Recommendation

Staff recommends approval of the purchase of the Variable Frequency Drives.

## Recommended Motion

“I move to approve the purchase of two Variable Frequency Drives from Texas Air Systems in the amount of \$160,790.66 and authorize the Interim City Manager to execute all necessary documents.”

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## Background Information and Analysis

Denison’s water treatment plant provides all of it’s customers and wholesale customers with water supplied through four high service pumps. Two of these pumps are controlled by variable frequency drives and the other two are controlled with constant speed drives. These drives were installed in 1994 and have operated 24/7/365 ever since. However, these units have become obsolete and have reached their serviceable life span without the ability to purchase replacement or refurbished parts.

Staff have been working closely with our electrical engineers to identify replacement equipment that is both compliant with IEEE-519 electric code and Oncor Electric and that also fits with the recommendations outlined in the Water Plant Master Plan. All four drives have been identified for replacement in the Master Plan however there is an immediate need to replace the Variable Frequency Drives due to unit failure.

## Financial Considerations

The total cost of the two Variable Frequency Drives is \$160,790.66. This is a budgeted item in the CIP for FY2022 budget. The vendor is part of the BuyBoard contract (#631-20).

**Prior Board or Council Action**

None.

**Alternatives**

Council may direct staff to purchase from a different vendor for new Variable Frequency Drives.

# QUOTATION

Date: 2/21/2022



To: Angus Evans  
 City of Denison  
 4631 Randell Lake Rd,  
 Denison, TX 75020

## PRICING SUMMARY

DESCRIPTION	QTY	TAGGING	TOTAL NET PRICE
ACS880-37-0780A-5+ OWR+MTCP+NMUL+MFSW+ATG W+KFDG+GOLSU ACS880 Drive Cabinet Drive - Ultra Low Harmonic (37). Input Voltage 480 VAC. 749A LD, 583A HD. IP22 - UL type 1. Frame Size -1xR8i+1xR8i	2		\$80,395.33
BUYBOARD CONTRACT # 631-20			
<b>TOTAL NET PRICE</b>			<b>\$160,790.66</b>

\*FOB Factory, Full Freight Allowed, Tax Not Included

## NOTES AND EXCLUSIONS:

1. Vibration Isolation and Housekeeping pads are NOT INCLUDED and are by others.
2. Unloading, rigging, installation, wiring, piping, and START-UP (unless specified above) are NOT INCLUDED and are by others.
3. Flue venting by others.
4. Motor starters, controls, t-stats, timers, sensors, mounting, and control wiring are by others.
5. Cleaning shall be by others
6. Any permits (including preparation of the same) and associated fees shall be by others.

*Thank you for your consideration on this project.*

-This quotation is subject to change without notice and void after 15 days.  
 -Add to the prices quoted any sales tax payable on the transaction under any effective Federal or State statute.  
 -F.O.B. Factory, FFA, Per Mutually Agreed Schedule. No material to be returned without written authorization.  
 -PAYMENT TERMS: Net 30 Days, Upon Receipt of Satisfactory Credit Information  
 -TAS equipment will be supplied based upon approved submittal data  
 -Retainage is not allowed. TAS is a material supplier, and will be supplying the entire purchase order value upon delivery of equipment  
 -Payment to TAS cannot be conditioned on receipt of payment from the owner to a contractor, construction manager, or customer  
 -TAS standard warranty, parts only, is for 12 months from startup date, not to exceed 18 months from ship date  
 -TAS is responsible and accountable only for the acts and omissions of TAS  
 -Insurance certificates and bonds can/will be provided upon request





## Vendor Contract Information Summary

Vendor Name Texas AirSystems, LLC  
Contact Nayeli Gamez  
Phone Number 9726523045  
Email nayeli.gamez@texasairsystems.com  
Website www.texasairsystems.com  
Federal ID 26-1642107  
Accepts RFQs Yes  
Address Line 1 6029 W. Campus Circle Drive  
Vendor City Irving  
Vendor Zip 75063  
Vendor State TX  
Vendor Country USA  
Delivery Days 10  
Freight Terms FOB Destination  
Payment Terms Net 30 days  
Shipping Terms Pre-paid and added to invoice  
Ship Via Company Truck  
Is Designated Dealer No  
EDGAR Forms Received Yes  
Service-Disabled Veteran Owned No  
Minority Owned No  
Women Owned No  
Is National No  
No Excluded Foreign Terrorist Orgs Yes  
No Israel Boycott Certificate Yes  
Is MWBE No  
Regions Served 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 20  
States Served Texas  
Contract Name HVAC Equipment, Supplies, and Installation of HVAC Equipment  
Contract # 631-20  
Effective Date 12/01/2020  
Expiration Date 11/30/2023  
Quote Reference Number 631-20



## Vendor Contract Information Summary

**Return Policy** Parts must be returned within 30 days of invoice date. Returns must be authorized by proof of purchase. No returns on: 1)Electrical parts/components, 2)Installed parts, 3) Special order non-stock parts. Returns on stocked parts are subject to a 25% restocking fee. Returns on non-stocked parts are subject to manufacturer's discretion and restocking fee.

