



**CITY OF DENISON
CITY COUNCIL MEETING
AGENDA**

Monday, August 5, 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 5, 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. 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.

3. 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.

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.
- 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).

5. PROJECT UPDATES

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

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.
- 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 2nd 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](tel:903-465-2720), Ext: 2437.



**CITY OF DENISON
SPECIAL CITY COUNCIL MEETING
MINUTES
(BUDGET WORKSHOP)**

Friday, June 28, 2024

Announce the presence of a quorum.

Mayor Robert Crawley called the meeting to order at 8:00 a.m. City Council present were Mayor Pro Tem Teresa Adams, and Council Members Joshua Massey and Spence Redwine. Council Members Michael Courtright and James Thorne were absent. Council Member Thomas arrived at the meeting at 11:50 a.m. Staff present were Interim City Manager, Bobby Atteberry, Assistant City Manager, Renee Waggoner, City Clerk, Christine Wallentine, and Deputy City Clerk, Karen Avery. Department Directors were also present

1. BUDGET

- A. Receive a report, hold a discussion and provide staff direction on the budget, strategic goals and objectives, capital improvements and organizational priorities, including but not limited to, Police, Fire, Parks and Recreation, Public Works, Streets, Water and Sewer Utilities, Employee Services, Information Technology, the City Manager, the City Attorney, Finance, Main Street, Downtown Denison, Tourism, Economic Development, Housing, Facilities, Community Development, Code Compliance, Municipal Court and other items relating to the quality of life, economic vitality and the health, safety and general welfare of the citizens of the City of Denison.

Council Action

Mayor Crawley called the meeting to order at 8:00 a.m. and welcomed everyone and turned it over to Interim City Manager, Bobby Atteberry who also welcomed everyone and had staff introduce themselves.

FY 2025 Priorities

Bobby Atteberry, Interim City Manager, then discussed FY2025 priorities of the Council which included the following (not necessarily in order of priority):

- Planning for Growth
- Planning and Zoning Ordinance Updates
- Parks & Recreation
- Downtown Development, Historic District and D³
- Infrastructure (Water, Sewer and Streets)

- Facilities

Mr. Atteberry also provided an updated on the Visitor’s Center at 321 W. Main Street. Construction has started and a completion date in January of 2025 is anticipated. The Visitor’s Center will house Main Street, Tourism, Parks and Recreation and Finance.

Community Engagement: Final Survey Results

Emily Agans, Communications and Media Manager provided information on the survey sent out. Staff mailed out 3,000 surveys (in addition to posting online). 2,779 were delivered (7% were returned due to vacant address), 382 completed written surveys (379 English, 3 Spanish) and there were 92 online responses. The overall response rate is around 14%. Responses broken down by Districts 1-4 showed a pretty even response percentage by district. Ms. Agans provided a summary of the key findings from the survey as follows:

- Safety – Safety remains a top priority
 - 9 in 10 residents felt that overall feeling of safety was essential
 - 7 in 10 feel safe from both violent and property crimes
 - 92% feel very or somewhat safe in neighborhoods during the day
 - 91% feel very or somewhat safe in Downtown Denison during the day
 - 78% feel very or somewhat safe from fire/flood/etc.
- Economy – Residents identify the Economy as a potential area of focus – mixed responses
 - 9 in 10 residents feel the overall economic health of the city is essential or very important
 - Two-thirds approved of the vibrancy of our downtown and overall business/service establishments
 - 3 in 10 gave excellent ratings to employment and shopping opportunities
- Mobility/Streets – Mobility continues to be an area of opportunity
 - 2 in 10 feel the transportation system is excellent (similar numbers in 2020)
 - Positive Response Percentage:
 - Street Repair – 14%
 - Street Cleaning – 27%
 - Street Lighting – 31%
 - Snow Removal – 27%
 - Sidewalk Maintenance – 21%

Other noteworthy results were as follows:

- 92% say utility infrastructure should be an area of focus
- 82% very or somewhat likely to recommend Denison as a place to live
- 84% very or somewhat likely to remain in Denison for the next five years
- 71% say their neighborhood is an excellent or good place to live

Finance: Funding our Future

Laurie Alsabbagh, Finance Director, provided an overview of the budget, operating funds and restricted funds. Ms. Alsabbagh also provided information on the City's operating fund balance policy which requires the City to maintain an unassigned fund balance between 60 and 90 days of expenditures for both the General Operating Fund and Utility Operating Fund, also known as "Days of Reserve."

Ms. Alsabbagh then provided information on the General Fund and Utility Fund Balances and what was budgeted for FY2024 as well as what is projected for FY2024 year end. With regard to the General Fund, FY2024 is projected to have an ending cash balance of \$7,710,640, which equates to 58 days of reserves. With regard to the Utility Fund, FY2024 is projected to have an ending cash balance of \$3,146,181, which equates to 46 days of reserves.

Ms. Alsabbagh also went over the current property tax rate, which is \$0.652034 per \$100 of value and provided information on how the tax payment is allocated. Ms. Alsabbagh provided information regarding property value increases in Denison and comparative cities. Between FY22 and FY23, the average increase amongst the comparative cities was 24.5%, with a 25% increase in Denison. Between FY23 and FY24, the average increase across the comparative cities was 20.7%, with Denison at 15%. Ms. Alsabbagh then went over sales tax revenues. The current sales tax rate is 8.25%, with 6.25% going to the State of Texas and 2.00% going to the City of Denison. This 2.00% is broken up to give 1.5% to the City and .5% to Denison Development Alliance. FY24 projected sales tax revenue is \$11,870,000. Sales tax revenue represents 18-22% of General Fund Revenue.

Ms. Alsabbagh provided a breakdown of the average Denison residential property tax payment, which equates to \$1,182.05 per year (\$98.50 per month, or \$3.24 per day) which goes toward the following:

- Admin and other services - \$361.95
- Police - \$229.88
- Fire - \$205.33
- Public Works - \$179.67
- Parks & Recreation - \$99.18
- Planning & Development - \$51.90
- Marketing, Main Street & Engagement - \$28.51
- Public Library - \$25.63

Ms. Alsabbagh also provided information on the Utility Fund, including water sales history with an estimated \$12,975,000 projected for FY2024 as well as sewer sales history with an estimated \$7,708,500 projected for FY2024.

Ms. Alsabbagh also covered the history of bond issuance/utility debt issuance with \$56,000,000 being issued in FY2024 for water/sewer projects as well as Capital Funds for both the General Fund and Utility Fund.

Total Budget requests for FY2025 total \$24,672,555 with \$6,823,070 for personnel, \$13,028,145 for Capital Projects and \$4,821,310 for line-item increases. Comparatively, FY2024 total requests totaled \$20,033,231.

Ms. Alsabbagh provided upcoming Council meeting dates regarding FY245 planning with updates at the July 15, August 5 and August 19 meetings, and the budget adoption to take place on September 3, 2024.

Development Services: Talented and Tenacious (TNT)

Dianne York, Planner, provided an overview of Development Services, which includes Planning and Zoning, consisting of 1 Planner and 1 Development Coordinator, and Building and Permitting, which consists of 1 Building Official, 1 Senior Building Inspector, 2 Building Inspectors and 3 Permit Techs; Neighborhood Services, which consists of a Neighborhood Services Manager, Management Assistant, Neighborhood Services Supervisor and three Code Compliance Officers. Expectations for the Division include the following: Customer Service, Efficiency, Positive Attitude, Creativity and Partnership Development.

Planning

Ms. York provided information on FY2024 planning and zoning numbers with regard to development applications including annexations, plats and zoning. There are several projects under constructions including the following:

- J&L Wire & Blue Stem Road (commercial)
- The Rosemary & Viking Street (retail and residential)
- Frito Lay (commercial)
- Several downtown buildings (residential and commercial)

Projects on the horizon include the following:

- Hills of Texoma (mixed use)
- Whataburger (drive-thru restaurant)
- The Colony at Parkway Bend (multi-family and single family)
- Denison Self-Storage (self-storage facility and commercial uses)

Ms. York reminded the Council of the top 5 priorities from the 2040 vision session, specifically the priority related to planning to design and implement gateway and corridor standards with common branding. Ms. York also discussed the results of the Austin Avenue Corridor Study and provided a conceptual design from that study.

Accomplishments for the department include the following:

- Predevelopment meeting – process and interdepartmental collaboration
- Preston Harbor Planned Development Document
- Awarded USDOT Safe Streets for all grant with Public Works.

Priority needs for FY24-25 for Planning include the following:

- Staffing – current staffing is no longer sustainable
 - 2023 – received 94 development apps
 - 2024 – to date received 98; 7 Planned Developments with two additional Planned Developments being presented to City Council on July 1st.
 - 476 building permits have been reviewed or approved by staff
- Additional needs
 - Zoning ordinance rewrite, comprehensive plan kick-off (grant applied for) – match secured in FY2023
 - Austin Avenue/Eisenhower Parkway beautification efforts – conceptual design complete; explore funding

Building & Permitting

Kirk Kern, Building Official, discussed the Building & Permitting Department, beginning with comparative numbers for permits issued, inspections, certificates of occupancy and finalized housing units. As of May 31, 2024, the numbers for FY2024 are as follows:

- Permits Issued – 1,401 (FY2022 – 1,489; FY2023 – 1,228)
- Inspections – 9,374 (FY2022 – 8,695; FY2023 -6,991)
- Certificates of Occupancy – 46 (FY2022 – 58; FY2023 – 45)
- Finalized Housing Units – 140 (FY2022 – 369; FY2023 – 171)

Accomplishments for the department are as follows:

- Process of building a new software system
 - Moving from MyGov to MGO (My Government Online)
 - Sept. 1st – Internal live date for training and testing
 - Oct. 1st – Live to Public
 - Will hold Builder’s Meeting in late Sept.
- 1 Building Inspector obtained state plumbing license
- Simplified the Certificate of Occupancy and Residential permitting submittal process with input from builders and contractors

As far as priority needs for FY24-25, Mr. Kern provided the following:

- Staffing
 - Building inspector (rise in inspection: to date = 10,295 inspections)
- Plan reviewer: to date = 2,062 plans reviewed
- Permit Technician: to date = 1,504 permit applications received

Other departmental needs include an increase in training dollars. The cost to train one inspector is \$3,886 and to keep one inspector up to date on their licensing is \$869 per year.

Neighborhood Services – Code Compliance

Robert Lay, Neighborhood Services Manager, provided a recap of work to date in the Code Compliance Department. In FY2024 Code Officers have resolved 15 minimum

property standard (MPS) cases. An additional 141 MPS cases are active. The Property Maintenance Assistance Program and Community Development Block Grant Emergency Repair Funding are close to being expended with no additional applications being accepted. Twenty (20) completed applications for assistance have been received so far year to date. We were able to assist 11 residents with plumbing, roofing, foundation, siding and exterior painting projects. Additional projects are currently out for estimates. The average cost of a project is \$7,595.00. There is significant need for more dollars in these programs.

Accomplishments for the department so far this year include the following:

- The Big Event – 300+ volunteers, 50 locations of residents and non-profits receiving assistance. Work included painting, trimming, debris removal, yard care, repairs to fences, window washing, etc. Next year's date has already been set for March 22, 2025.
- Renovation of East Coast Apartments at 2824 W. Crawford Street
- Renovation of Circle Apartments at 1527 S. Austin Avenue
- Demolition of former mattress factory at 1027 W. Owings Street.

Compliance at these properties make our residents safer and neighborhoods better places to live.

Priority needs for FY24-25 includes support for:

- Increase in training dollars
- Blighted property survey
- Multi-Family and Single-Family Rental Inspection Program
- Program Development: Keep Denison Beautiful and potential Community Garden in partnership with St. Luke's.

Employee Services: Team Denison

Amy Lay, Employee Services Director, provided a breakdown on who is team Denison as follows:

- 38 Divisions
- 15 Locations
- 329 Full Time Employees
- 85 Part Time Employees
- Average age: 38
- Average years of Service: 5
- Male: 70%; Female: 30%
- 45% of staff live in Denison (7% are Oklahomans)

Ms. Lay also provided a breakdown of the areas of work of Team Denison (30% General Gov't, 33% Public Works; 37% Public Safety) and the four generations of employees that make up Team Denison (Millennials, Gen X, Boomers and Gen Z).

The unemployment rate for the Sherman/Denison Metropolitan Area is at 3.35%. This rate represents the number of unemployed people as a percentage of the labor force.

The living wage for Grayson County was provided based on household (1 adult with or without kids, 2 adults (1 working) with and without kids and 2 adults (both working) with and without kids. The overall average hourly wage rate for individuals to meet their basic needs (1 adult/0 children) is \$19.45 in Grayson County (a 26.8% increase from last year), which is below the state level. Ms. Lay also provided information regarding wages and benefits between the private sector and government sector. In FY24, the City Council gave market adjustments as well as a cost-of-living adjustment in the amount of 5%. Market adjustments on average were 20% for Police, 11.7% for Fire and 13% for Non-Civil Service. As far as competing for talent with compensation, before we can consider a Cost-of-Living Adjustment (COLA) we must adjust pay rates to the market standard. Based on our most recent salary survey, of those City of Denison employees who are behind market, the average amount is 8.4%. We took this same approach last year and increasing pay had a great impact on entry level vacancies, especially in Public Works. Ms. Lay provided a current list of vacancies as well as budget requests for additional personnel for the FY25 budget, which were more than 60 requests for additional personnel.

Retention and Recruitment – Benefits

Employee Benefit Congress has been reassembled and has made the following recommendations:

- Increase Employer health contribution (currently the average public sector pays \$967.08/month – City of Denison pays \$542.25/month)
- Increase vacation leave accruals
- Consider compressed work week

To provide a better health plan, we must decrease our loss ratio by eliminating costly claims or increasing premiums. Ms. Lay provided information over the previous two years as to the loss ratio along with medical, prescription and premium costs. Ms. Lay also provided comparative vacation accruals, which shows the City of Denison well behind the average accrual rate. The recommendation for FY2025 is as follows:

- At Hire – 96 hours (12 days)
- 2 Years – 112 hours (14 days)
- 5 Years – 128 hours (16 days)
- 10 Years – 144 hours (18 days)
- 15 Years – 160 hours (20 days)
- 20 Years – 176 hours (22 days)
- Current annual carryover and payouts would not change

Benefit trends in creating work life balance are important. Several cities are offering alternative work weeks including 4 or 4.5 days. Ms. Lay also discussed the 48/96 work schedule that Fire has moved to and how successful it has been.

Public Works

Waterloo Pool Renovations

Ronnie Bates, Director of Public Works, went over the extensive work needed at Waterloo Pool and provided pictures of some of the issues. Mr. Bates also went over the recent Phase 2 of the Facilities Study and the recommendations related to that study.

CIP and Engineering: Building Denison

Fanchon Stearns, CIP/Engineering Manager, went over several processes including the preliminary plat approval process from submittal to the approval letter and Planning and Zoning Commission and City Council actions, residential development process and non-residential development process. Ms. Stearns also discussed work on future ordinances including a land disturbance permit for grease traps downtown, liquid waste transport, civil plan approval timeline and batch plant guidance.

Ms. Stearns discussed the process of master planning (inventory, rate, plan), implementation (fund, construct, manage) and asset management (maintain, track, replace) and the use of planning software to assist with this process. Ms. Stearns also provided details on the Perrin Estates Utility Improvements as well as the two types of repair methods for pipes.

Operations & Maintenance: Public Works Working

Ervin Pariera, Assistant Director of Public Works, outlined the positive changes in FY2024:

- Resources – Staffing
 - Impact of Compensation Adjustments
 - Fewer vacancies across the board
 - Shorter recruitment timelines
 - Better qualified candidates
 - Improved morale and optimism
- Resources – Equipment
 - Modernization and additions to feet
 - Passenger vehicle fleet average age reduced to <5 years
 - Heavy equipment additions including asphalt maintenance equipment, dump trucks, skid steers, backhoe, solid waste trucks, etc.
- Resources – Funding
 - CIP Project Funding improves existing infrastructure
 - Main and Chandler water line project
 - Waterloo Utility replacement project
 - Duck Creek Interceptor Project

Mr. Pariera also discussed the needs for FY2025 as follows:

- Resources – Staffing
 - Expanding current workforce

- Additional headcount needed in multiple divisions
- Additions will offset additional workload from growth
- Increase in-house project work to offset contract labor expenses. Taps, pipeline, maintenance, etc.
- Resources – Equipment
 - Specialized equipment and backup vehicles
 - Specialized equipment will increase efficiencies and reduce costs
 - Backup vehicles will allow for taking vehicles out of service for preventative maintenance to extend vehicle lifespan and prepare for growth
- Resources – Funding
 - Line-item increases
 - Current budget line items don't sustain 12 months of maintenance and repair activities.
 - Requesting increases in funding for line-items that support critical services, such as street maintenance, utility maintenance, and water/wastewater treatment

Next, Mr. Pariera provided a project update on the pavement condition assessment. Data collection occurred in March of this year and concluded in early April. IMS is currently reviewing data and developing the report. The estimated date for completion of the project is September of 2024. The report will provide a condition assessment rating of all roadway surfaces. It will also provide a GIS data layer with various roadway infrastructure inventory including storm inlets, fire hydrants, manhole covers, curb and gutter, sidewalk, etc. There will be an in-person presentation of the project results along with a five-year plan to the City Council once the report is completed.

Mr. Pariera discussed preparing for growth which included the following:

- Solving Issues w/Existing Infrastructure
 - Growth will rely on existing infrastructure that is aging and in need of repair and capacity upgrades
 - Paw Paw Wastewater Treatment Plant
 - Dean Rylant Water Treatment Plant
 - Duck Creek Sewer Lift Station
 - Iron Ore Sewer Lift Station
 - Collections and Distribution Pipelines
 - Roadways and Right of Way
- Staff Up Appropriately
 - Timely additions to staff headcount in key divisions
 - Largest investment with the greatest return
 - Staff require resources
 - Materials funding levels that are relative to work output capacity
 - Equipment that increases efficiencies and reduces recurring cost

Denison Police Department: Serving, Protecting and Growth

Mike Gudgel, Police Chief, discussed the need for additional positions which includes 4 Police Officer positions, 1 Public Safety Specialist (this is a new civilian position that would be responsible for the duties of crime analyst, quartermaster and administrative tasks throughout the department), and 2 Communications Specialist Positions. Chief Gudgel also discussed the need for additional fleet. As the police department continues to grow, it is crucial that their fleet expands accordingly to maintain and enhance service levels. By planning strategically for fleet expansion, they can manage costs effectively while meeting the needs of our growing city. 6 replacement vehicles and 2 new added vehicles are needed.

Chief Gudgel explained the need for weapons upgrades. Transitioning to the Glock 45 with a red dot sight represents a significant upgrade in the department's capabilities, ensuring that our officers are equipped with the latest and most effective tools. This investment will ultimately lead to increased safety for both officers and the community, as it enables faster and more accurate responses to threats with less collateral damage. Chief Gudgel introduced the idea of motor units and explained the benefits of a motor unit as follows:

- Enhanced mobility and accessibility
- Improved response times
- Traffic enforcement
- Community engagement
- Versatility and flexibility
- Public safety and crime deterrence

As far as budget needs, budget increase in various areas such as professional fees, memberships and subscriptions, training and travel, community outreach, and recruiting are essential for ensuring the Denison Police Department can effectively and efficiently serve its community and remain the premier police agency in the region. For the Denison Police Department to continue providing high quality service, it is crucial to secure budget increases in these areas. Investing in professional development, community engagement, and effective recruitment will not only enhance the department's capabilities, but also ensure the safety and well-being of the Denison community.

Denison Fire Rescue: **Fast Forward**

Kenneth Jacks, Fire Chief, began by presenting Denison Fire Rescue's commitment and mission statement which is to demonstrate honor, integrity and servant leadership in all that we do. We will treat citizens and visitors as family. We are committed to providing customer service that exceeds expectations. They will do what is right, what they say they are going to do and be accountable. Chief Jacks provided an update on staffing. There are 62 authorized positions within the Fire Department. Optimal shift is 1 Battalion Chief, 3 Captains, 3 Engineers and 11 Firefighters. Minimum staffing is 1 Battalion Chief, 3 Captains, 3 Engineers and 8 Firefighters. Chief Jacks stated there currently are no vacancies and they have 1 enrolled in fire school and 4 enrolled in paramedic school.

Recent accomplishments for the Fire Department include the following:

- Received ISO 1 rating in January 2023
- 13 Firefighters successfully completed paramedic school
- Began first annual Citizen's Fire Academy
- 6 promotions in the last year

Chief Jacks discussed the need for future stations and their locations. We anticipate a minimum of 7,500 new homes, resort hotel and commercial growth in the next few years. We must now start designing our fourth fire station and relocate Station 2 to accommodate the upcoming city growth and ISO deficiencies.

Station 4 – Preston Harbor

- Design process will take 6 months
- The building process will take 12-18 months

Station 2 – need to move station 2 to Highway 91 and 75

- Better location
- Will be the backup station for Preston Harbor
- Possibly sell our current station 2 and the land or repurpose it for City use
- Addresses ISO deficiencies

Station 4 will need 21 new firefighters to accommodate a Quint and Ambulance. Chief Jacks then went over the options for staffing station 4 which options range in cost from \$1,859,025 to \$1,668,744. They have requested 7 new firefighter positions for FY2025 budget to start the hiring process. Chief Jacks mentioned they have also applied for the Safer Grant back in April and should know the outcome toward the end of the year. If awarded the Safer Grant, they would save \$2,375,702. Station 4 will also require apparatus, which can take up to 3 years to receive. Thus, they have ordered accordingly. All apparatus should be delivered in 2026 and consists of the following:

- 100-foot Quint Custom Cab (\$2,150,000)
- Frazer Ambulance (\$423,633)
- Skeeter Brush Truck (\$282,147)

Chief Jacks reported they have requested several certification pay increases for FY2025. Increasing certification pay is an excellent recruitment and retention tool. They have also requested paramedic pay increase, Fire Marshal pay increase, box pay and FTO pay.

Finally, Chief Jacks discussed the need for a rebuild of Station 1 and provided two options as follows:

Option 1:

- Build a new Station 1/Administration
- Cost will be approx.. \$14 million
- Outdated facility – Built in 1975 (49 years)

- Maintenance costs are steadily increasing
- Not female friendly
 - Open bedrooms
 - Only 1 locker room (shower privacy)
- Difficulty of possibly finding a new location

Option 2:

- Complete remodel of inside is necessary
- Station 1 will be fire station only
 - Large area for modern rebuild
- Do a total remodel of Station 1 – cost will be approx. \$6 million

There were no further presentations.

No action taken. Information only.

There being no further business to come before the Council, the meeting was adjourned at 1:12 p.m.

ROBERT CRAWLEY, Mayor

ATTEST:

Christine Wallentine, City Clerk



**CITY OF DENISON
CITY COUNCIL MEETING
MINUTES**

Monday, July 15, 2024

Announce the presence of a quorum.

Mayor Robert Crawley called the meeting to order at 6:00 p.m. Council Members present were Michael Courtright, James Thorne, Joshua Massey, and Aaron Thomas. Mayor Pro Tem Adams and Council Member Redwine were absent. Staff present were Assistant City Manager, Renee Waggoner, Assistant City Attorney, Heather Shankle, City Clerk, Christine Wallentine, and Deputy City Clerk, Karen Avery. Interim City Manager, Bobby Atteberry, and City Attorney, Julie Fort, were absent. Department Directors were also present.

1. INVOCATION, PLEDGE OF ALLEGIANCE AND TEXAS PLEDGE

Corey Battle, Pastor of Great Commission Baptist Church gave the invocation which was followed by the Pledge of Allegiance and Texas Pledge led by members of the Denison 6U All Stars.

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 Regular City Council Meeting held on July 1, 2024.
- B. Receive a report, hold a discussion and take action on an agreement with Garver to provide As-Needed Construction Inspection Services for the City of Denison's CIP projects in the amount of \$150,000, Contract No. 2024-0089) and authorize the Interim City Manager to execute all related documents.
- C. Receive a report, hold a discussion, and take action on approval of a streets overlay services purchase proposal in the amount of \$371,336.00 from Area Wide Paving, LLC and authorize the Interim City Manager to execute any associated documents.
- D. Receive a report, hold a discussion, and take action on a Written Services Agreement to allow services for a Voluntary Annexation Petition for property containing

approximately 2.8 acres, legally described Lots 1, 2, and 3, Block A, ROS Estates, Grayson County, Texas; being further identified as GCAD Property ID Nos. 449977, 449978, and 449979; and being generally known as 4836 Theresa Drive, 4858 Theresa Drive, and 4890 Theresa Drive to allow for residential uses.

- E. Receive a report, hold a discussion and take action on a Revocable License Agreement between the City of Denison and 3Nineteen, LLC, for use of a portion of certain land behind City Hall at 300 W. Main Street, which is adjacent to certain property owned by 3Nineteen, LLC, to allow for restaurant seating and food and alcohol sales, and authorize the Interim City Manager to execute the same.
- F. Receive a report, hold a discussion and take action on an Ordinance amending Chapter 25, "Traffic", Article I, "In General", to amend Section 25-1, "Definitions", Section 25-19, "Truck Routes" and Section 25-20 "Trucks, Etc. Restricted to Portion of U.S. Highway 75 Designated for Thru-Traffic" and to add Section 25.22, "Affirmative Defenses" to the City of Denison Code of Ordinances.

Council Action

On motion by Council Member Courtright, seconded by Council Member Thorne, the City Council unanimously approved Ordinance No. 5356, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DENISON, TEXAS, AMENDING CHAPTER 25, "TRAFFIC", ARTICLE I "IN GENERAL", TO AMEND SECTION 25-1 "DEFINITIONS", SECTION 25-19, "TRUCK ROUTES" AND SECTION 25-20 "TRUCKS, ETC., RESTRICTED TO PORTION OF U.S. HIGHWAY 75 DESIGNATED FOR THRU-TRAFFIC" AND TO ADD SECTION 25.22 "AFFIRMATIVE DEFENSES" TO THE CITY OF DENISON CODE OF ORDINANCES; PROVIDING FOR A MAXIMUM PENALTY OF \$500 FOR EACH OFFENSE; PROVIDING SEVERABILITY, REPEALER AND SAVINGS CLAUSES; 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"; and the rest of the Consent Agenda as presented.

4. PUBLIC HEARINGS

- A. Receive a report, hold a discussion, conduct a public hearing, and take action on an Ordinance annexing tract of land legally described as Lots 1, 2, and 3, Block A, ROS Estates, Grayson County, Texas; being further identified as Grayson County Appraisal District Property ID Nos. 449977, 449978, and 449979; and being generally known as 4836 Theresa Drive, 4858 Theresa Drive, and 4890 Theresa Drive to allow for residential use. (Case No. 2024-046A)

Council Action

Dianne York, Planner, introduced this agenda item and stated that the applicant is seeking to voluntarily annex the properties located at 4836, 4858 and 4890 Therasas Drive in order to connect to City utilities. The subject property consists of approximately 2.8

acres. The applicant has constructed three single family residential structures on the property. In addition to submitting a voluntary annexation petition, the applicant has also submitted a zoning application requesting initial zoning of Single Family 7.5. The zoning request is a companion item to the voluntary annexation. Staff recommends approval of the request.

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 Courtright, the City Council unanimously approved Ordinance No. 5357, “AN ORDINANCE OF THE CITY OF DENISON, TEXAS, ADOPTING THE ANNEXATION OF CERTAIN TERRITORY LOCATED IN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF DENISON, TEXAS, TO WIT: BEING A TRACT OF LAND LEGALLY DESCRIBED AS LOTS 1, 2 AND 3, BLOCK A, ROS ESTATES, GRAYSON COUNTY, TEXAS; BEING FURTHER IDENTIFIED AS GRAYSON COUNTY APPRAISAL DISTRICT PROPERTY ID NOS. 449977, 449978, AND 449979; BEING MORE PARTICULARLY DESCRIBED AND GRAPHICALLY DEPICTED IN EXHIBIT “A”, PROVIDING FOR INCORPORATION OF PREMISES, AMENDING OF THE OFFICIAL CITY MAP, AND ACKNOWLEDGING A SERVICE PLAN; REQUIRING THE FILING OF THIS ORDINANCE WITH THE COUNTY CLERK; PRESCRIBING FOR EFFECT ON TERRITORY, GRANTING AS APPROPRIATE TO ALL THE INHABITANTS OF SAID PROPERTY ALL THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID INHABITANTS BY ALL OF THE ACTS, ORDINANCES, RESOLUTIONS, AND REGULATIONS OF THE CITY OF DENISON, TEXAS; PROVIDING CUMULATIVE REPEALING, SEVERABILITY AND SAVINGS CLAUSES; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; AND PROVIDING AN EFFECTIVE DATE.”

- B. Receive a report, hold a discussion, conduct a public hearing, and take action on an Ordinance initially zoning a tract of land legally described as Lots 1, 2, and 3, Block A, ROS Estates, Grayson County, Texas; being further identified as Grayson County Appraisal District, Property ID Nos. 449977, 449978, and 449979; and being generally known as 4836 Theresa Drive, 4858 Theresa Drive and 44890 Theresa Dive to a Single-Family (SF-7.5) District, to allow for residential use. (Case No. 2024-047Z).

Council Action

Dianne York, Planner, reported now that the property has been annexed, it needs to be zoned. As previously mentioned, the applicant has requested the initial zoning of Single Family 7.5 residential. The applicant has constructed three single family homes on the subject property. The homes do comply with the development standards listed within the Single Family 7.5 for parking and square footage requirements. Additionally, the lots meet all the requirements for lot size dimension and width. This request does comply

with the Comprehensive Plan as the Future Land Use Plan does designate this area to be developed in a single-family manner. The Planning and Zoning Commission recommended approval of this request at their meeting held on July 9, 2024, and staff also recommends approval.

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 Thorne, the City Council unanimously approved Ordinance No. 5358, “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 OF DENISON, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY BY ESTABLISHING THE INITIAL ZONING CLASSIFICATION OF SINGLE-FAMILY (SF-7.5) DISTRICT, BEING LEGALLY DESCRIBED AS LOTS 1, 2 AND 3, BLOCK A, ROS ESTATES, GRAYSON COUNTY, TEXAS; BEING FURTHER IDENTIFIED AS GRAYSON COUNTY APPRAISAL DISTRICT PROPERTY ID NOS. 449977, 449978, AND 449979; AND MORE COMMONLY KNOWN AS 4836 THERESA DRIVE, 4858 THERESA DRIVE AND 4890 THERESA DRIVE, CITY OF DENISON, GRAYSON COUNTY, TEXAS; PROVIDING THAT THE OFFICIAL ZONING MAP OF THE CITY SHALL REFLECT THE SINGLE-FAMILY (SF-7.5) DISTRICT; PROVIDING THAT THE PROPERTY SHALL BE USED IN ACCORDANCE WITH THE REQUIREMENTS OF THE COMPREHENSIVE ZONING ORDINANCE AND ALL OTHER APPLICABLE ORDINANCES OF THE CITY; PROVIDING REPEALING, SEVERABILITY, AND SAVINGS CLAUSES; PROVIDING A PENALTY; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS ADOPTED SHALL BE OPEN TO THE PUBLIC AS REQUIRED BY LAW.”

- C. Receive a report, hold a discussion, conduct a public hearing, and take action on an Ordinance to rezone approximately 1.693 acres legally described as being part of the Ramon Rubio Survey, being Lot 2R, Block A, Replat of a part of Blocks 1 and 4 and a portion of those abandoned alleys and street lying within said blocks of North Side Addition, Abstract No. 996 an addition to the City of Denison, Grayson County, Texas as per plat of record in Doc. No. 2021-189; GCAD Property ID No. 438877, from the Commercial (C) District to the Single-Family (SF-5) Residential District to allow for residential use. (Case No. 2024-048Z).

