
AGENDA

The City Council of the City of Daingerfield shall meet in Regular Session Monday, September 11, 2023, at 6:00 p.m. in the Daingerfield Volunteer Fire Department located at 823 W.W.M. Watson Blvd. The order of business will be as follows:

1. **Call Meeting to Order.**
2. **Invocation, Pledge of Allegiance and Texas Pledge.**
3. **Public Comments.**
4. **Public Hearing Items**
 - A. Conduct Public Hearing Regarding Proposed Tax Rate for Fiscal Year 2023-2024
 - B. Conduct Public Hearing Regarding Proposed Budget for Fiscal Year 2023-2024
5. **Consent Agenda**

All Consent items are considered to be routine and will be enacted by one motion and vote.

 - A. Deliberate and Act to Approve Minutes of August 7, 2023
6. **Presentation:**

Informational report only, no action to be taken:

 - A. Hear status update from the engineers Schaumburg & Polk on Water Tower project.
 - B. Presentation from the Daingerfield Economic Development Corporation and Sonny Havinder on development opportunities in Daingerfield for potential development of apartments and other possible investments.
7. **Business**

Discuss, Consider, and Possibly Take Action Regarding:

 - A. Discuss and Consider Adoption of a Resolution directing Publication of Notice of Intention to issue up to \$1,950,000 Combination Tax and Revenue Certificates of Obligation to the Texas Water Development Board to provide funds for Sewer System Improvement Projects; and Resolving other matters relating to the subject.
 - B. Presentation and Discussion of the Preliminary Budget Version 2 for FY 2023-2024.
 - C. Deliberate, Discuss and Possibly Take Action to Amend Ordinance Chapter 4, Alcoholic Beverages, to Adopt the terms and provisions of the Texas Alcoholic Beverage Code.
 - D. Deliberate, Discuss and Possibly Take Action to Adopt Ordinance(s) Allowing for Minimum Charge based on Meter Size for Water and Sewer Rates.
 - E. Deliberate and Discuss and Possibly Act on the Volunteer Fire Department limiting response to critical County emergencies only while continuing full coverage within City Limits.
 - F. Deliberate and Act to Approve Proposed Holiday Schedule for City of Daingerfield.
 - G. Deliberate and Act to Approve Budget Amendment Resolution 09112023 needed repairs on AC Units 1 & 4 at City Hall
 - H. Deliberate, Discuss and Possibly Approve Resolution for the City of Daingerfield to become eligible to Participate in Tax Abatement
 - I. Deliberate and Act on Ordinance Nominating Candidate(s) for the Morris County Appraisal District Board of Directors for 2022-2023:
 - J. Deliberate and Possibly Act on Resolution to Approve Maintenance Agreement with the Texas Department of Transportation
8. **Monthly Departmental Reports:** *Informational reports only, no action to be taken:*
 - A. Animal Shelter, Code Enforcement, Electrical, EMS, Fire, Library, Municipal court, Police, Public Works
 - B. Financial
 - C. City Secretary
 - D. City Manager

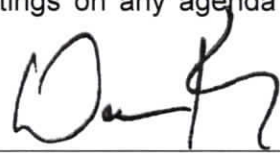
AGENDA

9. Monthly Boards and Commissions Minuets: *Informational reports only; no action to be taken:*

- A. Economic Development Corporation and Northeast Texas Municipal Water District

10. Adjournment.

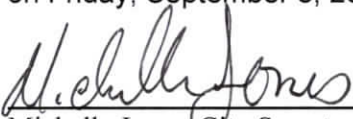
Note: The City of Daingerfield reserves the right to conduct closed meetings on any agenda item in accordance with §551.071 -- §551.076 of the Government Code.



Wade Kerley, Mayor

I, Michelle Jones, certify that the above notice of meeting was posted in a public place before 4:30 p.m. on Friday, September 8, 2023.

SEAL



Michelle Jones, City Secretary

CITY SECRETARY'S AGENDA NOTES
September 11, 2023

2. Invocation, Pledge of Allegiance and Texas Pledge.

- 3. Public Comments.:** *At this time, anyone will be allowed to speak on any matter other than personnel matters and matters under litigation, for length of time not to exceed three minutes. No Council discussion or action may take place on a matter until such matter has been placed on an agenda and posted in accordance with the law.*

If, at a meeting of a governmental body, a member of the public or of the governmental body inquires about a subject for which notice has not been given as required by this subchapter, the notice provisions of this subchapter do not apply to:

- (1) a statement of specific factual information given in response to the inquiry; or
- (2) a recitation of existing policy in response to the inquiry.

4. Public Hearing Items

- A. Conduct Public Hearing Regarding Proposed Tax Rate for Fiscal Year 2023-2024:** Notice of the Public Hearing on page 5 was published in the August 31st issue of *The Steel Country Bee*.
- B. Conduct Public Hearing Regarding Proposed Budget for Fiscal Year 2023-2024:** Notice of the Public Hearing on page 6 was published in the August 31st issue of *The Steel Country Bee*

5. Consent Agenda

All consent items are considered to be routine and will be enacted by one motion and vote.

- A. Deliberate and Act to Approve Minutes of August 7, 2023:** Drafts of the minutes are on pages 9 through 13 of your packets.

6. Presentation:

Informational report only, no action to be taken.

- A. Hear status update from the engineers Schaumburg & Polk on Water Tower project:** Status update presented by Jeremy Buechter with SPI
- B. Presentation from the Daingerfield Economic Development Corporation and Sonny Havinder on development opportunities in Daingerfield for potential development of apartments and other possible investments:** Placed on agenda at request of Councilmember Carter. Mr. Horn with EDC and Sonny Havinder will present.

7. Business

Discuss, Consider, and Possibly Take Action Regarding

- A. Discuss and Consider Adoption of a Resolution directing Publication of Notice of Intention to issue up to \$1,950,000 Combination Tax and Revenue Certificates of Obligation to the Texas Water Development Board to provide funds for Sewer System Improvement Projects; and Resolving other matters relating to the subject:** Certificate of Resolution, Resolution and Exhibit A are on pages 14 through 18. Copy of the financing analysis and overview provided by Specialized Public Finance Inc in a separate binder.
- B. Presentation and Discussion of the Preliminary Budget Version 2 for FY 2023-2024:** Copy of the proposed budget is included as a separate binder.
- C. Deliberate, Discuss and Possibly Take Action to Amend Ordinance Chapter 4, Alcoholic Beverages, to Adopt the terms and provisions of the Texas Alcoholic Beverage Code:** Current Ordinance is on pages 19 through 23. Amendment is on pages 24 through 28. This ordinance will amend the current ordinance in Chapter 4 of Alcoholic Beverages allowing for adopting of the terms and provisions of the Texas Alcoholic Beverage Code (TABC). These amendments will simplify the City's ordinances and ensure there are no impermissible conflicts or confusion between the City's ordinances and TABC.

- D. **Deliberate, Discuss and Possibly Take Action to Adopt Ordinance(s) Allowing for Minimum Charge based on Meter Size for Water and Sewer Rates** Placed on the agenda for further discussion at request of Councilmember Ramirez. The proposed numbers reflect the water rate increase and the amounts for the 4-, 6- and 10-inch meter size. The rates are listed in Ordinance No 2023-7a for Water Rates and 2023-8a Sewer rates on pages 29 and 30, most residents will not be affected by this change as they usually have a 3/4" or 5/8" meter. Various graphs that reflect meter size for customers, a rate comparison and total water are on pages 31 through 36.
- E. **Deliberate and Discuss and Possibly Act on the Volunteer Fire Department limiting response to critical County emergencies only while continuing full coverage within City Limits:** Placed on the agenda for discussion at request of Councilmember Carter. Current Mutual Aid agreement is on pages 37 through 40.
- F. **Deliberate and Act to Approve Proposed Holiday Schedule for the City of Daingerfield:** City staff is asking that ML King's Birthday, President's Day, Juneteenth, and Columbus Day be added to the holiday schedule. This would align the City's holiday schedule with the County's holiday schedule.
- G. **Deliberate and Act to Approve Budget Amendment Resolution 09112023 needed repairs on AC Units 1 & 4 at City Hall:** Resolution on page 41. AC Units 1 & 4 in the City Secretary and Finance Director's office at City Hall required repairs that were outside the approved FY Budget 2022-2023.
- H. **Deliberate, Discuss and Possibly Approve Resolution for the City of Daingerfield to become eligible to Participate in Tax Abatement:** Resolution is on page 42. This is the first step to becoming eligible to participate in the tax abatement process. If passed the next step will be to establish Abatement Guidelines and Criteria as mentioned in section 3 of the resolution, which we will do with assistance from the City Attorney.
- I. **Deliberate and Act on Ordinance Nominating Candidate for the Morris County Appraisal District Board of Directors for vacancy 2022-2023:** Information from the Appraisal District is on page 43 and the resolution is on page 44. Ginger Smith will be leaving the board therefore there is an opening, and the Appraisal district has asked for nominations from the taxing jurisdictions for their Board to vote on. Requirements to be considered for the board; be a resident for 2 years, no delinquent taxes and not employed or contracted with a jurisdiction. Note that they are requesting nominations only at this time. You will be asked to cast your votes for the position in October.
- J. **Deliberate and Possibly Act on Resolution to Approve Maintenance Agreement with the Texas Department of Transportation:** We recently received a letter from Rebecca Wells, P.E District Engineer out of the Atlanta TxDot office, requestion that the City approve an updated maintenance agreement regarding highway rights-of-way within the City. The letter and new agreement with exhibits A, B and D are on pages 45 through 56 of your packet. The previous agreement is on pages 57 through 65. The power point detailing changes is on pages 66 through 79. The Resolution is on page 80.