# City Council Meeting Staff Report



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## Agenda Item

Receive a report, hold discussion and take action on Tax Abatement Agreement with Ruiz Food Products within Denison Commercial-Industrial Tax Abatement Reinvestment Zone Number RZ22-001 at Ruiz Food Products existing facility (and surrounding areas) at 2410 Texoma Drive, Denison, TX, including land situated in the County of Grayson, State of Texas, being a part of the J.D. Sutherland Survey, Abstract No. 1150, being all of the 16.738 acre tract of land and part of the 33.063 acre tract of land conveyed to General Mills Operations, Inc., by deed of record in Volume 3366, Page 789, of the Official Public Records, Grayson County, Texas (approximately 48.456 acres).

## Staff Contact

Julie Fort, City Attorney  
(972) 668-6400

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## Summary

- The City of Denison has received a request from Ruiz Foods to create a tax abatement reinvestment zone and enter into a Tax Abatement Agreement to allow for improvements to their plant located at 2410 Texoma Drive, Denison, Grayson County.
- Ruiz Foods' use of the plant and improvements is expected to significantly enhance the economic and employment base of the City.
- On February 4, 2022, the City posted the required 30-Day Public Notice of the intent to enter a Tax Abatement Agreement. However, drafting of the agreement and review by both the City's and company's representatives was still ongoing when it was time for the appropriate 7-day notices to the tax authorities and publication in the newspaper to be completed.
- Therefore, this item will need to be tabled to the March 21, 2022, City Council meeting in order to allow the required 7-day notices to be provided.

## Staff Recommendation

Staff recommends tabling this item to the March 21, 2022, meeting to meet noticing requirements.

## Recommended Motion

"I move to table consideration on the Tax Abatement Agreement with Ruiz Food Products within Denison Commercial-Industrial Tax Abatement Reinvestment Zone Number RZ22-001 at Ruiz Food Products existing facility (and surrounding areas) at 2410 Texoma Drive, Denison, TX, including land situated in the County of Grayson, State of Texas, being a part of the J.D. Sutherland Survey, Abstract No. 1150, being all of the 16.738 acre tract of land and part of the 33.063 acre tract of land conveyed to General Mills Operations, Inc., by deed of record in Volume 3366, Page 789, of the Official Public Records, Grayson County, Texas (approximately 48.456 acres), until the March 21, 2022 City Council meeting to be held at 6:00 p.m."

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## Background Information and Analysis

The City of Denison has received a request from Ruiz Foods to create a tax abatement reinvestment zone and enter into a Tax Abatement Agreement to allow for improvements to their plant located at 2410 Texoma Drive, Denison, Grayson County, and other terms in the proposed Agreement to encourage

development. Ruiz Foods' use of the plant and improvements is expected to significantly enhance the economic and employment base of the City. Staff feels that the improvements sought are feasible and practical and will be of benefit to the property to be included in the Zone after expiration of the agreement.

On February 4, 2022, the City posted the required 30-Day Public Notice of the intent to enter a Tax Abatement Agreement. However, drafting of the agreement and review by both the City's and company's representatives was still ongoing when it was time for the appropriate 7-day notices to the tax authorities and publication in the newspaper to be completed. Therefore, this item will need to be tabled to the March 21, 2022, City Council meeting in order to allow the required 7-day notices to be provided.

**Financial Considerations**

None at this time.

**Prior Board or Council Action**

None.

**Alternatives**

None.

# City Council Meeting Staff Report



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## Agenda Item

Receive a report, hold a discussion and take action on a Resolution authorizing the Mayor to execute Texas Subdivision and Special District Election and Release Forms, for settlement with Endo/Par and Teva and any future release forms as part of the Global Opioid Settlement led by the Texas Attorney General.

## Staff Contact

Julie Fort, City Attorney  
julie@txmunicipallaw.com  
(972) 668-6400

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## Summary

- On May 13, 2020, the State of Texas, through the Office of the Attorney General, and a negotiation group for Texas political subdivisions entered into an agreement entitled Texas Opioid Abatement Fund Council and Settlement Allocation Term Sheet approving the allocation of any and all opioid settlement funds within the State of Texas.
- On November 15, 2021, the City adopted Resolution No. 4071, adopting the Texas Term Sheet and approving the Mayor to execute those “Settlement Participation Forms” for settlements with Johnson and Johnson and opioid distributors provided by the Texas Attorney General’s office.
- The City Council now has the opportunity to execute certain Texas Subdivision and Special District Election and Release Forms adding entities Endo/Par and Teva as defendants in the Global Opioid Settlement pursuant to the Texas Term Sheet.