Dianne York, Planner, reported the applicant is requesting a rezone of the subject property located along N. Lamar Avenue and E. Washington Street, east of Austin Avenue from the Commercial Zoning District to the Single-Family 5 Zoning District. Ms. York then provided a map showing the aerial view of the zoning for the subject

property and surrounding lots. On June 6, 2022, the City Council approved a rezone of the property now known as Lots 1 – 6, Block A, Century Ridge Addition, Phase I. Approval of this rezoning request will provide consistent zoning for the lots at the corner of E. Washington Street and N. Lamar Avenue. Additionally, the applicant submitted a replat and the proposed plat of the subject property was conditionally approved by the Planning and Zoning Commission at their meeting held on July 9, 2024, pending zoning and civil plans. Approval of this zoning request will allow the applicant to move forward with submitting these civil plans and ultimately allowing for residential development. There are significant infrastructure needs in this area – water, sewer and roadway improvements. Before staff can file the replat, they will need to make sure the infrastructure is accepted by the City. This request does comply with the Future Land Use Plan as the area is designated as Neighborhood and single family complies with this designation. The Planning and Zoning Commission recommended approval of the request at their meeting held on July 9, 2024. Staff also recommends approval.

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

Name: Ken Hughlett

Address: 177 Timberbrook Circle
Denison, TX

Mr. Hughlett stated they are just going through and crossing all the T's and dotting all the I's to complete this project and move on with the civil plans portion.

There were no questions from the Council for the applicant.

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

On motion by Council Member Massey, seconded by Council Member Courtright, the City Council unanimously approved Ordinance No. 5359, "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 THE REMAINDER OF LOT 2R, BLOCK A, OF NORTH SIDE ADDITION TO THE CITY OF DENISON, GRAYSON COUNTY, TEXAS, AND MORE PARTICULARLY DESCRIBED AND DEPICTED IN EXHIBIT "A", FROM ITS ZONING CLASSIFICATION OF COMMERCIAL (C) DISTRICT TO SINGLE FAMILY-5 (SF-5) DISTRICT; PROVIDING THAT SUCH TRACT OF LAND SHALL BE USED IN ACCORDANCE WITH THE REQUIREMENTS OF THE COMPREHENSIVE ZONING ORDINANCE

AND ALL OTHER APPLICABLE ORDINANCES OF THE CITY; PROVIDING THAT THE ZONING MAP SHALL REFLECT THE SINGLE FAMILY-5 (SF-5) DISTRICT FOR THE PROPERTY; PROVIDING A PENALTY; PROVIDING REPEALING, SEVERABILITY, AND SAVINGS CLAUSES; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.”

- D. Receive a report, hold a discussion, conduct a public hearing, and take action on an Ordinance to rezone a tract being approximately .2066 of an acre legally described as Lot 1, Block 1, of the H Tones First, an addition to the City of Denison, Grayson County, Texas, as shown by plat of record in Volume 67, Page 75, Deed Records, Grayson County, Texas; being commonly known as 129 E. Johnson Street, GCAD Property ID No. 142394, from the Commercial (C) District to the Single-Family, (SF-5) Residential District to allow for residential use. (Case No. 2024-056Z)

Council Action

Dianne York, Planner, said the applicant is requesting a zoning change for the property located at 129 E. Johnson Street from the Commercial District to the Single Family5 Residential District. Ms. York provided an aerial map of the subject property showing N. Houston to the west. The applicant wishes to develop the property in a residential manner. There are single family homes adjacent to the subject property to the west and also to the south. The Future Land Use Plan designates this area as neighborhood, which SF-5 does comply with this designation. The proposed lot does meet the lot depth, width and square footage requirements listed within the SF-5 Zoning District. Staff recommends approval and the Planning and Zoning Commission recommended approval at their meeting held on July 9, 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, Mayor Crawley closed the public hearing.

Council Member Massey asked Ms. York if the subject property complied with Single Family 7.5 zoning, to which Ms. York replied, it did not.

There were no further questions or discussion from Council.

On motion by Council Member Massey, seconded by Council Member Courtright, the City Council unanimously approved Ordinance No. 5360, “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 0.2066 ACRE TRACT OF LAND LEGALLY DESCRIBED AS LOT 1, BLOCK 1, H TONES FIRST ADDITION OF DENISON, GRAYSON COUNTY, TEXAS, ACCORDING TO PLAT RECORDED IN VOLUME 67, PAGE 75, DEED RECORDS OF GRAYSON COUNTY, TEXAS, COMMONLY REFERRED TO AS

129 E JOHNSON ST, DENISON, TX, AND MORE PARTICULARLY DESCRIBED AND DEPICTED IN EXHIBIT “A”, FROM ITS ZONING CLASSIFICATION OF COMMERCIAL (C) DISTRICT TO SINGLE FAMILY-5 (SF-5) DISTRICT; PROVIDING THAT SUCH TRACT OF LAND SHALL BE USED IN ACCORDANCE WITH THE REQUIREMENTS OF THE COMPREHENSIVE ZONING ORDINANCE AND ALL OTHER APPLICABLE ORDINANCES OF THE CITY; PROVIDING THAT THE ZONING MAP SHALL REFLECT THE SINGLE FAMILY-5 (SF-5) DISTRICT FOR THE PROPERTY; PROVIDING A PENALTY; PROVIDING REPEALING, SEVERABILITY, AND SAVINGS CLAUSES; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.”

- E. Receive a report, hold a discussion, conduct a public hearing, and take action on an Ordinance to amend Section 28.46.- HO – Highway Oriented and Corridor District. (Case No. 2024-060ZO)

Council Action

Dianne York, Planner, stated this item is a City initiated request. City Staff is requesting to amend the “Authorized Uses” listed under Section 28.46.2 of the Highway Oriented and Corridor Overlay District in order to remove language pertaining to the Use Regulation Chart that is no longer applicable and to allow for the use of Warehouse (mini)/self-storage with an approved Conditional Use Permit. Back in 2021, the Use Regulation Chart was amended by a previous Director. Prior to the amendment, all of the uses were categorized by use and when the amendment was made it was read alphabetically and the subsections no longer listed within the ordinance. Within the past year, we’ve had a planned development come through for a single use for storage units and this is not good zoning to do a planned development for a single use. So, by amending the language to allow for the conditional use permit, this will take away a planned development for a single use. The Planning and Zoning Commission recommended approval at their meeting held on July 9, 2024, and staff also recommends approval.

There was no discussion or questions from Council.

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

On motion by Council Member Massey, seconded by Council Member Courtright, the City Council unanimously approved Ordinance No. 5361, “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, BEING THE COMPREHENSIVE ZONING ORDINANCE, AMENDING ARTICLE III ZONING DISTRICTS, SECTION 28.46. HO – HIGHWAY ORIENTED AND CORRIDOR DISTRICT, 28.46.2. AUTHORIZED USES, SUBSECTION (B) PROHIBITED USES AND CREATING SUBSECTION (C) ALLOWED USES WITH AN APPROVED

CONDITONAL USE PERMIT (CUP) PROVIDING A PENALTY; PROVIDING SAVINGS, REPEALING AND SEVERABILITY CLAUSES; PROVING FOR PUBLICATION; PROVIDING FOR AN EFFECTIVE DATE; AND FINDING AND DETERMINING THE MEETING AT WHICH THIS ORDINANCE IS ADOPTED TO BE OPEN TO THE PUBLIC AS REQUIRED BY LAW.”

- F. Receive a report, hold a discussion, conduct a public hearing, and take action on an Ordinance for a Conditional Use Permit (CUP), for property zoned Local Retail (LR) and within the Austin Avenue Overlay (AO) District, to allow for the use of Bar, for SLUSH Premium Daiquiris located on property consisting of ±.1481 acres, Lot 1, Block 38, out of the OTP Denison Survey, 150 X 43 (C), 6,450 SQ FT., GCAD Property ID No. 143046, commonly known as 221 North Austin Avenue. (Case No. 2024-062CUP)

Council Action

Dianne York, Planner, reported this request is for a Conditional Use Permit. The applicant is requesting a CUP for a bar for the property located at 221 N. Austin Avenue. The property is located at the corner of W. Gandy and N. Austin Avenue. Ms. York provided an aerial map of the subject property. The property is zoned Local Retail and falls within the Austin Avenue Overlay District. The applicant intends to sell alcoholic and non-alcoholic frozen drinks for both on and off premise consumption for Slush Premium Daquiris. Seating will be provided at the business and will also have a drive thru entering off of Gandy and exiting into the alley. This is a conditional use permit that was previously approved by the City Council at their meeting held on July 11, 2022, and the CUP has expired due to a clause in the CUP that required a certificate of occupancy be requested within 180 days of the approval of the CUP. Staff is now bringing this before Council for approval once again. This request does comply with the Comprehensive Plan. The subject property is located in the downtown center which should be engaged in mixed use activities with retail, restaurants, entertainment, offices and some medium density residential. With the exception of expanded hours, this CUP is the same as the one previously approved. Staff recommends approval of the request. The Planning and Zoning Commission recommended approval of this request at their meeting held on July 9, 2024.

Council Member Thomas asked if there was an expected completion date. Ms. York responded the applicant can answer this better, but she said the date of August 8 was mentioned as the target opening date.

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

Name: Heather LaRosa

Address: 2018 Norwood Street
Sherman, TX

Ms. LaRosa stated she and her sister plan to open Slush. The only thing left is to have the parking lot striped. They are looking at doing a soft opening with friends and family the first week of August and then opening the next week. They are anxious to get it open as it's been a long road.

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

There was no further discussion or questions from Council.

On motion by Council Member Thomas, seconded by Council Member Massey, the City Council unanimously approved Ordinance No. 5362, "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 IN THE LOCAL RETAIL DISTRICT WITHIN THE COMMERCIAL HISTORIC OVERLAY AND AUSTIN AVENUE OVERLAY ON THE PROPERTY DESCRIBED IN EXHIBIT A, BEING APPROXIMATELY 0.4683 ACRES, AND BEING LEGALLY DESCRIBED AS LOT 1 AND LOT 2, BLOCK 38, ORIGINAL TOWN PLAT, DENISON, GRAYSON COUNTY, TEXAS, AND COMMONLY KNOWN AS 221 N AUSTIN AVENUE, CITY OF DENISON, GRAYSON COUNTY, TEXAS; PROVIDING A PENALTY CLAUSE; PROVIDING REPEALER, SEVERABILITY AND SAVINGS CLAUSES; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE."

Prior to announcing Item G below, Council Member Massey advised of a potential conflict of interest with the agenda item and recused himself from the dais at 6:21 p.m.

- G. Receive a report, hold a discussion, conduct a public hearing, and take action on an Ordinance for a Conditional Use Permit (CUP), for property zoned Central Area (CA) and within the Commercial Historic Overlay (CH) District to allow for the use of Bar, for Copacetic Cowboy located on property consisting of Lots 17, 18, and 19 of the Original Town Plat of Denison, Texas, GCAD Property ID No. 143144, being commonly known as 120 S. Burnett Avenue (Case No. 2024-064CUP)

Council Action

Dianne York, Planner, introduced this agenda item. This is a request for a Conditional Use Permit for the use of a bar for Copacetic Cowboy, previously approved as Champagne Charlie's, for property located at 120 S. Burnett. Copacetic Cowboy is a new cocktail house that will occupy the suites of 101 and 102 of 120 S. Burnett. The applicant wishes to establish a stylish and comfortable atmosphere with an approachable food and beverage menu by providing a variety of specialty crafted cocktails, beers and wines, as well as a limited bar menu. The applicant has provided their business model

as well as a floor plan, and both are consistent with the use of bar. The property is currently zoned Central Area. Within the use regulations chart designates a bar requiring a conditional use permit within the zoning district. This was a previously approved conditional use permit. It was approved by the City Council at their meeting held on April 4, 2022. The change of the name as well as the similar issue of not having a certificate of occupancy within 180 days of approval of the conditional use permit has prompted that we have to bring this conditional use permit back before the Council for approval. The request complies with the Comprehensive Plan. The Planning and Zoning Commission recommended approval of this request at their meeting held on July 9, 2024. Staff also recommends approval.

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

Name: Cody Riggs

Address: 1021 W. Bond Street
Denison, TX

Mr. Riggs stated he was the owner of Copacetic Cowboy. Due to trademark issues, they changed the name and also due to some contractor issues it took them a little bit longer to get ready, but they are ready to open. Upon approval of the CUP, they can apply for their final certificate of occupancy.

There was no discussion or questions from the Council.

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

On motion by Council Member Thomas, seconded by Council Member Courtright, the City Council approved Ordinance No. 5363, "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 IN THE CENTRAL DISTRICT (CA) WITHIN THE HISTORICAL OVERLAY DISTRICT BEING LEGALLY DESCRIBED AS LOT 17, LOT 18 AND LOT 19, BLOCK 51 OF THE ORIGINAL TOWN PLAT, DENISON, GRAYSON COUNTY, TEXAS, AND MORE COMMONLY KNOWN AS 120 S. BURNETT STREET, CITY OF DENISON, GRAYSON COUNTY, TEXAS; PROVIDING A PENALTY CLAUSE; PROVIDING REPEALER, SEVERABILITY AND SAVINGS CLAUSES; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE."

Council Member Massey returned to the dais at 6:24 p.m.

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There being no further business to come before the Council, the meeting was adjourned at 6:24 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 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.

Staff Contact

Mike Gudgel

mgudgel@cityofdenison.com

903-465-2422, ext. 2303

Summary

- Denison Police Department desires to engage with TXDOT and enter into a Multiple Use Agreement (MUA) with TXDOT (see Attachment A) and asks Motorola/Vigilant Solutions to install and operate ALPR cameras on the TXDOT highway right-of-way.
- There would be four ALPR cameras installed at the following locations: the 3300 block of FM 120, the 2800 block of West Morton Street (FM 120), the 200 block of U.S. Highway 69, and on State Highway 75 at the Oklahoma border (See attached Exhibit A).
- The addition of the ALPR cameras will increase public safety and assist and aid the Denison Police Department in its crime prevention efforts and strategies.

Staff Recommendation

Staff recommends approval of the Resolution authorizing installation and operation of the license plate readers.

Recommended Motion

“I move to approve the Resolution authorizing the installation and operation of four license plate reader cameras within the Texas Department of Transportation right-of-way.”

Background Information and Analysis

All Denison Police Department marked patrol vehicles are equipped with Motorola in-car cameras containing Vigilant Solutions ALPR software and each are an ALPR in itself. The police department has also received three Motorola L6Q quick deploy ALPRs from a grant with the Texoma Council of Governments (TCOG) in 2023. In addition, the police department has acquired a Motorola/Vigilant ALPR camera speed trailer from Motorola through negotiations from our I.T. Department. The police department wishes to place these four additional ALPR cameras in high density vehicle traffic areas to increase their effectiveness in our crime prevention efforts and strategies. Therefore, an agreement with TXDOT for placement on their right-of-way is necessary.

Financial Considerations

All ALPR cameras have been funded by either a grant or by negotiation and no monies are owed. The only financial consideration is an annual user fee for the Vigilant software that has been and continues to be budgeted by the police department.

Prior Board or Council Action

None.

Alternatives

Council could elect not to approve the Resolution.

RESOLUTION NO. _____

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.

WHEREAS, the City of Denison, Texas (the “City”) is a Home Rule Municipality acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Texas Local Government Code; and

WHEREAS, the City Council of Denison, Texas (“City Council”) has determined that the addition of ALPR cameras will increase public safety and assist and aid the Denison Police Department in its crime prevention efforts and strategies; and

WHEREAS, City Council desires to engage with TXDOT and asked that Motorola/Vigilant be allowed to place ALPR cameras in the TXDOT right-of-way on behalf of the Denison Police Department; and

WHEREAS, the City Council desire to authorize the Interim City Manager to enter into a MOUA with TXDOT for the placement of ALPR cameras in the TXDOT right-of-way, attached hereto as Exhibit “A-1”, respectively with the Texas Department of Transportation.

WHEREAS, Transportation Code, Chapters 201 and 221, and Texas Government Code, Chapter 791, authorize the State of Texas (the “State”) to lay out, construct, maintain, and operate a system of streets, roads and highways that comprise the State Highway System and to enter into an agreement with a municipality; and

WHEREAS, TXDOT would require the City’s commitment of funds for the construction, placement, and maintenance of ALPR cameras (“Project”), which is the City of Denison has received a grant of money from the Texoma Council of Governments (TCOG) to cover the majority(if not all) of the cost related to the ALPRs; and

WHEREAS, the Denison Police Department intends to provide funds for the remainder of the Project not covered by the TCOG grant through the Denison Police Department budget; and

WHEREAS, all purchases made for the Project will be procured in compliance with the City’s Grant Procurement Policy and in accordance with State and Federal law (if applicable); and

WHEREAS, all purchases made for the Project will be managed in compliance with the City’s Grant Management Policy and in accordance with State and Federal law (if applicable); and

WHEREAS, prior to the execution of the final construction and installation plans for the Project, TXDOT will update the schematics with the City.

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

Section 1. Recitals Incorporated. The findings recited above are incorporated as if fully set forth in the body of this Resolution.

Section 2. Project Funding. This Resolution affirms the City’s support for the Project. The City of Denison Police Department intends to provide the remainder of the cost not covered by the TCOG grant for the installation and operation of ALPRs in funding for the Project. The City shall only have a binding commitment to such funding after the City enters into an agreement with TXDOT or the commission for the funding, should the Project be approved.

Section 3. Savings/Repealing. All resolutions, ordinances, or City Council actions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

Section 4. Severability. In the event any clause, phrase, provision, sentence, or part of this Resolution or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it is the intention of the City Council that the invalidity or unconstitutionality of the one or more parts shall not affect, impair, or invalidate this Resolution as a whole or any part or provision other than the part declared to be invalid or unconstitutional; and the City Council of the City of Denison, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

Section 5. Open Meetings. That it is hereby found and determined that the meeting at which this Resolution was passed was open to the public as required by law, and that public notice of the time, place, and purpose of said meeting was given. All as required by Article 5511.041, Texas Government Code.

Section 6. Effective Date. This Resolution shall take effect immediately upon its passage.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DENISON, TEXAS on this the ____ day of July 2024.

Robert Crawley, Mayor

ATTEST:

Christine Wallentine, City Clerk

MULTIPLE USE AGREEMENT

STATE OF TEXAS §

COUNTY OF GRAYSON §

THIS AGREEMENT made by the State of Texas by and between the Texas Department of Transportation, hereinafter referred to as “State”, party of the first part, and City of Denison, hereinafter called City, party of the second part, is to become effective when fully executed by both parties.

WITNESSETH

WHEREAS, on the _____ day of _____, 2024, the governing for the City, entered into Resolution, No. _____, hereinafter identified by reference, authorizing the City's participation in this agreement with the State; and

WHEREAS, the City has requested the State to permit the construction, maintenance, and operation of a public APLR System on the highway right of way, (3300 block of FM 120 [33°45'42" - 96°35'14"], 2800 block of West Morton Street (FM 120), [33°45'44" - 96°34'45"], 200 block U.S Highway 69 [33°44'22" - 96°32'0"], and State Highway 75 at the Oklahoma Border [33°49'18" - 96°32'1"], shown graphically by the preliminary conceptual site plan in Exhibit “A” and being more specifically described by metes and bounds of Exhibit “B”, which are attached and made a part hereof; and

WHEREAS, the State has indicated its willingness to approve the establishment of such facilities and other uses conditioned that the City, will enter into agreements with the State for the purpose of determining the respective responsibilities of the City, and the State with reference thereto, and conditioned that such uses are in the public interest and will not damage the highway facilities, impair safety, impede maintenance or in any way restrict the operation of the highway facility, all as determined from engineering and traffic investigations conducted by the State.

AGREEMENT

NOW, THEREFORE, in consideration of the premises and of the mutual covenants and agreements of the parties hereto to be by them respectively kept and performed as hereinafter set forth, it is agreed as follows:

1. DESIGN AND CONSTRUCTION

City will prepare or provide for the construction plans for the facility and will provide for the construction work as required by said plans at no cost to the State. Said plans shall include the design of the access control, necessary horizontal and vertical clearances for highway structures, adequate landscape treatment, adequate detail to ensure compliance with applicable structural design standards, sufficient traffic control provisions, and general layout. They shall also delineate and define the construction responsibilities of both parties hereto. Completed plans will be submitted to State for review and approval and when approved shall be attached to the agreement and made a part thereof in all respects. Construction shall not commence until plans have been approved by the State. Any future revisions or additions shall be made after prior written approval of the State. Any sidewalks, curb ramps and other pedestrian elements to be constructed, either on site or off site, by the City shall be in accordance with the requirements of Title II of the Americans With Disabilities Act (ADA) and with the Texas Accessibility Standards (TAS). Elements constructed by the City and found not to comply with ADA or TAS shall be corrected at the entire expense of the City.

2. INSPECTION

Ingress and egress shall be allowed at all times to such facility for Federal Highway Administration personnel and State Forces and equipment when highway maintenance operations are necessary, and for inspection purposes; and upon request, all parking or other activities for periods required for such operations will be prohibited.

3. PARKING REGULATIONS

Parking regulations shall be established limiting parking to single unit motor vehicles of size and capacity no greater than prescribed for 11/2-ton trucks, such vehicles to conform in size and use to governing laws. Parking shall be prohibited when a security threat, as determined by TxDOT, exists.

4. PROHIBITIONS/SIGNS

Regulations shall be established prohibiting the parking of vehicles transporting flammable or explosive loads and prohibiting use of the area in any manner for peddling, advertising, or other purposes not in keeping with the objective of a public facility. The erection of signs other than those required for proper use of the area will be prohibited. All signs shall be approved by the State prior to the actual erection.

5. RESPONSIBILITIES

Timely maintenance, repair and operation of the facility shall be entirely the responsibility of the City. Such responsibility shall not be transferred, assigned, or conveyed to a third party without the advanced written approval of the State. These responsibilities expressly include the timely maintenance and repair of any portion of the facility necessary to comply with the Americans with Disabilities Act. Further, such responsibility shall include picking up trash, mowing and otherwise keeping the facility in a clean and sanitary condition, and surveillance by police patrol to eliminate the possible creation of a nuisance or hazard to the public. Hazardous or unreasonably objectionable smoke, fumes, vapor, or odors shall not be permitted to rise above the grade line of the highway, nor shall the facility subject the highway to hazardous or unreasonably objectionable dripping, droppings or discharge of any kind, including rain or snow.

If the State determines that City has failed to comply with these responsibilities, it will perform the necessary work and charge City the actual cost of the work.

6. FEES

Any fees levied for use of the facilities in the area shall be nominal and no more than are sufficient to defray the cost of construction, maintenance and operations thereof, and shall be subject to State approval.

A. Retention Period. The City shall maintain all books, documents, papers, accounting records and other evidence pertaining to fees collected and costs (hereinafter called the Records). The City shall make the records available during the term of the Agreement and for four years from the date the Agreement is terminated, until completion of all audits, or until pending litigation has been completely

and fully resolved, whichever occurs last.

B. Audit Report. If fees are collected by the City for the use of the facility under this agreement, City will provide the State an annual audit report detailing the fees collected for the use of the facility and the costs associated with constructing, maintaining, and operating the facility within the same period. If the report shows more fees collected than expenses for the construction, operation, or maintenance of the facility the City must provide a multiple year plan detailing how the additional revenue will be used for construction, operation, or maintenance of the facility.

C. Availability. The State or any of its duly authorized representatives, the Federal Highway Administration, the United States Department of Transportation, Office of Inspector General, and the Comptroller General shall have access to the City 's records that are directly pertinent to this Agreement for the purpose of making audits and examinations.

7. TERMINATION UPON NOTICE

This provision is expressly made subject to the rights herein granted to both parties to terminate this agreement upon notice, and upon the exercise of any such right by either party, all obligations hereinto make improvements to said facility shall immediately cease and terminate and City shall be responsible for the facility's timely removal at no cost to the State. If the State determines that City has failed to timely remove the facility, it will perform the necessary work and charge City the actual cost of the work.

8. MODIFICATION/TERMINATION OF AGREEMENT

If in the sole judgment of the State it is found at any future time that traffic conditions have so changed that the existence or use of the facility is impeding maintenance, damaging the highway facility, impairing safety or that the facility is not being properly operated, that it constitutes a nuisance, is abandoned, or if for any other reason it is the State's judgment that such facility is not in the public interest, this agreement under which the facility was constructed may be: (1) modified if corrective measures acceptable to both parties can be applied to eliminate the objectionable features of the facility; or (2) terminated and the use of the area as proposed

herein discontinued.

9. PROHIBITION OF STORAGE OF FLAMMABLE MATERIALS

All structures located or constructed within the area covered by the agreement shall be fire resistant. The storage of flammable, explosive or hazardous materials is prohibited. Operations deemed to be a potential fire hazard shall be subject to regulation by the State.

10. RESTORATION OF AREA

The City shall provide written notification to the State that such facility will be discontinued for the purpose defined herein. The City shall, within thirty (30) days from the date of said notification, clear the area of all facilities that were its construction responsibility under this agreement and restore the area to a condition satisfactory to the State.

11. PREVIOUS AGREEMENTS

It is understood that this agreement in no way modifies or supersedes the terms and provisions of any existing agreements between the parties hereto.

12. INDEMNIFICATION

THE CITY WILL INDEMNIFY THE STATE AGAINST ANY AND ALL DAMAGES AND CLAIMS FOR DAMAGES, INCLUDING THOSE RESULTING FROM INJURY OR DEATH OF PERSONS OR FOR LOSS OF OR DAMAGE TO PROPERTY, ARISING OUT OF, INCIDENT TO OR IN ANY MANNER CONNECTED WITH THE CONSTRUCTION, OPERATION OR MAINTENANCE OF THE FACILITY, WHICH INDEMNIFICATION SHALL EXTEND TO AND INCLUDE ANY AND ALL COURT COSTS, ATTORNEY'S FEES AND EXPENSES RELATED TO OR CONNECTED WITH ANY CLAIMS OR SUITS FOR DAMAGES AND SHALL, IF REQUESTED IN WRITING BY THE STATE TO DO SO, ASSIST THE STATE OR RELIEVE THE STATE FROM DEFENDING ANY SUCH SUITS BROUGHT AGAINST IT. THE INDEMNIFICATION OF THE STATE SHALL EXTEND FOR A PERIOD OF TWO (2) YEARS BEYOND THE DATE OF TERMINATION OF THIS AGREEMENT.

DURING EACH YEAR WHILE THERE IS ANY LIABILITY BY REASON OF THE AGREEMENT CONTAINED IN THIS SUBSECTION OF THIS RESOLUTION, INCLUDING THE CALENDAR YEAR 2024, THE CITY SHALL COMPUTE AND ASCERTAIN THE RATE AND AMOUNT OF AD VALOREM TAX, BASED ON THE LATEST APPROVED TAX ROLLS OF SAID ENTITY, WITH FULL ALLOWANCES BEING MADE FOR TAX DELINQUENCIES AND COSTS OF TAX COLLECTION, WHICH WILL BE SUFFICIENT TO RAISE AND PRODUCE THE MONEY REQUIRED TO PAY ANY SUMS WHICH MAY BE OR BECOME DUE DURING ANY SUCH YEAR, IN NO INSTANCE TO BE LESS THAN TWO (2%) PER CENT OF SUCH OBLIGATION, TOGETHER WITH INTEREST THEREON, BECAUSE OF THE OBLIGATION HEREIN ASSUMED SAID RATE AND AMOUNT OF AD VALOREM TAX IS HEREBY ORDERED TO BE LEVIED AND IS HEREBY LEVIED AGAINST ALL TAXABLE PROPERTY IN SAID ENTITY FOR EACH YEAR WHILE ANY LIABILITY EXISTS BY REASON OF THE OBLIGATION UNDERTAKEN BY THIS SUBSECTION OF THIS RESOLUTION, AND SAID AD VALOREM TAX SHALL BE ASSESSED AND COLLECTED EACH SUCH YEAR UNTIL ALL OF THE OBLIGATIONS HEREIN INCURRED SHALL HAVE BEEN DISCHARGED AND ALL LIABILITY HEREUNDER DISCHARGED.

No party to this agreement intends to waive, relinquish, limit, or condition its general governmental immunity from liability in any way.

Each party agrees and acknowledges that it is not an agent, servant, or employee of the other party and that under this provision each party is responsible only for its own acts and for those of its agents, servants, independent contractors or employees. Such responsibility includes but is not limited to any claims or amounts arising or recovered under the "Workers Compensation Law," the Texas Tort Claims Act, Chapter 101, Texas Civil Practice and Remedies Code; or any other applicable laws or regulations, all as time to time may be amended.

Nothing in this agreement shall be construed as creating any liability in favor of any third party against the

State and the City. Additionally, this agreement shall not ever be construed as relieving any third party from any liability against the State. Furthermore, the City shall become fully subrogated to the State's rights of recovery and shall be entitled to maintain any action over and against any third party who may be liable for damages. The State agrees to execute and deliver instruments and papers and to otherwise do that which is necessary to secure such rights.

13. INSURANCE

The City, shall provide necessary safeguards to protect the public on State maintained highways including adequate insurance for payment of any damages which might result during the construction, maintenance, repair and operation of the facility. City shall include TxDOT as an additional insured by endorsement in City's commercial general liability insurance policy. Prior to beginning work on the State's right of way, the City's construction contractor shall submit to the State a completed insurance form (TxDOT Form No. 1560) or appropriate certificate of self-insurance and shall maintain the required coverage during the construction of the facility.

14. USE OF RIGHT OF WAY

It is understood that the State by execution of this agreement does not impair or relinquish the State's right to use such land for highway purposes when it is required for the construction or re-construction of the traffic facility for which it was acquired, nor shall use of the land under such agreement ever be construed as abandonment by the State of such land acquired for highway purposes, and the State does not purport to grant any interest in the land described herein but merely consents to such use to the extent its authority and title permits.

15. ADDITIONAL CONSENT REQUIRED

The State asserts only that it has sufficient title for highway purposes. The City shall be responsible for obtaining such additional consent, permits, or agreement as may be necessary due to this agreement. This includes, but is not limited to, appropriate permits and clearances for environmental, ADA and public utilities.

16. FHWA ADDITIONAL REQUIREMENTS

If the Facility is located on the Federal-Aid Highway System, "ATTACHMENT A", which states additional requirements as set forth in the Federal Highway Administration's Title 23, Code of Federal Regulations, § 710, shall be attached to and become a part of this agreement.

17. CIVIL RIGHTS ASSURANCES

The City, for itself, its personal representatives, successors and interests and assigns, as part of the consideration hereof, does hereby covenant and agree as a covenant running with the land that: (1) no persons, on the grounds of race, color, sex, age, national origin, religion or disabling condition, shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in the use of said facility; (2) that in the construction of any improvements on, over or under such land and the furnishing of services thereon, no person on the ground of race, color, sex, age, national origin, religion or disabling condition, shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination; (3) that the City shall use the premises in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-Assisted programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

That if in the event of any breach of the above non-discrimination covenants, the State shall have the right to terminate the agreement and reenter and repossess said land and the facilities thereon, and hold the same as if said agreement had never been made or issued.

18. AMENDMENTS

Any changes in the time frame, character or responsibilities of the parties hereto shall be enacted by a written amendment executed by both parties hereto.

19. LEGAL CONSTRUCTION

In case one or more of the provisions contained in this agreement shall for any reason be held invalid, illegal

or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any provision hereof and this agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained in this agreement.