8. **Monthly Departmental Reports: *Informational reports only; no action to be taken:***

- A. **Animal Shelter, Code Enforcement, Electrical, EMS, Fire, Library, Municipal court, Police, Public Works:** Monthly Reports are on pages 81 through 92.
- B. **Financial:** Located on pages 93 through 99
- C. **City Secretary:** Located on page 100
- D. **City Manager:** Keith's notes are on page 7 & 8.

9. **Monthly Boards and Commissions Minuets: *Informational reports only; no action to be taken:***

- A. **Economic Development Corporation, Northeast Texas Municipal Water District:** The EDC did not meet in August, there is no report to submit. Copies of the NTMWD minuets are on pages 101 and 102.

10. **Adjournment**

NEWS

DLSISD Cont. from page 1

or accessory is sold separately from the device."

The punishment for students caught going against the policy is 30 days of DAEP for regular vaping items and 60 days for T11C vaping items with a review after 15 or 30 days.

The board approved raising prices for

breakfast and lunch to \$5 and approved a change to the stipend schedule for athletics. Athletic director Devin Nelson told five board members that with the approved changes, stipends for all head coaches at DLSISD are now equal across the board.

The board also approved Thomas and Thomas, CDA for the district audit and accepted the resignation of former board member James Duke. Full scores for the district STAAR and EOC exams will be released Sept. 26.

MCC

Cont. from page 1

Agencies that provide children and family support include Guardians of Children, Community Resource Coordinated Groups (CRCG), and Juvenile Probations Dept. New Life Family will talk about their program on anger management and parenting.

County citizens have experienced several disasters in the last year. Agencies that can assist are: American Red Cross, Department of State Health Services Disaster Team, and the Texas Department of Public Safety Disaster Coor-

ordinator will be available. We will have someone with Life-Net Ambulance and Life Air Total Pointe Urgent Care of fers extended hours and intermediate care closer to home. Car seats for children will be available if both the car and child are present.

Several agencies will be available to discuss prevention for alcohol and drugs. Tex-dot will be providing information on several campaigns to discourage texting and driving, and driving under the influence, a roll over demonstration, and issue car seats to parents, but the child and the car must be present.

Other resources for alcohol and drugs awareness include Celebrate Recovery Naples, Fast Texas Council on Alcohol, and Drugs Agency, Franklin County Rural Health, Next Step Community Solutions (NETCASA), Prev-NET (Community Healthcare) and Wellness Pointe Mt. Pleasant and Longview.

Carter Blood Care will host a blood drive during the fair. Be sure to cut prior to donating blood or receiving vaccines. The Daingerfield County Club is providing golf carts to assist anyone who has limited abilities.

Veteran's benefits booths will be provided by the Morris and Upshur County Veterans Resource Officer, the Shreveport Vet Center, VA Advanced Planning, Humana for VETS, and the Veteran's Navigator Program.

Affordable Health Care Counselors will be available to assist with various programs. There will be providers such as Texas Health Steps to assist with applying for CHIPPS, Medicaid and dental services for children as well as clinics that provide sliding scale fees including Special Health Re-

source and Wellness Pointe in Mt. Pleasant and Longview, and the Franklin County Rural Health Clinic. WIC information is also going to be available. Expectant Heart is working with pregnancy prevention and intervention.

NTCC will feature Allied Health and other programs that are available at their facilities. NTCC Nursing students will be assisting and observing at various screening locations. The Health Science students from DLSISD will assist in setting up and assisting the public and vendors during the event.

"A big thank you to Brookchires Corporation for sponsoring the lunch through their 'Give Back' Program, and the First Baptist Church Daingerfield Ministry will prepare the lunch and provide cookies for dessert," Austin said.

Access to Healthcare is very difficult, and access to mental health is a real need in our community. Lakes Regional is the local Mental Health Authority for the area. They will have a booth with information about their services.

"Domestic Violence has affected so many homes, and Safe-T will provide information on recognizing and responding to those situations," Baker said.

Other agencies include Long-Term Care, Home Health, and Hospice agencies that will be present with resources to assist.

Door prizes will be given between speakers with an extra door prize being drawn for those who attend the sessions. For more information, please contact Martha Baker, Health Fair Coordinator at mbaker554@aol.com or call MCC at (430) 226-9100, Monday through Friday from 9 a.m.-2 p.m.



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*Crime Scene Clean Up	*Storm Damage Restoration
*Water Loss Mitigation	*Roof Replacement
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STARTS FRIDAY

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Morris County Jail Log

Aug. 6

Porsha Davnisha Parker of Naples was arrested by Morris County Sheriff's deputies for unlawful possession of a firearm by a felon and possession of drug paraphernalia

Aug. 7

• Mike Eugene Fisher of Lone Star was arrested by Morris County Sheriff's deputies for driving while intoxicated, third or more.

glary of a building, theft of a firearm, unlawful possession of a firearm by a felon, evading arrest or detention with a vehicle and on a parole hold.

Aug. 8

• Blaise Matthew Joimson of Coochville was arrested by Naples police for bur-

Aug. 9
• David Hernandez of Edinburg was arrested by Daingerfield police for public intoxication.

**NOTICE OF PUBLIC HEARING
ON TAX INCREASE**

A tax rate of \$0.491974 per \$100 valuation has been proposed by the governing body of City of Daingerfield.

PROPOSED TAX RATE	\$0.491974 per \$100
NO-NEW-REVENUE TAX RATE	\$0.395025 per \$100
VOTER-APPROVAL TAX RATE	\$0.551556 per \$100

The no-new-revenue tax rate is the tax rate for the 2023 tax year that will raise the same amount of property tax revenue for City of Daingerfield from the same properties in both the 2022 tax year and the 2023 tax year.

The voter-approval rate is the highest tax rate that City of Daingerfield may adopt without holding an election to seek voter approval of the rate.

The proposed tax rate is greater than the no-new-revenue tax rate. This means that City of Daingerfield is proposing to increase property taxes for the 2023 tax year.

A PUBLIC HEARING ON THE PROPOSED TAX RATE WILL BE HELD ON September 11, 2023 AT 6:00 PM AT Daingerfield Volunteer Fire Station, 823 W.W.M. Watson Blvd., Daingerfield, TX 75638.

The proposed tax rate is not greater than the voter-approval tax rate. As a result, City of Daingerfield is not required to hold an election at which voters may accept or reject the proposed tax rate. However, you may express your support for or opposition to the proposed tax rate by contacting the members of the Daingerfield City Council of City of Daingerfield at their offices or by attending the public hearing mentioned above.

YOUR TAXES OWED UNDER ANY OF THE RATES MENTIONED ABOVE CAN BE CALCULATED AS FOLLOWS:

Property tax amount= (tax rate) x (taxable value of your property)/100

FOR the proposal:	Vicki Smith David Hood	Jessie Ayers Ben Ramirez
AGAINST the proposal:	Michael Carter	
PRESENT and not voting:	N/A	
ABSENT:	N/A	

Visit Texas.gov/PropertyTaxes to find a link to your local property tax database on which you can easily access information regarding your property taxes, including information about proposed tax rates and scheduled public hearings of each entity that taxes your property.

The 86th Texas Legislature modified the manner in which the voter-approval tax rate is calculated to limit the rate of growth of property taxes in the state.

The following table compares the taxes imposed on the average residence homestead by City of Daingerfield last year to the taxes proposed to be imposed on the average residence homestead by City of Daingerfield this year.

	2022	2023	Change
Total tax rate (per \$100 of value)	\$0.491974	\$0.491974	Increase of 0.000000, or 0.00%
Average homestead taxable value	\$86,776	\$95,951	Increase of 9,175, or 10.57%
Tax on average homestead	\$426.92	\$472.05	Increase of 45.13, or 10.57%
Total tax levy on all properties	\$621,042	\$770,820	Increase of 149,778, or 24.12%

For assistance with tax calculations, please contact the tax assessor for City of Daingerfield at (903) 645-5601 or sgolden@morristcad.com, or visit www.morristcad.com for more information.

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LOCAL / CLASSIFIEDS

ONGOING Book Sale
The Hughes Springs Area Public Library is holding an ongoing book sale during library hours. Suggested donations are one dollar per hardback and twenty-five cents per paper back book. Proceeds will be used for the library activities and supplies.

Community Blood Pressure Clinic
Thornton Healthcare Management will be hosting a Community Blood Pressure Clinic, the second Thursday of each month at the community center in Hughes Springs. The

clinic will be from 11 a.m. until 1 p.m. Sack lunches, dessert, and drinks will be provided.