## Staff Recommendation

Staff recommends adoption of the Resolution.

## Recommended Motion

“I move to adopt the Resolution authorizing the Mayor to execute Texas Subdivision and Special District Election and Release Forms, for settlement with Endo/Par and Teva and any future release forms as part of the Global Opioid Settlement led by the Texas Attorney General.”

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## Background Information and Analysis

On May 13, 2020, the State of Texas, through the Office of the Attorney General, and a negotiation group for Texas political subdivisions entered into an agreement entitled Texas Opioid Abatement Fund Council and Settlement Allocation Term Sheet (hereafter, the “Texas Term Sheet”) approving the allocation of any and all opioid settlement funds within the State of Texas (“Global Opioid Settlement”).

On November 15, 2021, the City adopted Resolution No. 4071, adopting the Texas Term Sheet and approving the Mayor to execute those “Settlement Participation Forms” for settlements with Johnson and Johnson and opioid distributors provided by the Texas Attorney General’s office. The City Council now has the opportunity to execute certain Texas Subdivision and Special District Election and Release

Forms adding entities Endo/Par and Teva as defendants in the Global Opioid Settlement pursuant to the Texas Term Sheet, and releasing such entities from claims outside of the Global Opioid Settlement.

**Financial Considerations**

None.

**Prior Board or Council Action**

On November 15, 2021 the City Council passed Resolution No. 4071 adopting the Texas Term Sheet for settlement with Johnson and Johnson.

**Alternatives**

Council may table, modify or deny the agenda item.

RESOLUTION OF THE CITY OF DENISON, TEXAS

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DENISON, TEXAS, AUTHORIZING THE MAYOR TO EXECUTE TEXAS SUBDIVISION AND SPECIAL DISTRICT ELECTION AND RELEASE FORMS, FOR SETTLEMENT WITH ENDO/PAR AND TEVA AND ANY FUTURE RELEASE FORMS AS PART OF THE GLOBAL OPIOID SETTLEMENT LED BY THE TEXAS ATTORNEY GENERAL; AUTHORIZING SUBMISSION OF SETTLEMENT PARTICIPATION FORMS AND PROVIDING AN EFFECTIVE DATE.**

BE IT REMEMBERED, at a regular meeting of the City Council of the City of Denison, Texas (the “City”), held on the 7<sup>th</sup> day of March 2022, on motion made by Councilmember \_\_\_\_\_, and seconded by Councilmember \_\_\_\_\_, the following Resolution was adopted:

**WHEREAS**, the City obtained information indicating that certain drug companies and their corporate affiliates, parents, subsidiaries, and such other defendants as may be added to the litigation (“Defendant”, or collectively, “Defendants”) have engaged in fraudulent and/or reckless marketing and/or distribution of opioids that have resulted in addictions and overdoses; and

**WHEREAS**, these actions, conduct, and misconduct have resulted in significant financial costs to the City; and

**WHEREAS**, on May 13, 2020, the State of Texas, through the Office of the Attorney General, and a negotiation group for Texas political subdivisions entered into an agreement entitled Texas Opioid Abatement Fund Council and Settlement Allocation Term Sheet (hereafter, the “Texas Term Sheet”) approving the allocation of any and all opioid settlement funds within the State of Texas (“Global Opioid Settlement”); and

**WHEREAS**, on November 15, 2021, the City adopted Resolution No. 4071, adopting the Texas Term Sheet and approving the Mayor to execute those “Settlement Participation Forms” for settlements with Johnson and Johnson and opioid distributors provided by the Texas Attorney General’s office; and

**WHEREAS**, the City Council now intends to execute those certain “Texas Subdivision and Special District Election and Release Forms”, attached hereto as **Exhibit A** and **Exhibit B**, adding entities Endo/Par and Teva as Defendants in the Global Opioid Settlement pursuant to the Texas Term Sheet, and releasing such entities from claims outside of the Global Opioid Settlement; and

**WHEREAS**, the City intends to authorize the Mayor to execute any further similar forms for the Global Opioid Settlement, with funds distributed according to the Texas Term Sheet.

**NOW, THEREFORE, BE IT RESOLVED** that we, the City Council of the City of Denison:

1. Re-affirm the findings and resolutions made in Resolution No. 4071, approving the Texas Term Sheet; and

2. Hereby authorize the Mayor to execute and submit, the Texas Subdivision and Special District Election and Release Forms, attached hereto as **Exhibit A** and **Exhibit B**, and each incorporated herein, for settlements with Endo/Par and Teva, as part of the Global Opioid Settlement conducted by the Texas Attorney General's office, and pursuant to the previously approved Texas Term Sheet; and
3. Hereby authorize the Mayor to execute and submit any future related Global Opioid Settlement release forms for further Defendants, and subject to the Texas Term Sheet.