20. AUDIT

The State may conduct an audit or investigation of any aspect of this agreement. The City must provide the State with access to any information the State considers relevant to the investigation or audit. The audit can include, but is not limited to, any contract for construction or maintenance of any facility or structure authorized by this agreement or any contract to provide a service to the City if that service is authorized by this agreement.

21. AUTHORITY OF STATE AUDITOR

The state auditor may conduct an audit or investigation of any entity receiving funds from the state directly under the contract or indirectly through a subcontract under the contract. Acceptance of funds directly under the contract or indirectly through a subcontract under this contract acts as acceptance of the authority of the state auditor, under the direction of the legislative audit committee, to conduct an audit or investigation in connection with those funds. An entity that is the subject of an audit or investigation must provide the state auditor with access to any information the state auditor considers relevant to the investigation or audit.

22. NOTICES

All notices required under this agreement shall be mailed or hand delivered to the following respective addresses:

STATE

(Mailing Address)

Texas Department of Transportation
Maintenance Division
125 East 11th Street
Austin, Texas 78701-2483

CITY OF DENISON

(Mailing Address)

Denison Police Department
108 West Main Street
Denison, Texas 75020

23. TIMELY PAYMENT

When required by any provision of this agreement requires a payment to be made to the State, the other party hereto shall within thirty (30) days from receipt of the State's written notification pay the State for the full cost of repairing any damages to the highway facility which may result from the other party's construction, maintenance, repair or operation of the facility.

24. WARRANTS

The signatories to this agreement warrant that each has the authority to enter into this agreement on behalf of the party represented.

List of Attached Exhibits:

Exhibit A - General Layout

Exhibit B - Metes and Bounds Description Exhibit C - Approved Construction Plans Additional Requirements)

IN WITNESS WHEREOF, the parties have hereunto affixed their signature, the City on the _____ day of _____, 2024, and the State on the _____ day of _____, 2024.

ATTACHMENT A

Inasmuch as this project is on the Federal-Aid highway system, the following additional requirements as applicable with the Federal Highway Administration's Title 23, Code of Federal Regulations, § 710.105.

1. Any significant revision in the design or construction of the facility shall receive prior approval by the Texas Department of Transportation subject to concurrency by the FHWA.
2. Any change in the authorized use of real property interest shall receive prior approval by the Texas Department of Transportation subject to concurrence by the FHWA.
3. Real property interest shall not be transferred, assigned or conveyed to another party without prior Texas Department of Transportation approval subject to concurrence by the FHWA.
4. This agreement will be revocable in the event that the real property interest facility ceases to be used or is abandoned.

CITY OF DENISON

(Name of other Party)

By: _____
(Signature)

(Printed Name)

(Title)

STATE OF TEXAS

Executed and approved for the Texas Transportation Commission for the purpose of effect of activating and/or carrying out the orders established policies or work programs heretofore approved and authorized by the Texas Transportation Commission.

By: _____
Director, Maintenance Division

(Printed Name)

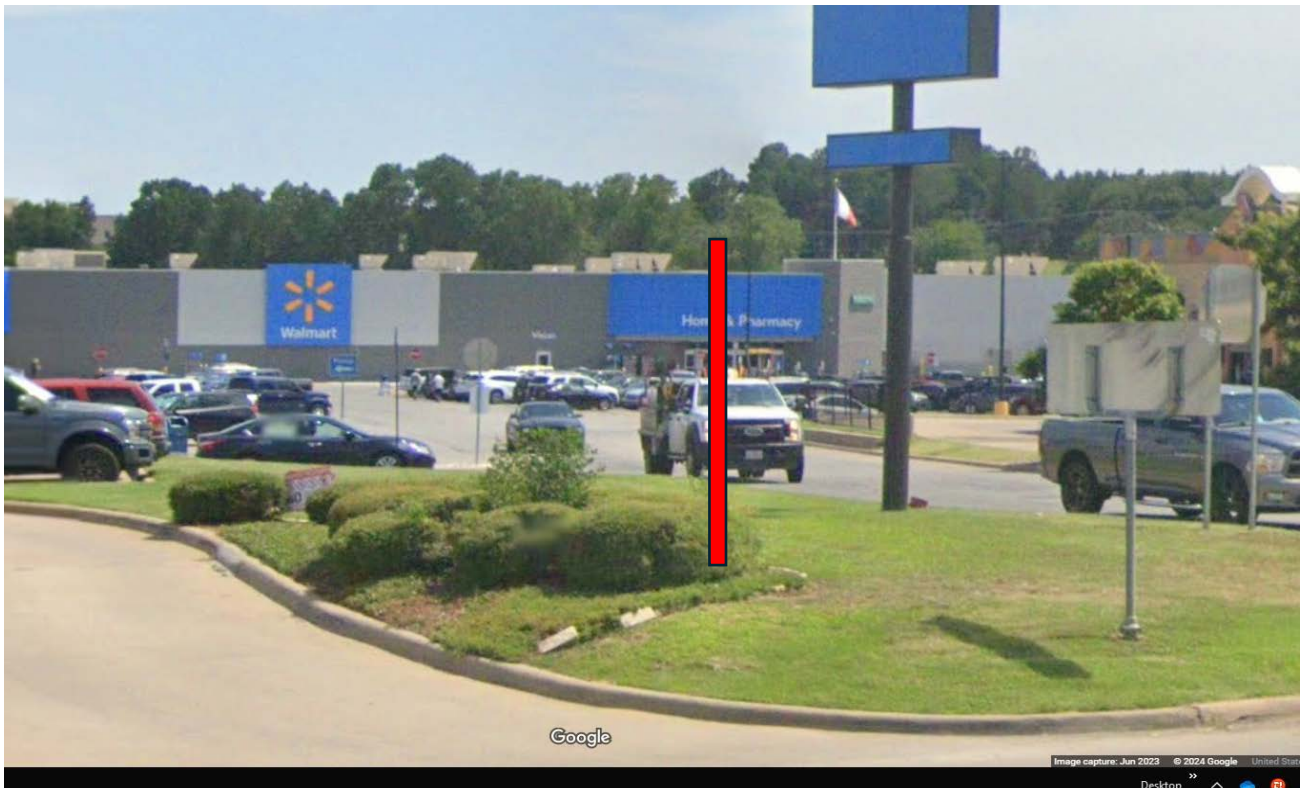
(Date)

EXHIBIT A
Denison Police Department LPR Locations
All locations are within the corporate city limits of Denison

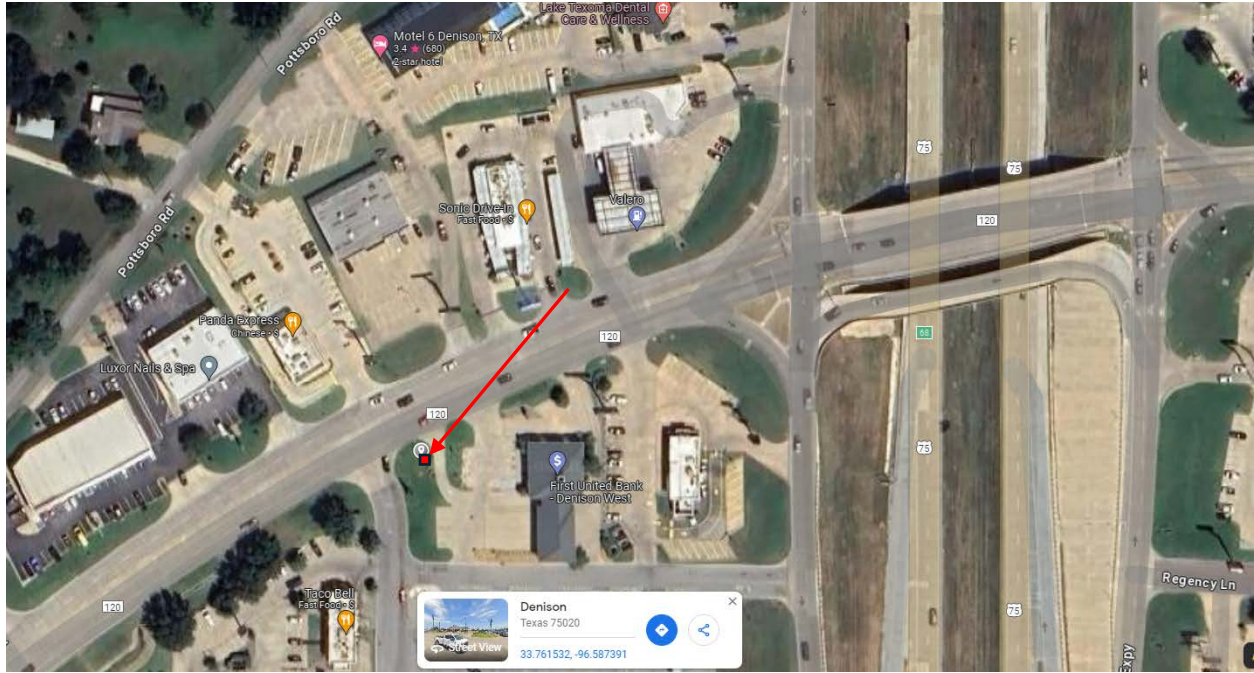
3300 block of FM 120

[33°45'42" - 96°35'14"]

South side of the roadway on Private Property (First United Bank)
Motorola L6Q camera on private individual pole catching east bound traffic.



3300 block of FM 120 - Overview



2800 block West Morton Street (FM 120)

[33°45'44" - 96°34'45"]

North Side of Roadway (in front of Chick-Fil-A) on AT&T utility pole on TxDOT right-a-way
Motorola L6Q LPR camera catching westbound traffic



2800 block West Morton Street (FM 120) - overview



200 block East State Highway 69

[33°44'22" - 96°32'0"]

North side of roadway behind barrier just west of current speed limit signs

Motorola L6Q LPR camera mounted on new break-a-way pole catching westbound traffic



200 block East State Highway 69 - overview



Hwy 75/69 North at Oklahoma border (center median)

[33°49'18" - 96°32'1"]

Motorola LPR trailer parked in center median facing south, catching both north and south bound vehicles



Hwy 75/69 North at Oklahoma border (center median) – Overview



City Council Meeting Staff Report



Agenda Item

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.

Staff Contact

Chris Wallentine, City Clerk/Assistant to the City Manager
cwallentine@cityofdenison.com
(903) 465-2720, Ext. 2437

Summary

- Board Member Teresa Adams resigned her position in May of 2024 due to being elected to City Council, At Large, Place 6, which has left a vacancy on the DDA Board.
- Janet Gott-Douglass has served on the City Council since 2012, including 6 years as Mayor, and desires to be appointed to the DDA Board.
- Ms. Gott-Douglass is well qualified to serve and is eligible and willing to serve on the DDA Board.

Staff Recommendation

Staff recommends approval of the appointment of Janet Gott-Douglass.

Recommended Motion

“I move to appoint 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.”

Background Information and Analysis

Board Member Tersa Adams resigned in May of 2024 when she was elected to City Council, At Large, Place 6, which has left a vacancy on the DDA Board. Janet Gott-Douglass has served on the City Council since 2012, including 6 years as Mayor, and desires to be appointed to the DDA Board. Ms. Gott-Douglass is well qualified to serve and is eligible and willing to serve on the DDA Board.

Financial Considerations

None.

Prior Board or Council Action

None.

Alternatives

City Council may deny the appointment or suggest another candidate for the DDA Board.

City Council Meeting Staff Report



Agenda Item

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.

Staff Contact

Chris Wallentine, City Clerk/Assistant to the City Manager
cwallentine@cityofdenison.com
(903) 465-2720, Ext. 2437

Summary

- The Texoma Community Center (TCC) Board of Trustees are appointed by the governing bodies of the member entities.
- Place No. 8 on the Board is always filled by a citizen of Denison whereas Place No. 3 and Place No. 5 are filled on a rotating basis by appointees from Denison, Sherman, and Grayson County.
- Holly Jenkins was appointed to the Board by the City Council on October 2, 2023, to serve the remainder of an unexpired two-year term.
- Ms. Jenkins' term currently expires on August 31, 2024. Ms. Jenkins is willing and eligible to serve another term on the Board in Denison's permanent Place No. 8 effective from September 1, 2024, until August 31, 2026.

Staff Recommendation

Staff recommends the reappointment of Holly Jenkins to the Texoma Community Center Board of Trustees.

Recommended Motion

"I move to appoint Holly Jenkins to Denison's Place No. 8 on the Texoma Community Center Board of Trustees to serve a two-year term effective September 1, 2024, and expiring on August 31, 2026."

Background Information and Analysis

The Texoma Community Center (TCC) Board of Trustees are appointed by the governing bodies of the member entities, which includes Denison, Sherman and Grayson County. Place No. 8 is always filled by a citizen of Denison. Place No. 3 and Place No. 5 are filled on a rotating basis by appointees from Denison, Sherman and Grayson County. The function of the Board is to design programs of mental health, recovery and adult protective services under which local funds contributed by members shall be spent solely for programs conducted wholly within the respective counties of the parties contributing such funds.

Holly Jenkins was appointed to the Board by the City Council on October 2, 2023, to serve the remainder of an unexpired two-year term. TCC is requesting Ms. Jenkins be reappointed to the Board Trustee position. Ms. Jenkins is willing and eligible to serve on the Board in Place No. 8 and would serve a two-year term effective September 1, 2024, and expiring on August 31, 2026.

Financial Considerations

None.

Prior Board or Council Action

Holly Jenkins was appointed to Place No. 8 on October 2, 2023.

Alternatives

Council may deny, recommend another candidate or table the agenda item.



July 24, 2024

Robert Crawley, Mayor
City of Denison
300 W. Main Street
Denison, TX 75020

Dear Mayor Crawley:

I am writing to you regarding Texoma Community Center's Board of Trustee positions for FY 2024-2026. Place #8 for City of Denison is currently represented by Lieutenant Holly Jenkins. Lieutenant Jenkins' term expires on 8/31/24 and we respectfully request her reappointment to this Board Trustee position.

We would like to have the Place #8 representative in place by September 1, 2024, and know it will need to be on the City Council agenda in August. I request that a copy of the approved appointment letter and a copy of the City Council minutes documenting the appointment, be sent to Texoma Community Center when they are completed.

Thank you for your continued support of Texoma Community Center and the individuals we serve. Please do not hesitate to contact me should you need additional information regarding the application or appointee process for our board.

Most Sincerely,

Sylvia Cave, MSSW, LCSW-S
Chief Executive Officer

Texoma Community Center/ Certified Community Behavioral Health Clinic

Office: [903-957-4866](tel:903-957-4866) / Cell: 903-267-9616

Email: scave@texomacc.org

Website: <https://www.texomacc.org>

24-hour Crisis Line [\(877\) 277-2226](tel:877-277-2226)

315 W. McLain Dr. Sherman, TX 75092
(903) 957-4701

City Council Meeting Staff Report



August 5, 2024

Agenda Item

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.

Staff Contact

John Janes, Grants Coordinator
jjanes@denisontx.gov
903-465-2720 X 2510

Summary

- The City of Denison has no written policy regarding grant procurement, compliance, or workflow.
- The proposed Grant Procurement Policy would ensure all city grant activities are compliant with Federal and State regulations.
- Some grantmaking agencies require grant management policies to be eligible for funds.
- Requesting Council to approve the policy and act on the resolution.

Staff Recommendation

City staff recommends the approval of Grant Procurement Policy.

Recommended Motion

“I move to adopt the resolution approving the Grant Procurement Policy.”

Background Information and Analysis

City staff propose new policies to ensure compliance with State and Federal regulations and define a traceable workflow of awarded grants. The Grant Procurement Policy will define proper workflow, documentation, data collection, and expenditures of granted funds. The proposed Policy is required by several grantmaking agencies prior to a grant application submission and posture the City of Denison as a compliant and prepared entity, ensuring eligibility for funding opportunities and demonstrating a commitment to meeting regulatory and ‘best practice’ standards.

Financial Considerations

N/A

Prior Board or Council Action

- No Prior Board or Council Action exists for this request.

Alternatives

The City Council may table, deny, or conditionally approve the proposed policy.

RESOLUTION NO. _____

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.

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 federal grant program procurement policy (“Procurement Policy”) to provide for a procurement system of quality and integrity, provide for the fair and equitable treatment of all persons or firms involved in purchasing by the City, and to ensure the supplies and services are procured efficiently, effectively and at the most favorable prices for the City, and promote competition in contracting; and

WHEREAS, the City Council desires to adopt a Procurement Policy that outlines procedures to reflect and conform to applicable state and local laws and federal laws and standards identified in 2 CFR 200.318-327; and

WHEREAS, the City Council has reviewed the Procurement Policy attached hereto as **Exhibit “A”** and incorporated herein, and has determined it appropriate to adopt the procurement 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 Procurement 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 Procurement Policy and hereby adopts the attached Procurement Policy set forth in **Exhibit “A.”**

Section 3. The Procurement Policy shall apply to all procurement actions of the City funded with federal funds. When both federal and non-federal funds are used for a project, the work to be accomplished with the funds should be separately identified prior to procurement so that appropriate requirements can be applied, if necessary.

Section 4. The City Manager, or their designee, shall be responsible for implementing and enforcing the Procurement Policy.

Section 5. The Procurement Policy shall apply to all departments, divisions and entities of the City of Denison engaged in the procurement of goods, services and construction.

Section 6. 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 7. The Procurement Policy may be amended from time to time by resolution of the City Council.

Section 8. That this Resolution shall take effect immediately upon its passage and approval.

PASSED AND APPROVED this 5th day of August 2024.

ROBERT CRAWLEY, Mayor

ATTEST:

Christine Wallentine, City Clerk

EXHIBIT A
CITY OF DENISON GRANT PROCUREMENT POLICY

City of Denison Grant Procurement Policy



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ATTACHMENT B – PROCUREMENT CHECKLISTS

FEDERAL GRANT PROGRAM PROCUREMENT POLICY

ARTICLE I. PURPOSE AND APPLICATION

Section 1.01 PURPOSE. When appropriate, the City of Denison, Texas (the “City”) requests federal grant monies for projects that benefit its residents. This federal Grant Program Procurement Policy (the “Policy”) serves to outline the City’s procurement policy for all federally funded projects and purchases. The City intends to provide for a procurement system of quality and integrity, provide for the fair and equitable treatment of all persons or firms involved in purchasing by the City, ensure that supplies and services are procured efficiently, effectively, and at the most favorable prices available to the City, and promote competition in contracting. This Policy and the procedures herein reflect and conform to applicable state and local laws and federal laws and standards identified in 2 CFR 200.318-327.

Section 1.02 APPLICATION. This Policy shall apply to all procurement actions of the City funded with federal funds. When both federal and non-federal funds are used for a project, the work to be accomplished with the funds should be separately identified prior to procurement so that appropriate requirements can be applied, if necessary. If it is not possible to separate the funds, federal procurement regulations shall be applied to the total project. If funds and work can be completed by a new contract, then regulations applicable to the source of funding may be followed.

ARTICLE II. DEFINITIONS

Section 2.01 DEFINITIONS. All capitalized terms used and not otherwise defined shall have the meanings given to them in this Policy and as defined in this section unless a different meaning clearly applies from the context.

“CFR” means Code of Federal Regulations.

“City” means the City of Denison, Texas.

“TxGMS” means the Texas Grant Management Standards.

“Policy” means this Procurement Policy.

ARTICLE III. STANDARDS OF CONDUCT

Section 3.01 CONFLICT OF INTEREST. No employee, officer, or agent of the City may participate in the selection, award, or administration of a contract supported by a federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. CFR Reference: 2 CFR 200.318(c)(1).

Section 3.02 GRATUITIES, FAVORS, AND ITEMS OF MONETARY VALUE. No employee, officer, or agent of the City may solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. CFR Reference: 2 CFR 200.318(c)(1).

Section 3.03 ORGANIZATIONAL CONFLICT. Organizational conflicts of interest may exist when due to the City's relationship with a subsidiary, affiliated, or parent organization that is a candidate for award of a contract in connection with federally funded activities, the City may be unable or appear to be impartial in conducting a procurement action involving a related organization. In the event of a potential organizational conflict, the potential conflict should be reviewed by the City Administrator or his or her designee to determine whether it is likely that the City would be unable or appear to be unable to be impartial in making the award. If such likelihood exists, this shall not disqualify the related organization; however, the following measures shall be applied:

- (a) The organizational relationship shall be disclosed as part of any notices to potential contractors;
- (b) Any City employees or officials directly involved in the activities of the related organization are excluded from the selection and award process;
- (c) A competitive bid, quote, or other basis of valuation is considered; and
- (d) The governing body has determined that contracting with the related organization is in the best interests of the program involved.

CFR Reference: 2 CFR 200.318(c)(2).

Section 3.04 REPORTING. Any perceived conflict of interest that is detected or suspected by any employee or third party shall be reported to the City Administrator. If the City Administrator is the subject of the perceived conflict of interest, the employee or third party shall report the incident to the President of City Commission and/or City Commissioner. If the President of City Commission and/or Commissioner is the subject of the perceived conflict of interest, the employee or third party shall report the incident to the City Administrator, who shall report the incident to the City Attorney's office. The City must disclose in writing any potential conflict of interest to the federal award agency or pass-through entity in accordance with the applicable federal awarding agency policy. No reprisals or retaliation shall occur as a result of good faith reports of conflicts of interest. CFR Reference: 2 CFR 200.318(c)(1).

Section 3.05 INVESTIGATION. Investigations based on reports of perceived violations of this policy shall comply with state and federal laws and regulations. No person sharing in the potential conflict of interest being investigated shall be involved in conducting the investigation or reviewing its results. In the event an investigation determines that a violation of this Policy has occurred, the violation shall be reported to the awarding agency in accordance with that agency's policies. CFR Reference: 2 CFR 200.318(c)(1).

Section 3.06 DISCIPLINARY ACTIONS. If an investigation results in a finding that the complaint is factual and constitutes a violation of this Policy, the City shall take corrective action to ensure that such conduct ceases and will not recur. City staff shall document the corrective action taken and, when not prohibited by law, inform the complainant. Violations of this Policy may result in disciplinary action up to and including discharge, fines, and possible imprisonment. Disciplinary

actions shall be consistent with City policies, procedures, applicable collective bargaining agreements, and state and federal laws. CFR Reference: 2 CFR 200.318(c)(1).

ARTICLE IV. PRE-SOLICITATION

Section 4.01 PROCUREMENT OFFICER. Also reference as the Project Lead. For the purposes of implementing this Policy, the City Administrator or his/her designee is the procurement officer. The procurement officer is responsible for procurement of services, supplies, equipment, or construction obtained with federal funds and shall review all proposed procurement actions to avoid the purchase of unnecessary or duplicative items. Such reviews shall consider consolidation or breaking out to obtain a more economical purchase. When determined appropriate by the procurement officer, an analysis will be made of lease versus purchase alternatives, and any other appropriate analysis to determine the most economical approach. CFR Reference: 2 CFR 200.318(d).

Section 4.02 RECORDS. The City will maintain records sufficient to detail the history of procurement. These records will include but are not limited to the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price. To ensure compliance with applicable federal, state, and local regulations and requirements, the PROCUREMENT CHECKLIST attached as **Attachment B** will be utilized for every federal procurement with a copy kept in the procurement file with all applicable documentation as well as incorporated into the project file complete with documentation. CFR Reference: 2 CFR 200.318(i).

Section 4.03 CONTRACTS IN EXCESS OF \$250,000 USING FEDERAL FUNDS. The City will perform cost or pricing analysis in connection with *every* procurement action in excess of the 2024 Simplified Acquisition Threshold (\$250,000), including contract modifications. The method and degree of analysis is dependent on the facts surrounding the particular procurement situation. As a starting point, the City will make independent estimates before receiving bids or proposals. The engineer's and/or consultant's cost estimate will meet this requirement for formal sealed bids. This must be a detailed cost breakdown for the overall estimate providing the elements of the total cost, not only the total price. CFR Reference: 2 CFR 200.320.

Section 4.04 RFQ'S AND RFP'S. A cost reasonableness analysis with documentation is required for a RFQ or RFP (competitive negotiations) or any time price competition is not the main evaluation factor. This analysis must be completed before awarding the contract. Cost Analysis is the evaluation of separate elements (e.g., labor, materials, profit, etc.) that make up a contractor's total cost proposal or price to determine if they are allowable, directly related to the requirement and ultimately, reasonable. Cost analyses are used when there is no price competition or when price competition is not the only evaluation factor, such as procuring A/E, professional, consulting, or program administrator services. CFR Reference: 2 CFR 200.320.

Section 4.05 SHARED SERVICES AND GOODS. To foster greater economy and efficiency, and in accordance with efforts to promote cost effective use of shared services, the City will explore the feasibility to enter into state and local intergovernmental agreements or inter-entity agreements, where appropriate, for procurement or use of common goods and services. The City will also explore the use of federal excess and surplus property in lieu of purchasing new equipment and property if feasible and if it reduces project costs. The City will also explore the feasibility of using value engineering (the systematic and creative analysis of each contract item or task to ensure that its

essential function is provided at the overall lower cost) clauses in contracts for construction projects of sufficient size to offer reasonable opportunities for cost reductions. CFR Reference: 2 CFR 200.318(e)(f)(g).

Section 4.06 AFFIRMATIVE STEPS. The City will take all necessary affirmative steps to assure that minority businesses, women’s business enterprises, and labor surplus area firms are used when possible. Affirmative steps shall include:

- (a) Placing qualified small and minority businesses and women’s business enterprises on solicitation lists.
- (b) Assuring small and minority businesses, and women’s business enterprises are solicited whenever they are potential sources.
- (c) The City will also consider the feasibility of dividing total requirements, when economically feasible, into smaller tasks or quantities so as to permit maximum participation by small and minority businesses, and women’s business enterprises.
- (d) Where permitted by regulations, delivery schedules will be developed which will include participation by such businesses.
- (e) The City will also use the services and assistance, as appropriate, of such organizations as the Small Business Administration, and the Minority Business Development Agency of the Department of Commerce. The City will require of its prime contractors, if subcontracts are to be let, to take the affirmative steps listed above. CFR Reference: 2 CFR 200.321(a)(b)

Section 4.07 SOLID WASTE DISPOSAL ACT. The City will comply with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 CFR part 247 containing the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired by the preceding fiscal year exceeded \$10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines. For federally funded solicitations, the requesting City department shall include in the specifications the use of fully or partially recovered (recycled) materials to the greatest extent consistent with reasonable performance standards in accordance with federal regulations. CFR Reference: 2 CFR 200.323

ARTICLE V. SOLICITATION PROCEDURES

Section 5.01 FULL AND OPEN COMPETITION.

- (a) All procurement carried out with federal funds, where the City is a direct party, shall be carried out in a manner that provides maximum full and open competition. Procurement procedures will not restrict or eliminate competition. In order to ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, or

invitations for bids or requests for proposals are excluded from competing for such procurements. CFR Reference: 2 CFR 200.319(b)

- (b) The City shall not place unreasonable requirements on firms in order for them to qualify to do business, require unnecessary experience and excessive bonding, or encourage or participate in non-competitive practices among firms or affiliated companies. The City shall remain alert to organizational conflicts which would jeopardize the negotiation process and limit competition. The City shall not award non-competitive consultant retainer contracts except as expressly provided by funding source regulations. The City will not specify only a “brand name” product instead of allowing an “equivalent product” to be offered. A “brand name or equivalent” description may be used to define the performance or other salient requirements of procurement. The specific features, performance, or other relevant requirements of the named brand which must be met by offerors shall be clearly stated. No arbitrary actions will be undertaken in the procurement process. CFR Reference: 2 CFR 200.319(b)(1-7); 2 CFR 200.319(d)(1)
- (c) The City will conduct procurements in a manner that prohibits the use of statutorily or administratively imposed local geographical preferences as selection criteria in the evaluation of bids or proposals, except in those cases where applicable federal statutes expressly mandate or encourage geographic preference. Notwithstanding this prohibition, the City encourages the employment of City residents for City contracts. This section does not preempt state or local licensing laws. When contracting for A/E services, geographic location may be a selection criteria provided its application leaves an appropriate number of qualified firms given the nature and size of the project to compete for the contract. CFR Reference: 2 CFR 200.319(c)
- (d) All solicitations shall incorporate a clear and accurate description of the technical requirements for the material, service, or product to be procured. In competitive procurements, these descriptions shall not contain features which unduly limit competition. The description may include a statement of the qualitative nature of the material, product, or service and, when necessary, the minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use. Detailed product specifications shall be avoided whenever possible. The solicitation must identify all requirements which the offerors must fulfill and all other factors to be used in evaluating bids or proposals. CFR Reference: 2 CFR 200.319(d)(1-2)
- (e) The City will engage in a full and open RFQ process to provide the City with a prequalified list of persons, firms, or products that may be utilized for acquiring goods and services. The prequalified list shall be routinely updated and include enough qualified sources to ensure maximum open and free competition for procurement of goods and services among the City’s prequalified list of persons, firms, or products. CFR Reference: 2 CFR 200.319(e)

Section 5.02 METHODS OF PROCUREMENT. Direct procurement by the City shall be made by using one of the following methods depending on the monetary value of service to be procured.

- (a) Micro Purchase Procedures. Procurement by micro-purchase is the acquisition of supplies or services, the aggregate dollar amount of which does not exceed \$3,000 (or \$2,000 in the case of acquisitions for construction subject to the Davis-Bacon Act). To the extent practicable, the City will distribute micro-purchases equitably among qualified suppliers. Micro-purchases may be awarded without soliciting competitive quotations if the City considers the price to be reasonable. CFR Reference: 2 CFR 200.320(a)(1)
- (b) Small Purchase Procedures. Relatively simple, informal procurement procedures will be used where the purchase of materials, services, supplies, equipment, and/or other property will not cost in the aggregate more than \$100,000, except where further limited by state law or local policy. The procurement officer must obtain a minimum of three oral or written price or rate quotations from qualified sources. Documentation on all quotations received (whether oral or written) shall be made a part of the file. Selections shall be made principally on price. Payment shall be made upon delivery or completion. CFR Reference: 2 CFR 200.320(a)(2)
- (c) Procurement by Sealed Bids/Formal Advertising. The City follows its purchasing policy for amounts between \$100,000 and \$200,000. The City follows our Purchasing Policy procedures for procurement of products and improvements, which requires procurements of greater than \$200,000 to be procured by sealed bids. Under this procedure, bids are publicly advertised in accordance with the applicable laws and the City's sealed bid procedures. A firm fixed price contract (either lump sum or unit price) shall be awarded to the responsible bidder whose bid is lowest in price and that conforms to all the material terms and conditions of the advertisement for bids. CFR Reference: 2 CFR 200.320(b)(1)(ii); City of Denison Purchasing Policy
 - 1. The sealed bid method is the preferred method for procuring construction, ONLY if the following conditions apply.
 - a. There are complete, adequate, and realistic specifications or purchase descriptions.
 - b. There are two or more responsible bidders who are willing and able to compete effectively.
 - c. The procurement can be made on a firm fixed-price contract, made in writing, and selection of the successful bidder can appropriately be made principally on the basis of price to the lowest responsive and responsible bidder. Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs must be considered in determining which bid is lowest. Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of. CFR Reference: 2 CFR 200.320(b)(1)(i-ii) and 200.320(b)(2)(iv)
 - 2. The advertisement for bids shall be publicly advertised in the official newspaper of the City for three consecutive weeks. The first publication of the advertisement must be at least twenty-one (21) days before the date of the opening of bids. Bids shall be solicited from an adequate number of known suppliers, providing them

sufficient time prior to the date set for opening the bids. CFR Reference: 2 CFR 200.320(b)(1)(ii);

3. The advertisement for bids, including the specifications and pertinent attachments, shall clearly define the items, end products or services needed in order for the bidders to properly respond to the advertisement. CFR Reference: 2 CFR 200.320(b)(1)(ii)(B)
4. All bids shall be opened publicly at the time and place specified in the advertisement for bids. CFR Reference: 2 CFR 200.320(b)(1)(ii)(C)
5. Any or all bids may be rejected if there is a sound documented reason. CFR Reference: 2 CFR 200.320(b)(1)(ii)(E)

(d) Procurement by Competitive Proposals. Request for Proposals (RFP) and Request for Qualifications (RFQ) when the conditions set forth above for the use of sealed bids are not present.

