

**MINUTES OF
REGULAR CITY COUNCIL MEETING
CITY OF DENISON
MONDAY, MARCH 3, 2014**

CALL TO ORDER

Announce the presence of a quorum.

Mayor Jared Johnson called the meeting to order at 6:00 p.m. City Council members present were Mayor Pro Tem David Spindle, Council members Bill Malvern, Michael Baecht, Janet Gott and Ken Brawley. Staff present were City Manager Robert Hanna, City Attorney Courtney Goodman-Morris, Finance Director Renee Waggoner, Public Works Director David Howerton and City Secretary Carrie Hart. Members of the media were also present.

INVOCATION & PLEDGE OF ALLEGIANCE

Mark Mitchell, First Baptist Church, gave the Invocation followed by the Pledge of Allegiance.

2. PRESENTATION AND PROCLAMATION

- A. Present the GFOA (Government Finance Officers Association) award for the 2012 CAFR (Comprehensive Annual Financial Report).

Council Action

The Finance Director presented the Certificate of Achievement for Excellence in Financial Reporting which has been awarded to the City by the GFOA for the 2012 CAFR. This is the highest form of recognition in the area of governmental accounting and financial reporting and the award recognizes a significant achievement by the Finance department and management. This is the second year in a row that the City has received this award. The Finance Director thanked her staff profusely for their help throughout the process.

- B. American Red Cross Proclamation

Council Action

Mr. Mike Springer spoke about the Texoma Chapter of the Red Cross. The Texoma Chapter of the Red Cross is comprised of the Counties Grayson, Fannin and Cooke. The Mayor presented Mr. Springer with the Proclamation declaring March as Red Cross Month.

3. CONSENT AGENDA

- A. Receive a report, hold a discussion, and take action on approving the minutes from the Regular Meeting on February 17, 2014.

- B. Receive a report, hold a discussion and take action on approving the purchase of a brush truck for the fire department.

Council Action

On motion by Council member Spindle, seconded by Council member Gott, the Council unanimously approved the Consent Agenda as presented and the purchase of a brush truck for the Fire Department for a total cost of \$89,798.86 which was budgeted for FY2014.

4. PUBLIC HEARINGS

- A. Receive a report, hold a public hearing and consider an ordinance for a Conditional Use Permit for major/minor auto repair in a Commercial District for property out of Englewood Addition Lot 13 and part of 14, Block 1, 1619 S. Armstrong.

Council Action

The City Manager presented the Conditional Use permit located at 1619 S. Armstrong. The Applicant, Francisco Sanchez, and the Owner, Lupe Rubio, would like to use the building as an auto repair business. The structure has been a motorcycle repair shop in the past. The building the lessee currently uses does not have bathrooms and he would like to move to this building. The surrounding zoning is commercial, light industrial, single family 7.5, and 2 family districts. Eight surrounding property owners were notified of the permit, there were two approvals and no disapprovals. Planning and Zoning recommends approval with the condition that the area in front of the building be kept free of disabled cars. Staff recommends approval with conditions that the Board has recommended. The Mayor opened the public hearing. There being no one to speak, the public hearing was closed. Council member Gott asked about any issues that the owner and applicant have had at their other location. The City Manager stated the City has not received any complaints regarding the current location. On motion by Council member Brawley, seconded by Council member Malvern, the Council unanimously approved Ordinance No. 4735 **“AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DENISON, TEXAS, AMENDING THE ZONING ORDINANCE OF THE CITY OF DENISON, TEXAS, GRANTING A CONDITIONAL USE PERMIT FOR AUTO REPAIR SHOP MAJOR/MINOR IN A COMMERCIAL DISTRICT FOR PROPERTY OUT OF THE ENGLEWOOD ADDITION, LOT 13 AND PART OF 14 BLOCK 1 (1619 S. ARMSTRONG), TO THE CITY OF DENISON, GRAYSON COUNTY, TEXAS, WHICH IS PRESENTLY ZONED COMMERCIAL DISTRICT; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW. ”**

5. ITEMS FOR INDIVIDUAL CONSIDERATION

- A. Receive a report, hold a discussion and take action on an ordinance regulating the use of electronic cigarettes in public places and the sale to minors.