**PASSED AND APPROVED** on this the 7<sup>th</sup> day of March 2022.

CITY OF DENISON

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JANET GOTT, Mayor

**ATTEST:**

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Christine Wallentine, City Clerk



**Exhibit "A"**  
**Endo/Par Texas Subdivision and Special District Election and Release Form**

*(see next page)*

**Exhibit A**

**TEXAS SUBDIVISION AND SPECIAL DISTRICT  
ELECTION AND RELEASE FORM**

This Election and Release Form for Texas Participating Subdivisions<sup>1</sup> resolves opioid-related Claims against Endo/Par under the terms and conditions set forth in the Endo/Par Texas State-Wide Opioid Settlement Agreement between Endo/Par, the State of Texas, and the Counties of Dallas, Bexar, Harris and Tarrant (the “Agreement”), the provisions of which are here incorporated by reference in their entirety. Upon executing this Election and Release Form, a Participating Subdivision agrees that, in exchange for the consideration described in the Agreement, the Participating Subdivision is bound by all the terms and conditions of the Agreement, including but not limited to the Release found in Section VII of the Agreement and the provisions concerning participation by Subdivisions or Special Districts in Section VIII, and the Participating Subdivision and its signatories expressly represent and warrant on behalf of themselves that they have, or will have obtained on or before the Effective Date or on or before the execution of this Election and Release Form if executed after the Effective Date, the authority to settle and release, to the maximum extent of the Subdivision’s and Special District’s power, all Released Claims related to Covered Conduct. If this Election and Release Form is executed on or before the Initial Participation Date, the Participating Subdivision shall dismiss Endo/Par and all other Released Entities with prejudice from all pending cases in which the Participating Subdivision has asserted Covered Claims against Endo/Par or a Released Entity no later than the Initial Participation Date. If this Election and Release Form is executed after the Initial Participation Date, the Participating Subdivision shall dismiss Endo/Par and all other Released

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<sup>1</sup> The Agreement defines a “Participating Subdivision” as a Subdivision or Special District that signs this Election and Release Form and meets the requirements for becoming a Participating Subdivision under subsection VIII.A. of the Agreement.

Entities with prejudice from all pending cases in which the Participating Subdivision has asserted Covered Claims against Endo/Par or a Released Entity concurrently with the execution of this form. By executing this Election and Release Form, the Participating Subdivision submits to the jurisdiction of the Honorable Robert Schaffer, *In Re: Texas Opioid Litigation*, MDL No. 18-0358, Master File No. 2018-63587, in the 152nd Judicial District Court, Harris County, Texas.

Dated: \_\_\_\_\_

Texas Subdivision Name: \_\_\_\_\_

By: \_\_\_\_\_

[NAME]

[TITLE]

[ADDRESS]

[TELEPHONE]

[EMAIL ADDRESS]

**Exhibit "B"**  
**Teva Texas Subdivision and Special District Election and Release Form**

*(see next page)*

**Exhibit B**

**TEXAS SUBDIVISION AND SPECIAL DISTRICT  
ELECTION AND RELEASE FORM**

This Election and Release Form for Texas Participating Subdivisions<sup>1</sup> resolves opioid-related Claims against Teva under the terms and conditions set forth in the Teva Texas State-Wide Opioid Settlement Agreement between Teva, the State of Texas, and the Counties of Dallas, Bexar, Harris and Tarrant (the “Agreement”), the provisions of which are here incorporated by reference in their entirety. Upon executing this Election and Release Form, a Participating Subdivision agrees that, in exchange for the consideration described in the Agreement, the Participating Subdivision is bound by all the terms and conditions of the Agreement, including but not limited to the Release found in Section VII of the Agreement and the provisions concerning participation by Subdivisions or Special Districts in Section VIII, and the Participating Subdivision and its signatories expressly represent and warrant on behalf of themselves that they have, or will have obtained on or before the Effective Date or on or before the execution of this Election and Release Form if executed after the Effective Date, the authority to settle and release, to the maximum extent of the Subdivision’s and Special District’s power, all Released Claims related to Covered Conduct. If this Election and Release Form is executed on or before the Initial Participation Date, the Participating Subdivision shall dismiss the Released Claims with prejudice and sever Teva and all other Released Entities from all pending cases in which the Participating Subdivision has asserted Covered Claims against Teva or a Released Entity no later than the Initial Participation Date. If this Election and Release Form is executed after the Initial Participation Date, the Participating Subdivision shall dismiss the

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<sup>1</sup> The Agreement defines a “Participating Subdivision” as a Subdivision or Special District that signs this Election and Release Form and meets the requirements for becoming a Participating Subdivision under subsection VIII.A. of the Agreement.