1. Competitive proposals are normally conducted with more than one source submitting an offer, and an award of either a fixed-price or cost-reimbursement type contract. It is generally used when conditions are not appropriate for sealed bids. When competitive proposal is used, the following requirements apply:
 - a. Proposals will be publicized and identify all evaluation factors and their relative importance. Any response to publicized proposals shall be honored to the maximum extent practical. CFR Reference: 2 CFR 200.320(b)(2)(i)
 - b. Proposals will be solicited from an adequate number of qualified sources; three (3) or more are desired. If less than three (3) are received, document attempts to generate more interest.
 - c. The City will have a written method for conducting technical evaluations of the proposals received and for selecting recipients. CFR Reference: 2 CFR 200.320(b)(2)(ii)
 - d. Contracts will be awarded to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered. This shall always include negotiation of price to insure cost reasonableness. CFR Reference: 2 CFR 200.320(b)(iii)
2. Competitive proposal procedures are used for qualifications-based procurement (RFQ) of A/E professional services, where competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. At the conclusion of successful negotiations, the competitor shall be invited to enter into a contract. This method, where price is not used as a selection factor, can only be used in procurement of A/E professional services and the contract **must** clearly establish a cost ceiling which cannot be exceeded without contract modification. It cannot be used to purchase other types of services though A/E firms that are potential sources to perform the proposed effort. CFR Reference: 2 CFR 200.320(b)(2)(iv)

The Brooks Act requires agencies to promote open competition by advertising, ranking, selecting, and negotiating contracts based on demonstrated competence and qualifications for the type of engineering and design services being procured, and at a fair and reasonable price. (Chapter 11 of Title 40)

(e) Noncompetitive Proposals:

1. Procurement through solicitation of a proposal from only one source, only when one or more of the following circumstances apply:
 - a. The acquisition of property or services, the aggregate amount of which does not exceed \$3,000 (or \$2,000 in the case of acquisitions for construction subject to the Davis-Bacon Act).
 - b. The item is available only from a single source. CFR Reference: 2 CFR 200.320(c)(2)
 - c. The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation. CFR Reference: 2 CFR 200.320(c)(3)
 - c. The federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the non-federal entity. CFR Reference: 2 CFR 200.320(c)(4)
 - d. After solicitation from a number of sources, competition is determined inadequate. CFR Reference: 2 CFR 200.320(c)(5)

**ARTICLE VI.
AWARD**

Section 6.01 AWARDING CONTRACTS. Contracts will only be awarded to responsible, responsive contractors/firms possessing the ability to perform successfully under the terms and conditions of the proposed procurement. Consideration shall be given to such factors as the contractor's/firm's capacity, integrity, compliance with public policy, record of past performance, and financial/technical resources. The contractor's/firm's capacity will not only include consideration of its inherent capabilities but also take into consideration all its existing commercial and governmental business commitments. "Responsible bidder" refers to the character or quality of the bidder – whether it is an entity with which the City is safe doing business. "Responsive bidder" refers to whether or not the bidder has met the required specifications in its bid to the City.

- (a) Any or all bids may be rejected if there is a sound documented reason. Disqualification of a bidder for lack of responsibility will require notice to the bidder and the opportunity for a hearing. Rejection of a bid because of unresponsiveness requires only that bidder be informed of why bid was rejected. [See **Attachment A**] CFR Reference: 2 CFR 200.318(h) and 200.320(b)(1)(ii)(E)
- (b) The City of will implement Executive Orders 12549 and 12689, and 2 CFR part 180, which restricts awards, subawards, and contract with certain parties that are debarred suspended, or otherwise excluded from or ineligible for participation in federal

assistance programs or activities. To ensure compliance the City will verify the intended contractor is not excluded or disqualified by one of the following methods:

1. Checking the System for Award Management Exclusion and printing the resulting page for placement in the procurement file.
2. Collecting a certification from the contractor.
3. Adding a clause or condition to the covered transaction with the contractor. CFR Reference: 2 CFR 180.300 and 2 CFR 200.213

(c) See **Attachment A #2** regarding rejection of offers from debarred contractors.

Section 6.02 CONTRACT PRICING.

- (a) Time and material-type contracts will only be used after determining no other contract is suitable. Time and materials contracts prescribe cost to the City as the sum of 1) actual cost of materials; and 2) direct labor hours charges at fixed hourly rates that reflect wages, general and administrative expenses, and profit. This formula generates an open-ended contract price with no profit incentive for the contractor to control costs or labor efficiency. Therefore, each contract must set a price ceiling where the contractor shall pay any costs beyond that threshold. Frequent oversight actions can help ensure the contractor has efficient methods and effective cost controls. CFR Reference: 2 CFR 200.318(j)(i-ii(2))
- (b) The City will negotiate profit as a separate price element for each contract in which there is no price competition and in all cases where cost analysis is performed. To establish a fair and reasonable profit, consideration will be given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work. CFR Reference: 2 CFR 200.324(b)
- (c) Costs or prices based on estimated costs for contracts under the federal award are allowable only to the extent that costs incurred, or cost estimates included in negotiated prices would be allowable for the non-federal entity under 2 CFR 200 Subpart E Cost Principles. CFR Reference: 2 CFR 200.324(c)
- (d) For sealed bids a firm fixed price contract award will be made in writing to the lowest responsive and responsible bidder.
- (e) Cost plus percentage of cost and percentage of construction cost methods of contracting **must not** be used. CFR Reference: 2 CFR 200.324(d).

**ARTICLE VII.
CONTRACT PROVISIONS**

Section 7.01 CONTRACT PROVISIONS. Contracts shall include the following provisions and conditions:

- (a) Contracts for more than the Simplified Acquisition Threshold currently set at \$250,000, which is the inflation adjusted amount determined by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) as authorized by 41 USC 1908, must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as appropriate. CFR Reference: Appendix II Part 200(A)
- (b) All contracts in excess of \$10,000 must address termination for cause and for convenience by the City including the manner in which it will be affected and the basis for settlement. CFR Reference: Appendix II Part 200(B)
- (c) Equal Employment Opportunity. Except as otherwise provided under 41 CFR Part 60, all contracts that meet the definition of “federally assisted construction contract” in 41 CFR Part 60-1.3 must include the equal opportunity clause provided under 41 CFR 60-1.4(b) in accordance with Executive Order 11246. “Equal Employment Opportunity” (30 FR 12319, 12935, 3 CFR Part, 1964-1965 Comp. p. 339) as amended by Executive Order 11375, “Amending Executive Order 11246 Relating to Equal Employment Opportunity,” and implementing regulations at 41 CFR part 60, “Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor.” Federal assisted construction contract “means any agreement or modification thereof between any applicant and a person for construction work which is paid for in whole or in part with funds obtained from the Government or borrowed on the credit of the Government pursuant to any federal program involving a grant, contract, loan, insurance, or guarantee, or undertaken pursuant to any federal program involving such grant, contract, loan, insurance, or guarantee, or any application or modification thereof approved by the Government for a grant, contract, loan, insurance, or guarantee under which the applicant itself participates in the construction work.” CFR Reference: Appendix II to Part 200(C)
- (d) All contracts must include a provision for compliance with the Copeland “Anti-Kickback” Act (40 U.S.C. 3145), as supplemented by Department of Labor regulations (29 CFR Part 3, “Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States”). The Act provides that each contractor or subrecipient must be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he or she is otherwise entitled. The City shall report all suspected or reported violations to the federal awarding agency. CFR Reference: Appendix II Part 200(D)
- (e) All prime construction contracts in excess of \$2,000 awarded by the City must include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 3141–3144, and 3146–3148) as supplemented by Department of Labor regulations (29 CFR Part 5, “Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction”). In accordance with the statute, contractors must be required to pay wages to laborers and mechanics at a rate not less than the prevailing wages specified in a wage determination made by the Secretary of Labor. In addition, contractors must be required to pay wages not less than once a week. The City shall place a copy of the current prevailing wage determination issued by the Department

of Labor in each solicitation. The decision to award a contract or subcontract must be conditioned upon the acceptance of the wage determination. The City shall report all suspected or reported violations to the federal awarding agency. CFR Reference: Appendix II Part 200(D)

- (f) All contracts awarded by the non-federal entity in excess of \$100,000 that involve the employment of mechanics or laborers must include a provision for compliance with 40 U.S.C. 3702 and 3704, as supplemented by Department of Labor regulations (29 CFR Part 5). Under 40 U.S.C. 3702 of the Act, each contractor must be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for all hours worked in excess of 40 hours in the work week. The requirements of 40 U.S.C. 3704 are applicable to construction work and provide that no laborer or mechanic must be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence. CFR Reference: Appendix II Part 200(E)
- (g) All contracts and subgrants of amounts in excess of \$150,000, shall contain a provision which requires agreement to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 USC 7401-7671q), and the Federal Water Pollution Control Act as amended (33 USC 1251-1387), Executive Order 11738, and Environmental Protection Agency regulations (40 CFR part 15). Violations must be reported to the federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA). CFR Reference: Appendix II Part 200(G)
- (h) A contract award (see 2 CFR 180.220) must not be made to parties listed on the government-wide Excluded Parties List System in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR Part 1986 Comp., p. 189) and 12689 (3 CFR Part 1989 Comp., p. 235), "Debarment and Suspension." The Excluded Parties List System in SAM contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549. CFR Reference: Appendix II, Part 200(H)
- (i) Contractors applying or bidding for an award of \$100,000 or more must file the required Byrd Anti-Lobbying Amendment certification and ensure each tier certifies to the tier above that it will not and has not used federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any federal contract, grant or any other award covered by 31 USC 1352. Each tier must also disclose any lobbying with non-federal funds that takes place in connection with obtaining any federal award. Such disclosures are forwarded from tier to tier, up to the non-federal award. CFR Reference: Appendix II, Part 200(I)

- (j) Contracts must contain a clause stating contractors will comply with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 CFR part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired during the preceding fiscal year exceeded \$10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines. CFR Reference: 2 CFR 200.323 and Appendix II, Part 200(J)
- (k) Contracts must contain performance requirements: period of performance - including completion date, penalties for non-performance, and liquidated damages. 81 FR 36557; 78 FR 14344 dated 6/7/2024

ARTICLE VIII. CONTRACT ADMINISTRATION

Section 8.01 SYSTEMS. The City shall maintain contract administration systems that ensure contractors/firms perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders. The accepted performance of contractors/ firms will be a factor in subsequent contract negotiations and award. Remedial action by the City through legal processes shall be considered in instances of identified significant nonperformance. CFR Reference: 2 CFR 200.318(b).

Section 8.02 SETTLEMENT OF ISSUES. The City will be responsible, in accordance with good administrative practice and sound business judgment, for the settlement of all contractual and administrative issues arising out of procurements. These issues include, but are not limited to source evaluation, protests, disputes, and claims. These standards will not relieve the City of any contractual responsibilities under its contracts. Federal agencies will not substitute their judgment for that of the City's unless the matter is primarily a federal concern. Violations of law will be referred to the local, state, or federal authority having proper jurisdiction. CFR Reference: 2 CFR 200.318(k).

ARTICLE IX. AWARDING AGENCY REVIEW

Section 9.01 TECHNICAL SPECIFICATIONS. The City will make available, upon request of the awarding agency, technical specifications on proposed procurements where the awarding agency believes such review is needed to ensure the item and/or service specified is the one being proposed for acquisition. This review generally will take place prior to the time the specification is incorporated into a solicitation document. However, if the City desires to have the review accomplished after a solicitation has been developed, the awarding agency may still review the specifications, with such review usually limited to the technical aspects of the proposed purchase. CFR Reference: 2 CFR 200.325(a).

Section 9.02 PROCUREMENT DOCUMENTS. The City will make available upon request, for the federal awarding agency or passthrough entity pre-procurement review, procurement documents, such as request for proposals or invitations for bids, or independent cost estimates, when:

- (a) The City’s procurement procedures or operation fails to comply with the procurement standards in this part;
- (b) The procurement is expected to exceed the Simplified Acquisition Threshold (\$250,000) and is to be awarded without competition or only one bid or offer is received in response to a solicitation;
- (c) The procurement, which is expected to exceed the Simplified Acquisition Threshold (\$250,000), specifies a “brand name” product;
- (d) The proposed contract is more than the Simplified Acquisition Threshold (\$250,000) and is to be awarded to other than the apparent low bidder under a sealed bid procurement; or
- (e) A proposed contract modification changes the scope of a contract or increases the contract amount by more than the Simplified Acquisition Threshold (\$250,000). CFR Reference: 2 CFR 200.325(b)

Section 9.03 EXEMPT FROM REVIEW. The City will be exempt from the pre-procurement review in Section 9.02 if the federal awarding agency or pass-through entity determines City procurement systems comply with the standards of this part. CFR Reference: 2 CFR 200.325(c)

- (a) The City has self-certified its procurement system. Self-certification does not limit the federal awarding agency’s right to survey the system. The City provided written assurances to the Department of Housing and Urban Development that it complies with procurement standards found in Part 200. The City has cited specific policies, procedures, regulations, or standards as being in compliance with these requirements and has its system available for review. CFR Reference: 2 CFR 200.325 (c)(2).

ARTICLE X. BONDING REQUIREMENTS

Section 10.01 BONDING REQUIREMENTS. Bonding requirements for procurements with federal funds will include the minimum requirements listed below:

- (a) To be submitted with the bidding documents:

A bid guarantee from each bidder, equivalent to five percent of the bid price. The “bid guarantee” shall consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of the bid, execute such contractual documents as may be required within the time specified. CFR Reference 2 CFR 200.326(a)
- (b) The bid bond or other security may be enclosed with the other bid documents submitted by a bidder and need not be submitted in a separate envelope attached to the envelope enclosing the other bid documents.
- (c) To be submitted at time of contract award:

A performance bond on the part of the contractor for 100 percent of the contract price.

A “performance bond” is one executed in connection with a contract to secure fulfillment of all the contractor’s obligations under such contract. CFR Reference: 2 CFR 200.326(b)

A payment bond on the part of the contractor for 100 percent of the contract price. A “payment bond” is one executed in connection with a contract to assure payment as required by law of all persons supplying labor and material in the execution of the work provided for in the contract. CFR Reference: 2 CFR 200.326(c)

ARTICLE XI. PROTEST PROCEDURE

Section 11.01 STANDARDIZED PROCEDURES. Standardized procedures will be used to process and resolve disputes relating to procurements.

- (a) Protestors must exhaust all administrative remedies with the City before pursuing with the awarding agency, and the awarding agency shall be notified of all formal protests.
- (b) Reviews of protests by the awarding agency will be limited to: violations of federal law or regulations and the standards of section 2 CFR Part 200, Subpart D. state and local law violations will be investigated by the respective jurisdiction and violations of the City procedures shall be addressed by the City Administrator. Protests received by the federal agency outside their scope will be referred back to the City.
- (c) Any person who is aggrieved in connection with the solicitation or award of a contract shall make a protest to the procurement officer.
 - 1. Protest with respect to a solicitation shall be submitted in writing at least two (2) working days prior to the opening of bids or the closing date for receipt of proposals.
 - 2. Protest with respect to the award of a contract shall be submitted in writing within ten (10) calendar days after the contract award.
 - 3. All protests will be made in accordance with the procedures outlined in **Attachment A.**

ARTICLE XII. CHANGE IN LAW

Section 12.01 CHANGE IN LAW. In the event an applicable law or regulation is modified or eliminated, or a new law or regulation is adopted, the revised law or regulation shall, to the extent inconsistent with this Policy, automatically supersede this Policy.

(Remainder of page intentionally left blank.)

ATTACHMENT A – ADDITIONAL PROCEDURES

1. **Rejection of Bids and Offers**

- a. Any bid or offer that fails to conform to the essential requirements of the invitation for bids (IFB) or request for proposal (RFP) shall be rejected.
- b. Any bid or offer that does not conform to the applicable specifications or requirements shall be rejected unless the IFB or RFP authorized the submission of alternate bids and the supplies offered as alternates meet the requirements specified in the IFB or RFP.
- c. Any bid or offer that fails to conform to the delivery schedule or permissible alternates stated in the IFB or RFP shall be rejected.
- d. A bid or offer shall be rejected when the bidder/offeror imposes conditions that would modify requirements of the invitation or limit the bidder's liability to the City, since to allow the IFB or RFP to impose such conditions would be prejudicial to other bidders/offerors. For example, bids shall be rejected in which the bidder/offeror
 - i. Protects against future changes in conditions, such as increased costs, if total possible costs to the City cannot be determined;
 - ii. Fails to state a price and indicates that price shall be price in effect at time of delivery;
 - iii. States a price but qualifies it as being subject to price in effect at time of delivery;
 - iv. When not authorized by the IFB or RFP, conditions or qualifies a bid or offer by stipulating that it is to be considered only if, before date of award, the bidder/offeror receives (or does not receive) award under a separate solicitation;
 - v. Requires that the City is to determine that the bidder's/offeror's product meets applicable City specifications; or
 - vi. Limits rights of the City under any contract clause.
- e. Any bid/offer may be rejected if the procurement officer determines in writing that it is unreasonable as to price. Unreasonableness of price includes not only the total price of the bid, but the prices for individual line items as well.

2. **Debarment** - The City will comply with the provisions of 2 CFR 2424 (government debarment and suspension regulations) by ensuring bids or offers received from any person or concern that is suspended, debarred, proposed for debarment, or declared ineligible as of the bid opening date shall be rejected.

3. **Further considerations for sealed bids:**

- a. A low bidder may be requested to delete objectionable conditions from a bid provided the conditions do not go to the substance (as distinguished from the form) of the bid, or work an injustice on other bidders. A substance of bid condition affects price, quantity, quality, or delivery of the items offered.
- b. When a bid guarantee is required and a bidder fails to furnish the guarantee in accordance with the requirements of the invitation for bids.
- c. Low bids received from concerns determined to be not responsible shall be rejected,
- d. After submitting a bid, if all of a bidder's assets or that part related to the bid are transferred during the period between the bid opening and the award, the transferee may not be able to take over the bid/offer. Accordingly, the procurement officer shall reject the bid unless the transfer is affected by merger, operation of law.

- e. Notification: Any bid or offers that are rejected or otherwise excluded from the competitive range shall be notified promptly in writing by the procurement officer. The notice shall state the basis for the determination and that a proposal revision will not be considered.
 - f. Record Keeping: The originals of all rejected bids/offers, and any written findings with respect to such rejections, shall be preserved with the papers relating to the acquisition.
- 4. Solicitation and Award Protest Procedures:** The following procedures are established to resolve agency protests effectively, to build confidence in the City's procurement system, and to reduce protests outside of the City:
- a. Protests shall be concise and logically presented to facilitate review by the City. Failure to substantially comply with policy requirements may be grounds for protest dismissal.
 - b. Protests shall include the following information:
 - i. Name, address, and telephone number (fax if applicable) of the protester.
 - ii. Solicitation or contract number.
 - iii. Detailed statement of legal and factual grounds for the protest, to include a description of resulting prejudice to the protester.
 - iv. Copies of relevant documents.
 - v. Request for a ruling by [city, town, county, organization].
 - vi. Statement as to the form of relief requested.
 - vii. All information establishing the protester as an interested party for the purpose of filing a protest.
 - viii. All information establishing the timeliness of the protest.
 - c. All protests filed directly with the City will be addressed to the procurement officer or other official designated to receive protests.
 - d. Interested parties may request an independent review of their protest as an appeal of the procurement officer's decision on a protest. The City shall designate the official(s) who are to conduct this independent review.
 - e. Protests based on alleged improprieties in a solicitation shall be filed two (2) working days before the advertised opening of sealed bid or the closing date for receipt of proposals. In all other cases, protests shall be filed no later than ten (10) calendar days after the basis of protest is known or should have been known, whichever is earlier. The agency, for good cause shown, or where it determines that a protest raises issues significant to the City's procurement system, may consider the merits of any protest which is not timely filed.
- 5. Action upon receipt of protest:**
- a. The City shall in all instances disclose information regarding the protest to the awarding agency.
 - b. Upon receipt of a protest before award, a contract may not be awarded, pending the City's resolution of the protest, unless contract award is justified, in writing, for urgent and compelling reasons or is determined, in writing, to be in the best interest of the City. Such justification or determination shall be approved at a level above the contracting officer, or by another official pursuant to agency procedures.

- c. If award is withheld pending the City's resolution of the protest, the procurement officer will inform the bidders or offerors whose bids or offers might become eligible for award of the contract. If appropriate, the bidders or offerors should be requested, before expiration of the time for acceptance of their bids or offers, to extend the time for acceptance to avoid the need for re-solicitation. In the event of failure to obtain such extension of bids or offers, consideration should be given to proceeding with award pursuant to paragraph (3)(1) of this section.
- d. Upon receipt of a protest within 10 days after contract award or within 5 days after a debriefing date offered to the protester under a timely debriefing request in accordance with competitive proposals debriefing procedure (below), the procurement officer shall immediately suspend performance, pending resolution of the protest within the agency, including any review by an independent higher level official, unless continued performance is justified, in writing, for urgent and compelling reasons or is determined, in writing, to be in the best interest of the City. Such justification or determination shall be approved at a level above the procurement officer, or by another official pursuant to agency procedures.
- e. The City shall make their best efforts to resolve protests within thirty-five (35) days after the protest is filed. To the extent permitted by law and regulation, the parties may exchange relevant information.
- f. The City protest decisions shall be well-reasoned and explain the City's position. The protest decision shall be provided to the protester using a method that provides evidence of receipt.

6. Competitive Proposal Debriefing Procedure

- a. An offeror, upon its written request received by the agency within three (3) working days after the date on which that offeror has received a notification to of award, shall be debriefed and furnished the basis for the selection decision and contract award.
- b. To the maximum extent practicable, the City will conduct the debriefing within five (5) working days after receipt of the written request.
- c. Debriefings of successful and unsuccessful offerors may be done orally, in writing, or by any other method acceptable to the procurement officer.
- d. The procurement officer should normally chair any debriefing session held. Individuals who conducted the evaluations shall provide support.
- e. At a minimum, the debriefing information shall include
 - i. The City's evaluation of the significant weaknesses or deficiencies in the offeror's proposal, if applicable;
 - ii. The overall evaluated cost or price (including unit prices), and technical rating, if applicable, of the successful offeror and the debriefed offeror, and past performance information on the debriefed offeror,
 - iii. The overall ranking of all offerors, when any ranking was developed by the agency during the source selection;
 - iv. A summary of the rationale for award;
 - v. For acquisitions of commercial items, the make and model of the item to be delivered by the successful offeror;

- vi. Reasonable responses to relevant questions about whether source selection procedures contained in the solicitation, applicable regulations, and other applicable authorities were followed.
- f. The debriefing shall not include point-by-point comparisons of the debriefed offeror's proposal with those of other offerors. Moreover, the debriefing shall not reveal any information concerning:
 - i. Trade secrets;
 - ii. Privileged or confidential manufacturing processes and techniques;
 - iii. Commercial and financial information that is privileged or confidential, including cost breakdowns, profit, indirect cost rates, and similar information;
 - iv. The names of individuals providing reference information about an offeror's past performance.
- g. An official summary of the debriefing shall be included in the contract file.

ATTACHMENT B – PROCUREMENT CHECKLISTS

[See following pages.]

PROCUREMENT CHECKLIST

Project Title _____

City Project # _____

Grant Name and Number _____

Type of Solicitation Advertisements for Bids RFP RFQ

Approved By: _____

Reviewed By: _____

This document must be utilized for all federal procurement and is the responsibility of the department head, engineer, or program administrator. This checklist provides guidance on federal procurement regulations. It does not address all procurement issues the City may experience. Use of the checklist provides a tool to cover most requirements experienced within federal procurement. Please note each agency has different requirements and the responsibility will fall upon the official conducting the procurement to obtain individual grant requirements before soliciting. The Finance Department will maintain a project file and will need all pertinent documentation and a copy of this checklist forwarded (electronically if possible) upon execution of an award or modification. The Internal Auditors and/or Accountants will review this document during the life of the project to ensure all requirements are being completed and documented appropriately.

Pre Solicitation

Independent Cost Estimate (must be completed before bids are opened) --The City must perform a cost or price analysis for every procurement action, including contract modifications. The engineer's cost estimate will meet this requirement for formal sealed bids. This must be a detailed cost breakdown for the overall estimate providing the elements, such as labor and materials, of the total cost. Cost estimates must be documented and placed in the applicable procurement folder. Any e-mails and/or written documentation concerning cost estimates should be retained in the procurement folder. (See next line and section below regarding architects or engineers (A/E) or professional services procurement.) **Procurement Policy Section 3: Pre-Solicitation #3; (2 CFR 200.324(a))**

<input type="checkbox"/>	<p>A cost analysis and documentation is required for a RFQ or RFP (competitive negotiations). Cost analyses are used when there is no price competition or when price competition is not the only evaluation factor, such as in procuring A/E, professional, consulting, or program administrator services. A cost analysis must be completed before awarding the contract and placed in the procurement file. Cost analysis is the evaluation of separate elements (e.g., labor, materials, etc.) that make up a contractor's total cost proposal or price to determine if they are allowable, directly related to the project and ultimately, reasonable. To prepare a cost analysis 1) Obtain a detailed breakdown of the contractor's proposed cost and verify the accuracy of the cost and pricing information submitted, and evaluate. An analysis contains the following elements: 1) Is the cost reasonable, which means is it allowable under the grant; is it allocable (are costs logically related to, or required in the performance of the contract); and is the cost reasonable? 2) Is the cost necessary? 3) Compare costs proposed by the offeror with actual costs previously incurred by the same contractor for the same or similar work; compare costs of the same or similar work performed by other contractors; compare previous cost estimates from the offeror or other offerors for the same or similar items; compare the methods proposed by the offeror with the requirements of the solicitation; compare with the City's cost estimate prepared with the City Fee Schedule. Procurement Policy Section 3: Pre-Solicitation #4; HUD Quick Guide to Cost and Price Analysis; (2 CFR 200.324(a)).</p>	
<input type="checkbox"/>	<p>Are there any potential conflicts of interest? A conflict of interest could arise if the employee, officer, or agent; any member of his/her immediate family; his/her partner; or an organization which employs or is about to employ any of the above, has a financial or other interest in the firm selected for award. Document to the right if no conflict exists with a description of how this was determined. If a conflict of interest was found, include the determination and resolution of the investigation to the right. Procurement Policy Section 2; 2 CFR 200.318(c)(1).</p>	
<input type="checkbox"/>	<p>Describe the rationale for the method of procurement and selection of contract type. Procurement Policy Section 3: Pre-Solicitation #2; 2 CFR 200.318(i).</p>	

Solicitation		
<input type="checkbox"/>	Were prospective respondents allowed a reasonable amount of time to respond? Sealed bids are to be advertised for 3 consecutive weeks with the first advertisement being 21 days before the date of the opening of bids. TxGMS Publication of advertisement for bids. Procurement Policy Section XX: Methods of Procurement #3b; and 2 CFR 200.320(b)(ii)(A).	
<input type="checkbox"/>	Does solicitation contain a clear and accurate description of the technical requirements for the material, product or services, and scope of work (SOW)? Procurement Policy Section 4.1 #4; and 2 CFR 200.319(d)(1 - 2).	
<input type="checkbox"/>	Specifications and solicitation must not contain features that unduly restrict competition such as unreasonable or unnecessary experience or bonding requirements. A “brand name or equal” description may be used to define the performance or other important requirements of the procurement such as procurement of equipment to integrate with a particular brand of equipment. Procurement Policy Section 4: Full and Open Competition #2; and §200.319(d)(1)	
For competitive negotiation (Request for Proposal (RFP) or Request for Qualifications (RFQ)) such as for architectural or engineering (A/E) or program administrator (PA) contracts; are the below requirements contained in the solicitation?		
<input type="checkbox"/>	Were proposals solicited from an adequate number of qualified sources, and was the solicitation adequately publicized to achieve sufficient competition? Per ND State Law 54-44.7-03, the solicitation must be advertised 21 days before opening of proposals. Must solicit proposals from at least three qualified sources. Procurement Policy Section 4.2 Methods of Procurement #4(a); and §200.320(d).	
<input type="checkbox"/>	Did the solicitation identify all significant evaluation factors or selection criteria, including the corresponding point system to be used to rate the proposals/qualification statements? These factors include past performance, the ability of professional personnel, willingness to meet time and budget requirements if applicable, related experience on similar projects, and recent and current work for the City. ND State Law 54-44.7-03(5); Procurement Policy Section 4.2 Methods of Procurement #4(a)(i); and §200.320(b).	
<input type="checkbox"/>	Is this a solicitation for architectural/engineering (A/E) professional services? A/E professional services must be solicited with a RFQ. The method where price is not used as a selection factor, can only be used in procurement of A/E professional services. Procurement Policy Section 4.2 Methods of Procurement #4(b); §200.320(b)(2)(iv); and Chapter 11 of Title 40.	