Council Action

The City Secretary presented the proposed Ordinance on the regulation of electronic cigarettes. The proposed ordinance would add the definition of the electronic cigarettes to the current smoking ordinance; therefore, not allowing smoking of electronic cigarettes in public places. Also, this would prohibit the sale to minors and the consumption or possession by minors. Other cities that have placed regulations on electronic cigarettes are Frisco, Flower Mound, Mansfield and Lewisville. On motion by Council member Spindle, seconded by Council member Gott, the Council unanimously approved Ordinance No. 4736 **“AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DENISON, TEXAS AMENDING THE DENISON MUNICIPAL CODE, CHAPTER 11, ARTICLE I, SECTION 11-11 TO PROVIDE FOR THE REGULATION OF USING E-CIGARETTES IN A PUBLIC PLACE; ADOPTING SECTION 11-13 TO PROVIDE FOR THE REGULATION OF SALE AND USE OF E-CIGARETTES BY MINORS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING FOR CONTINUATION OF PRIOR LAW; PROVIDING PENALTY; PROVIDING FOR PUBLICATION; PROVIDING AN EFFECTIVE DATE; AND FINDING AND DETERMINING THE MEETING AT WHICH THIS ORDINANCE IS ADOPTED TO BE OPEN TO THE PUBLIC AS REQUIRED BY LAW. ”**

- B. Receive a report, hold a discussion and consider a resolution approving the execution and delivery of a loan agreement by Denison Development Alliance; approving a resolution of the Denison Development Alliance authorizing the loan agreement; approving a sales tax remittance agreement; and containing other provisions related thereto.

Council Action

Tony Kaai, President of Denison Development Alliance (DDA), presented the loan agreement for approximately \$750,000, which will install a gas line in the northern quadrant of the City to serve new industries and the new high school. It has been budgeted for this year. The DDA Board has approved the resolutions and the last step is for Council to approve the resolutions. On motion by Councilmember Malvern, seconded by Councilmember Spindle, the Council unanimously approved Resolution No. 3859 **“RESOLUTION APPROVING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT BY DENISON DEVELOPMENT ALLIANCE; APPROVING A RESOLUTION OF THE DENISON DEVELOPMENT ALLIANCE AUTHORIZING THE LOAN AGREEMENT; APPROVING A SALES TAX REMITTANCE AGREEMENT; AND CONTAINING OTHER PROVISIONS RELATED THERETO.”**

- C. Receive a report, hold a discussion and take action in response to a proposal from Denison Little League to expand their annual contract to include a lease and expenses for use of a privately-owned lighted baseball field.

Council Action

The Public Works Director spoke to the contract that would expand to include a lease and maintenance expense for the use of a privately-owned lighted baseball field for Denison Little League. The field has lights and a restroom that could be utilized. The Parks and Recreation

Board recommended the agreement be good for a year as a trial basis and have staff look at the fields that are currently owned and make a proposal for them to be improved. The Board also recommended a funding amount of \$2,300 for the field. Councilmember Brawley asked about the \$2,300 and asked if we currently lease any fields or if the money goes to maintain the field. We have contracts with PONY and Little League and the money goes to the maintenance of the fields. The \$13,000 would include improvements to the field, sod in certain places and making the field more attractive. Also, if the City cannot do that, they would like the electrical, water and the rental fee be paid by the City. Their bottom line is for the City to pay for electricity and water. They feel that the cost for that would be \$5,400. The Parks and Recreation Board proposal of \$2,300 is based off of what the City spends on other fields. The field Little League is asking for is better than any of our other fields that the City owns. The Mayor stated that this would allow us to accommodate both boys and girls. Secondly, Little League doesn't own the field; however, they are supported by volunteers on a day to day basis and this would show the support of the City. On motion by Councilmember Spindle, seconded by Councilmember Malvern, the Council unanimously approved a one year commitment for \$2,300 for maintenance, electricity and water with no restrictions on the age that can use the fields and to connect the sewer tap at no cost.

There being no further business to come before the Council, the meeting adjourned at 6:31 p.m.

JARED JOHNSON, MAYOR

Attest:

Carrie Hart, City Secretary