Released Claims with prejudice and sever Teva and all other Released Entities from all pending cases in which the Participating Subdivision has asserted Covered Claims against Teva or a Released Entity concurrently with the execution of this form. By executing this Election and Release Form, the Participating Subdivision submits to the jurisdiction of the Honorable Robert Schaffer, *In Re: Texas Opioid Litigation*, MDL No. 18-0358, Master File No. 2018-63587, in the 152nd Judicial District Court, Harris County, Texas.

Dated: \_\_\_\_\_

Texas Subdivision Name: \_\_\_\_\_

By: \_\_\_\_\_

[NAME]

[TITLE]

[ADDRESS]

[TELEPHONE]

[EMAIL ADDRESS]

# City Council Meeting Staff Report



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## Agenda Item

Receive a report, hold a discussion, and act on the appointment of Mike Zapata as an Alternate Member to the Zoning Board of Adjustments and Appeals to serve an unexpired two-year term.

## Staff Contact

Felecia Winfrey, Community and Development Services Management Assistant  
fwinfrey@cityofdenison.com  
903-465-2720 ext. 2519

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## Summary

- The Zoning Board of Adjustments and Appeals can make special exceptions to the Zoning Ordinance in appropriate cases that are consistent with the general purpose and intent of the zoning code with appropriate conditions and safeguards.
- The Board consists of 5 member and 2 alternate members, with each member serving a two-year term of office and no more than three consecutive full terms.
- Mike Zapata has served in numerous professional and volunteer capacities in Community and Development Services in north Texas, making him an excellent addition to this important body.
- Mr. Zapa appears to be eligible and is willing to serve in this capacity.

## Staff Recommendation

City Staff recommends approval of the item based on the dedicated service of the applicant.

## Recommended Motion

“I move to appoint Mike Zapata as an alternate member to the Zoning Board of Adjustments and Appeals to serve an unexpired two-year term.”

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## Background Information and Analysis

The Denison Zoning Board of Adjustments and Appeals was created under Chapter 28, Article II, Section 28.8 of the Denison Code of Ordinances. The Zoning Board of Adjustments and Appeals is comprised of five (5) total members; two (2) alternate members, all of whom reside within the City of Denison. The members are appointed by the City Council. The function of the Zoning Board of Adjustments and Appeals is to make special exceptions that are consistent with the general purpose and intent of this Ordinance in appropriate cases and subject to appropriate conditions and safeguards. Each member shall serve nor more than a two-year term of office, with no more than three (3) consecutive full terms.

Mr. Zapata has previously served as a regular member oof the Denison Arts Council. He has 25+ years of volunteer and professional municipal and county services. Mr. Zapata has professional experience in Planning as well as the interpretation of Municipal Codes and laws. Additionally, he has served in other cities on the Planning & Zoning Commission, Urban Forestry, Library, Parks Master Plan, Charter Review Committee, Public Arts bodies, as well as elected terms on the City Council for the City of Frisco

and as an appointed juror for the Collin County Grand Jury. His commitment to Denison is demonstrated by his volunteer service with the Denison Arts Council and investment in his family's local business. Mr. Zapata appears to be eligible and is willing to serve as an Alternate Member on the Zoning Board of Adjustments and Appeals. The spot was most recently held by Sherri Christie, whose term expired on December 31, 2021, and staff is grateful that Mr. Zapata is willing to share his experience with our community in this way.

**Financial Considerations**

None

**Prior Board or Council Action**

The Council's most recent appointments to the Zoning Board of Adjustments and Appeals were Linwood Smith and Charles Shearer earlier this year.

**Alternatives**

Council may modify, deny, or table the item.



# City Council Meeting Staff Report



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## Agenda Item

Receive a report, hold a discussion and take action on a Resolution stating the City of Denison intends to participate in the tax abatement under Chapter 312 of the Texas Tax Code and adopting guidelines and criteria governing tax abatement agreements.

## Staff Contact

Julie Fort, City Attorney  
(972) 668-6400

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## Summary

- Pursuant to Chapter 312 of the Texas Tax Code, the City may not designate an area as a reinvestment zone eligible to receive tax abatements unless the City Council adopts a resolution stating it elects to be eligible to participate in tax abatement.
- This Resolution makes the election for the City of Denison to be eligible to participate in tax abatements and established the guidelines and criteria to govern tax abatements.
- A written tax abatement agreement approved by the City Council will be required between the City and any company that may be granted a tax abatement after adoption of this Resolution.
- Per Section 312.002(c) of the Texas Tax Code this Resolution may only be effective for two years from the date of adoption and may only be amended or repealed during the two years by a vote of three-fourths of the members of the City Council.

## Staff Recommendation

Staff recommends adoption of the Resolution.