<input type="checkbox"/>	<p>If this is not a solicitation for A/E professional services, does the RFP contain cost as an evaluation factor? Request for proposals for services other than A/E, shall always include cost and at least one non-cost qualitative evaluation factor such as experience with like projects. Procurement Policy Competitive Negotiation (iii). Procurement Policy Section 4.2: Methods of Procurement #4(b); §200.320(b)(2)(iv); and Chapter 11 of Title 40.</p>	
<input type="checkbox"/>	<p>Document the City's efforts in hiring minority-owned business enterprises and women-owned business enterprises in this solicitation. Procurement Policy Section 3: Pre-Solicitation #6; and 2 CFR 200.321(a)(b).</p>	
<input type="checkbox"/>	<p>Solicitation requirements obtained from the program administrator and/or agency and incorporated into the solicitation and included in the bid requirements. Each funding agency could have differing clauses to be included in solicitations and contracts. Please check with the grant originator to obtain requirements. See below regarding construction requirement that could apply to A/E services.</p>	
<p>The below items are required by the City's Federal Grant Procurement Policy and must be included in solicitations with clauses included in the bid requirements.</p>		
<input type="checkbox"/>	<p>Notice of use of funding agency funds. For example, HUD CDBG-DR funds</p>	
<input type="checkbox"/>	<p>Davis Bacon labor requirements. Applicable for construction projects >\$2,000. Procurement Policy Section 6: #5; 29 CFR Part 5; Appendix II, Part 200(d).</p>	
<input type="checkbox"/>	<p>Section 3 clause, if funded by the Department of Housing and Urban Development (HUD). The Section 3 program requires recipients of certain HUD financial assistance, to the greatest extent possible, provide job training, employment, and contract opportunities for low- or very-low-income residents in connection with projects and activities in their neighborhoods. 24 CFR Part 135.32(b).</p>	
<input type="checkbox"/>	<p>Nondiscrimination, affirmative action, and equal employment opportunity in employment. Executive Order 11246 as amended; 41 CFR 60-1.4(b); 41 CFR 60-1.7(b); 41 CFR 60-4.2.</p>	
<input type="checkbox"/>	<p>The contractor will comply with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act regarding procurement of recovered materials and solid waste management services. Procurement Policy Section 6 #11; 2 CFR 200.322; Appendix II, Part 200(J).</p>	
<input type="checkbox"/>	<p>Scope of work. Procurement Policy Section 4.1 #4; 2 CFR 200.319(d)(1-2).</p>	
<input type="checkbox"/>	<p>Requirement of affirmative efforts to hire women business enterprises and minority business enterprises. Procurement Policy Section 3: Pre-Solicitation #6(e); 2 CFR 200.321(a)(b).</p>	

<input type="checkbox"/>	Debarment certification. Procurement Policy Section 6 #9; 2 CFR 180.220; Appendix II, Part 200(I).	
<input type="checkbox"/>	Byrd Anti-Lobbying Certification (for contract >\$100,000 (Appendix II to Part 200(I)); 31 U.S.C. 1352.	
Bid, RFP, or RFQ Documents		
<input type="checkbox"/>	Solicitation (Advertisement for Bids, RFP, or RFQ). Include a copy of the newspaper advertisement in the file plus the solicitation included in the bid documents. Procurement Policy Section 3: Pre-Solicitation #2; 2 CFR 200.318(i).	
<input type="checkbox"/>	If a construction contract > \$2,000, was a wage rate included in the bid documents? Procurement Policy Section 6 #4; Appendix II Part 200(D); 29 CFR Part 5.	
<input type="checkbox"/>	Was the rate checked 10 days before bid date? Document this by printing the 1st page of the wage rate with the date checked on the bottom of the webpage. If no change was made hand write on the page and place in the file. 29 CFR 1.6(c)(2)(i)(A).	
<input type="checkbox"/>	If the rate changed was it updated by addendum sent to all holders of the bid documents? This is documented by the addendum to be placed in the file. 29 CFR 1.6(c)(2)(i)(A).	
<input type="checkbox"/>	List of proposed bidders and suppliers receiving copies of the bid documents (if available.) Procurement Policy Section 3: Pre-Solicitation #2; 2 CFR 200.318(i).	
<input type="checkbox"/>	Are there adequate number of responses documented? Three (3) for small purchase and competitive negotiation (RFP or RFQ). Procurement Policy Page METHODS OF PROCUREMENT; two (2) or more for sealed bids. See below requirements if you do not have these minimums. Procurement Policy Section 4.2 #2-4; 2 CFR 200.320.	
<input type="checkbox"/>	CAUTION! When only one bid is received in response to a competitive bid solicitation, you do not have price competition. The solicitation is considered a Noncompetitive proposal. If you decide to award on the basis of a single submitted bid price, without negotiation, you must: 1) Send a written request and receive approval from the Awarding Agency if required (check with the awarding agency. 2) justify the price is fair and reasonable; 3) compare the bid price to your own in-house estimate or engineers estimate and past prices paid for the same or substantially similar item(s) in the past; 4) obtain information from the marketplace; 5) obtain a complete cost breakdown; 6) perform a cost analysis of the proposed price and; 7) document the rationale for the award decision and place in the procurement file. HUD Quick Guide to Cost and Price Analysis; Procurement Policy Section 4.2 #5; 2 CFR 200.320.	
<input type="checkbox"/>	Copy of all bid proposals included in the file. Procurement Policy Section 3: Pre-Solicitation #2; 2 CFR 200.318(i).	

<input type="checkbox"/>	Notes from Pre-Bid Conference(s) if held, included in the file. Procurement Policy Section 3: Pre-Solicitation #2; 2 CFR 200.318(i).	
<input type="checkbox"/>	Did the bid response include a 5% bid bond, if for a construction or facilities improvement project? Procurement Policy Section 9(1); 2 CFR 200.326(a).	
<input type="checkbox"/>	Documentation of reason for rejecting any and or all bids (including respondents not responsible or not responsive) must be kept in the procurement file. Procurement Policy Section 4.2 #3(e); Attachment A #3(f).	
<input type="checkbox"/>	A price analysis is required for every sealed bid procurement. The tabulations of bids with date and time of bid opening notated; along with any evaluations of the proposals documented will meet this requirement. Price analysis is essentially price comparison. It is the evaluation of a proposed price (i.e., lump sum) without analyzing the separate cost elements of the lump sum proposal price. Price analyses are used to compare lump sum prices (not estimates) received from contractors in a competitive pricing situation (when sealed bids are obtained). Procurement Policy Section 3 #3; 2 CFR 200.324(a).	
<input type="checkbox"/>	Were there any disputes regarding the procurement? See Procurement Policy Attachment A #s 4-5 to understand how to document.	
<input type="checkbox"/>	Were the disputes handled, resolved, and disclosed? See Procurement Policy Attachment A #5 to understand how to document.	
<input type="checkbox"/>	Was a protest appropriately filed as noted in the Procurement Policy Attachment A #s 4 – 5?	
<input type="checkbox"/>	Did the City disclose information regarding the protest to the awarding agency? Procurement Policy Attachment A #5(a).	
<input type="checkbox"/>	Were all protest requirements met by the City as detailed in the Procurement Policy Attachment A #s 4 – 5?	
<input type="checkbox"/>	Was the protest resolved within 35 days after filing? Procurement Policy Attachment A 5(e).	
<input type="checkbox"/>	Were any bids or offers rejected or otherwise excluded from the competitive range notified promptly in writing by the procurement officer. The notice shall state the basis for the determination and a proposal revision will not be considered. Procurement Policy Attachment A #3(e).	

<input type="checkbox"/>	<p>If the procurement was a competitive negotiation, were unsuccessful offerors notified in writing within ten working days of contract award with the protest and debriefing procedures sent with the notification. (City current procedure is to include an award of bid notice with the items for the President of the City Commission to sign. After the President of City Commission signs the form, the respective departments are given the bid notice to be sent out the unsuccessful bidders.)</p>	
Contract/Agreement Documents		
<input type="checkbox"/>	<p>Has the contractor's debarment check been completed before recommendations are made to City Commission to award the contract? This will be completed by accessing the System For Award Management (SAM) website at https://www.sam.gov, search records. The printed page from the SAM Web site with the date of the check must be included in the procurement file. Procurement Policy Section 5.1 #s 2 – 3; Attachment A #2; 2 CFR 180.300 & 2424.300.</p>	
<input type="checkbox"/>	<p>If the contractor has been found to be suspended, debarred, proposed for debarment, or declared ineligible as of the bid opening date was the contractor's bid rejected, and the next lowest eligible bidder checked for debarment? Procurement Policy Attachment A #2.</p>	
<input type="checkbox"/>	<p>Is there a notice of contract award included in the file?</p>	
<input type="checkbox"/>	<p>Award--does the award document (contract or agreement) contain the below required clauses? Appendix II, Part 200 and CDBG-DR Contract Provisions.</p>	
<input type="checkbox"/>	<p>Is the period of performance clearly stipulated with the date of completion noted? Are there penalties for not meeting the performance standards? Procurement Policy Section 78 FR 14344</p>	
<input type="checkbox"/>	<p>Breach of contract terms including administrative, contractual, or legal remedies when contractors violate or breach contract terms, and providing such sanctions and penalties as may be appropriate? Procurement Policy Section 6 #1; Appendix II, Part 200(A).</p>	
<input type="checkbox"/>	<p>Termination for cause and for convenience by the City? (Contracts > \$10,000. Procurement Policy Section 6 #2; Appendix II, Part 200(B).</p>	
<input type="checkbox"/>	<p>Compliance with Executive Order 11246, Equal Employment Opportunity? (All construction contracts and subcontracts > \$10,000). Procurement Policy Section 6 #3; Appendix II, Part 200(C).</p>	
<input type="checkbox"/>	<p>Compliance with Copeland "Anti-Kick-Back" Act? (All construction contracts and subcontracts > \$10,000). Procurement Policy Section 6 #4; Appendix II, Part 200(D).</p>	

<input type="checkbox"/>	Compliance with the Davis-Bacon Act? (All construction or repair contracts or subcontracts > \$2,000). Procurement Policy Section 6 #5; Appendix II, Part 200(D).	
<input type="checkbox"/>	Was the correct wage rate included in the agreement documents? Procurement Policy Section 6 #5; Appendix II Part 200(D); 29 CFR Part 5.	
<input type="checkbox"/>	Compliance with 40 U.S.C. 3701-3708 The Contract Work Hours and Safety Standards Act. (All construction or repair contracts or subcontracts > \$2,000, and > \$2,500 for other contracts which involve the employment of mechanics or laborers.) Procurement Policy Section 6 #6; Appendix II Part 200(E).	
<input type="checkbox"/>	Notice of the awarding agency requirements and regulations pertaining to reporting. (All contracts.) (see individual agency requirements)	
<input type="checkbox"/>	Notice of the City and awarding agencies requirements and regulations pertaining to patent rights, copyrights, and rights in data? (All contracts.)	
<input type="checkbox"/>	Access to any books, documents, papers, or records of the project by the City, federal agencies, and the Comptroller General of the United States	
<input type="checkbox"/>	Records must be maintained for five years after the City formally closes out each program? League of Cities City Records Management Schedule found on the City's Web site.	
<input type="checkbox"/>	Compliance with the Clean Air Act, Clean Water Act, and EPA regulations. (All contracts, subcontracts, and sub grants in amounts > \$150,000) Procurement Policy. Procurement Policy Section 6 #7; Appendix II Part 200(G).	
<input type="checkbox"/>	Is the Green Building Standards clause included if applicable (New construction or replacement of substantially damaged residential buildings.) 81 FR 36566 dated June 7, 2016	
<input type="checkbox"/>	Does the contract contain a clause allowing the City and federal agencies to be permitted to require changes, remedies, changed conditions, access and record retention, and suspension of work clauses approved by the governing body?	
<input type="checkbox"/>	Does the contract contain requirements that a contract award must not be made to parties listed on the government wide Excluded Parties List System in the System for Award Management (SAM). Procurement Policy Section 6 #8; Appendix II Part 200(H).	

<input type="checkbox"/>	<p>Does the contract contain a Byrd Anti Lobbying Clause? Procurement Policy Section 6 #9; Appendix II Part 200(I).</p>	
<input type="checkbox"/>	<p>Does the contract contain a clause stating the contractor will comply with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act? Procurement Policy Section 6 #10; Appendix II Part 200(J).</p>	
<input type="checkbox"/>	<p>If the procurement was a competitive negotiation, where price is not the only factor, was a cost ceiling clearly established in the contract which may not be exceeded without a contract modification? Procurement Policy Section 4.2 #4(b); 24 CFR 200.318(j)(2).</p>	
<input type="checkbox"/>	<p>If the procurement was a competitive sealed bid procurement, was a firm fixed price contract (either lump sum or unit price) awarded to the responsible bidder whose bid is lowest in price and conforms to all the material terms and conditions of the advertisement for bids. Procurement Policy Section 4.2 #3(a)(iii); 2 CFR 200.320(1)(b)(i-ii) and 200.320(1)(b)(2)).</p>	
<input type="checkbox"/>	<p>If the contract was not awarded to the lowest bidder in the case of a competitive sealed bid procurement, was a justification for awarding included in the file with the approval of the City Commission? Include the minutes from the Commission meeting Procurement Policy Section 8 # 2(d); 2 CFR 200.325(b).</p>	
<input type="checkbox"/>	<p>Prohibited contracts--Agreements and/or contracts must not contain "cost plus percentage of cost" and "percentage of construction costs" pricing structures. Procurement Policy Section 5.2 #5; 2 CFR 200.324(d).</p>	
<input type="checkbox"/>	<p>Contractor Section 3 Plan with applicable tables must be included in the procurement file for HUD funded projects. 24 CFR 135</p>	
<input type="checkbox"/>	<p>List of subcontractors must be included for the procurement file. Per contract requirements</p>	
<input type="checkbox"/>	<p>The general contractor is responsible for checking debarment of their subcontractors. This clause is usually found in the General Conditions from the Bid Documents, which are usually part of the contract documents.</p>	

<input type="checkbox"/>	Subcontractors must be required to adhere to the requirements pertinent to the funding agency and type of agreement. For example, the contractor must include requirements in subcontractor agreements such as affirmative action, Section 3, and equal opportunity, and the Byrd Anti-Lobbying Amendment clause. Procurement Policy Section 6 #10; CDBG-DR Compliance Provisions.	
<input type="checkbox"/>	Performance bond for 100% of the contract if required, must be included in the file. Procurement Policy Section 9 #2.	
<input type="checkbox"/>	Payment bond for 100% of the contract if required, must be included in the file. Procurement Policy Section 9 #3.	
<input type="checkbox"/>	Insurance certificates in the amount required in the bid documents must be included in the file. Per contract documents	
Contract/Agreement Execution		
<input type="checkbox"/>	Is the contract/agreement signed and dated by both parties? The contract/agreement must be signed after the City Commission's approval. Documentation of City Commission approval must be kept in the file.	
<input type="checkbox"/>	Is the proper date placed on the contractual document after it is signed by the President of the City Commission?	
<input type="checkbox"/>	Is the proper date contained within the actual contractual document, if the document contains this language?	
Change Orders, Amendments, or Modifications To Agreements		
<input type="checkbox"/>	Is there a copy of each approved change order placed in the procurement file?	
<input type="checkbox"/>	Change orders are normally not approved by City Commission or signed by the President of the City Commission. At times amendments and modifications are sent to the City Commission for approval and to the President of the City Commission for signature. If this is the case, the City Commission must approve before the City Commission signs the documents. Include the City Commission minutes to document approval before signature.	
<input type="checkbox"/>	Is the proper date placed on the change order, amendment, or modification after it is signed by the approving official?	
<input type="checkbox"/>	Is the proper date contained within the actual change order, amendment, or modification documents, if the document contains this language?	

<input type="checkbox"/>	<p>Justification and cost estimate for the change order before a proposal is requested from the contractor with explanation of how the change order relates to the original scope of the contract and to the National Objective (if a HUD project) for the project must be prepared and kept in the file.</p>	
<input type="checkbox"/>	<p>A signed contractor proposal must be included in the file?</p>	
<input type="checkbox"/>	<p>Cost analyses for change orders must be completed and placed in the procurement file. To complete a cost analysis 1) obtain a detailed breakdown of the contractor's proposed cost; 2) verify the accuracy of the cost and pricing information submitted; 3) evaluate the reasonableness of proposed costs by ensuring they meet these three critical tests: are the costs allowable, are the costs allocable (are they logically related to or required in the performance of the contract), are the costs reasonable; 4) are the costs necessary and justifiable to the CDBG-DR activity (should be evaluated by the engineers or other technical personnel) 5) Compare costs with: a. actual costs previously incurred by the same contractor for the same or similar work; b. actual costs of previous of the same or similar work by other contractors; c. previous cost estimates from the offeror or other offerors for same or similar items; d. do the costs reflect the technical approach proposed and the work required? and e. compare to the cost estimate from the engineer, or staff. Copies of subsequent modified cost estimates must be kept with the original with some explanation why they changed it after the bid process. Keep documentation of cost estimates, comparisons, and worksheets to attach to the cost analysis as backup. HUD Quick Guide to Cost and Price Analysis and Procurement Policy Page 7</p>	
Additional Funding Agency Requirements		
<input type="checkbox"/>		
<input type="checkbox"/>		
<input type="checkbox"/>		
Miscellaneous Correspondence - list below		
<input type="checkbox"/>		
<input type="checkbox"/>		

Project Completion

<input type="checkbox"/>	Commission approval of final billing and closure of the project including memo to committee.	
<input type="checkbox"/>	Contractor final lien waivers. City requirement	
<input type="checkbox"/>	Subcontractor final lien waivers. City requirement	

Administrative Check List for Federal Procurements

The following check list is to be followed for all procurements for which federal funds will be used with this checklist setting forth the administrative process in carrying out the Federal Procurement Policies and Procedures:

Procurement is defined as any use of the permitted methods of procurement under 2 CFR 200.320

_____ NDR Program Manager authorizes procurement

_____ Draft procurement format for RFP and BID as set forth in 2 CFR 200.300 is submitted to Finance Director and City Attorney for comment

_____ If required by city policy or the Federal Procurement Policies & Procedures for City Commission approval, draft procurement including sole source is submitted to NDR Program Manager

_____ After City Commission approval or if not required, or if a micro or small purchase, final procurement documents are submitted to NDR Program Manager for authorization

_____ Public notification of the procurement shall be posted on the City's website and, if required by the type of procurement, through legal notice in *The Forum* at least once but can be more frequently if required by city policy or deemed appropriate by the NDR Program Manager for transparency with the public

_____ Independent Cost estimate of contract cost and price as set forth in 2 CFR 200.324 is submitted to the Finance Director and the NDR Program Manager.

_____ For RFPs and Sealed Bids, there shall be a pre-bid conference scheduled for anyone interested in attending. All questions and answers at the pre-bid conference as well as any follow-up questions and answers after the pre-bid conference shall be posted on the city website on a timely basis to allow all interested in responding to access the questions and answers

_____ All responses to RFPs and Bids shall be received by the Finance Director or designee

_____ Time and opening location of RFP and Bid responses shall be posted on city website at least 24 hours in advance of the opening of responses

_____ After determination of lowest responsible response for all procurements or completion of sole source contract, a necessary and reasonable assessment shall be completed and submitted to the Finance Director and the NDR Program Manager

_____ Draft package of documents for approval of an award by the City Commission as required by city policy shall be submitted to the NDR Program Manager as required to be added to the agenda for the next available City Commission Meeting

_____ Upon City Commission approval, if required, and, signature of the President of the City Commission, if required, and all other procurements not requiring City Commission action the complete procurement package shall be submitted to the Finance Director or designee

City Council Meeting Staff Report



August 5, 2024

Agenda Item

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.

Staff Contact

John Janes, Grants Coordinator
jjanes@denisontx.gov
903-465-2720 X 2510

Summary

- The City of Denison has no written policy regarding grant management, compliance, or workflow.
- The proposed Grant Management Policy would ensure all city grant activities are compliant with Federal and State regulations.
- Some grantmaking agencies require grant management policies to be eligible for funds.
- Requesting Council to approve the policy and act on the resolution.

Staff Recommendation

City staff recommends the approval of Grant Management Policy.

Recommended Motion

“I move to adopt the resolution approving the Grant Management Policy.”

Background Information and Analysis

City staff propose new policies to ensure compliance with State and Federal regulations and define a traceable workflow of awarded grants. The Grant Management Policy will define proper workflow, documentation, data collection, and expenditures of granted funds. The proposed Policy is required by several grantmaking agencies prior to a grant application submission and posture the City of Denison as a compliant and prepared entity, ensuring eligibility for funding opportunities and demonstrating a commitment to meeting regulatory and ‘best practice’ standards.

Financial Considerations

N/A

Prior Board or Council Action

- No Prior Board or Council Action exists for this request.

Alternatives

The City Council may table, deny, or conditionally approve the proposed policy.

RESOLUTION NO. _____

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.

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 federal grant program Management policy (“Management Policy”) to provide for a management system of quality and integrity, provide for the fair and equitable treatment of all persons or firms involved in purchasing by the City, and to ensure the supplies and services are procured efficiently, effectively and at the most favorable prices for the City, and promote competition in contracting; and

WHEREAS, the City Council desires to adopt a Management Policy that outlines procedures to reflect and conform to applicable state and local laws and federal laws and standards identified in 2 CFR 200.318-327; and

WHEREAS, the City Council has reviewed the Management Policy attached hereto as **Exhibit “A”** and incorporated herein, and has determined it appropriate to adopt the management 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 Management 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 Grant Management Plan set forth in **Exhibit “A”** and hereby adopts the attached as the City’s Management Policy

Section 3. The Management Policy shall apply to all management of all procurement actions of the City funded with federal funds. When both federal and non-federal funds are used for a project, the work to be accomplished with the funds should be separately identified prior to procurement so that appropriate management requirements can be applied, if necessary.

Section 4. The City Manager, or their designee, shall be responsible for implementing and enforcing the Management Policy.

Section 5. The Management Policy shall apply to all departments, divisions and entities of the City of Denison engaged in the management of procurement of goods, services and construction.

Section 6. 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 7. The Management Policy may be amended from time to time by resolution of the City Council.

Section 8. That this Resolution shall take effect immediately upon its passage and approval.

PASSED AND APPROVED this 5th day of August 2024.

ROBERT CRAWLEY, Mayor

ATTEST:

Christine Wallentine, City Clerk

EXHIBIT A
CITY OF DENISON GRANT MANAGEMENT POLICY



City of Denison, Texas Grant Management Plan

FEBRUARY 2024

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PURPOSE: This Plan articulates the City of Denison’s guidelines and procedures for grant management and reporting following a grant award. Each funding agency will provide specific post-award procedures; however, the processes outlined in this manual apply to all grant awards unless a specific funding agency dictates otherwise.

GOALS: The City’s goal in grant management is to effectively track and manage grant funds, ensuring accurate accounting and facilitating necessary actions for their closure.

HISTORY: The City of Denison has successfully managed and closed out dozens of local, state, and federal grant contracts, including grants from the DOJ, HUD, NPS, TxDOT, and others.

RESPONSIBILITIES: Denison Finance Department is responsible for ensuring accurate and complete accounting of all grant funds. In collaboration with the Grants Coordinator, each individual Department that is the recipient of a grant award is responsible for ensuring that the project or program that is receiving grant funds is administered and completed following all grant rules and regulations and that the project is completed on time and on budget. In the event of the City contracting with a grant management Consultant, that person/persons will be responsible in management of accounting and reporting.

POLICY 1

GRANT DEVELOPMENT AND SUBMISSION

1.1 ***Grant Submission Responsibility***

1.1.1 Each Department is responsible for collaborating with the Grants Coordinator to develop and submit grant applications in accordance with the grant agency's submission requirements.

1.1.2 If a grant application is written internally, without involving the Grants Coordinator, it is necessary to provide a complete copy of the grant application to the Grants Coordinator.

1.2 ***Grant Submission Elements***

The following have been identified as key elements to review during the grant application process:

1.2.1 Local Match: Examine carefully the local match requirements. City Finance staff can assist with identifying matching funds but it is the responsibility of each Project Lead to ensure the local match requirement can be met.

1.2.2 Performance Period: Ensure the proposed project or program can be completed within the performance period stated in the grant guidelines.

1.2.3 Prior Grant Awards: Identify any prior grant awards from the funding agency and ensure that all prior awards are in compliance with reporting and management.

1.3 ***Grant Awards***

It is the responsibility of the Grants Coordinator and Project Lead to monitor pending applications and notify the Finance Officer and City Manager Office when a grant has been awarded.

1.3.1 Funded proposals move to the next phase in the grant management process.

POLICY 2
AWARD NOTICE

2.1 Notification of Grant Award

2.1.1 Immediately upon grant award notice, the Grants Coordinator is responsible for providing a copy of the award letter, email, or grant agreement to the City Manager Office and Finance Officer.

2.1.2 Notification of the grant award to the City Council is the responsibility of the Grants Coordinator, under the direction of the City Manager Office.

2.2 Executing the Grant Agreement

2.2.1 Upon grant award notice, the Finance Officer, Grants Coordinator, and Project Lead will meet to review "next steps" articulated by the funding agency.

2.2.2 In general, the Finance Department will assume responsibility for all finance and accounting-related activities required by the funding agency and the Project Lead will assume responsibility for all project management-related activities.

2.2.3 A preliminary task list will be developed by the Grants Coordinator with names assigned to each task and a timeframe for completing each task. The primary purpose of this task list is to ensure that all parties are completing the necessary tasks to successfully execute the grant agreement.

POLICY 3

PROJECT PERFORMANCE

3.1 Project Documenting

The Grants Coordinator is responsible for developing a Project-specific binder with tabs to provide an overall reference of every document, form and correspondence (including electronic mail) related directly to the Project. Key items will include:

3.1.1 The grant solicitation, grant guidelines, and grant application.

3.1.2 Award Notice. The Notice will provide execution conditions and any additional requirements for grant eligibility or reimbursements. The Notice may contain legal compliances to be signed by the Project Lead or responsible party.

3.1.3 Executed Grant Agreement.

3.1.4 Post-award correspondence between funding agency, the City and any subcontractors, consultants, and related partners.

3.1.5 Grant Management Reporting Guidelines. Each funding agency will have specific guidelines. This is in addition to the grant agreement information and may include formatting information for reports and timelines.

POLICY 4

REPORTING REQUIREMENTS

4.1 Reporting Requirements

Depending on whether the grant is a federal or state grant, reporting requirements may vary.

- Federal Grants:
 - Activate System for Award Management (SAM.GOV) to receive reimbursements account with an expiration date of at least 90 days in the future. A hard copy of The SAM Verification Form will be filed.
 - Fill out Federal Grant Direct Deposit Form 1199A for reimbursement and funding.
 - NEPA completion, if applicable
- State Grants:
 - Requirements will vary depending on the Sponsor Agency for the particular grant. Referencing Guidelines, Award Letter and Executed Grant Agreement should provide itemized requirements.

4.2 Executed Contracts

Copies of all contracts pertaining to Grant Award should be kept on file.

- Original Signed Grant Agreement and/or amendment(s).
- Budget modification documents.
- List of funding sources for the Project.
- All subcontractor, consultant and related partner contracts.
- Contracts between the Funding Agency and member agencies as related to the Grant Agreement.

4.3 List of Contacts

It will be useful to have a list of persons to contact for assistance throughout the grant management award process. They may include but are not limited to the following:

- Grant Agency Program Officer
- Grant Agency Fiscal Officer
- City of Denison Project Manager/Lead
- City of Denison Grants Coordinator
- City of Denison Finance Officer
- City of Denison Support Staff related to project
- Engineers, Consultants, Contractors assisting in the facilitation of the project completion.

4.4 Quarterly Reporting or Incremental Reports

4.4.1 Progress Reports

- Complete forms or required format documents for reporting the progress and/or completion of the approved scope of work tasks.
- Collect deliverables to document completed items.

POLICY 5

REIMBURSEMENT REQUESTS OR ADVANCE OF FUNDS

5.1 Grant Expenses

The Finance Officer, Grants Coordinator, and Project Lead are jointly responsible for ensuring that all grant expenditures are in compliance with applicable laws, regulations and grant requirements, and that grant deliverables will be completed as required.

5.5 Submitting an Advance of Funds/Reimbursement Request

The process for submitting an Advance of Funds or Request for Reimbursement must include the following:

5.5.1 The Grants Coordinator will identify the required Advance of Funds or Request for Reimbursement forms provided by the funding agency and will complete the forms to the extent possible. Information may be necessary from the Project Lead. The Grants Coordinator will:

5.5.1.1 Complete spreadsheet and/or reimbursement forms to itemize approved expenses paid during the reporting period.

5.5.1.2 Organize paid invoices (City warrants) and related receipts (itemized sub-contractor or materials) to correspond to the spreadsheets.

5.5.1.3 Document the payment for specific grant-related tasks and materials.

5.5.2 The Project Lead is responsible for providing necessary back-up documentation.

5.5.3 The Grants Coordinator develops a "packet" that is proposed to be submitted which will include the required forms and all back-up documentation. *The Finance Officer is responsible for reviewing the entire Advance or Reimbursement "packet" prepared by the Grants Coordinator and initialing at the bottom of each page signifying review and accuracy.*

5.5.4 The Finance Officer is responsible for reviewing the original budget documents provided in the grant application and reviewing the grant agreement budget to ensure that the grant funds are being requested for approved items. The Grants Coordinator will proceed by signing the forms and obtaining the appropriate signatures and submitting the Advance or Reimbursement request to the funding agency.

5.5.5 Upon receipt of the grant funds, the City's normal internal control process for receipt and depositing of funds will be followed.

5.5.6 The City will maintain all grant funds in separate accounts to ensure complete transparency and accountability of grant funds.

POLICY 6

PROCUREMENT COORDINATION

6.1 Federal Procurement Policies and Procedures

The Project Lead will confirm Federal Procurement Procedures for the grant funding agency and ensure that all subcontractors and materials are procured according to the policies, designed to ensure a competitive and fair hiring process. The Grants Coordinator will retain all documentation (RFPs, Proposals received, proposal evaluations and contracts).

6.2 Local Procurement Policies and Procedures

Reference the City's Procurement Policies and Procedures and amendments for additional guidance.

POLICY 7

AUDITS

7.1 Audit Requirements

The Finance Officer is responsible for ensuring the City is complying with all audit requirements (Single Audit, annual, etc.).

7.2 Audit Participation

In the case of a project audit by a grant funding agency, the Finance Officer, Grants Coordinator, and Project lead will jointly participate in the audit and provide documents and answer questions as required.

7.3 Documentation

Documents and records to be readily available upon request at any time include:

7.3.1 Internal Controls

- Audit Reports of the agency's internal control structure and/or financial Statements within the last two years.
- Prior audit reports on grant or loan funded program/project.
- List of bond-funded grants received from the state.
- List of other funding sources for each program/project.
- Written Internal Procedures:
 - Receipts, and deposits
 - Disbursements
 - State reimbursement requests
 - Grant expenditure tracking
 - Guidelines, policy, and procedures on Project structure and/or financial statements.

7.3.2 Contracts

- All subcontractor and consultant contracts or partner documents, if applicable.
- Contracts between the agency and member agencies as related to the grant funded program/project.

7.3.3 Invoices

- Invoices from vendors and subcontractors for expenditures submitted to the State for payments under the grant.
- Documentation linking subcontractor invoices to reimbursement, requests and related grant budget line items.
- Reimbursement requests submitted to the funding agency for the grant.

7.3.4 Cash Documents

- Receipts showing payments received from the State.
- Deposit slips (or bank statements) showing deposit of the payments received from the State.
- Cancelled checks or disbursement documents showing payments made to vendors, subcontractors, consultants, and/or agents under the grant.
- Bank statements showing the deposit of the receipts.

7.3.5 Accounting Records

- Ledgers showing entries for receipts and cash disbursements.
- Ledgers showing receipts and cash disbursement entries of other funding sources.
- Bridging documents that tie the general ledger to requests for grant reimbursement.

7.3.6 Administration Costs

- Supporting documents showing the calculation of administration costs.
- Personnel costs.
- List of all contractors and agency staff who worked on the grant program/project.
- Payroll records, including timesheets for contractor staff and the agency personnel who provided services charged to the program.

7.3.7 Project Files

- All supporting documentation is maintained in the project files.
- All grant-related correspondence.

POLICY 8
CLOSEOUT ACTIVITIES

8.1 Notices

Before the grant project is completed, the Grants Coordinator will track notices indicating that the end of the grant is near and that current and projected expenses should be assessed.

8.2 Expense Adjustments

During the final six months of the grant period, the Grants Coordinator will determine if the expended funds equal the awarded budget and determine if any changes in spending are required to ensure that project needs are met.

8.3 Extension Requests

If there are funds not spent by the end of the grant award period, the Grants Coordinator is responsible for requesting an extension.

8.4 Requirements

The Grants Coordinator and Project Lead will prepare closeout requirements and confirm that all the information required to close out the grant is being adhered to and finalized.

8.5 Documentation

The Grants Coordinator will maintain a completed notebook with all Grant documentation, expenditures, deliverables, agreements, invoices, and other reports and documentation relating to the completion of the Project.

8.5.1 Procedures

- Final performance report provided.
- Request for final payment.
- Any outstanding expenses and liens are cleared.
- Unspent funds are refunded, reports revised and adjustments are made.
- There is a final review whereas any outstanding account balances, and any excess funds will be returned within a reasonable period.

8.5.2 Reporting Requirements

- Grant Reimbursement.
- Proof of payment for every transaction, regardless if required. This can consist of cancelled checks or copies of paid invoices.
- Progress Reports as instructed in Reporting Requirements. This may consist of quarterly progress reports; yearly reports; or no reports.
- Any post-performance reports.
- Disposition of Funds through government agencies.