SEPTEMBER 8 Concert series at The Alley
The City of Pittsburg is launching a new concert series at The Alley on September 8th from 6 to 9 p.m. The Alley sits between 123 and 125 Quitman Street and Church Street. This new music series will be a vibrant hub for free concerts located right in the center of downtown Pittsburg and will spotlight local talent and provide them with a platform to shine. The City of Pittsburg is excited to announce Keith Allen as the inaugural act. There will also



be the opportunity to order delectable food from local downtown establishments right from your phone and it will be delivered to your seat at the Alley. Beer will also be available to purchase for your convenience. Grab your lawn chair and some friends and join us.

at Barefoot Bay Marina, 5245 FM 1520, Pittsburg, on September 9 from 6 p.m. - 10 p.m. Tickets include a swag bag and a complimentary cigar. Food, drinks, and additional cigars will be available for purchase. This

event aims to raise funds for beautification projects for downtown Pittsburg and to help with family holiday events. Tickets can be bought at www.pittsburgtx.gov under the Visit Pittsburg Events tab. For more information contact Sandy Thompson at stompson@pittsburgtx.gov or 903-856-3621.

Seventh day Adventist Church welcomes the Southern Plainsmen on Saturday, September 16 at 6:30 p.m. at 302 Lakewood Drive in Mount Pleasant. Admission is free, and a freewill love offering will be collected to help with their travel expenses. The community is invited for an evening of humor, inspiration, and God's love through the music of the Southern Plainsmen.

SEPT. 16 Southern Plainsmen
The Mount Pleasant

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PUZZLE SOLUTIONS FROM PAGE 5

5	7	8	4	2	1	6	9	3
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8	5	4	6	1	7	2	3	9
9	2	7	8	4	3	5	1	6
3	6	1	5	9	2	7	4	8
2	1	6	3	7	4	9	8	5
4	8	9	1	6	5	3	7	2
7	3	5	2	8	9	1	6	4

Small Taxing Unit Notice

The City of Lone Star will hold a meeting at 6 PM on September 14, 2023 at Lone Star Fire Station, 2013 West Industrial, Lone Star, TX 75668 to consider adopting a proposed tax rate for tax year 2023. The proposed tax rate is \$0.47800 per \$100 of value.

The proposed tax rate would increase total taxes in City of Lone Star by 1.500%.

Visit lonestar.gov/propertytaxes to find a link to your local property tax database on which you can easily access information regarding your property taxes, including information about proposed tax rates and scheduled public hearings of each entity that taxes your property.

The 80th Texas Legislature modified the manner in which the voter approval tax rate is calculated to limit the rate of growth of property taxes in the state.

LEGAL

NOTICE OF PUBLIC HEARING

THE CITY COUNCIL OF THE CITY OF DAINGERFIELD, TEXAS, IN ACCORDANCE WITH ARTICLE V, SECTION IV OF THE HOME RULE CHARTER, SHALL HOLD A PUBLIC HEARING PERTAINING TO THE BUDGET FOR THE FISCAL YEAR 2023-2024. THE HEARING WILL BE HELD AT THE DAINGERFIELD VOLUNTARY FIRE DEPARTMENT, 823 W.W.M. WATSON BLVD., AT 6:00 P.M. MONDAY, SEPTEMBER 11, 2023. THIS BUDGET WILL RAISE MORE REVENUE FROM

PROPERTY TAXES THAN LAST YEAR'S BUDGET BY +149,778, WHICH IS A 24.12% PERCENT INCREASE FROM LAST YEAR'S BUDGET. THE PROPERTY TAX REVENUE TO BE RAISED FROM NEW PROPERTY ADDED TO THE TAX ROLL THIS YEAR IS \$2,813. ALL PERSONS WISHING TO BE HEARD FOR OR AGAINST THE ESTIMATES FOR THE 2023-2024 BUDGET SHALL BE HEARD AT THAT PARTICULAR TIME. A COPY OF THE PROPOSED BUDGET IS AVAILABLE FOR INSPECTION AT CITY HALL AND ONLINE AT HYPERLINK "<http://WWW.CITYOFDAINGERFIELD.COM>" WWW.CITYOFDAINGERFIELD.COM

WADE KERLEY, MAYOR
CITY OF DAINGERFIELD

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City Manager Report
September 11, 2023

Had several zoom meetings and continuing to work on the Section 15 Project Proposal to submit on behalf of the City of Daingerfield to get work done on areas throughout the city that water is causing bank erosion.

Partnering with the County Judge and School Superintendent on coordinating a training to be done by HEPTA (Hope, Educating, Partnering, Transforming, Aftercare) which is a presentation on human trafficking. This presentation will be specifically for school staff, city/county patrol and anyone else that want to attend.

Met with several developers that is showing interest in coming in to the city to do development for affordable housing.

Asking council members to look at dates below so can set a date to meet with CP&Y to talk about the layout of the facility that will house the Emergency response teams. Below are dates they have available.

October 12th & 24th

Update/status on city projects:

Water System Project – plans has been submitted to TWDB for review. When review is completed and released to engineer, procurement for project will begin.

Wastewater System Project – plans have been submitted to TWDB for review. When review is completed and released to engineer, procurement for project will begin.

FEMA Mitigation Project Grant – application submitted and accepted to acquire two generators that will support the water and wastewater systems during adverse weather conditions when power outages occur. Currently waiting for funds to be released for procurement of project.



CDBG Grant – Application submitted, waiting for response on whether the city will receive funding that will allow work to be done on manholes in areas that are allowing high infiltration and inflow into the wastewater system.

TxDot TA Program Application – application submitted Texas Department of Transportation’s Transportation Alternatives (TA) Program. The funds are for a plan that will be used to create and design lanes for bicycles and mobilized chairs around the city. Waiting for response on whether the city will receive the funding.

Housing Program – Housing program applications are available at any time to all city residents and can be accessed on line or picked up at city hall.

Street Project – street project is underway on Kathryn Dr., Wills Dr. and Cason Road. Photos can be viewed on city site.

Keith Whitfield
City Manager
City of Daingerfield, Texas

MINUTES OF REGULAR MEETING
OF CITY COUNCIL
CITY OF DAINGERFIELD
August 7, 2023

City Council Present: Mayor Wade Kerley Councilmembers Mike Carter, Ben Ramirez, David Hood, Jessie Ayers and Vicki Smith

Absent: None

City Staff Present: City Manager Keith Whitfield, City Secretary Michelle Jones, Finance Director Amanda Sanders, Police Chief Tracey Climer, Fire Chief Jimmy Cornelius

Others: Chad Sutton-C&A Creations, Arlee Johnson-C&A Creations, Josh Sanders-Start2Finish, Jason Horn, Terry Kox, Kyle Harrison-DLSYSA, Beverly Austin-Daingerfield EDC, Angie Ayers, Melinda Precise, Osiris Brantley-NETMWD, Scott Brantley, Teleshia Coleman, Joe Austin II, Ashley Hood-Raw Iron, Tyler Walker, Jessica Gannon, Lesia Lewis-DLSISD, Belinda McLaughlin, Stan Wyatt, Wayne Owen-NETMWD, Marty Walker, Leanna Walker, Gatlin Moore, Chad Crawley, and Jim Goodman

Mayor Kerley called the meeting to order at 6:00 p.m.

Mr. Whitfield gave the Invocation.

The Pledge of Allegiance and Texas Pledge.

Public Comments:

Terry Kox spoke on changes to the regular council meeting dates being made public, requested more updates from the website and frequency of water leaks.

Scott Brantley gave his appreciation of the work city council and city staff was doing and spoke on tabled agenda item 6D Irvin Ballpark, stating the city is doing a good job of not smelling the sewer plant that is nearby, he also stated that a privacy fence would be a good addition to block the sewer plant from the park.

Chad Crawley stated that he was the new owner of the car wash and spoke on the water rate increase and stated that no one notified him of the water leak and that the website should be updated better.

Belinda McLaughlin stated that she was appalled by the water rate increase, stated that the City cannot deliver reliable water service, she spoke on the previous increase in

2020 that was passed to improve infrastructure and stated she has not seen any improvement since that increase.

4. Consent Agenda

All Consent items are considered to be routine and will be enacted by one motion and vote.

- A. **Deliberate and act to Approve Minutes of July 10, 2023:** Motion made by Councilmember Hood to approve consent agenda as presented, seconded by Councilmember Smith.

5. Presentation:

Informational report only, no action to be taken:

- A. **Presentation from Marty Walker on Potential Land Donation to Develop a new Baseball Sports Complex:** Informational presentation only, no action was taken. Presentation on file.

6. Discuss, Consider, and Possibly Take Action Regarding:

Mayor Kerley called for Item 6J and 6K to be considered prior to Items 6A and 6B as the water and sewer rate increase needed to be discussed prior to discussion on adopting meter size rate increases. Item 6J and 6K were acted upon first and after the Mayor reverted to the agenda order.