## Recommended Motion

“I move to adopt the Resolution stating the City of Denison intends to participate in the tax abatement under Chapter 312 of the Texas Tax Code and adopting guidelines and criteria governing tax abatement agreements.”

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## Background Information and Analysis

Pursuant to Chapter 312 of the Texas Tax Code, the City may not designate an area as a reinvestment zone eligible to receive tax abatements unless the City Council adopts a resolution stating it elects to be eligible to participate in tax abatement. The City is also required to establish guidelines and criteria (a policy) governing tax abatement agreement by resolution.

This Resolution makes the election for the City of Denison to be eligible to participate in tax abatements and established the guidelines and criteria to govern tax abatements. A written tax abatement agreement approved by the City Council will be required between the City and any company that may be granted a tax abatement after adoption of this Resolution.

Per Section 312.002(c) of the Texas Tax Code this Resolution may only be effective for two years from the date of adoption and may only be amended or repealed during the two years by a vote of three-fourths of the members of the City Council.

**Financial Considerations**

The Resolution does not implicate any specific financial considerations. Financial considerations would be reviewed for each future request for a tax abatement agreement.

**Prior Board or Council Action**

The City Council has adopted similar resolutions in the past, but each are outside of the maximum two-year effective period and are expired.

**Alternatives**

Council may table, modify or deny the Resolution.

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DENISON, TEXAS, ELECTING TO PARTICIPATE IN TAX ABATEMENT AND ESTABLISHING GUIDELINES AND CRITERIA GOVERNING TAX ABATEMENT AGREEMENTS FOR ECONOMIC DEVELOPMENT PROSPECTS IN THE CITY OF DENISON.**

**WHEREAS**, the City Council of the City of Denison, Texas (the “City Council”) desires to promote economic development/redevelopment within its jurisdiction; and

**WHEREAS**, the City of Denison, Texas (the “City”) is authorized to enter into Tax Abatement Agreements for Commercial-Industrial purposes as authorized in Chapter 312 of the Texas Tax Code, “Property Redevelopment and Tax Abatement Act” (the “Act”); and

**WHEREAS**, the Act requires the City to establish guidelines and criteria governing tax abatement agreements and stating that the City elects to become eligible to participate in tax abatement under Chapter 312 of the Act; and

**WHEREAS**, providing tax abatements and incentives within the City will likely contribute to the economic development of the City by encouraging major investment, the creation of jobs, and other benefits; and

**WHEREAS**, the City Council deems it in the public interest to become eligible for participation in tax abatements and incentives and to adopt policies, guidelines and criteria for tax abatement and incentives; and

**WHEREAS**, pursuant to §312.002 of the Act, the Tax Abatement Guidelines and Criteria adopted herein are effective for two years unless amended or repealed by a vote of three-fourths of the City Council.

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

**Section 1. Findings Incorporated.** The findings recited above are legislative findings of the City Council and are incorporated as if fully set forth in the body of this Resolution.

**Section 2. Election to Participate and Adoption of Guidelines and Criteria.** The City elects to participate in tax abatement agreements pursuant to Chapter 312 of the Texas Tax Code. The guidelines and criteria for granting tax abatements entitled “Chapter 312 Tax Abatement Guidelines and Criteria” attached hereto as Exhibit "A" to this Resolution for granting tax abatements in designated Tax Abatement Reinvestment Zones are hereby adopted.

**Section 3. Open Meeting.** It is hereby officially found and determined that this meeting at which this Resolution is passed is open to the public as required by law, and that public notice of the time, place and purpose of said meeting was given as required.

**Section 4. Effective Date and Amendment.** This Resolution shall become effective immediately upon its passage and remain effective for two (2) years. This Resolution may only be amended by three-fourth vote of the members of the City Council.

**AND IT IS SO RESOLVEED.**

On motion by Council Member \_\_\_\_\_, seconded by Council Member \_\_\_\_\_, the above and foregoing ordinance was passed and approved by the following vote:

Ayes:

Nays:

Abstentions:

At regular meeting on March 7, 2022.

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JANET GOTT, Mayor

ATTEST:

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Christine Wallentine, City Clerk

## **EXHIBIT A**

Exhibit A is attached in the pages following this cover page.

**CHAPTER 312 TAX ABATEMENT  
GUIDELINES AND CRITERIA**

**DENISON, TEXAS**

**March 7, 2022**

**By Resolution No. \_\_\_\_\_**

## INDUSTRIAL TAX ABATEMENT

### GENERAL PURPOSE AND OBJECTIVES

The City of Denison is committed to the promotion of high-quality development in all parts of the City; and to an ongoing improvement in the quality of life for its citizens. As these objectives are generally served by the enhancement and expansion of the local economy, the City of Denison will, on a case-by-case basis, give consideration to providing tax abatement as a stimulation for economic development in Denison. It is the policy of the City of Denison that said consideration will be provided in accordance with the procedures and criteria outlined in this document. Nothing herein shall imply or suggest that the City of Denison is under any obligation to provide tax abatement to any Applicant. All Applicants shall be considered on a case-by-case basis.