8.5.3 Deliverables

- Operation and Maintenance of Project.
- Project Monitoring Plan Requirements.
- Project Completion Reports.
- Post-Performance Reports.
- Additional documents specifically required in the grant agreement and/or reporting guidelines, such as photos, manuals, designs, etc.

Policy 9
RECORDS RETENTION

9.1 *Responsible Party*

The Finance Officer is responsible for grant record retention.

9.2 *Transfer of Documentation*

The project binder created by the Grants Coordinator will be transferred to the Finance Officer upon the project being closed out by the funding agency.

9.3 *Audit References*

The project binder will be used as the main source of information for any audit.

9.4 *Record Timeline*

All records must be maintained for a minimum of three following closeout, unless otherwise directed by the funding agency.

City Council Meeting Staff Report



Agenda Item

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.

Staff Contact

Robert Lay, Neighborhood Services Manager

rlay@denisontx.gov

903-465-2720 ext. 2457

Summary

- The City of Denison receives funding from HUD through the CDBG program annually.
- CDBG funding is used to assist low to moderate areas of the City.
- The CDBG Steering Committee receives program updates, gives guidance and takes action on multiple program reports.
- The Steering Committee consists of five (5) Denison residents. The committee currently has three (3) members due to recent resignations.
- Staff is recommending the appointment of Nathan Petri to serve the remainder of an unexpired two (2) year term, effective upon appointment and expiring on 12/31/2025.

Staff Recommendation

Staff recommends approving the appointment of Nathan Petri to the Community Development Steering Committee.

Recommended Motion

"I move to approve 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."

Background Information and Analysis

The City of Denison annually receives funding from the United States Department of Housing (HUD) and Urban Development through the Community Development Block Grant (CDBG) Program. The purpose of the CDBG program is to assist residents in Low-Moderate income areas of the City.

The Community Development Steering Committee was created by ordinance in 1993 and amended in April of 2015. The Committee consists of 5 members, which are appointed by a majority vote of the City Council. The function of the Committee is to assist the City Council, in an advisory capacity only, in the assessment of the Community Development Block Grant Program. The Committee conducts public hearings to receive input from the community on expenditure of the funds. The Committee is required to meet quarterly to assess the progress of the program.

The committee currently has three (3) members due to recent resignations. Staff is recommending Nathan Petri, President of the local Simmons Bank branch to serve on the committee for a two (2) year term. Mr. Petri is qualified and would be a good fit on the Committee and is willing to serve on the Committee.

Financial Considerations

None

Prior Board or Council Action

None

Alternatives

City Council may deny or table this agenda item or consider another candidate for the Committee to be brought back to a future meeting.

City Council Meeting Staff Report



Agenda Item

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.

Staff Contact

Mary Tate, Director of Development Services

mtate@denisontx.gov

Summary

- The City of Denison is required to develop an Annual Action Plan of all program year activities funded by the Community Development Block Grant program.
- The annual HUD allocation for the 2024 Program Year is \$266,630. This is a \$12,241 decrease from last year.
- The 2024 Annual Action Plan intends to allocate \$30,000 for minor/emergency rehabilitation; \$188,107 for Section 108 loan repayment; \$24,675 dedicated to Code Enforcement; and \$23,848 for Program Administration.
- Public notice for a public hearing appeared in the Herald Democrat on July 14, 2024.
- The required 30-day public comment period is from July 14, 2024 – August 14, 2024. To date, no public comments have been received.

Staff Recommendation

Staff recommends approval of the 2024 CDBG Annual Action Plan.

Recommended Motion

"I move to approve the resolution adopting the Community Development Block Grant 2024 Annual Action Plan contingent upon the closure of the public comment period ending on August 14, 2024."

Background Information and Analysis

The City of Denison is required to compile an Annual Action Plan of all program year activities funded by the Community Development Block Grant program. The 2024 Annual Action Plan will be submitted to the Department of Housing and Urban Development (HUD) no later than August 16, 2024. A public hearing to receive feedback from all interested parties is a requirement of the plan. The 2024 Program Year is the last year in the Five-Year Consolidated Plan.

The City of Denison plans to undertake the following activities and meet the following objectives under its 2024 Community Development Block Grant program:

1. Minor/Emergency Rehabilitation - The City will administer the owner-occupied emergency rehabilitation program on at least four (4) housing units during the program year. The emergency maintenance and rehabilitation projects may consist of plumbing or electrical repairs, roof replacements, or foundation repairs. Activities may also include minor maintenance or exterior painting or repairs to front facades to address minimum property maintenance codes.

2. Program Administration - \$23,848 of CDBG funds will assist with the administration and oversight of grant funded activities. This includes inspections, application processing, reporting, and plan writing. This is a little less than 10% of the total allocation. The program allows for up to 20%.
3. Infrastructure Projects – Section 108 Loan Payment - The City will utilize CDBG funding to repay the Section 108 Loan that was secured in 2017. The loan was used to improve water delivery, wastewater systems, streets, accessibility and mobility, and parks. Projects were completed in neighborhoods with at least 51% low-to-moderate income residents. The loan will be paid off in 2026.
4. Code Enforcement – a portion of the salary of one Code Enforcement Officer will be paid for using CDBG funds to assist with code enforcement activities.

The 2024 Plan intends to allocate the following:

- Minor/Emergency Rehabilitation - \$30,000.00
- Section 108 Loan Repayment - \$188,107.00
- Code Enforcement - \$24,675.00
- Program Administration - \$23,848

Public notice for the meeting appeared in the Herald Democrat on July 14, 2024.

Financial Considerations

N/A

Prior Board or Council Action

- On July 16, 2020, the Community Development Steering Committee held a public hearing and recommended that the Denison City Council adopt the 2020-2024 Five-Year Consolidated Plan and Annual Action Plan. On August 3, 2020, the Denison City Council adopted the 2020-2024 Five-Year Consolidated Plan and Annual Action Plan.
- Each subsequent Annual Action Plan was recommended by the CDBG Steering Committee and approved by the City Council.
- The CDBG Steering Committee recommended approval of the 2024 CDBG Annual Action Plan on August 5, 2024.

Alternatives

NA

ANNUAL ACTION PLAN

for CDBG Program Year
2024-2025

DRAFT

City of Denison, Texas

JULY 2024

For submission to the U.S. Department of Housing and Urban Development



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AP-05 Executive Summary - 24 CFR 91.200(c), 91.220(b)

INTRODUCTION

The City of Denison, Texas has completed the planning process for the 2024 Annual Action Plan in response to a consolidated planning process developed and required by the U.S. Department of Housing and Urban Development (HUD). The purpose of the Annual Action Plan is to identify goals, objectives and strategies for addressing housing and community development needs, including those of the homeless and other special needs populations, for one fiscal year. The Annual Action Plan is the one-year implementation strategy, based on the Consolidated Plan, to guide the City's use of their CDBG resources to address these needs.

The City participates in the CDBG program and is required to prepare and submit an action plan for HUD approval in order to receive Community Development Block Grant Funds. This Annual Action Plan serves as an application for federal funds under HUD's formula grant programs and provides a basis for assessing performance.

The Annual Action Plan is developed in a manner specified by HUD, and the City has followed the prescribed format in completing the plan. The Plan was developed using HUD and U.S. Census data for demographics and housing, input from community meetings and past program performance. During the planning process, the City conducted public meetings and had meetings with City Departments, CDBG Steering Committee, and with the City Council. The purpose of this process was to receive citizen input on the current housing and community development needs and proposed use of CDBG funds.

This document constitutes the 2024 Annual Action Plan which is the fifth year of the 2020-2024 Five- Year Consolidated Planning period. It sets forth a description of activities for the use of funds that are expected to become available during the coming Federal fiscal year (October 1, 2024 – September 30, 2025), determines goals for individuals and households to be served, and describes the implementation plan and geographic location of the activities to be undertaken. The formula allocation for the Community Development Block Grant program is \$266,630.

SUMMARY OF THE OBJECTIVES AND OUTCOMES IDENTIFIED IN THE PLAN

The Five-Year Consolidated Plan identified five goals, along with corresponding descriptions and strategies, to address the City of Denison's housing and community development needs. These goals are summarized within the Five-Year Consolidated Plan as follows:

GOAL 1: MINOR/EMERGENCY REHABILITATION

Description: *Provide financial assistance to low- and moderate-income households for plumbing, electrical, roof, heat, and foundation rehabilitation.*

GOAL 2: INFRASTRUCTURE IMPROVEMENTS

Description: *Repayment of Section 108 Loan which funded infrastructure improvement projects related to water/sewer, pavement, accessibility, and drainage in low- and moderate-income neighborhoods.*

GOAL 3: PUBLIC SERVICES

Description: *Social programs and services for low- and moderate-income persons within the City of Denison.*

GOAL 4: CODE ENFORCEMENT

Description: *Support code compliance and minimum property standards to support safe, affordable housing in eligible neighborhoods.*

GOAL 5: ADMINISTRATION/PLANNING

Description: *Administration of the CDBG program and funding.*

These goals seek to address the priority needs identified throughout the 2020-2024 Consolidated Plan.

Among the needs identified are:

- Minor homeowner housing rehabilitation
- Emergency homeowner housing rehabilitation
- Code enforcement
- Demolition of unsafe and blighted structures
- Improved roadways and medians

EVALUATION OF PAST PERFORMANCE

Recent years have shown significant progress in the City of Denison's efforts to implement HUD entitlement programs. The City complies with HUD regulations and continues to deliver community development services in an efficient manner.

In the past, the City has been successful in implementing infrastructure projects in low- and moderate-income neighborhoods by use of a Section 108 Loan, blight elimination, emergency and minor home repairs, and public facilities improvements (public park equipment replacements) in qualifying neighborhoods. The City continues to make payments on the Section 108 Loan which accounts for much of the City's annual CDBG allocation. The City will use the remaining CDBG funds intentionally in order to meet the goals and objectives identified in the Consolidated Plan.

SUMMARY OF CITIZEN PARTICIPATION PROCESS AND CONSULTATION PROCESS

Comments and concerns raised during the citizen participation process were taken into consideration when developing the Consolidated Plan's goals, objectives and strategies. The development of the Annual Action Plan is a collaborative process that involves reaching out to stakeholders, and meetings with the public/CDBG steering committee to determine areas of need. As part of this process, the City sought to identify strategies to address the priority needs. Priority needs were identified within the Consolidated Plan based on available housing data, public input, stakeholder consultation, and public meetings, and past program performance.

The City employs diverse methods to encourage on-going participation from residents, community service providers, and existing and potential community development partners. The participation process for the Annual Plan included public notices; a 30-day public comment period; one public hearing; and consultation with city staff and elected officials. Additionally, the City has participated in a two-year USDA Rural Placemaking Innovation Challenge grant. Public workshops were held on various topics which aligned with the priority needs identified in the Consolidated Plan. In the end, the planning process yielded the active involvement and input of citizens, stakeholders, and governmental departments. The FY 2024 Annual Action Plan does not deviate from the current Five-Year Consolidated Plan document and Strategic Plan for 2020-2024.

SUMMARY OF PUBLIC COMMENTS

Based on input and data received through the citizen participation process for the Consolidated Plan and through internal department meetings, there is a common interest in improving the quality of housing within the city. Potential needed improvements may include:

- Minor homeowner housing rehabilitation
- Emergency homeowner housing rehabilitation
- Code enforcement
- Demolition of unsafe and blighted structures
- Improved roadways and medians
- Supportive resources for homeless populations

There were x public comments received at the Public Hearing on August 5th, and the 2024 proposed budget and Annual Action Plan were approved by the Community Development Block Group Steering Committee. No public comments were received during the public review and comment period from July 13, 2024 - August 13, 2024. The City Council contingently approved the plan at the August 5, 2024 City Council meeting pending the closing of the public comment period on August 13, 2024.

SUMMARY OF COMMENTS OR VIEWS NOT ACCEPTED AND THE REASONS FOR NOT ACCEPTING THEM

All comments received by the City of Denison were considered and are, generally or specifically, addressed by the Annual Action Plan.

SUMMARY

This Annual Action Plan identifies goals, objectives, and strategies to address the City of Denison's housing and community development needs for the 2024 fiscal year. These needs were identified through an extensive citizen participation process that involved neighborhood residents, service providers and other community partners.

PR-05 Lead & Responsible Agencies – 91.200(b)

AGENCY/ENTITY RESPONSIBLE FOR PREPARING/ADMINISTERING THE CONSOLIDATED PLAN

The following are the agencies/entities responsible for preparing the Annual Action Plan and those responsible for administration of each grant program and funding source.

TABLE 1: RESPONSIBLE AGENCIES

Agency Role	Name	Department/Agency
Lead Agency	CITY OF DENISON	Development Services

Table 1 - Responsible Agencies

NARRATIVE

The City of Denison, TX is the lead agency responsible for overseeing the development of the Annual Action Plan. The Department of Development Services is the internal department that is responsible for the day-to-day administration of CDBG funding.

The development of the Annual Action Plan was based on the 2020-2024 Consolidated Plan and the previous FY 2023 Annual Action Plan. The Department of Development Services works closely with other pertinent City Departments as well as the CDBG Steering Committee.

To maximize citizen participation, the city conducted outreach through a public notice, a public hearing, and a 30-day public comment period. In addition, public workshops were held as part of a USDA grant requirement. Topics and community input reflected the needs identified in the Consolidated Plan and the 2024 Annual Action Plan. As part of these efforts, low- and moderate-income residents, as well as service providers, were encouraged to provide input on the Annual Action Plan.

CONSOLIDATED PLAN PUBLIC CONTACT INFORMATION

Inquiries, comments or complaints concerning the Consolidated Plan, any amendments, or performance reports, can be conveyed by contacting City staff at:

Mary Tate, Director of Development Services

Development Services Department

City of Denison

300 W. Main

P.O. Box 347

Denison, Texas 75020

Telephone: (903) 465-2720 x2521

mtate@denisontx.gov

Business hours: 8:00 a.m. – 5:00 p.m., Monday through Friday

Inquiries, comments or complaints on the programs may also be offered at the public hearings. Written responses to all written complaints may also be made to the Texas – Fort Worth Branch Office of the U.S. Department of Housing and Urban Development (HUD) at the following address:

U.S. Department of Housing and Urban Development

Community Planning and Development Division

801 Cherry Street, Unit #45

Fort Worth, Texas 76102

Phone: (817) 978-5600

Fax: (817) 978-5569

TTY: (800) 877-8339

AP-10 Consultation – 91.100, 91.200(b), 91.125(l)

INTRODUCTION

The City employs diverse methods to encourage on-going participation from residents, community service providers, and existing and potential community development partners. The participation process for the Annual Action Plan included public notice; a 30-day public comment period; and one public hearing.

SUMMARY OF THE JURISDICTION'S ACTIVITIES TO ENHANCE COORDINATION BETWEEN PUBLIC AND ASSISTED HOUSING PROVIDERS AND PRIVATE AND GOVERNMENTAL HEALTH, MENTAL HEALTH AND SERVICE AGENCIES

Institutional coordination of the resources received through the Consolidated Plan establishes a unified vision for community development. The City uses a collaborative process to shape various programs into effective, coordinated strategies. This process also facilitates the opportunity for planning and citizen participation to take place in a comprehensive context, attempting to reduce duplication of effort at the local level.

The City will execute this Annual Action Plan in harmony with the 2020-2024 Consolidated Plan, as well as public, private and nonprofit agencies. Nonprofit agencies may include, but are not limited to, service providers and community housing development organizations. Private sector partners may include, but are not limited to, local financial institutions, developers and local businesses. The Development Services Department works closely with the Utilities Department, Public Works, local churches, and quasi-private organizations such as Denison Housing Authority, Grayson Housing Authority, Texoma Family Shelter, and the Salvation Army to design programs that address identified needs.

These agencies were provided with the opportunity to participate in the process through a public hearing and a public comment period.

Table 2 outlines the types of agencies and organizations consulted throughout the program year and during the development of the City of Denison 2020-2024 Consolidated Plan and 2024 Annual Action Plan.

DESCRIBE COORDINATION WITH THE CONTINUUM OF CARE AND EFFORTS TO ADDRESS THE NEEDS OF HOMELESS PERSONS (PARTICULARLY CHRONICALLY HOMELESS INDIVIDUALS AND FAMILIES, FAMILIES WITH CHILDREN, VETERANS, AND UNACCOMPANIED YOUTH) AND PERSONS AT RISK OF HOMELESSNESS

The City collaborates with the Texoma Family Shelter but does not directly coordinate CDBG activities with the broader Continuum of Care (CoC) agencies, such as the Texas Homeless Network. Additionally, the City has limited direct experience with not-for-profit community service and housing providers for the homeless populations. Although the City is aware that there is a growing homeless population within Denison, the total CDBG funding amount is not large enough to aid and thoroughly address every need. As such, the City is willing to assist agencies in searching for local, state, and federal grants but cannot supply further financial assistance to homeless populations, and other CoC agencies, through the CDBG grant at this time.

DESCRIBE CONSULTATION WITH THE CONTINUUM(S) OF CARE THAT SERVES THE JURISDICTION'S AREA IN DETERMINING HOW TO ALLOCATE ESG FUNDS, DEVELOP PERFORMANCE STANDARDS AND EVALUATE OUTCOMES, AND DEVELOP FUNDING, POLICIES AND PROCEDURES FOR THE ADMINISTRATION OF HMIS.

As noted above, the City does not fund any activities through the Continuum of Care with CDBG funds. Additionally, the City does not receive or allocate ESG funds. The City has previously coordinated with many public service agencies and will continue to do so.

DESCRIBE AGENCIES, GROUPS, ORGANIZATIONS, AND OTHERS WHO PARTICIPATED IN THE PROCESS AND DESCRIBE THE JURISDICTION'S CONSULTATIONS WITH HOUSING, SOCIAL SERVICE AGENCIES, AND OTHER ENTITIES

As noted above, the City will coordinate with a range of public entities in the development and execution of a range of programs and activities.

A wide range of stakeholders were consulted to determine the level of infrastructure, housing, and social service needs. These included housing and social service agencies in addition to public agencies and private nonprofit organizations whose missions included the provision of affordable housing and human services to low- and moderate- income households and persons. **Table 2** indicates the wide range of entities consulted during the Annual Action Planning process through meetings, surveys, e-mails, comment periods, and agency plan research and coordination.

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TABLE 2: AGENCIES, GROUPS, AND ORGANIZATIONS THAT PARTICIPATED

Agency/Group/ Organization	Agency/Group/ Organization Type	What section of the Plan was addressed by Consultation?	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?
City of Denison	Local Government	Goals, Priority Needs, Needs Assessment, Market Analysis, Strategic Plan, and Action Plan	Department Head Meetings/Discussions with Pertinent Staff
Callie Clinic	Health Services, Persons with HIV/AIDS Services	Goals, Needs Assessment, Strategic Plan	Email correspondence, survey input, invited to public meetings
Court Appointed Special Advocates for Children of Grayson County	Children’s services, Victim’s services, Child Welfare Agency, Non-Profit	Goals, Needs Assessment, Strategic Plan	Email correspondence, survey input, invited to public meetings
Denison Housing Authority	Public Housing Authority	Goals, Priority Needs, Needs Assessment, Market Analysis, Strategic Plan, and Action Plan	Email correspondence, survey input, invited to public meetings, phone call
Denison ISD	Education services, Publicly Funded Institution, School System	Goals, Needs Assessment, Strategic Plan	Email correspondence, survey input, invited to public meetings
Denison Public Library	Publicly Funded Institution, Education Services	Goals, Needs Assessment, Strategic Plan	Email correspondence, survey input, invited to public meetings
Denison SNAP Center	Elderly Person Services, Persons with Disabilities Services	Goals, Needs Assessment, Strategic Plan	Email correspondence, survey input, invited to public meetings
GO Taps Public Transit	Regional organization, Elderly Person Services, Persons with Disabilities Services, Public Transit System	Goals, Needs Assessment, Strategic Plan	Email correspondence, survey input, invited to public meetings
Grayson County Health Department	County Government	Goals, Needs Assessment, Strategic Plan	Email correspondence, survey input, invited to public meetings
Texoma Family Shelter	Homeless Services, Housing Services	Goals, Priority Needs, Needs Assessment, Market Analysis, Strategic Plan, and Action Plan	Email correspondence, survey input, invited to public meetings

TABLE 2: AGENCIES, GROUPS, AND ORGANIZATIONS THAT PARTICIPATED

Agency/Group/ Organization	Agency/Group/ Organization Type	What section of the Plan was addressed by Consultation?	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?
Habitat for Humanity Grayson County	Non-Profit Organization, Housing Services	Goals, Priority Needs, Needs Assessment, Market Analysis, Strategic Plan, and Action Plan	Email correspondence, survey input, invited to public meetings
Housing Authority of Grayson County	Public Housing Authority	Goals, Priority Needs, Needs Assessment, Market Analysis, Strategic Plan, and Action Plan	Email correspondence, survey input, invited to public meetings
Sherman-Denison MPO	Regional Organization, Planning Organization	Goals, Needs Assessment, Strategic Plan	Email correspondence, survey input, invited to public meetings
Surrender House	Health Services, Addiction Treatment Center	Goals, Needs Assessment, Strategic Plan	Email correspondence, survey input, invited to public meetings
Texoma Council of Governments	Regional Organization	Goals, Needs Assessment, Strategic Plan	Email correspondence, survey input, invited to public meetings
Texoma Housing Partners	Housing, Housing Services, Fair Housing Services, Regional Organization	Goals, Priority Needs, Needs Assessment, Market Analysis, Strategic Plan, and Action Plan	Email correspondence, survey input, invited to public meetings
Texoma Medical Center	Health Services, Regional Hospital	Goals, Needs Assessment, Strategic Plan	Email correspondence, survey input, invited to public meetings
Volunteer Match	Volunteer Organization	Goals, Needs Assessment, Strategic Plan	Email correspondence, survey input, invited to public meetings
W.I.C. (Special Supplemental Nutrition Program for Women, Infants, & Children)	County Government, Health Services, Children’s Services	Goals, Needs Assessment, Strategic Plan	Email correspondence, survey input, invited to public meetings

Table 2 - Agencies, Groups, & Organizations that Participated

At a minimum, the City’s commitment to providing coordinated community, housing and supportive services to its low-income residents is implicit in these goals. These services are provided through partnerships with government and quasi-government agencies, as well as respective planning efforts shown in **Table 3**. The City of Denison will continue to encourage building partnerships between governmental agencies and advocates for low-income individuals.

IDENTIFY ANY AGENCY TYPES NOT CONSULTED AND PROVIDE RATIONALE FOR NOT CONSULTING

The City follows HUD rules and regulations for Citizen Participation, and therefore offers a number of participation and comment venues. The City has made a concerted effort to contact all known agencies and organizations involved in activities that are relevant to CDBG activities and programs. All notices are sent directly to the Continuum of Care participants and an e-mail list of local social service agencies. Although this effort does not ensure that all agencies are involved, it provides all local and relevant agencies with the opportunity to collaborate throughout the development of this Plan.

Citizens are provided information via notices published in the local newspaper, on the City website, in City facilities, such as the Denison Library and the SNAP Center, and other online postings.

TABLE 3: OTHER CONSULTATIONS & COORDINATION

Name of Plan	Lead Organization	How do the goals of your Strategic Plan overlap with the goals of each plan?
Continuum of Care	N/A	N/A
Denison Housing Master Plan	City of Denison	Contributes to the direction of the Strategic Plan goals, and aids in identifying priority housing needs for the City.

Table 3 - Other Consultations & Coordination

AP-12 Citizen Participation – 91.105, 91.200(c)

SUMMARY OF CITIZEN PARTICIPATION PROCESS/EFFORTS MADE TO BROADEN CITIZEN PARTICIPATION

Much like the Consolidated Plan, the development of the Annual Action Plan requires extensive citizen participation. For the 2024 Annual Action Plan, the City of Denison, TX underwent a citizen participation process as it pertains to HUD requirements. HUD requires local jurisdictions to provide for citizen participation which encourages the development of the Annual Action Plan in cooperation with residents from every walk of life. In particular, HUD, and the City alike, believe it is important to obtain the views of residents who live in low- and moderate-income areas, as well as service providers who deliver services to low-income and special needs residents. The following section describes the public participation process that was completed for the City of Denison, TX 2024 Annual Action Plan. A summary of the public participation process is shown in **Table 4**.

TABLE 4: CITIZEN PARTICIPATION OUTREACH

Mode of Outreach	Target of Outreach	Summary of response/ attendance	Summary of comments received	Summary of comments not accepted and reasons
Denison, TX 2023 National Community Survey	Non-Targeted/Broad Community	300 plus responses	Need for affordable housing, infrastructure improvements, mobility and connectivity	Some comments addressed in this plan.
Public Hearing #1	CDBG Steering Committee & Non-Targeted/Broad Community	August 5, 2024; XX Attendees.	TBD.	All comments addressed generally or specifically in this plan.
30- Day Public Comment Period	Non-Targeted/Broad Community	July 13, 2022 – August 13, 2024; TBD.	TBD.	XXX
Public Meeting	Non-Targeted/Broad Community	August 5, 2024: City Council meeting	City Council discussion and contingent approval of 2024 Annual Action Plan	XXX

Table 4 - Citizen Participation Outreach

SUMMARIZE CITIZEN PARTICIPATION PROCESS AND HOW IT IMPACTED GOAL-SETTING

Comments and concerns raised during the citizen participation process were taken into consideration when developing the Annual Action Plan goals, objectives, and strategies. The Annual Action Plan is a collaborative document that requires a robust process to involve stakeholders and the public to determine areas of need. As part of this process, the City sought to identify the priority needs and strategies to address those needs. Priority needs were identified based on available housing data, public input, non-profit agency participation, surveys, and past program performance; this Annual Action Plan seeks to address those needs. In addition, the City consulted with various City Departments to identify priority needs and develop corresponding strategies. The National Community Survey also contributed to the development of goals and priority needs.

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AP-15 Expected Resources

INTRODUCTION

The Annual Action Plan must identify the federal, state, local and private resources expected to be available to the City to address priority needs and specific objectives identified in the Strategic Plan for the 2024 fiscal year. These resources are summarized in **Table 5**.

The City is faced with the difficult task of meeting increasing needs with limited resources. Some of the figures shown below in the table are estimates. The figures are based upon the known HUD allocation.

Allocations for each CDBG entitlement grantee are determined annually by HUD following the adoption of the federal budget by Congress. HUD grants these funds to the communities to carry out a wide range of community development activities directed towards revitalizing neighborhoods, increasing economic development, and improving community facilities and services. Grantees must give maximum priority to activities that benefit low- and moderate-income persons, aid in the prevention or elimination of slums or blight and meet urgent community development needs that pose a serious threat to health or welfare of the community. Grantees have wide flexibility to develop their own programs, activities, and funding priorities so long as they meet one of these national objectives. The City of Denison City Council adopts the allocations for the use of CDBG funding based on the priorities set forth in the Consolidated Plan.

The City of Denison anticipates a total allocation of \$266,630 in CDBG funding for the 2024 program year. No program income for CDBG is expected. CDBG funds will be used primarily for housing rehabilitation and Section 108 Loan paybacks. Portions of the funding will also go toward supporting code enforcement efforts and administration of the city's CDBG program. Anticipated resources are also summarized in **Table 5**.

TABLE 5: ANTICIPATED RESOURCES

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 5				Expected Amount Available Remainder of Consolidated Plan \$	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$		
CDBG	Public, Federal	Admin; Housing; Code Enforcement; Public Improvements; Public Services	\$266,630*	\$0	\$0	\$266,630	\$266,630	Additional resources for leveraging may include State and Federal grants, City Departmental funds, public or social service providers, or other sources.

*HUD 2024 Formula Allocation

Table 5 – Anticipated Resources

The Annual Action Plan must summarize the City’s priorities and the specific goals it intends to initiate and/or complete within the 2024 fiscal year to meet the goals of the Strategic Plan that are outlined in the 2020-2024 Consolidated Plan. These goals must be described in quantitative terms. The 2024 Annual Action Plan selected goal outcome indicators are based on previous performance and the 2024 allocation.

EXPLAIN HOW FEDERAL FUNDS WILL LEVERAGE THOSE ADDITIONAL RESOURCES (PRIVATE, STATE AND LOCAL FUNDS), INCLUDING A DESCRIPTION OF HOW MATCHING REQUIREMENTS WILL BE SATISFIED

CDBG funds will be used in concert with the City general fund to support code enforcement efforts. The City does not anticipate leveraging other sources of federal, state, or local funding. The CDBG allocation will be the primary source of funding for emergency and minor rehabilitation housing projects for low- and moderate-income households.

IF APPROPRIATE, DESCRIBE PUBLICALLY OWNED LAND OR PROPERTY LOCATED WITHIN THE JURISDICTION THAT MAY BE USED TO ADDRESS THE NEEDS IDENTIFIED IN THE PLAN

Denison offered an Affordable Housing Program from June 2014 through December 2021 to assist low- to moderate-income individuals and families purchase new homes and to redevelop areas around downtown that have historically not been attractive to builders. The program was highly successful. No other publicly owned land is available for this purpose.

DISCUSSION

No further discussion. Please see preceding responses.

AP-20 Annual Goals and Objectives

TABLE 6: GOALS SUMMARY INFORMATION

Sort Order	Goal Name	Category	Start Year	End Year	Outcome	Objective	Geographic Area	Needs Addressed	Funding Year 5	Goal Outcome Indicator	Quantity	Unit of Measure (UoM)
1	Minor/Emergency Rehabilitation	Affordable Housing	2024	2025	Affordability	Create Suitable Living Environments	Citywide	Minor/Emergency Rehabilitation	\$27,185	Homeowner Housing Rehabilitated	4	Household Housing Units
2	Infrastructure Projects	Other: Section 108 Loan Program	2024	2025	Availability/Accessibility	Create Suitable Living Environments	Citywide	Infrastructure Projects	\$188,107	Other	1	Other
3	Code Enforcement	Non-Housing Community Development	2024	2025	Affordability	Create Suitable Living Environments	Citywide	Code Enforcement	\$24,675	Jobs Created/Retained	3	Jobs
4	Administration/Planning	Other: Program Administration	2024	2025	Availability/Accessibility	Create Suitable Living Environments	Citywide	CDBG Administration	\$26,663	Other	0	Other

Table 6 - Yearly Goals Summary Information

TABLE 7: GOAL DESCRIPTIONS

1	Goal Name	Minor/Emergency Rehabilitation
	Goal Description	Provide assistance to low- and moderate-income households for plumbing, electrical, roof, heat, and foundation rehabilitation CDBG - \$30,000
2	Goal Name	Infrastructure Projects
	Goal Description	Payments made toward repaying the Section 108 Loan which funded infrastructure improvement projects related to water/sewer, pavement, accessibility, and drainage in low- and moderate-income neighborhoods. CDBG - \$188,107
3	Goal Name	Code Enforcement
	Goal Description	Support code compliance and minimum property standards to support safe, affordable housing in eligible neighborhoods. CDBG - \$24,675
4	Goal Name	Administration/Planning
	Goal Description	Administer the CDBG program. CDBG - \$23,848

Table 7 - Goal Descriptions

AP-35 Projects

INTRODUCTION

The 2024 fiscal year will focus on Minor/Emergency housing rehabilitations, the funding of infrastructure projects via the repayment of the Section 108 Loan, and code enforcement. The City anticipates rehabilitating approximately five (5) owner-occupied housing units.

A total of five (5) projects (including project administration) will be funded in FY 2024. See Project Information table below.