- A. **Deliberate and Take from the Table Agenda Item to Hear, Discuss, Review and Possibly Take Action on adopting Water Rate Minimum Charge based on Meter Size:** Motion made by Councilmember Carter to take from the table agenda item to Hear, Discuss, Review and Possibly Take Action on adopting Water Rate Minimum charge based on Meter Size, seconded by Councilmember Smith and all voted aye. Motion carried.
- B. **Hear, Discuss, Review and Possibly Take Action on adopting Water Rate Minimum Charge based on Meter Size:** Motion made by Councilmember Ramirez to adopt Water Rate Minimum Charge based on Meter Size as presented. No second motion. Motion Failed.
- C. **Deliberate and Take from the Table Agenda Item to Hear, Discuss, Review and Possibly Take Action on the City taking ownership of Irvin Ballpark located at 1105 Bert St, currently owned by Daingerfield Dixie Youth Baseball Association:** Motion made by Councilmember Carter to Take from the Table Agenda Item to Hear, Discuss, Review and Possibly Take Action on the City taking ownership of Irvin Ballpark located at 1105 Bert St, currently owned by Daingerfield Dixie Youth Baseball Association, seconded by Councilmember Hood, and all voted aye. Motion carried.
- D. **Hear, Discuss, Review and Possibly Take Action on the City taking ownership of Irvin Ballpark located at 1105 Bert St, currently owned**

by Daingerfield Dixie Youth Baseball Association: Motion made by Councilmember Ramirez to accept land donation of Irvin Ballpark located at 1105 Bert St. from the Daingerfield Dixie Youth Baseball Association, seconded by Councilmember Smith. Councilmembers Ayers, Hood, Smith, Ramirez all voted for. Councilmember Carter voted against. Motion carried.

- E. Deliberate and Take from the Table Agenda Item to Deliberate and Act to Approve a 5.7 Percent Consumer Price Index Increase in Rates Charged by Republic Services, Inc. for Garbage Collection and Disposal:** Motion made by Councilmember Carter to Take from the Table Agenda Item to Deliberate and Act to Approve a 5.7 Percent Consumer Price Index Increase in Rates Charged by Republic Services, Inc. for Garbage Collection and Disposal, seconded by Councilmember Ayers and all voted aye. Motion carried.
- F. Deliberate and Act to Approve a 5.7 Percent Consumer Price Index Increase in Rates Charged by Republic Services, Inc. for Garbage Collection and Disposal:** Motion made by Councilmember Carter to Approve a 5.7 Percent Consumer Price Index Increase in Rates Charged by Republic Services, Inc. for Garbage Collection and Disposal, seconded by Councilmember Hood and all voted aye. Motion carried.
- G. Deliberate and Take from the Table Agenda Item to Deliberate and Act on Ordinance No. 2023- to Amend Chapter 14, Section 14.17 Regarding Rates Charged by the City for Refuse Collection:** Motion made by Councilmember Ayers to Take from the Table Agenda Item to Deliberate and Act on Ordinance No. 2023- to Amend Chapter 14, Section 14.17 Regarding Rates Charged by the City for Refuse Collection, seconded by Councilmember Hood and all voted aye. Motion carried.
- H. Deliberate and Act on Ordinance No. 2023-02 to Amend Chapter 14, Section 14.17 Regarding Rates Charged by the City for Refuse Collection:** Motion made by Councilmember Hood to amend Ordinance No. 2023-02 to Amend Chapter 14, Section 14.17 Regarding Rates Charged by the City for Refuse Collection, seconded by Councilmember Hood and all voted aye. Motion carried.
- I. Hear, Discuss, Review and Possibly Take Action on Adopting a Downtown Beautification Donation Project presented by C & A Creations:** Motion made by Councilmember Hood to Adopt the Downtown Beautification Donation Project as presented by C&A Creations, seconded by Councilmember Smith, Councilmembers Smith, Ayers, Hood, and Ramirez all voted for. Councilmember Carter voted Against. Motion carried.
- J. Deliberate, Discuss and Approve Increase of Water Rates:** After discussion and questions presented to Wayne Owen District manager of

Northeast Texas Municipal Water District a motion made by Councilmember Ramirez to Approve increase of Water Rates of 10.10% as presented, seconded by Councilmember Ayers. Councilmembers Smith, Ayers and Ramirez voted for, and Councilmembers Hood and Carter voted against. Motion carried 3 to 2. A copy of the presentation by Wayne Owen is on file.

- K. Deliberate, Discuss and Approve Increase of Sewer Rates.** Motion was made by Councilmember Ayers to approve increase of sewer rates as presented, seconded by Councilmember Hood. Councilmembers Smith, Ayers, Hood, and Ramirez voted for and Councilmember Carter voted against. Motion carried 4 to 1.
- L. Presentation and Discussion of the Preliminary Budget for FY 2023-2024:** Motion was made by Councilmember Ayers to approve the Tax Rate of .491974 for use in the Budget for FY 2023-2024 the same rate as the previous budget, seconded by Councilmember Ramirez. Councilmembers Smith, Ayers, Hood, and Ramirez voted for and Councilmember Carter voted against. Motion carried 4 to 1.
- M. Deliberate and Set Date for Public Hearing on the Proposed Budget for Fiscal Year 2023-2024:** Motion made by Councilmember Carter to Set Date for Public Hearing on the Proposed Budget for Fiscal Year 2023-2024 for September 11, 2023, seconded by Councilmember Smith and all voted for. Motion carried.
- N. Deliberate and Set Date for Public Hearing on Proposed Tax Rate for the Fiscal Year 2023-2024:** Motion made by Councilmember Ayers to Set Date for Public Hearing on Proposed Tax Rate for the Fiscal Year 2023-2024 for September 11, 2023, seconded by Councilmember Ramirez and all voted aye. Motion carried
- O. Deliberate and Set Date to Vote on Proposed Tax Rate for the Fiscal Year 2023-2024:** Motion made by Councilmember Smith to Set Date to Vote on Proposed Tax Rate for the Fiscal Year 2023-2024 on September 18, 2023, seconded by Councilmember Ayers and all voted aye. Motion carried.
- P. Hear, Discuss, Review and Possibly Take Action on adopting Ordinance No. 2023-06 Adopting New Policies and Procedures for City of Daingerfield Boards and Commissions:** Motion made by Councilmember Ayers to adopt Ordinance No. 2023-06 Adopting New Policies and Procedures for City of Daingerfield Boards and Commissions, seconded by Councilmember Ramirez. Councilmembers Smith, Ayers and Ramirez all voted for and Councilmembers Hood and Carter voted against. Motion carried 3 to 2.

Q. Deliberate, Discuss and Approve Ordinance No. 2023-9 Repealing Ordinance No 2010-03 Juvenil Curfew: Motion made by Councilmember Hood to Approve Ordinance No. 2023-9 Repealing Ordinance No 2010-03 Juvenil Curfew, seconded by Councilmember Carter, all voted aye. Motion carried.

R. Hear, Discuss, Review and Possibly Take Action on Request to close Webb St, Frazier St and Scurry Street on October 28, 2023 to Allow the City to sponsor a Trunk or Treat event organized by James White and Josh Sanders: Motion made by Councilmember Hood to approve Request to close Webb St, Frazier St and Scurry Street on October 28, 2023 to Allow the City to sponsor a Trunk or Treat event organized by James White and Josh Sanders, seconded by Councilmember Smith and all voted aye.

7. Monthly Departmental Reports: *Informational reports only; no action to be taken:*

- a. Animal Shelter, Code Enforcement, Electrical, EMS, Fire, Library, Municipal court, Police, Public Works
- b. Financial
- c. City Manager

Informational reports only, no action was taken. All reports remain on file.

8. Monthly Boards and Commissions Minuets: *Informational reports only; no action to be taken:*

- a. Economic Development Corporation and Northeast Texas Municipal Water District

Informational reports only, no action was taken. All reports remain on file.

9. Adjournment.

There being no further business before the Council, the meeting was adjourned at 8:14 p.m. on motion by Councilmember Carter seconded by Councilmember Ramirez and all voted aye.

Wade Kerley, Mayor

ATTEST:

Michelle Jones
City Secretary

CERTIFICATE FOR RESOLUTION

THE STATE OF TEXAS §
COUNTY OF MORRIS §
CITY OF DAINGERFIELD §

We, the undersigned officers of the City of Daingerfield, Texas, hereby certify as follows:

1. The City Council of said City convened in regular meeting on September 11, 2023, at the scheduled meeting place thereof, and the roll was called of the duly constituted officers and members of said City Council, to-wit:

Wade Kerley, Mayor	David Hood
Jessie Ayers	Ben Ramirez
Mike Carter	Vicki Smith

and all of said persons were present, except _____, thus constituting a quorum. Whereupon, among other business, the following was transacted at said Meeting: a written Resolution entitled

A RESOLUTION DIRECTING PUBLICATION OF NOTICE OF INTENTION TO ISSUE UP TO \$1,950,000 COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION TO THE TEXAS WATER DEVELOPMENT BOARD TO PROVIDE FUNDS FOR SEWER SYSTEM IMPROVEMENT PROJECTS; AND RESOLVING OTHER MATTERS RELATING TO THE SUBJECT

was duly introduced for consideration and passage. It was then duly moved and seconded that said Resolution be passed; and, after due discussion, said motion, carrying with it the passage of said Resolution, prevailed and carried by the following vote:

AYES: ___ NOES: ___ ABSTAIN: ___

2. A true, full and correct copy of the aforesaid Resolution passed at the meeting described in the above and foregoing paragraph is attached to and follows this Certificate; said Resolution has been duly recorded in the official minutes of said City Council; the above and foregoing paragraph is a true and correct excerpt from said minutes of said meeting pertaining to the passage of said Resolution; the persons named in the above and foregoing paragraph, at the time of said meeting and the passage of said Resolution, were the duly chosen, qualified and acting members of said City Council as indicated therein; each of said officers and member was duly and sufficiently notified officially and personally in advance, of the time, place and purpose of the aforesaid meeting and that said Resolution would be introduced and considered for passage at said meeting; and said meeting was open to the public, and public notice of the time, place and purpose of said meeting was given, all as required by Tex. Gov't Code Ann. ch. 551.