### **DEFINITION OF TERMS**

**Act** - means the Property Redevelopment and Tax Abatement Act, Texas Tax Code, Chapter 312, as amended from time to time.

**Agreement** - means a contractual agreement between the property owner and/or lessee and the City of Denison for the purposes of tax abatement.

**Applicant** - means an owner of real property located in a Reinvestment Zone who requests tax abatement in accordance with these guidelines.

**Base Year Value** - means the assessed value of eligible property on January 1, preceding the date of execution of the Agreement.

**Economic Life** - means the number of years a property improvement is expected to be in service in a Facility.

**Deferred Maintenance** - means improvements necessary for continued operations which do not improve productivity or alter the process technology.

**Expansion** - means the addition or enlargement of buildings, structures, fixed machinery or equipment for the purposes of increasing production capacity.

**Facility** - means property improvements completed or in the process of construction which together comprise an integral whole.

**Modernization** - means the replacement and upgrading of existing facilities which increase the productive input or output, updates the technology of substantially lowers the unit cost of the operation. Modernization may result from the construction, residential improvements for purposes of reconditioning, refurbishing or expanding.

**Reinvestment Zone** - means an area designated in accordance with the Act by the City of Denison. Only property in a Reinvestment Zone may be eligible for tax abatement.

### **APPLICANT ELIGIBILITY**

A Facility may be eligible for abatement if it is located in a Reinvestment Zone and construction has not begun.

As provided in the Act, abatement may only be granted for the value of eligible property in excess of the Base Year Value subsequent to and listed in an abatement Agreement between the City of Denison and the property owner and lessee (if required), subject to such limitations as the City of Denison may require.

Abatement may be granted for new facilities and improvement to existing Facilities for purposes of Modernization or Expansion.

**Eligible Property** - Abatement may be extended to the value in excess of Base Year Value of buildings, structures, machinery and equipment, site improvement plus that office space and related improvements necessary to the operation and administration of the Facility.

**Ineligible Property** - The following types of property shall be ineligible for abatement: land, supplies, tools, furnishings and other forms of movable personal property; vehicles, vessels, aircraft, housing, hotel accommodations, Deferred Maintenance investments, improvements for the generation or transmission of electrical energy not wholly consumed by a new Facility or Expansion, any improvement, including those to produce, store or distribute natural gas, fluids or gases, which are not integral to the operation of the Facility; property owned or used by the State of Texas or its political subdivisions or by any organization owned, operated or directed by a political subdivision of the State of Texas.

**Owned/Leased Facilities** - If a leased Facility is granted abatement the Agreement shall be executed with the lessor and the lessee. Further constraints will be considered under any leasehold Facility.

**Amount and Term of Abatement** - Upon determination that a Tax Abatement should be offered to the Applicant, the amount and terms of the abatement to be considered will be no more than 10 years and up to 100% abatement including the construction period as provided by Texas State law. Abatement shall be granted effective with the January 1 valuation date immediately following the date of execution of the abatement Agreement.

### **CRITERIA**

Any request for tax abatement shall be reviewed by the Tax Reinvestment Committee, said Chapter 312 Tax Abatement Election and Criteria  
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committee being comprised of two elected officials from each of the taxing entities involved.

The Tax Reinvestment Committee may consider requests for abatement for property not presently located in a Reinvestment Zone. In that case, the Tax Reinvestment Committee will also make a recommendation to the City Council that an area be designated a Reinvestment Zone.

The Tax Reinvestment Committee serves as a recommending body to the taxing entities regarding whether economic development incentives should be offered in each individual case. Their recommendation shall be based upon a subjective evaluation of the following criteria which each Applicant will be requested to address in narrative format:

### **Employment Impact**

How many jobs will be brought to Denison?

What types of jobs will be created?

What will the total annual payroll be? Include current and increase factors.

### **Fiscal Impact**

How much real and personal property will be added to the tax rolls?

What is the Economic Life of the personal property?

How much direct sales tax will be generated?

How will this project affect existing businesses and/or office facilities?

What is the total annual operating budget of this Facility projected to be? (For Expansion state current and projected increase)

### **Community Impact**

What effect would the project have on the local housing market?

How compatible is the project with the City's comprehensive plan?

What environmental impact, if any, will be created by the project?

### **PROCEDURES**

Grayson County, Grayson County Jr. College, and the City of Denison have in place resolutions allowing them to participate in Tax Reinvestment Zones and tax abatement Agreements.