TABLE 8: PROJECT INFORMATION

#	Project Name
1	Minor/Emergency Rehabilitation
2	Infrastructure Projects – Section 108 Loan Repayment
3	Code Enforcement
4	CDBG Program Administration

Table 8 - Project Information

DESCRIBE THE REASONS FOR ALLOCATION PRIORITIES AND ANY OBSTACLES TO ADDRESSING UNDERSERVED NEEDS

In the Consolidated Plan, the principal needs identified are: 1) Minor/Emergency Rehabilitation, 2) Infrastructure Projects 3) Youth Services/Homeless Prevention and Services, 4) Code Enforcement, and 5) CDBG Administration. These needs were established through the City's citizen participation process when identifying priorities for the Five-Year Strategic Plan. This year's 2024 Annual Action Plan reflects these established priorities. As noted in the 2020-2024 Consolidated Plan, minor/emergency Rehabilitation and code enforcement continue to receive *high* rankings because they are a means to make significant improvements in the quality of life in the distressed neighborhoods.

The development of the Annual Action Plan involved consultation with those agencies involved in delivering housing, housing services, and community improvements. Meetings and discussions were held between the staff of the City's Department of Development Services, other City Departments, and with appropriate housing and social service agencies. Public input was also solicited through a public hearing, a 30-day comment period, and a broad community survey. All projects selected to receive funding meet objectives and goals set by the City to address the needs of low- and moderate-income persons and special needs populations.

The City's primary obstacle to meeting underserved needs is a significant lack of funding. In recent years, a rise in the cost of labor and materials has greatly impacted the City's ability to help the individuals who need it the most. Projects are costing more and thus the number of individuals receiving direct assistance has decreased. City staff has been creative with solutions and leveraging other areas of departmental budgets in an attempt to stretch dollars farther. Additionally, staff have developed and maintained relationships with socially minded contractors who often take a loss on the minor and emergency rehabilitation projects. Another obstacle to meeting underserved needs is the generally increasing demand for public services that is placing an additional burden on public service agencies within the City.

AP-38 Project Summary

TABLE 9: PROJECT SUMMARY INFORMATION

1	Project Name	Minor/Emergency Rehabilitation
	Target Area	Low/Mod Neighborhoods and Citywide
	Goals Supported	Minor/Emergency Rehabilitation
	Needs Addressed	Minor/Emergency Rehabilitation
	Funding	CDBG: \$30,000
	Description	Provide assistance to low- and moderate-income households for plumbing, electrical, roof, heat, and foundation rehabilitation.
	Completion Target Date	9/30/2025
	Estimated Benefit	5 Households Housing Units
	Location	Citywide
	Planned Activities	Housing Rehabilitation - Replacement of roof, plumbing, wiring, heating, and providing level/support work.
	2	Project Name
Target Area		Low/Mod Neighborhoods
Goals Supported		Infrastructure Improvements
Needs Addressed		Infrastructure Projects
Funding		CDBG: \$188,107
Description		Repayment of Section 108 Loan which funded infrastructure improvement projects related to water/sewer, pavement, accessibility, and drainage in low- and moderate-income neighborhoods.
Completion Target Date		9/30/2025
Estimated Benefit		1 Other
Location		N/A
Planned Activities		Repayment of Section 108 Loan
3		Project Name
	Target Area	Low/Mod Neighborhoods
	Goals Supported	Code Enforcement
	Needs Addressed	Code Enforcement
	Funding	CDBG: \$24,675
	Description	Support code compliance and minimum property standards to support safe, affordable housing in eligible neighborhoods.
	Completion Target Date	9/30/2025
	Estimated Benefit	Jobs Created/Retained (approximately 3)
	Location	Citywide
	Planned Activities	Amelioration of slum and blight, and promotion of safe, affordable housing in eligible neighborhoods.
	4	Project Name
Target Area		Citywide
Goals Supported		Administration/Planning
Needs Addressed		Program Administration
Description		One Year of CDBG Program Administration

Completion Target Date	9/30/2025
Estimated Benefit	Not applicable; administration of overall CDBG program for one (1) year
Location	Not applicable
Planned Activities	Annual action planning, project development, coordination and compliance oversight, and administrative activities

Table 9 - Project Summary Information

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AP-50 Geographic Distribution

DESCRIPTION OF THE GEOGRAPHIC AREAS OF THE ENTITLEMENT (INCLUDING AREAS OF LOW-INCOME AND MINORITY CONCENTRATION) WHERE ASSISTANCE WILL BE DIRECTED

Low- and moderate-income areas in the City will be those areas and locations which have the greatest need for housing repairs, public infrastructure/facility improvements, and code enforcement. As such, the geographic distribution of projects will prioritize those low- and moderate-income neighborhoods.

TABLE 10: GEOGRAPHIC DISTRIBUTION

Target Area	Percentage of Funds
Citywide	10%
Low/Mod Neighborhoods	90%

**Percentages shown do not include administration budget.*

Table 10 - Geographic Distribution

RATIONALE FOR THE PRIORITIES FOR ALLOCATING INVESTMENTS GEOGRAPHICALLY

The City has worked closely with the public and civic leaders to ascertain the priority needs within the targeted areas. Meetings with agency providers, and the CDBG Steering Committee guided the prioritization of needs. These priority needs include minor/emergency housing repairs, infrastructure improvements, removing slum/blight, and increasing code enforcement. These efforts will occur primarily in low- and moderate-income neighborhoods throughout the City of Denison.

DISCUSSION

The City of Denison has identified four (4) projects to implement the five goals of the Strategic Plan during the fifth year (2024 fiscal year) of the 2020-2024 Consolidated Plan. These projects benefit low- and moderate-income persons Citywide and within the City's low- and moderate- income areas.

AP-55 Affordable Housing

INRODUCTION

As stated previously, the City places a high priority on providing safe, affordable, and decent housing in Denison. Through the emergency/minor repair program, the City will work to repair existing houses in low- and moderate- income neighborhoods and for low- and moderate-income individuals.

TABLE 11: ONE YEAR GOALS FOR AFFORDABLE HOUSING BY SUPPORT REQUIREMENT

One Year Goals for the Number of Households to be Supported	
Homeless	0
Non-Homeless	5
Special Needs	0
Total	5

Table 11 - One Year Goals for Affordable Housing by Support Requirement

TABLE 12: ONE YEAR GOALS FOR AFFORDABLE HOUSING BY SUPPORT TYPE

One Year Goals for the Number of Households Supported Through:	
Rental Assistance	0
The Production of New Units	0
Rehab of Existing Units	5
Acquisition of Existing Units	0
Total	5

Table 12 - One Year Goals for Affordable Housing by Support Type

DISCUSSION

The City is prepared to engage in affordable housing activities during the 2024 fiscal program year; however, the activities will be done through programs like the Minor/Emergency rehabilitation program. The city will rely on various partners throughout the jurisdiction and county in assisting its residents in obtaining affordable housing. It is the intention of the City to initiate a more robust housing program in the near future.

AP-60 Public Housing

INTRODUCTION

The Denison Housing Authority owns and operates approximately 325 public housing units. The mission of the Housing Authority is: (1) to serve the needs of the low and very-low-income families and to increase the availability of safe, sanitary, and affordable housing in its community; (2) ensure equal opportunity in housing; (3) promote self-sufficiency to the families and individuals it serves; and (4) improve quality of life and economic viability.

Housing Choice Vouchers are administered through the Housing Authority of Grayson County and the Texoma Council of Governments. These Section 8 Housing Choice Vouchers are not administered through the City or the Denison Housing Authority. The City works cooperatively with the Denison Housing Authority and the Housing Authority of Grayson County which provides City residents with various public housing opportunities.

ACTIONS PLANNED DURING THE NEXT YEAR TO ADDRESS THE NEEDS TO PUBLIC HOUSING

The City of Denison's Department of Development Services will continue to work with the Denison Housing Authority to assist in accomplishing objectives of the CDBG program such as helping residents to identify affordable housing opportunities. The City will continue to provide referrals to those that require housing assistance. However, public housing improvements will not be addressed in the City of Denison's 2024 Action Plan due to limited grant funding.

ACTIONS TO ENCOURAGE PUBLIC HOUSING RESIDENTS TO BECOME MORE INVOLVED IN MANAGEMENT AND PARTICIPATE IN HOMEOWNERSHIP

For the 2024 fiscal year, the City will maintain a partnership with the Denison Housing Authority to ensure that these goals are being addressed. However, the City will not directly address homeownership for public housing residents. Through minor/emergency rehabilitation programs, the City will indirectly encourage homeownership by ensuring that those in existing homes are able to stay there.

The City encourages all residents to participate in public meetings or public engagement activities.

IF THE PHA IS DESIGNATED AS TROUBLED, DESCRIBE THE MANNER IN WHICH FINANCIAL ASSISTANCE WILL BE PROVIDED OR OTHER ASSISTANCE

The Denison Housing Authority is not designated as troubled.

DISCUSSION

Not Applicable.

DRAFT

AP-65 Homeless and Other Special Needs Activities

INTRODUCTION

This section of the Annual Action Plan describes the City of Denison's one-year goals, and the specific actions steps it will undertake in the 2024 program year to carry out the homeless strategy identified in the five-year Strategic Plan. Additionally, this section addresses any activities related to the supportive housing needs of non-homeless populations.

Going forward the City will work to assess the community's homeless needs and develop the policies, procedures and capacity to better assist homeless and other special needs activities; however, the City will primarily continue to support those agencies that are already involved in addressing homelessness and other special needs of the non-homeless populations. Due to funding limitations, the City does not plan to directly address homeless needs with CDBG funds during the 2024/2025 program year.

DESCRIBE THE JURISDICTIONS ONE-YEAR GOALS AND ACTIONS FOR REDUCING AND ENDING HOMELESSNESS

In the future, the City will consider pursuing activities to address the housing and supportive service needs of persons who are homeless, and those that have special needs. However, at this time, the City does not have the procedures, policies, capacity, or mechanisms in place to financially or administratively assist organizations that provide these types of services. The City does not plan to undertake any non-homeless special needs/homeless needs projects this program year.

REACHING OUT TO HOMELESS PERSONS (ESPECIALLY UNSHELTERED PERSONS) AND ASSESSING THEIR INDIVIDUAL NEEDS

The City government cannot directly assist persons experiencing homelessness; rather, it relies on the Texoma Family Shelter (located in the City of Denison) and other service-oriented agencies to assist those persons. The Texoma Family Shelter is a steadfast resource for those experiencing homelessness as it has the best connections to other organizations and agencies, like the Salvation Army, who provide food, shelter, clothing, financial assistance, healthcare, and transportation resources.

The City will consider pursuing activities to address the housing and supportive service needs of persons who are homeless, and those that have special needs. However, at this time, the City does not have the procedures, policies, capacity, or mechanisms in place to financially or administratively assist organizations that provide these types of services.

ADDRESSING THE EMERGENCY SHELTER AND TRANSITIONAL HOUSING NEEDS OF HOMELESS PERSONS

There are two homeless shelters in the City: The Texoma Family Shelter, which serves the entire homeless population within the City and the County and HEAT, which primarily serves those within the older, denser sections of the City. The Homeless Empowerment Action Team (HEAT) opened a facility in the spring of 2024. They offer showers, clothing and hygiene products. HEAT has partnered with another non-profit that utilizes the commercial kitchen to prepare and serve meals on a daily basis. Additionally, The Salvation Army, located in a neighboring municipality, helps to meet the transitional needs of the homeless in Denison and within the greater Texoma region. The Salvation Army has become a certified SOAR provider through the Texas Homeless Network allowing the agency to take a proactive approach to reducing homelessness within the community. At least two other transitional housing facilities exist within the City. These agencies address homeless needs through reactionary measures.

The City will consider pursuing activities to proactively address the housing and supportive service needs of persons who are homeless, and those that have special needs. However, at this time, limited funding inhibits the City's ability to undertake these projects independently.

HELPING HOMELESS PERSONS (ESPECIALLY CHRONICALLY HOMELESS INDIVIDUALS AND FAMILIES, FAMILIES WITH CHILDREN, VETERANS AND THEIR FAMILIES, AND UNACCOMPANIED YOUTH) MAKE THE TRANSITION TO PERMANENT HOUSING AND INDEPENDENT LIVING, INCLUDING SHORTENING THE PERIOD OF TIME THAT INDIVIDUALS AND FAMILIES EXPERIENCE HOMELESSNESS, FACILITATING ACCESS FOR HOMELESS INDIVIDUALS AND FAMILIES TO AFFORDABLE HOUSING UNITS, AND PREVENTING INDIVIDUALS AND FAMILIES WHO WERE RECENTLY HOMELESS FROM BECOMING HOMELESS AGAIN

As previously stated, the City recognizes the need to proactively address homelessness within the City. However, as an entity, the City does not have the ability or experience to single-handedly take on this task. Rather, the City acts as a conduit to connecting individuals to the aforementioned organizations. The City will continue to collaborate with the Texoma Family Shelter, HEAT, the Salvation Army, and others to monitor and address needs as they are determined.

HELPING LOW-INCOME INDIVIDUALS AND FAMILIES AVOID BECOMING HOMELESS, ESPECIALLY EXTREMELY LOW-INCOME INDIVIDUALS AND FAMILIES AND THOSE WHO ARE: BEING DISCHARGED FROM PUBLICLY FUNDED INSTITUTIONS AND SYSTEMS OF CARE (SUCH AS HEALTH CARE FACILITIES, MENTAL HEALTH FACILITIES, FOSTER CARE AND OTHER YOUTH FACILITIES, AND CORRECTIONS PROGRAMS AND INSTITUTIONS); OR, RECEIVING ASSISTANCE FROM PUBLIC OR PRIVATE AGENCIES THAT ADDRESS HOUSING, HEALTH, SOCIAL SERVICES, EMPLOYMENT, EDUCATION, OR YOUTH NEEDS

The City's strategy to prevent homelessness for individuals and families with children who are at imminent risk of becoming homeless is limited due to a lack of resources. If the reason for homelessness is a result of poor living conditions (such as a home in disrepair), the City can use Minor/Emergency Rehab funds to complete some repairs to ensure safe, sanitary, decent housing. The City cannot directly address other causes of homelessness, such as an overdue utility bill or mental health concerns. In these cases, the City refers the individual to the Texoma Council of Governments, the Texoma Family Shelter, or the Salvation Army for assistance.

DISCUSSION

The City does not anticipate funding activities to prevent homelessness with the FY 2024 CDBG allocation. The City will continue to offer other assistance, advice, and coordination with agencies that provide day facilities, case management, job skills training, vocational tools and other services.

AP-75 Barriers to affordable housing

INTRODUCTION

This section of the Annual Action Plan summarizes actions the City of Denison will undertake during the program year to reduce barriers to affordable housing and influence whether the cost of housing or the incentives to develop, maintain, or improve affordable housing are affected by public policies, particularly those of the local jurisdiction. Such policies include land use controls, zoning ordinances, building codes, and policies that affect the return on residential investment. At this time, the city is involved in the following Fair Housing activities:

1. Administration of a Fair Housing Ordinance.
2. Director of Development Services acts as Fair Housing Administrator, reviews complaints, mediates complaints and provides information on filing complaints with HUD, etc.
3. Participation by Director of Development Services in the Tri-County Services monthly meeting.
4. Ongoing meetings with local builders and developers.

ACTIONS IT PLANNED TO REMOVE OR AMELIORATE THE NEGATIVE EFFECTS OF PUBLIC POLICIES THAT SERVE AS BARRIERS TO AFFORDABLE HOUSING SUCH AS LAND USE CONTROLS, TAX POLICIES AFFECTING LAND, ZONING ORDINANCES, BUILDING CODES, FEES AND CHARGES, GROWTH LIMITATIONS, AND POLICIES AFFECTING THE RETURN ON RESIDENTIAL INVESTMENT

The City has several strategies that it utilizes to remove or ameliorate the negative effects of public policies that are barriers to affordable housing. In general, the City of Denison will continue to work with non-profit and for-profit housing developers and providers to increase the amount of affordable housing. In the upcoming fiscal year, City staff intends to undertake a comprehensive zoning rewrite and embark on a new Comprehensive Plan. In doing so, the intention is to consider and alleviate the impacts of land use, building codes, and development pressure on the various economically and culturally defined areas to ensure equitable policies and future development.

The City has attempted to ensure the health, safety, and quality of life of its residents while minimizing the barriers that may impede the development of affordable housing through its various repair and renovation incentive programs.

DISCUSSION

Public policies can have a direct impact on barriers to affordable housing. Denison has recognized this fact and is committed to exposing any barriers or obstacles to developing affordable and fair housing as they become evident.

AP-85 Other Actions

INTRODUCTION

This section of the 2024 Annual Action Plan describes the City of Denison's planned actions to carry out the following strategies outlined in the Strategic Plan:

- Foster and maintain affordable housing
- Rehabilitate housing for existing homeowners
- Reduce slum and blight through code enforcement

ACTIONS PLANNED TO ADDRESS OBSTACLES TO MEETING UNDERSERVED NEEDS

The greatest challenge to meeting underserved needs in the coming year will be meeting the increased need for program activities with a limited amount of funding. To overcome this significant challenge, the City will work more efficiently, seek a greater level of collaboration with other agencies and organizations, and aggressively seek opportunities to leverage funds.

The City, through the Consolidated Plan, shall seek to target federal funds, and other available resources, to residents that have traditionally been underserved by previous programs and policies. A strong emphasis will be placed on programmatic restructuring that is not only compliant with changing rules and regulations but directed at the ever-changing economic and community structure.

Through the use of CDBG-CV funds the City, through public service providers, continues to support a number of activities to those in need including financial assistance to establish, stabilize, and expand micro- enterprises that provide education, food delivery, cleaning, and other services to support health and childcare.

ACTIONS PLANNED TO FOSTER AND MAINTAIN AFFORDABLE HOUSING

The City will commit the majority of its CDBG funding to the Minor/Emergency Rehabilitation program, which is designed to prolong the life of the housing stock. This assistance gives existing low- to moderate- income homeowners the opportunity to remain in their homes.

ACTIONS PLANNED TO REDUCE LEAD-BASED PAINT HAZARDS

The City incorporates all HUD requirements concerning lead-based paint abatement into its housing rehabilitation programs. However, with the limited funding for the rehabilitation programs, the City does not anticipate performing substantial rehabilitation projects. All homes built before 1980 are assumed to have lead-based paint; however, since most minor rehabilitation projects through the minor rehabilitation program have a budget of \$6,000 or less, some lead-based paint projects will not be completed.

ACTIONS PLANNED TO REDUCE THE NUMBER OF POVERTY-LEVEL FAMILIES

Because the nature of poverty is complex and multi-faceted, the City will attempt to allocate CDBG funds for services to very low-income households. CDBG can provide funding for meeting these critical basic needs, but these efforts will be constrained by the amount of funds available and competing priority needs. Each activity in the 2024 Annual Action Plan will have an impact on households living in poverty. The rehabilitation projects will assist with repairs to the home, allowing the homeowner to save money and dedicate it to other needs.

According to the 2018-2022 American Community Survey (ACS) estimates, 18.1% of people living in the City of Denison are below poverty level. The City of Denison does not possess the capacity or manpower to directly improve the poverty status of its citizens. However, the City supports non-profit groups, county and state efforts to move low-income persons to economic self-sufficiency or to a maximum level of economic independence.

ACTIONS PLANNED TO DEVELOP INSTITUTIONAL STRUCTURE

The City has a strong institutional structure in place to carry out its housing, community and economic development strategies. The City's Development Services Department will administer the CDBG Program and will administer the CDBG Owner-Occupied Minor/Emergency Housing Rehab Program for program year 2024. The City will also administer the demolition program using General Funds and will continue to enhance coordination between housing and service agencies in the area. Private builders and lending institutions will continue, with the assistance of the City, to develop affordable housing in Denison. The institutional structure of public, non-profit and private organizations described above generally functions well in meeting the needs of families and individuals in the City of Denison. The lack of funding for serving those in need is the primary gap in the institutional structure. The lack of funding for serving those in need is the primary gap in the in the institutional structure.

The City will continue to coordinate with various community groups to determine objectives and goals through the public participation process. These groups play a vital role in implementing the Five-Year Consolidated Plan and the Annual Action Plans, annual Performance Reviews, and any proposed Substantial Amendments. All stakeholders are welcomed and encouraged to participate in the implementation of this Consolidated Plan and Annual Action Plan.

ACTIONS PLANNED TO ENHANCE COORDINATION BETWEEN PUBLIC AND PRIVATE HOUSING AND SOCIAL SERVICE AGENCIES

The City maintains a close relationship with state, regional, and county organizations that aid low- and moderate-income persons as well as the homeless.

The City will work closely with local non-profit organizations to actively encourage housing programs for low- and moderate-income individuals. Private builders and lending institutions will continue, with the assistance of the city, to develop affordable housing in Denison.

This collaborative approach will assist in the creation and delivery of effective service delivery programs and affordable housing projects.

DISCUSSION

The City's actions planned to address obstacles to meeting underserved needs include activities in support of special needs assistance in partnership with area service providers. Additionally, the city's actions to foster and maintain affordable housing include continued funding of programs and agencies that further the affordable housing goals of the city.

AP-90 Program Specific Requirements

INTRODUCTION

Projects to be carried out with the 2024 CDBG allocation are identified in the Projects Table (Tables 8 & 9). The following identifies program income that is available for use that is included in projects to be carried out.

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM (CDBG) REFERENCE 24 CFR 91.220. (I)(1)

TABLE 13: AVAILABLE PROGRAM INCOME

Available Program Income	Amount
1. The total amount of program income that will have been received before the start of the next program year and that has not yet been reprogrammed.	0
2. The amount of proceeds from section 108 loan guarantees that will be used during the year to address the priority needs and specific objectives identified in the grantee's strategic plan.	0
3. The amount of surplus funds from urban renewal settlements.	0
4. The amount of any grant funds returned to the line of credit for which the planned use has not been included in a prior statement or plan.	0
5. The amount of income from float-funded activities.	0
Total Program Income:	0

Table 13 - Available Program Income

TABLE 14: OTHER CDBG REQUIREMENTS

Available Program Income	Amount
1. The amount of urgent need activities.	0%
2. The estimated percentage of CDBG funds that will be used for activities that benefit persons of low and moderate income. Overall Benefit - A consecutive period of one, two or three years may be used to determine that a minimum overall benefit of 70% of CDBG funds is used to benefit persons of low and moderate income. Specify the years covered that include this Annual Action Plan.	100%

Table 14 - Other CDBG Requirements

DISCUSSION

The city estimates 100 percent of CDBG funding will be spent on low- and moderate-income activities.

Appendix

1. Maps
2. Public Participation
3. SF 424 and SF 424D
4. Certifications
5. Citizen Participation Plan

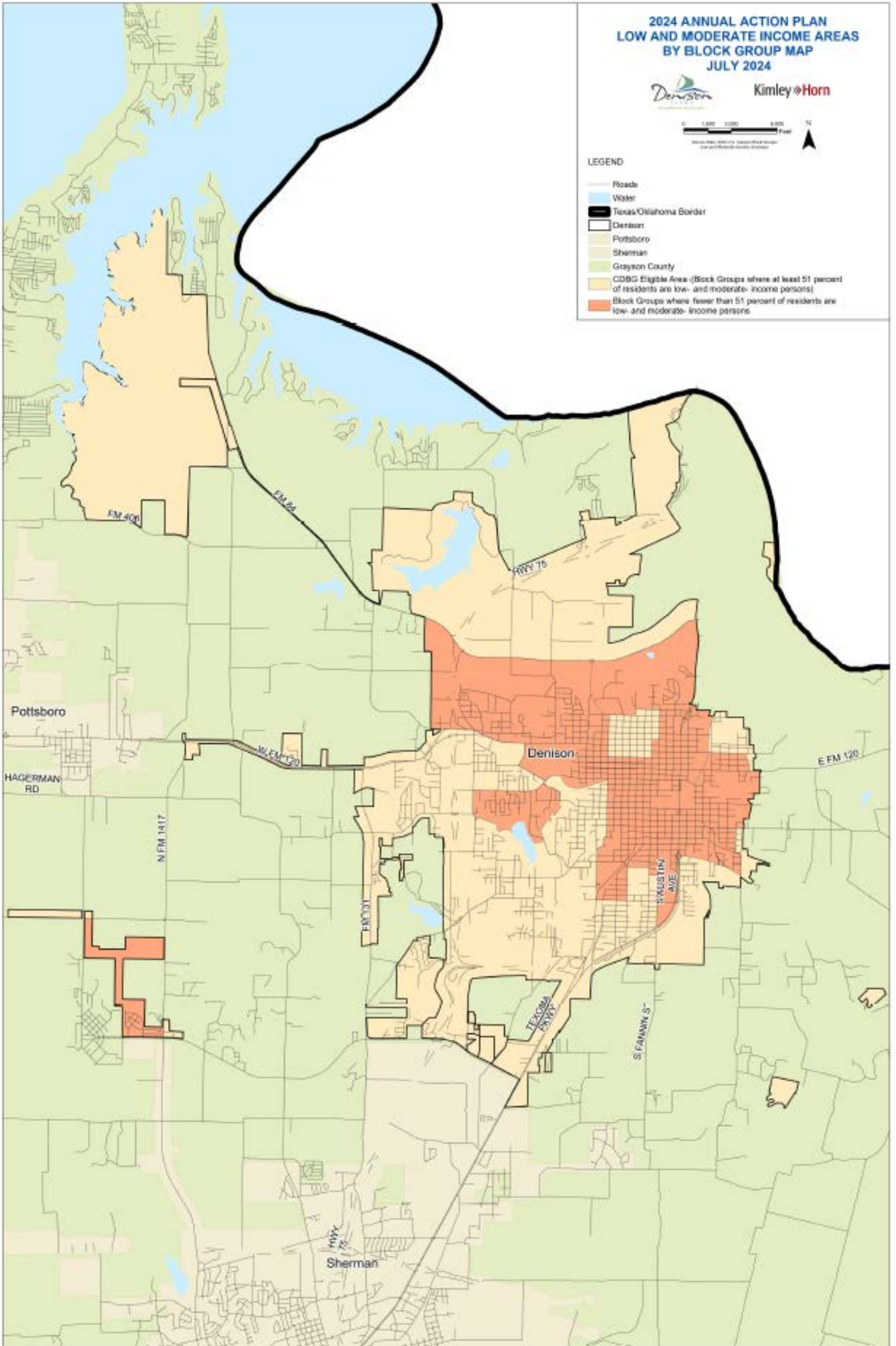
DRAFT

2024 ANNUAL ACTION PLAN
LOW AND MODERATE INCOME AREAS
BY BLOCK GROUP MAP
JULY 2024



LEGEND

- Roads
- Water
- Texas/Oklahoma Border
- Denison
- Pottsboro
- Sherman
- Grayson County
- COBG Eligible Area (Block Groups where at least 51 percent of residents are low- and moderate- income persons)
- Block Groups where fewer than 51 percent of residents are low- and moderate- income persons



2024 ANNUAL ACTION PLAN
LOW INCOME POPULATION
CONCENTRATION MAP
JULY 2024

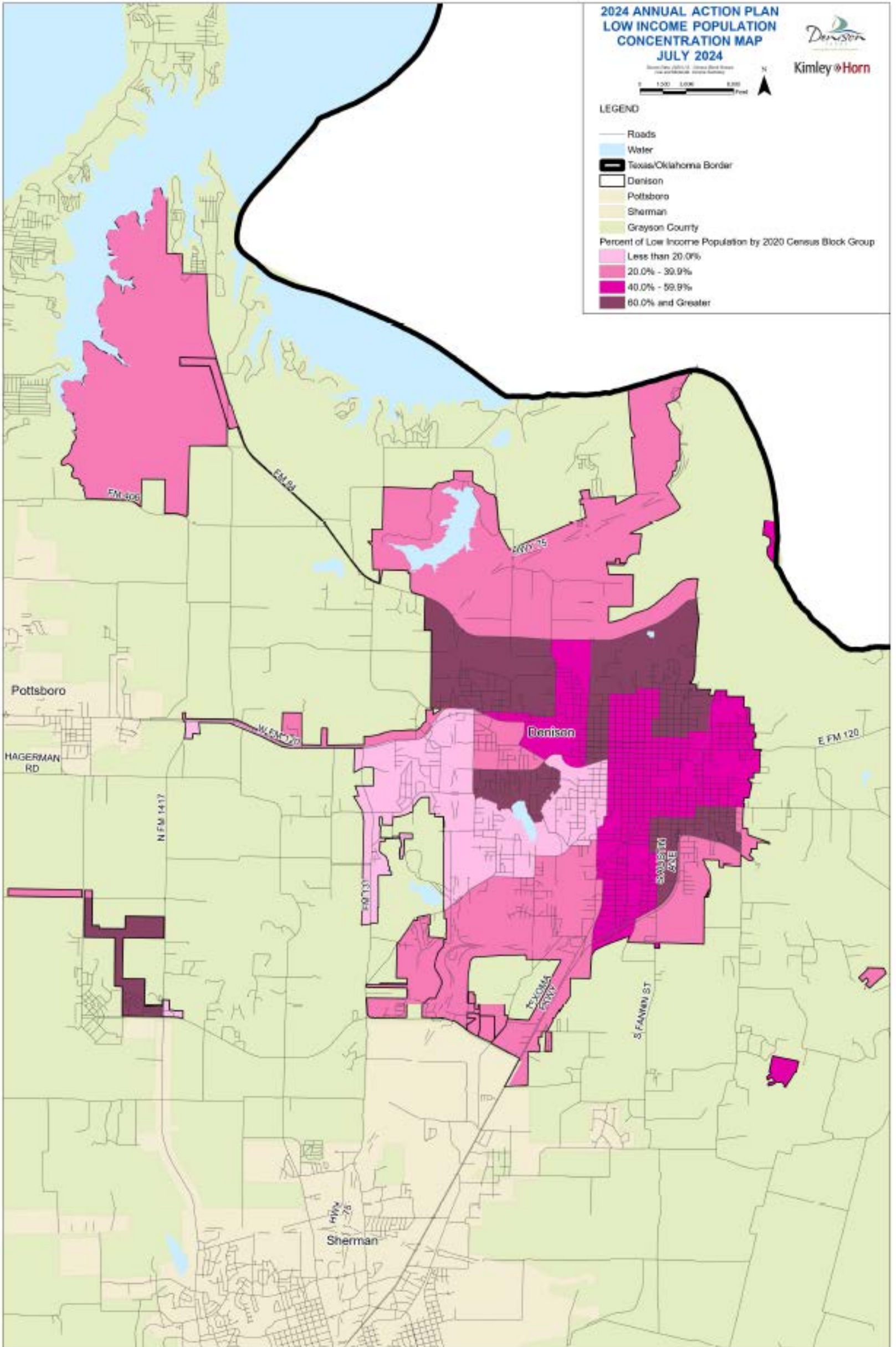


Kimley+Horn



LEGEND

- Roads
- Water
- Texas/Oklahoma Border
- Denison
- Pottsboro
- Sherman
- Grayson County
- Percent of Low Income Population by 2020 Census Block Group
 - Less than 20.0%
 - 20.0% - 39.9%
 - 40.0% - 59.9%
 - 60.0% and Greater