3. That the Mayor of said City has approved, and hereby approves, the aforesaid Resolution; that the Mayor and the City Secretary of said City have duly signed said Resolution; and that the Mayor and the City Secretary of said City hereby declare that their signing of this Certificate shall constitute the signing of the attached and following copy of said Resolution for all purposes.

SIGNED AND SEALED this September 11th, 2023.

City Secretary

Mayor

(SEAL)

CERTIFICATE FOR RESOLUTION DIRECTING PUBLICATION OF NOTICE OF INTENTION TO ISSUE UP TO \$1,950,000 COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION TO THE TEXAS WATER DEVELOPMENT BOARD TO PROVIDE FUNDS FOR SEWER SYSTEM IMPROVEMENT PROJECTS; AND RESOLVING OTHER MATTERS RELATING TO THE SUBJECT

RESOLUTION DIRECTING PUBLICATION OF NOTICE OF INTENTION TO ISSUE UP TO \$1,950,000 COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION TO THE TEXAS WATER DEVELOPMENT BOARD TO PROVIDE FUNDS FOR SEWER SYSTEM IMPROVEMENT PROJECTS; AND RESOLVING OTHER MATTERS RELATING TO THE SUBJECT

WHEREAS, this City Council of the City of Daingerfield (the "City") deems it advisable to authorize publication of notice of intent to issue certificates of obligation for the purposes hereinafter set forth; and

WHEREAS, it is hereby officially found and determined that the meeting at which this Resolution was considered was open to the public, and public notice of the time, place and purpose of said meeting was given, all as required by Chapter 551, Texas Government Code.

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

Section 1. Attached hereto and marked "Exhibit A" is a form of notice, the form and substance of which are hereby passed and approved.

Section 2. The City Secretary shall cause said notice to be published in substantially the form attached hereto, in a newspaper, as defined by Subchapter C, Chapter 2051, Texas Government Code, of general circulation in the area of said City, once a week for two consecutive weeks, with the date of the first publication to be before the 45th day before the date tentatively set for the passage of the ordinance authorizing the issuance of the certificates, and, if the City maintains an Internet website, continuously on the City's website for at least 45 days before the date tentatively set for the passage of the ordinance authorizing the issuance of the certificates.

Section 3. This Resolution shall be effective immediately upon adoption.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAINGERFIELD,
TEXAS, this 11th day of September, 2023.

Mayor

ATTEST:

City Secretary

[CITY SEAL]

EXHIBIT A

CITY OF DAINGERFIELD, TEXAS NOTICE OF INTENTION TO ISSUE COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION TO PROVIDE FUNDS FOR SEWER SYSTEM IMPROVEMENT PROJECTS

NOTICE IS HEREBY GIVEN that the City Council of the City of Daingerfield, Texas, at its meeting to commence at 6:00 P.M. on November 13, 2023, at the Daingerfield Volunteer Fire Department, 823 W.W.M Watson Blvd., Daingerfield, Texas, tentatively proposes to adopt an ordinance authorizing the issuance of interest bearing certificates of obligation, in one or more series, in an amount not to exceed \$1,950,000 for paying all or a portion of the City's contractual obligations incurred in connection with (i) acquiring, constructing, and installing additions, improvements, extensions, and equipment for the City's sewer system, including repairs, rehabilitation and/or improvements to wastewater treatment plant, sewer lines, lift stations, manholes, valves, fittings, and related infrastructure improvements; and (ii) legal, fiscal and engineering fees in connection with such projects. The estimated interest rate for the certificates is 3.29% per annum, the maximum maturity date for the certificates is September 30, 2054, and the estimated combined principal and interest required to pay the certificates to be authorized on time and in full is \$3,109,298. The current principal of all outstanding debt obligations of the City is \$3,435,000. The current combined principal and interest required to pay all outstanding debt obligations of the City on time and in full is \$3,435,000. The City proposes to provide for the payment of such certificates of obligation from the levy and collection of ad valorem taxes in the City as provided by law and from a pledge of surplus revenues of the City's waterworks and sewer system, remaining after payment of all operation and maintenance expenses thereof, and all debt service, reserve, and other requirements in connection with all of the City's revenue bonds or other obligations (now or hereafter outstanding), which are payable from all or any part of the net revenues of the City's waterworks and sewer system. The certificates of obligation are to be issued, and this notice is given, under and pursuant to the provisions of V.T.C.A., Local Government Code, Subchapter C of Chapter 271.

Chapter 4 ALCOHOLIC BEVERAGES¹

Sec. 4-1. Definitions.

The following definitions are hereby added to the Comprehensive Zoning Ordinance. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alcohol beverage permit means an official certificate issued by the city secretary certifying compliance with this article.

Alcoholic beverage means alcohol or any beverage containing more than one-half of one percent of alcohol by volume which is capable of use for beverage purposes either alone or when diluted.

Ale or malt liquor means a malt beverage containing more than four percent of alcohol by weight.

Beer means a malt beverage containing one-half percent or more of alcohol by volume and not more than four percent of alcohol by weight and does not include a beverage designated by label or otherwise by a name other than beer.

Beer and wine retail sales (drive through) means businesses that engage in the sale of beer, wine and/or malt liquors containing alcohol in excess of one-half of one percent by volume but not more than 17 percent by volume, for off-premises consumption only, with a drive-through facility including a drive-up window, drive-through building or any other means of conducting sales without requiring customers to exit their vehicles.

Beer and wine retail sales (no drive through) means businesses that engage in the sale of beer, wine and/or malt liquors containing alcohol in excess of one-half of one percent by volume but not more than 17 percent by volume, for off-premises consumption only, with no drive-through facility.

Billboard means a structure directly attached to the land, a house, or a building having one or more spaces used to display a sign or advertisement of an alcoholic beverage or a person engaged in the manufacture, sale, or distribution of alcoholic beverages, whether or not the structure is artificially lighted.

Child-care facility, as some terms are defined by section 42.002 of the Texas Human Resources Code, means a certified facility licensed, certified, or registered by the department of family and protective services to provide assessment, care, training, education, custody, treatment, or supervision for a child who is not related by blood, marriage, or adoption to the owner or operator of the facility for all or part of the 24-hour day whether or not the facility is operated for profit or charges for the services it offers.

City means and refers to the City of Daingerfield, Texas.

Convenience center means retail establishments which carry convenience goods, such as groceries, drugs, and some variety items, including grocery stores, markets, supermarkets and variety stores.

Dealer, as that term is used in Texas Alcoholic Beverage Code § 109.33, means and includes a person as that term is defined herein.

¹State law reference(s)—Local regulation of alcohol beverages, Texas Alcoholic Beverage Code §§ 1.06, 109.31 et seq.

Electric sign means a structure or device other than an illuminated billboard by which artificial light produced by electricity is used to advertise the alcoholic beverage business by a person who manufactures, sells, or distributes alcoholic beverages or to advertise an alcoholic beverage.

Hotel/motel means a building or a group of two or more buildings containing guest rooms or apartments and used primarily for the accommodation of automobile travelers containing a restaurant as defined herein.

Licensee means a person who is the holder of a permit provided for in this ordinance, or any agent, servant, or employee of that person.

Mixed beverage means one or more servings of a beverage composed in whole or part of an alcoholic beverage in a sealed or unsealed container of any legal size for consumption on the premises where served or sold by the holder of a mixed beverage permit.

Off-premises consumption means the sale of sealed alcoholic beverage by an establishment permitted herein for the sale of consumption off-premises.

On-premises consumption means the sale of an alcoholic beverage for the consumption in a business establishment as permitted herein.

Open container means a container that is no longer sealed.

Outdoor advertising means any sign bearing a word, mark, description, or other device that is used to advertise an alcoholic beverage or the business of a person who manufactures, sells, or distributes an alcoholic beverage if the sign is displayed outside the walls or enclosure of a building or structure where a license or permit is issued or if it is displayed inside a building so that it is visible by a person of ordinary vision from outside the building.

Permittee means a person who is the holder of a permit provided for in this chapter, or an agent, servant, or employee of that person.

Person means a natural person or association of natural person, trustee, receiver, partnership, and corporation, organization of the manager, agent, servant, or employee of any of them.

Pre-packaged alcoholic beverage retail sales (drive-through) means businesses that engage in the sale of pre-packaged alcoholic beverages for off-premises consumption with a drive-through facility including a drive-up window, drive-through building or any other means of conducting sales without requiring customers to exit their vehicles.

Pre-packaged alcoholic beverage retail sales (no drive-through) means businesses that engage in the sale of pre-packaged alcoholic beverages for off-premises consumption with no drive-through facility.

Private school means a private school including a parochial school that:

- (1) Offers a course of instruction for students in one or more grades from kindergarten through grade 12; and
- (2) Has more than 100 students enrolled and attending courses at a single location.

Restaurant means a place where meals are prepared and served to the public for consumption on or off the premises.