Any person, partnership, organization, corporation or other entity desiring that the City of Denison consider providing tax abatement to encourage location or expansion of operations within the city limits of Denison shall be required to comply with the following procedural guidelines. Nothing within these guidelines shall imply or suggest that Denison is under any obligation to provide a tax abatement in any amount of value to any Applicant.

1. Preliminary Application Steps

- A. Applicant shall submit an "Application for Tax Abatement" and pay a filing fee of \$1,000 to cover publication, notice cost, review and processing.
- B. Applicant shall address all criteria questions outlined in the application in narrative form.
- C. Applicant shall prepare a survey map showing the precise location of the property, all roadways within five hundred (500) feet of the site, all existing land uses and zoning within five hundred (500) feet of the site and the kind, number and location of all proposed improvements.
- D. City may request Applicant to provide substantiation of economic feasibility of the overall project to assist in determining the long-term benefit to the City.
- E. A complete legal description shall be provided.
- F. Applicant shall complete all forms and information detailed in items A through E above and submit them to the City of Denison.

2. All information in the application package detailed above will be reviewed for completeness and accuracy. Additional information may be requested as needed.

Applicant will meet with the City to discuss details of application and prepare for presentation of proposal to the Tax Reinvestment Committee. These meetings are held in confidence to the extent allowed by the Texas Open Meetings Act and the Texas Public Information Act.

3. Applicant presents proposal to Tax Reinvestment Committee. This committee consists of two representations from the following taxing entities: Grayson County, Grayson County Jr. College, and the Denison City Council. The proposal will need to include the total capital investment, type of project and number of expected jobs to be created. The Tax Reinvestment Committee will determine the percentage and duration of tax abatement (if any) they will propose to their respective boards and council.

4. To the extent allowed by the Texas Open Meetings Act, Tax Reinvestment Committee

representatives will present proposal to governing body in executive session under an identifying number to avoid disclosure of Applicant to: Grayson County Commissioners Court, Grayson County Jr. College Board, and the Denison City Council.

The representatives are responsible for requesting this item be placed on their respective agendas for discussion.

If the Applicant's Facility is in the City's corporate limits and is not in a Reinvestment Zone, the City of Denison's City Council will propose an ordinance designating the Tax Reinvestment Zone and approving the terms for a percentage and duration of tax abatement. If the Applicant is for a Facility located outside the Denison city limits, and is within Grayson County, the Tax Reinvestment Zone must be designated by Grayson County.

The governing bodies of the Grayson County Jr. College and Grayson County may consider participation in the tax abatement between the City of Denison and the Applicant.

### **LEGAL DOCUMENTATION PREPARATION**

The governing body eligible for initiating the designation of the Reinvestment Zone (City or County) will be responsible for drafting the proposed Agreement pursuant to the approved Tax Abatement, as well as all collateral documentation.

All legal fees associated with the drafting of the document is to be paid by the Applicant prior to the execution of the tax abatement Agreement.

The legal document is to include the following:

1. Estimated value of Expansion or new construction to be abated.
2. Percent of value to be abated each year.
3. Commencement date and the termination date of abatement.
4. Proposed use of the Facility, nature of construction, time schedule, map, property description and improvements list as provided in the application.
5. Contractual obligations in the event of default, violation of terms or conditions, delinquent taxes, recapture and administration.

### **EXECUTION OF AGREEMENT**

**TAX REINVESTMENT ZONE  
INDUSTRIAL APPLICATION**

**SECTION I**

1. Property owner \_\_\_\_\_  
Mailing Address \_\_\_\_\_  
Telephone Number \_\_\_\_\_
2. Property Owner's Representative \_\_\_\_\_  
Mailing Address \_\_\_\_\_  
Telephone Number \_\_\_\_\_
3. Property Address (physical) \_\_\_\_\_  
Property Legal Description Lot \_\_\_\_\_ Block \_\_\_\_\_ Addition \_\_\_\_\_  
(include as attachment with metes and bounds)
4. Located within: City of Denison \_\_\_\_\_  
Denison ISD \_\_\_\_\_
5. Description of project \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
6. Date of projected occupation of project/initiation of operations? \_\_\_\_\_  
\_\_\_\_\_

7. Narrative response to criteria questions in Section II of application? \_\_\_\_\_ ( yes or no, and include attachment )

## **SECTION II**

### **Employment Impact**

How many jobs will be brought to Denison?

What types of jobs will be created?

What will the total annual payroll be? Include current and increase factors.

### **Fiscal Impact**

How much real and personal property will be added to the tax rolls?

What is the Economic Life of the personal property?

How much direct sales tax will be generated?

How will this project affect existing businesses and/or office facilities?

What is the total annual operating budget of this Facility projected to be? (For Expansion state current and projected increase)

### **Community Impact**

What effect would the project have on the local housing market?

How compatible is the project with the City's comprehensive plan?

What environmental impact, if any, will be created by the project?