2024 ANNUAL ACTION PLAN
AFRICAN AMERICAN POPULATION
CONCENTRATION MAP
JULY 2024



Kimley-Horn

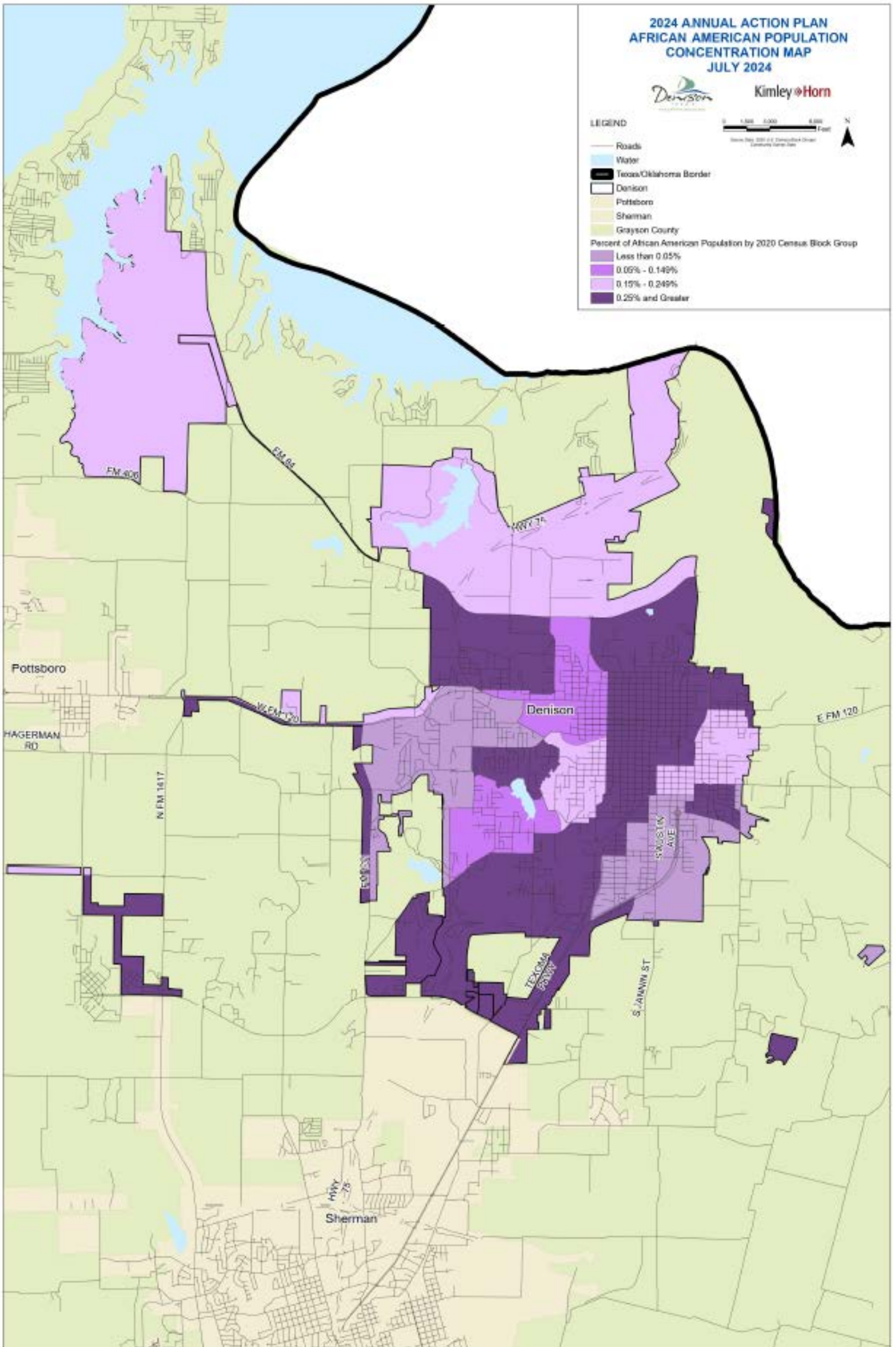
LEGEND

- Roads
- Water
- Texas/Oklahoma Border
- Denison
- Pottsboro
- Sherman
- Grayson County



Percent of African American Population by 2020 Census Block Group

- Less than 0.05%
- 0.05% - 0.149%
- 0.15% - 0.249%
- 0.25% and Greater



2024 ANNUAL ACTION PLAN
HISPANIC POPULATION
CONCENTRATION MAP
JULY 2024



Kimley+Horn

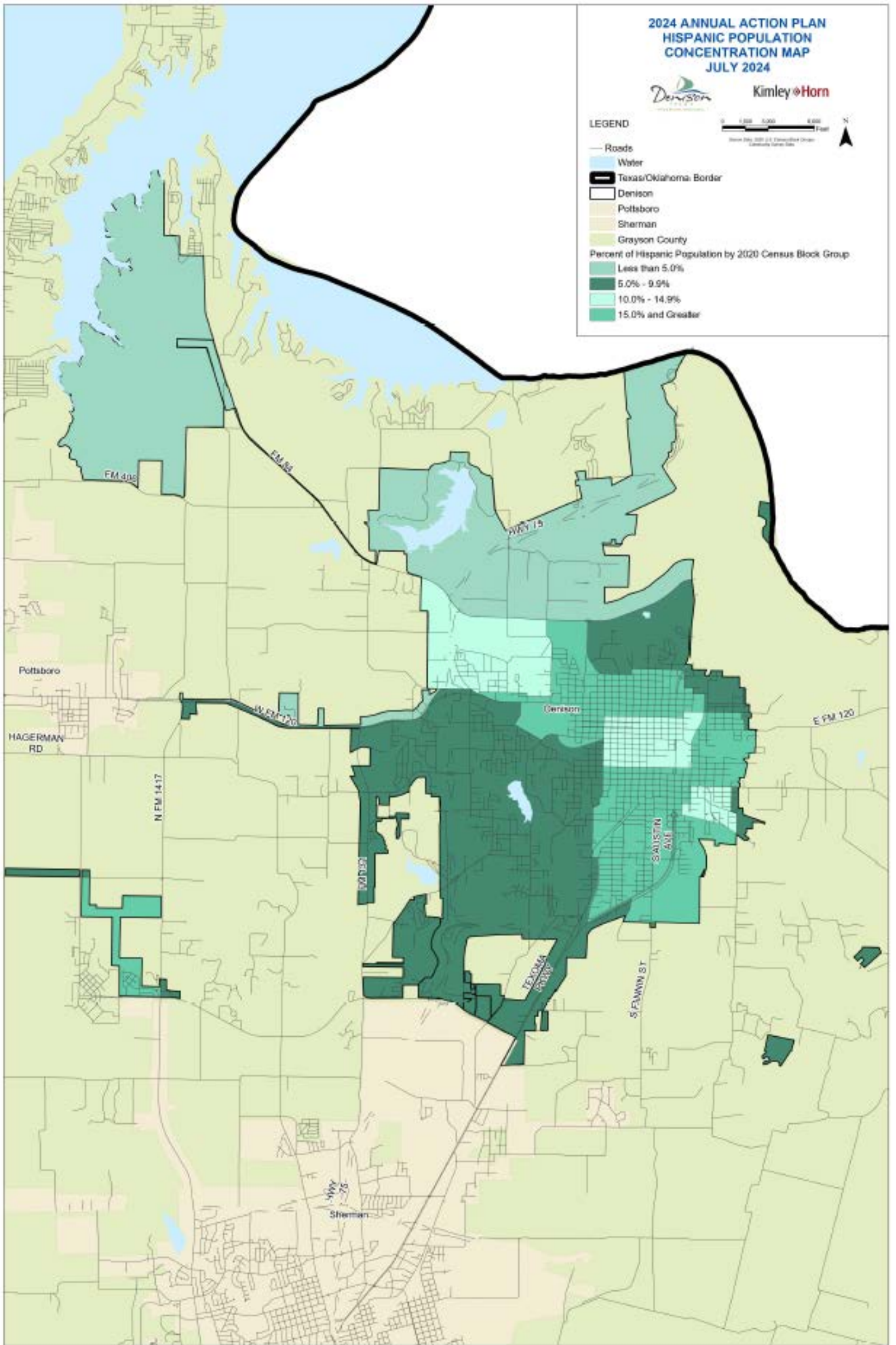
LEGEND

- Roads
- Water
- Texas/Oklahoma Border
- Denison
- Pottaboro
- Sherman
- Grayson County



Percent of Hispanic Population by 2020 Census Block Group

- Less than 5.0%
- 5.0% - 9.9%
- 10.0% - 14.9%
- 15.0% and Greater



RESOLUTION NO. _____

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.

WHEREAS, pursuant to 24 C.F.R. Part 91, the United States Department of Housing and Urban Development (“HUD”) requires each jurisdiction participating in the Community Development Block Grant Program (the “CDBG Program”) to adopt and submit an Annual Action Plan that sets forth the jurisdiction’s use of the funds and objectives for the upcoming program year; and

WHEREAS, the City of Denison, Texas (the “City”) is a participant of the CDBG Program and desires to continue said participation in the Program; and

WHEREAS, the City Council of the City finds that continued participation in the CDBG Program and submission of the proposed Annual Action Plan is beneficial to the public.

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

SECTION 1: Findings Incorporated. The findings recited above are incorporated as if fully set forth in the body of this Resolution.

SECTION 2: Approval. The City Council hereby approves the Annual Action Plan for CDBG Program Year 2024-2025 as presented in Exhibit A, attached hereto and incorporated herein.

SECTION 3: Authorization. The City Manager is hereby authorized to submit the Annual Action Plan for CDBG Program Year 2024-2025 and to execute necessary documents relative to submission of such plan and, later, acceptance of any grant funds.

SECTION 4: Savings/Repealing. All resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provision of this Resolution shall be and remain controlling as to the matters resolved herein.

SECTION 5: Effective Date. This Resolution shall be in full force and effect immediately upon final passage, and it is so resolved.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DENISON, TEXAS on this the 5th day of August 2024.

Robert Crawley, Mayor

ATTEST:

Christine Wallentine, City Clerk

EXHIBIT A

Annual Action Plan for CDBG Program Year 2024-2025

Planning and Zoning Commission Meeting Staff Report



Agenda Item

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).

Staff Contact

Dianne York, Planner
dyork@denisontx.gov
903-465-2720

Summary

- The applicant is requesting a Conditional Use Permit (CUP) in order to operate a Bar for property located at 127 W. Main Street.
- Property is zoned Central Area (CA) and falls within the Commercial Historic Overlay District (CH).
- A Conditional Use Permit (CUP) was approved by the City Council for the use of Bar for the operations of Black Sheep Cigar Lounge for property located at 202 W. Main Street at their meeting held on May 6th, 2024.

Staff Recommendation

Staff recommends approval of the Conditional Use Permit.

Recommended Motion

"I move to approve the Ordinance for a Conditional Use Permit to allow for the operation of a Bar for Black Sheep Cigar Lounge."

Background Information and Analysis

The applicant, Fajerson Consulting, LLC, is seeking approval of a Conditional Use Permit (CUP) to allow for the use of Bar for property located at 127 W. Main Street to operate a cigar lounge, Black Sheep Cigar Lounge. A previous CUP was approved for the operations of Black Sheep Cigar Lounge for property located at 202 W. Main Street by the City Council at their meeting held on May 6th, 2024. The applicant is moving their operations from 202 W. Main Street to 127 W. Main Street prompting the requirement for a new Conditional Use Permit (CUP).

Per the Project Narrative, Black Sheep Cigar Lounge will offer a space for the enjoyment of both refined cigars and luxurious cocktails. The applicant will initiate a complete internal remodel of the space to include but not limited to subflooring and flooring, painting of the walls and ceiling and adding spaces such as bathrooms and a humidor so they may properly store cigars. In an effort to be a good neighbor

to the surrounding businesses located on Main Street, the remodel will also include a top-of-the-line ventilation system and air purifiers in order to mitigate the cigar smoke.

The applicant is proposing hours of operation to include:

- Sunday through Thursday, 10:00 a.m. to 10:00 p.m.
- Friday through Saturday, 10:00 a.m. to 12:00 a.m.

The subject property falls within the City's Downtown Center per the Comprehensive Plan. Per the Comprehensive Plan, Denison's Downtown Center should be engaged in mixed-use activities with retail, restaurants, entertainment, office and some medium-density residential uses. Permitting the use of Bar for Black Sheep Cigar Lounge conforms with the Comprehensive Plan.

There are no parking requirements for the Central Area zoning district, however, adequate on-street parking and off-street parking is provided via Main Street and public parking lots located near the property.

City staff has reviewed each Conditional Use Permit Criteria outlined within the City Ordinance, before reaching its recommendation for approval.

Conditional Use Permit Criteria for Approval:

1. *The proposed use at the specified location is consistent with the policies embodied in the adopted comprehensive plan;*

This location and use are compatible with the Comprehensive Plan.

2. *The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations;*

The proposed Conditional Use Permit use is compatible with uses found in the Central Area (CA) zoning district as well as the Commercial Historic Overlay District (CH).

3. *The proposed use is compatible with and preserves the character and integrity of adjacent development and neighborhood and includes improvements either on site or within the public rights-of-way to mitigate development-related adverse impacts, such as traffic, noise, odors, visual nuisances, drainage or other similar adverse effects to adjacent development and neighborhoods;*

The proposed use is compatible with the integrity of nearby existing developments.

4. *The proposed use does not generate pedestrian and vehicular traffic which will be hazardous or conflict with the existing and anticipated traffic in the neighborhood.*

N/A

5. *The proposed use incorporates roadway adjustments, traffic control devices or mechanisms, and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development generated traffic on neighborhood streets;*

No additional traffic mitigation or traffic control for the surrounding area is required.

6. *The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed conditional use on adjacent properties; and*

N/A

7. *The proposed use meets the standards for the zoning district, or to the extent variations from such standards have been requested, that such variations are necessary to render the use compatible with adjoining development and the neighborhood.*

No variance is applied or needed.

Financial Considerations

N/A

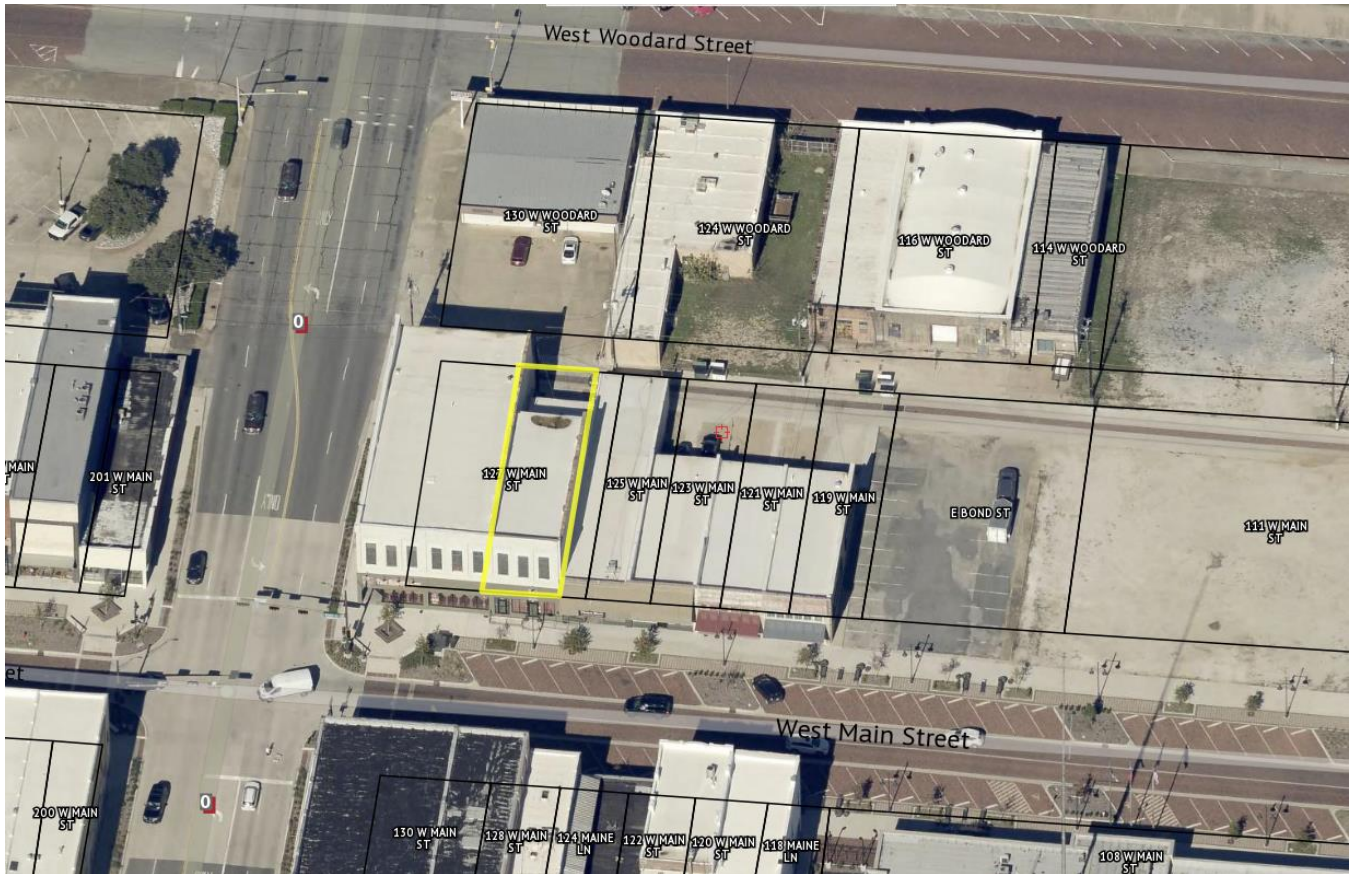
Prior Board or Council Action

- The Planning and Zoning Commission recommend approval for a Conditional Use Permit (CUP) for the use of Bar and the operations of Black Sheep Cigar Lounge for property located at 202 W. Main Street at their meeting held on April 23rd, 2024.
- The City Council approved a Conditional Use Permit (CUP) for the use of Bar and the operations of Black Sheep Cigar Lounge for property located at 202 W. Main Street at their meeting held on May 6th, 2024.
- The Planning and Zoning Commission recommended approval of this request at their meeting held on July 23rd, 2024.

Alternatives

- The City Council may approve, approve with conditions, deny, or table the request.

Aerial of Subject Property



Zoning of Subject Property



Project Narrative for 127 W. Main St.

Imagine you're on a date and trying to find a nice, cozy spot to settle down for a nightcap after dinner. You don't want to go to a bar, the music is too loud and the "bar scene" isn't what you need. You're looking for a relaxing hang out; a place to socialize, sip a tasty hand crafted cocktail, and maybe even finish with an aromatic imported cigar.

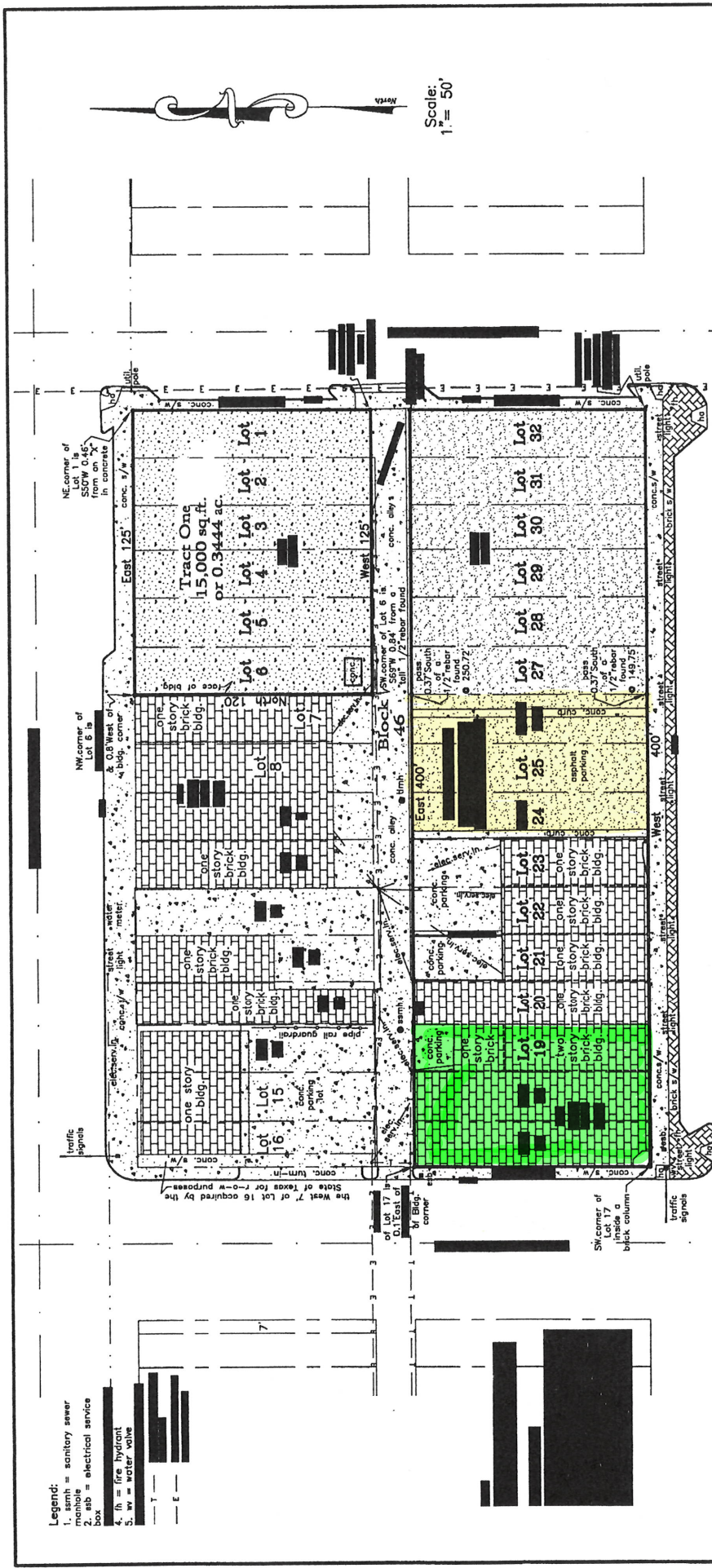
Fajerson Consulting LLC is looking to open up a new type of atmosphere on Main Street. We have projected a soft opening date of the 'Black Sheep Cigar Lounge' for Fall of 2024. Our establishment would hopefully bring another level of sophistication and entertainment to this area. We would be opening a retail business for refined cigars and luxurious cocktails, this space includes an area to relax and enjoy the company of others who also appreciate this level of leisure.

With the majority of sales belonging to our retail tobacco side of business, we would not be a 51% location. This space is going to be updated inside, from flooring, repainting the walls, and adding other structures (i.e. bathrooms, and a humidor) to the inside of the store; included in this construction is a top of the line ventilation system as to not bother our neighbors or the general public with cigar smoke. We propose our operating hours to be 10 am to 10 pm Sunday through Thursday, and 10 am to 12 midnight on Friday and Saturday evenings; suggested hours will be within guidelines of TABC.

We believe our store will offer a harmonious site to the downtown atmosphere. We will have soft music and a down to earth ambiance that will accompany the level of refinement that we feel Main Street is constantly working to preserve. We will have more foot and vehicle traffic toward this location, but luckily there are public parking lots to the north east and north west of our establishment as well as parking spaces out front. This foot traffic will hopefully also visit surrounding boutiques and eating establishments- bringing more and more business to this area. Inside our location, we will have plenty of ventilation and air purifiers so as to not give any negative report from our neighbors. The north entrance of the store has a loading and unloading space to negate any traffic from Main Street when we get deliveries of products. We are a separate space and address, but in the same building of the Horse's Axe. We plan on being able to utilize Mr. Roberts, our landlord who owns the previously mentioned establishment, to direct business back and forth.

We are looking to bring a different type of experience to Main Street, hopefully our location would rival that of other flourishing towns like McKinney, Rockwall, and Plano. Our cigar lounge would be a perfect fit with the level of polished ambiance we see coming to Downtown Denison. It has been projected that the cigar industry in the United States will reach \$13.3 billion in 2024. (Per Statistica.com) This website also states that there is a calculated growth rate of 4.28% annually. We feel this would be a great partnership and hopefully another bright spot in the revamped area. We appreciate you for your time and consideration.

- Legend:**
- 1. smh = sanitary sewer manhole
 - 2. eab = electrical service box
 - 4. fh = fire hydrant
 - 5. wv = water valve



I, Billy F. Helvey, Registered Professional Land Surveyor, do hereby certify that a survey was performed on the ground of the property shown hereinabove and that this survey complies with both the General Rules of Procedures and Practices as adopted by the Texas Board of Professional Land Surveying and the current Texas Society of Professional Surveyors standards and is a true and correct representation of the property shown hereon.

Legal Description is as follows: TRACT ONE: all of Lots 1 through 6, Block 46, Original Town Plat (sometimes called Old Town Plat), to the City of Denison, Texas, as per plat of record in Volume 28, Page 362, Deed Records, Grayson County, Texas; TRACT TWO: all of Lots 17 through 32, said Block 46, said Original Town Plat.

The subject property shown hereon does not lie within the limits of any designated 100-year Flood Hazard Areas, as shown on the "FCMA" Flood Insurance Rate Map for Grayson County, Texas, Map No. 48181C0170 F, Revised Date: September 29, 2010.

Owner: Bobby J. Brown
Address: 100 blocks of W. Main St. & W. Woodard St., Denison, Texas

This survey was prepared for the sole benefit of the transaction (referring to the plat of record) and is not valid for any other transactions. Any other use of this survey without the sole consent of the undersigned surveyor is prohibited, and would infringe upon state and federal copyright statutes. Any violation of said statutes will be aggressively pursued.

Helvey & Associates Surveying, Inc.
 222 W. Main St.
 Denison, Texas 75020
 Ph (903) 463-6191 Fax (903) 463-4088
 Firm Registration No. 10088100
 Texas Board of Professional Land Surveying

ORDINANCE NO. _____

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.

WHEREAS, the City of Denison, Texas (hereinafter referred to as “City”) is a Home Rule Municipality acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Texas Local Government Code; and

WHEREAS, the City Council of the City (the “City Council”) adopted Chapter 28 of its Code of Ordinances, the same being the Comprehensive Zoning Ordinance of the City, which governs the use and development of land in the City (the “Zoning Ordinance”); and

WHEREAS, Michael Roberts, RobGuy Properties Denison, LLC (“Owner”) owns Lot 19, Block 46, Original Town Plat, Denison, Grayson County, Texas, as described and depicted in **Exhibit “A”**, which is attached and incorporated as if fully set forth herein (the “Property”), and has made an application under the provisions of the Zoning Ordinance requesting a Conditional Use Permit for a Bar on the Property which is located in the Central Area District, the Austin Avenue Overlay District, and the Commercial Historic Overlay District; and

WHEREAS, Owner has designated Ashlyn Fajerson of Fajerson Consulting, LLC to act in the capacity of Owner as agent for submittal, processing, representation, and/or presentation of the application, and as the principal contact person for responding to all requests for information; and

WHEREAS, the Comprehensive Zoning Ordinance of the City allows for a Bar in the Central Area District, the Austin Avenue Overlay District, and the Commercial Historic Overlay District with the grant of a Conditional Use Permit; and

WHEREAS, public hearings on said application having been held before the Planning and Zoning Commission and the City Council of the City of Denison (the “City Council”), after due notice of the public hearings having been mailed and published in all respects as required by law on the property fully described in the body of this Ordinance; and

WHEREAS, the Planning and Zoning Commission has recommended approval of a Bar for the Property; and

WHEREAS, the City Council has considered the evidence and testimony provided by all parties appearing before the City Council, in person and in writing, and the recommendation of the Planning and Zoning Commission relative to the proposed zoning change and has further considered all written approvals and protests, all as required by law; and

WHEREAS, the City Council has determined that the uses requested for the Property as requested in the Conditional Use Permit application and subject to the provisions of this Ordinance are compatible with surrounding properties and are appropriate for the location of the Property.

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

Section 1. Incorporation of Premises. The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

Section 2. Zoning Map and Conditional Use Permit Approved. The zoning map of the City of Denison adopted by Section 28.3 of the Denison Code of Ordinances and on file in the office of the Planning Director is hereby amended to reflect the Conditional Use Permit is approved in the Central Area District, the Austin Avenue Overlay District, and the Commercial Historic Overlay District on the Property as follows:

2.01. Permit Granted. A Conditional Use Permit (“CUP” or “Permit”) for the Property authorizing use of the Bar is hereby approved.

2.02. Permit Conditions. The CUP and the use for which it is granted is subject to all Applicable Regulations (defined below) and to the following conditions:

A. Uses. The following use shall be permitted in accordance with the conditions of the CUP:

Bar or tavern: An establishment primarily devoted (seventy-five (75) percent) to the serving of alcoholic beverages for on-premises consumption and in which the service of food is only incidental to the consumption of such beverages.

B. Applicable Regulations. In addition to the specific requirements set forth in this Ordinance, this CUP shall be subject to all ordinances and regulations of the City applicable to the Property, including without limitation the Comprehensive Zoning Ordinance and those regulations governing the Central Area District, the Austin Avenue Overlay District, and the Commercial Historic Overlay District (“Applicable Regulations”). The CUP granted by this Ordinance shall control in cases of conflict between this Ordinance and/or the Comprehensive Zoning Ordinance.

- C. Hours of operation: Sunday through Thursday 10:00 a.m. to 10:00 p.m. and Friday and Saturday 10:00 a.m. to 12:00 midnight.

Section 3. Failure to Comply/Expiration/Transferable. All terms of this CUP shall be complied with prior to issuance of a certificate of occupancy. This CUP shall be declared null and void and of no force and effect and shall discontinue if or for any one or more of the following:

- A. Any failure to comply with any term or condition of this Ordinance or the applicable regulations, as they exist or may be amended; or
- B. Any improvements, the Property, uses or structures regulated by this CUP are enlarged, modified, structurally altered or otherwise significantly changed unless a separate conditional use permit or other required authorization is granted therefor; or
- C. A building permit for the construction of any new structure for which a use is authorized hereunder has not been approved within one (1) year of the date of approval of this Ordinance; or
- D. A certificate of occupancy for any existing structure for which a use authorized by this Ordinance is not applied for and issued within one hundred and eighty (180) days from the effective date of this Ordinance; or
- E. A use for which this CUP is granted ceases to operate for a continuous period of one hundred eighty (180) calendar days; or
- F. A structure for which this CUP is granted remains vacant for a continuous period of one hundred eighty (180) calendar days; or
- G. This CUP was obtained by fraud or deception; or
- H. As otherwise permitted by law, this Ordinance and/or the City's Zoning Ordinance, as they exist or may be amended, including without limitation the requirements of Section 28.9 "Nonconforming Uses and Structures".

Section 4. Savings/Repealing Clause. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

Section 5. Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Denison hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences clauses and phrases be declared unconstitutional or invalid.

Section 6. Penalty. Any person, firm, entity or corporation who violates any provision of this Ordinance or Denison's Zoning Ordinance Chapter 28, as they exist or may be amended, shall be deemed guilty of a misdemeanor, and upon conviction therefore, shall be fined in a sum not exceeding Two Thousand and No/100 Dollars (\$2,000.00). Each continuing day's violation shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude Denison from filing suit to enjoin the violation. Denison retains all legal rights and remedies available to it pursuant to local, state, and federal law.

Section 7. Publication and Effective Date. This Ordinance shall become effective immediately upon its adoption and its publication as required by law.

AND IT IS SO ORDERED.

On motion by Councilmember _____, seconded by Councilmember _____, the above and foregoing Ordinance was passed and approved by the following vote:

Ayes:

Abstentions:

Nays:

At regular meeting August 5, 2024.

ROBERT CRAWLEY, MAYOR

ATTEST:

Christine Wallentine, City Clerk

EXHIBIT "A"

Property Description and Depiction

BEING LOT 19, BLOCK 46, DENISON, GRAYSON COUNTY, TEXAS, AND BEING MORE COMMONLY KNOWN AS 127 W. MAIN STREET, CITY OF DENISON, GRAYSON COUNTY, TEXAS.