Wine means the product obtained from the alcoholic fermentation of juice of sound ripe grapes, fruits, berries, or honey, and includes wine coolers.

Wine cooler means an alcoholic beverage consisting of vinous liquor plus plain, sparkling, or carbonated water and which may also contain one or more natural or artificial blending or flavoring ingredients. A wine cooler may have alcohol content as low as one-half of one percent by volume.

(Code 2003, § 4.101; Ord. No. 2013-03, § 2, 10-28-2013)

Sec. 4-2. Permitted uses.

- (a) Beer and wine retail sales and pre-packaged alcoholic beverage retail sales and holding an alcoholic beverage permit issued by the city secretary will be allowed to operate only in areas that are zoned "E" General Business, "F" Central Business, "G" Light Industrial, "H" Heavy Industrial. Zoning requirements and restrictions shall be enforced concerning the location of retail and/or wholesale outlets that provide and/or promote alcohol sales.
- (b) The sale of alcoholic beverages for on-premises consumption shall only be permitted by restaurants or hotels/motels holding a food and beverage certificate and the restaurant's or hotel's/motel's revenue from sale of alcoholic beverages shall be less than 50 percent of its gross revenue.
- (c) The sale of alcoholic beverages for off-premises consumption shall only be permitted by convenience centers that derive 40 percent or more of its gross revenue from the sale of non-alcoholic products.
- (d) Mixed beverage sales for on-premises consumption will be allowed to operate only in areas that are zoned "E" General Business, "F" Central Business, "G" Light Industrial, "H" Heavy Industrial. Zoning requirements and restrictions shall be enforced concerning the location of retail and/or wholesale outlets that provide and/or promote alcohol sales to the extent that such requirements and/or restrictions do not violate permitted state statutory TABC rules and regulations.
- (e) Any business existing or new that desires to sell any alcoholic beverage within the city limits of the city must obtain an alcoholic beverage permit issued by the city.

(Code 2003, § 4.102; Ord. No. 2013-03, § 3, 10-28-2013)

Sec. 4-3. Sale of alcoholic beverages prohibited near public schools, private schools, churches, and hospitals.

- (a) It shall be unlawful for any dealer to sell alcoholic beverages from or at a place of business within this city within 300 feet of a church, public or private school.
- (b) The measurement of the distance between the place of business where alcoholic beverages are sold and the church shall be along the property lines of the street fronts and from front door to front door and in direct line across intersections.
- (c) The measurement of the distance between the places of business where alcoholic beverages are sold and the public or private school shall be in a direct line from the property line of the place of business and in a direct line across intersections.

(Code 2003, § 4.103; Ord. No. 2013-03, § 4, 10-28-2013)

State law reference(s)—Authority to prohibit sales near school, church or hospital, Texas Alcoholic Beverage Code § 109.33.

Sec. 4-4. Sale of alcoholic beverages prohibited near day-care centers and child-care facilities; exception.

- (a) It shall be unlawful for any holder of a wine and beer retailers permit, mixed beverage permit, retail dealers on premises license or brew pub license who does not hold a food and beverage certificate to sell alcoholic beverages from or at a place of business within this city within 300 feet of a day-care or child-care facility.

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- (b) This section does not apply to a foster group home, foster family home, family home, agency group home or agency home as those terms are defined by Texas Human Resources Code § 42.0002.
 - (c) The measurement of the distance between the place of business where alcoholic beverages are sold and the day-care center or child-care facility shall be in a direct line from property line of the day-care center or child-care facility to the property line of the place of business and in a direct line across intersections.

(Code 2003, § 4.104; Ord. No. 2013-03, § 5, 10-28-2013)

Sec. 4-5. Sale of alcoholic beverages prohibited in residential areas.

It shall be unlawful for any person or dealer to sell alcoholic beverages on residential lots, tracts, or parcels of land zoned as residential within this city.

(Code 2003, § 4.105; Ord. No. 2013-03, § 6, 10-28-2013)

Sec. 4-6. Consumption of alcoholic beverage and possession of an open container near public or private schools or public property; exception.

- (a) It shall be unlawful for any person to consume any alcoholic beverage in and around on any public property, including any parking areas which are used generally by the public; or for any person to possess any alcoholic beverage in and on any public property, including any parking areas which are used generally by the public unless a conditional use-special event permit, specifying the types of alcohol to be permitted at the special event, is approved by the city council.
- (b) It shall be unlawful for any person to consume, have or possess or have upon their persons or in their possession, any wine or malt liquor or any other alcoholic beverage regardless of the name and strength thereof or be found in a state of intoxication while attending or being in or upon any school grounds, public school grounds, public school buildings, football grounds and/or stadiums, basketball grounds and/or stadiums, while football games, basketball games, track meets or any other public meetings are being held within said grounds and/or buildings within the city.
- (c) The possession by any person of wine and malt liquors or any other alcoholic beverage regardless of name and strength shall be prima facie evidence that same is being possessed for unlawful purposes.

(Code 2003, § 4.106; Ord. No. 2013-03, § 7, 10-28-2013)

State law reference(s)—Authority to prohibit public consumption, Texas Alcoholic Beverage Code § 109.35.

Sec. 4-7. Signage.

No person may erect or maintain a billboard, electric sign, or any outdoor advertising in violation of any ordinance of the city.

(Code 2003, § 4.107; Ord. No. 2013-03, § 8, 10-28-2013)

Sec. 4-8. Local fees for license and application.

- (a) For on-premises consumption, the city hereby levies an annual fee in a sum equal to 50 percent of the state's third renewal fee for a mixed beverage permit with a food and beverage certificate, and all other licenses required, as authorized by the state alcoholic beverage code, except a temporary or agent's beer license issued for premises locations within the corporate limits of the city.

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- (b) For off-premises consumption, the city hereby levies an annual fee in a sum equal to 50 percent of the state's fee for a beer retailer's off-premises license, and all other licenses required, as authorized by the state alcoholic beverage code, except a temporary or agent's beer license issued for premises locations within the corporate limits of the city.
 - (c) There is hereby levied an administrative processing fee as established in chapter 14 for acceptance, review and verification of all new applications.
 - (d) All payments shall be made to the city along with the submission of the application. The city shall issue a receipt for display with the state license or permit on the licensed or permitted premises.

(Code 2003, § 4.108; Ord. No. 2013-03, § 9, 10-28-2013)

State law reference(s)—Local permit and license fees authorized, Texas Alcoholic Beverage Code §§ 11.38, 61.36.

Sec. 4-9. Penalties.

Any violation of this chapter shall be subject to the penalty as provided for in section 1-7.

(Code 2003, § 4.109; Ord. No. 2013-03, § 10, 10-28-2013)

ORDINANCE NO. 2023-10

AN ORDINANCE OF THE CITY OF DAINGERFIELD, TEXAS, AMENDING CHAPTER 4, ALCOHOLIC BEVERAGES, OF THE CODE OF ORDINANCES OF THE CITY OF DAINGERFIELD, ADOPTING THE TERMS AND PROVISIONS OF THE TEXAS ALCOHOLIC BEVERAGE CODE; ADOPTING AMENDMENTS TO ORDINANCES ESTABLISHING DISTANCE LIMITATIONS FOR THE SALE OF ALCOHOL; PROHIBITING ALCOHOL SALES IN RESIDENTIAL AREAS; PROHIBITING CONSUMPTION AND POSSESSION OF AN OPEN CONTAINER IN A CENTRAL BUSINESS DISTRICT AS AUTHORIZED BY STATE LAW; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING FOR SAVINGS, SEVERABILITY, EFFECTIVE DATE, AND OPEN MEETINGS CLAUSES.

WHEREAS, the City Council for the City of Daingerfield (“City Council”) intends to amend the Code of Ordinances applicable to the sale of alcohol within the City of Daingerfield (“City”) to adopt the terms and provisions of the state law as adopted in the Texas Alcoholic Beverage Code;

WHEREAS, Section 1.06 of the Texas Alcoholic Beverage Code states that unless otherwise specifically provided by the terms of this Texas Alcoholic Beverage Code, the manufacture, sale, distribution, transportation, and possession of alcoholic beverages shall be governed exclusively by the provisions of the Texas Alcoholic Beverage Code;

WHEREAS, the City Council finds the adoption of these amendments will serve to simplify the City’s ordinances and to ensure there are no impermissible conflicts or confusion between the City’s ordinances and the Texas Alcoholic Beverage Code;

WHEREAS, Section 109.033 of the Texas Alcoholic Beverage Code authorizes the City to adopt an ordinance prohibiting the sale of alcohol within three hundred (300) feet of a church, public or private school, or public hospital;

WHEREAS, the City Council finds that the adoption of such distance limitations and prohibitions as authorized by Section 109.033 of the Texas Alcoholic Beverage Code is necessary, and further, the adoption of such distance limitations shall benefit the general health, safety, and welfare of the City and its residents; and

WHEREAS, the possession of an open container or the public consumption of alcoholic beverages in the central business district of the City is a risk to the health and safety of the citizens of the City;

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

Section 1. Findings of Fact. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

Section 2. Authority. This Ordinance is adopted pursuant to the police powers and authority given home rule cities by the Texas Constitution, codes and laws of the State of Texas, specifically, the Texas Alcoholic Beverage Code, and the Home Rule Charter of the City of Daingerfield, Texas.

Section 3. Amendment of Chapter 4, Alcoholic Beverages. Chapter 4 of the Code of Ordinances of the City of Daingerfield is amended to read as follows:

ARTICLE I. - IN GENERAL

Sec. 4-1. - Adoption of state law.

This Chapter is adopted pursuant to and is referable to V.T.C.A, Alcoholic Beverage Code, and the provisions of such alcoholic beverage code are hereby adopted insofar as they are applicable, and shall govern the administration and enforcement of this Chapter.

Sec. 4-2. - Definitions.

All definitions of words, terms, and phrases as set forth in V.T.C.A., Alcoholic Beverage Code are hereby adopted and made a part of this Article.

Sec. 4.3. - Hours of sale.

Sales of alcoholic beverages shall be limited to the hours as described in the Texas Alcoholic Beverage Code, Sections 105.03 and 105.05, as amended. However, this Section does not authorize the sale of alcohol during any extended hours under Sections 105.03 and 105.05.

Sec. 4.4. - Sale or consumption on city property.

Sales and consumption of alcoholic beverages on City property shall be by permit only.

Sec. 4.5. - Sale of alcohol near church, school, or hospital.

Sales of alcoholic beverages shall not be permitted in a place of business which is located within three hundred (300) feet of a church, public or private school, or public hospital under the authority and limitations as set in Texas Alcoholic Beverage Code Section 109.33(a)–(d). The City Council hereby establishes the variance procedure as allowed by Texas Alcoholic Beverage Code Section 109.33(e).

Sec. 4.6. - Sale of alcohol near day-care center or child-care facility.

Sales of alcoholic beverages are prohibited near day-care center or child-care facility as set forth in Section 109.331 of the Texas Alcoholic Beverage Code.

Sec. 4-7. - Sale of alcoholic beverages prohibited in residential areas.

It shall be unlawful for any person or dealer to sell alcoholic beverages on residential lots, tracts, or parcels of land zoned as residential within this City.

Sec. 4-8. - Consumption of alcoholic beverage and possession of an open container in a central business district.

The public consumption of alcoholic beverages or the possession of an open container in a central business district, is prohibited in accordance with and under the authority of Sec. 109.35 of the Texas Alcoholic Beverage Code.

Sec. 4.9. - State law controls.

In the event of a conflict between this Article and Section 105.03 or Section 105.05 of the Texas Alcoholic Beverage Code, as amended, the Texas Alcoholic Beverage Code shall control. Terms used in this Article that are defined in the Texas Alcoholic Beverage Code shall have the meaning set forth in the Texas Alcoholic Beverage Code.

Secs. 4.10. – 4.18. Reserved.

ARTICLE II. - LICENSES AND PERMITS

Sec. 4.19. - Administrative application fee.

An administrative application and processing fee for the review, verification, processing, creating, and maintaining a record of all new applications for licenses and permits, and for maintaining a system of records for all approved permissess and licensees under this Article, is adopted and established as set forth in the City’s fee schedule adopted under chapter 14.

Sec. 4.20. - License fee.

Pursuant to the authority granted to cities in Section 61.36 (a) Texas Alcoholic Beverage Code, there are hereby prescribed and levied annual license fees equal to one-half of the state fee on premises located within the City holding licenses issued under the provisions of the state alcoholic beverage code. This section applies to all licenses which can be issued under the state alcoholic beverage code. Section 61.36 (b) and (b-1) of the Texas Alcoholic Beverage Code establishing the penalty for a violation of this section and authorizing the collection of unpaid fees is hereby adopted by this ordinance.

Sec. 4.21. - Permit fee.

Pursuant to the authority granted to cities in Section 11.38 (a) of the Texas Alcoholic Beverage Code, there is hereby prescribed and levied an annual permit fee equal to one-half of the state fee on premises located within the City holding permits issued under the provisions of the state alcoholic beverage code. This section applies to all permits which can be issued under the state alcoholic

beverage code. Section 11.38 (b) and (b-1) of the Texas Alcoholic Beverage Code establishing the penalty for a violation of this section and authorizing the collection of unpaid fees is hereby adopted by this ordinance.

Sec. 4.22. - Term.

All licenses and permits issued under the terms of this Article shall terminate one (1) year from the date issued. No license or permit shall be issued for a longer term than one (1) year. No license or permit issued under the terms of this Article shall continue for a longer period of time than the state license upon which it is based.

Sec. 4.23. - Application; issuance; contents.

Any person desiring a license or permit as a manufacturer, distributor or retail dealer shall make application to the city secretary by filing with such officer a true and correct copy of the petition required to be filed by the applicant with the county judge in order to obtain a state license. Upon receiving satisfactory evidence that the applicant has been duly licensed by the state and on receipt of the proper license fee or permit fee required by this Article, the city secretary shall forthwith issue to the applicant the proper license or permit, which shall be signed by the city secretary, shall be under the seal of that office, shall be dated, and shall state on its face for what purpose it is issued and date when it will expire and by whom and where such business is to be conducted. The license or permit shall describe the place where it is kept and shall state whether the licensee or permittee is authorized to act as manufacturer, general distributor, local distributor or retail dealer as set out in the application.

Sec. 4.24. - Renewal.

Each person having a license or permit issued under the terms of this Article may by written application filed not more than thirty (30) days prior to the date of the expiration with the city secretary renew such license or permit. Such application shall be in the same form as required to be filed by the applicant with the tax collector of the county in order to renew his state license or permit. Upon the presentation of such application for the renewal of the license or permit together with the sum required by Section 4.20 or Sections 4.21 as an annual license or permit fee and the presentation of the renewal license issued to the applicant by the state, the city secretary shall forthwith issue such renewal license or license in the proper form.

Sec. 4.25. - Separate license or permit required for each place of business.

No manufacturer, general distributor, local distributor or retail dealer under this Article shall carry on such business at more than one (1) place under the same license or permit, but a separate license or permit must be obtained for each place of business.

Section 4. Repeal of Conflicting Ordinances. All parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict only.

Section 5. Savings Clause. All rights and remedies of the City of Daingerfield are expressly saved as to any and all violations of the provisions of any ordinances affecting water within the City which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

Section 6. Severability. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation of this ordinance of any such invalid phrase, clause, sentence, paragraph or section.

Section 7. Effective Date. This Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the *Tex. Loc. Gov't. Code*.

Section 8. Open Meetings. It is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, *Chapt. 551, Tex. Gov't. Code*.

PASSED AND APPROVED this the _____ day of September, 2023.

ATTEST:

CITY OF DAINGERFIELD, TEXAS

Michelle Jones
City Secretary

Wade Kerley, Mayor
City of Daingerfield, Texas

ORDINANCE NO. 2023-07a

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF DAINGERFIELD, TEXAS, AMENDING CHAPTER 14, SECTION 14-19 REGARDING RATES CHARGED BY THE CITY FOR WATER SERVICES, AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAINGERFIELD, TEXAS:

The water rates prescribed by Chapter 14, Section 14-19 of the Code of Ordinances of the City of Daingerfield, Texas, are amended and shall be effective with the billing month of October 2023 and shall thereafter read as follows:

(1) Minimum for the first two thousand (2,000) gallons

<i>Meter Size</i>	
<i>3/4 or 5/8"</i>	\$24.22
<i>1" or 1.5"</i>	\$33.00
<i>2"</i>	\$44.00
<i>3"</i>	\$88.00
<i>4"</i>	\$110.00
<i>6"</i>	\$132.00
<i>10"</i>	\$154.00

- (2) Per 1,000 gallons for the next 8,000 gallons \$ 5.78
- (3) Per 1,000 gallons for the next 30,000 gallons \$ 6.06
- (4) Per 1,000 gallons for the next 40,000 gallons \$ 6.61
- (5) Per 1,000 gallons for all over 80,000 gallons \$ 7.16

(Ord. of 01-29-63; § 1; Ord. No. 76-11, 10-25-76; Ord. No. 80-10, 06-30-80; Ord. No. 81-3, 05-04-81; Ord. No. 83-4, 09-27-83; Ord. No. 84-9, 07-23-84; Ord. No. 1996-5, 07-08-96; Ord. No. 1996-8, 09-09-96; Ord. No. 1999-6, 10-11-99; Ord. No. 2001-02, 10-08-01; Ord. No. 2002-04, 09-16-02; Ord. No. 2008-06, 06-9-08; Ord. No. 2009-04, 09-14-09, Ord. No. 2012-04, 09-17-12, Ord. No. 2020-05, 08-10-20. Ord. No 2023-07)

PASSED, ADOPTED AND APPROVED this 11th day of September 2023.

Wade Kerley, Mayor

ATTEST:

Michelle Jones
City Secretary

ORDINANCE NO. 2023-08a

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF DAINGERFIELD, TEXAS, AMENDING CHAPTER 14, SECTION 14-20 REGARDING RATES CHARGED BY THE CITY FOR SEWER SERVICES, AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAINGERFIELD, TEXAS:

The sewer rates prescribed by Chapter 14, Section 14-20 of the Code of Ordinances of the City of Daingerfield, Texas, are amended effective with the billing month of October 2023 and shall thereafter read as follows:

(1) Minimum charge for up to 4,000 gallons of water used

<i>Meter Size</i>	
3/4 or 5/8"	\$27.53
1" or 1.5"	\$37.50
2"	\$50.00
3"	\$100.00
4"	\$125.00
6"	\$150.00
10"	\$175.00

(2) Per 1,000 gallons for all over 4,000 gallons of water used \$ 4.40

(3) For bills rendered to residential customers during the calendar months of June, July, August and September, the maximum sewer charge shall not exceed the amount charged for 10,000 gallons of water used."

(Ord. of 01-29-63, § 2; Ord. of 11-25-68, § 1; Ord. No. 76-12, 10-25-76; Ord. No. 80-11, 06-20-80; Ord. No. 81-3, 05-04-81; Ord. No. 82-7, 09-23-82; Ord. No. 82-8, 11-22-82; Ord. No. 86-2, 07-14-86; Ord. No. 87-5, 06-22-87; Ord. No. 92-2, 09-14-92; Ord. No. 95-2, 09-25-92; Ord. No. 96-5, 07-08-96; Ord. No. 1996-8, 09-09-96; Ord. No. 1999-6, 10-11-99; Ord. No. 2001-02, 10-08-01; Ord. No. 2002-04, 09-16-02; Ord. No. 2008-06, 06-9-08; Ord. No. 2012-04, 09-17-12, Ord. No 2020-06, 08-10-20. Ord. No 2023-08 08-07-23)

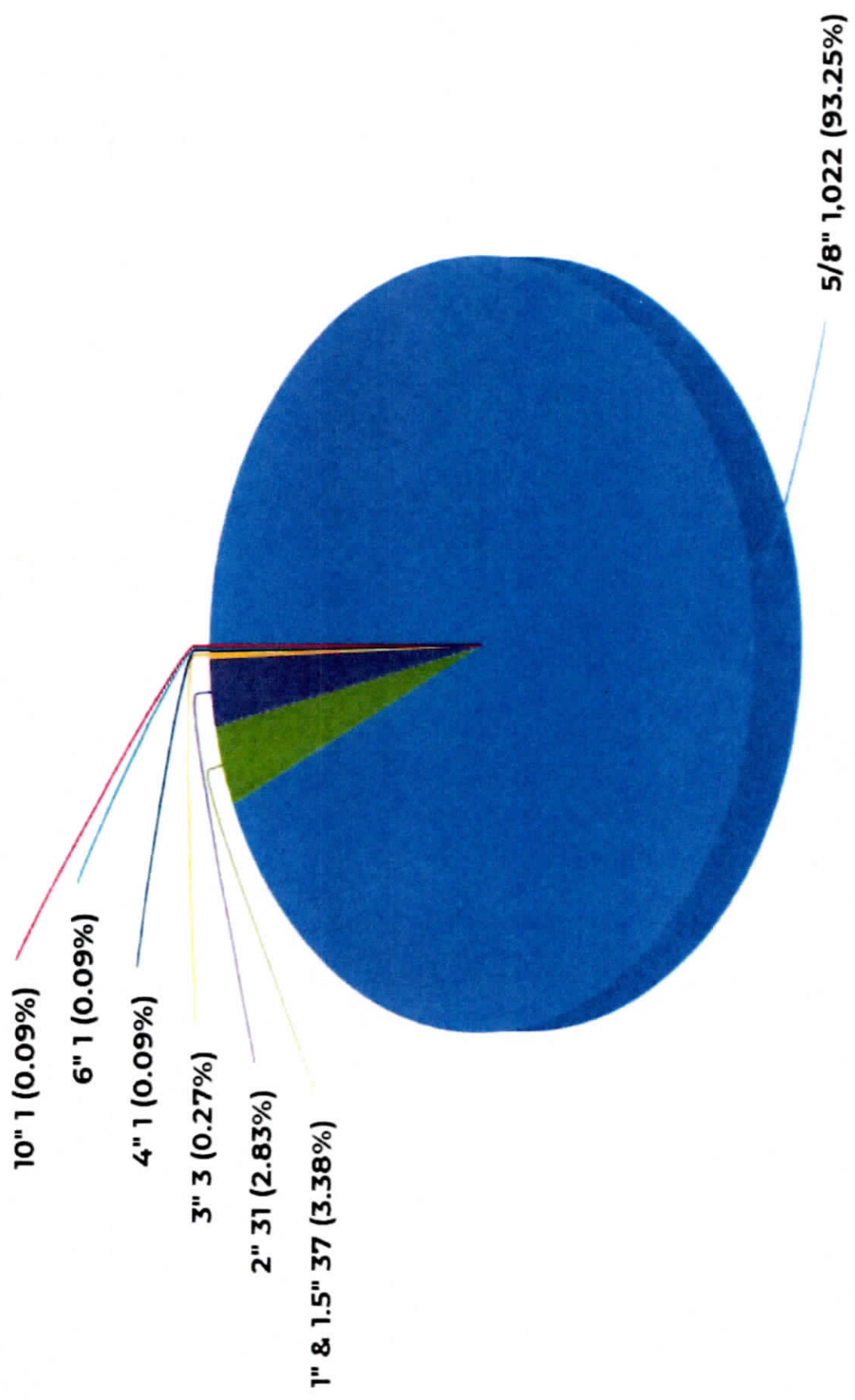
PASSED, ADOPTED AND APPROVED this 11th day of September 2023.

Wade Kerley, Mayor

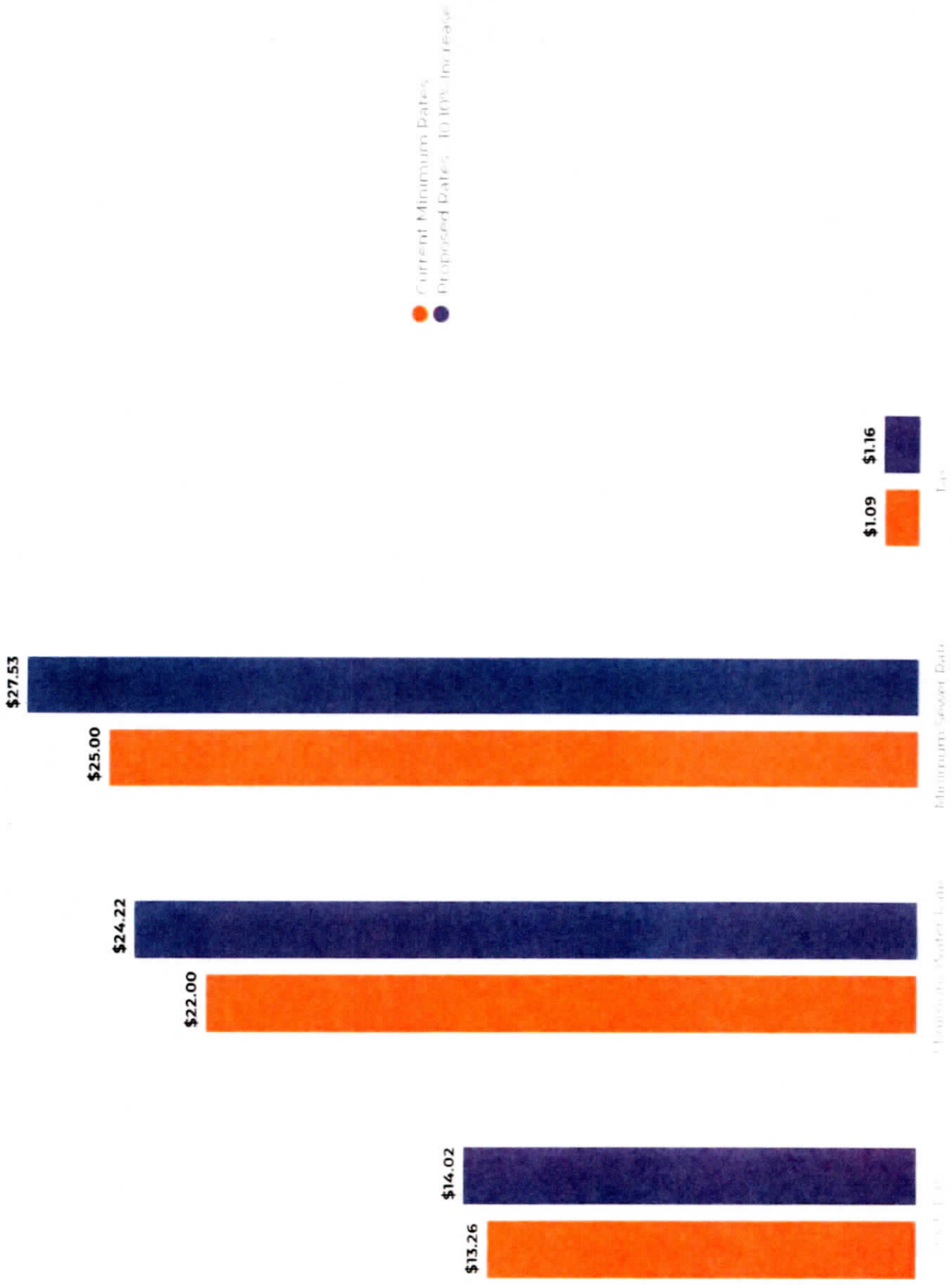
ATTEST:

Michelle Jones
City Secretary

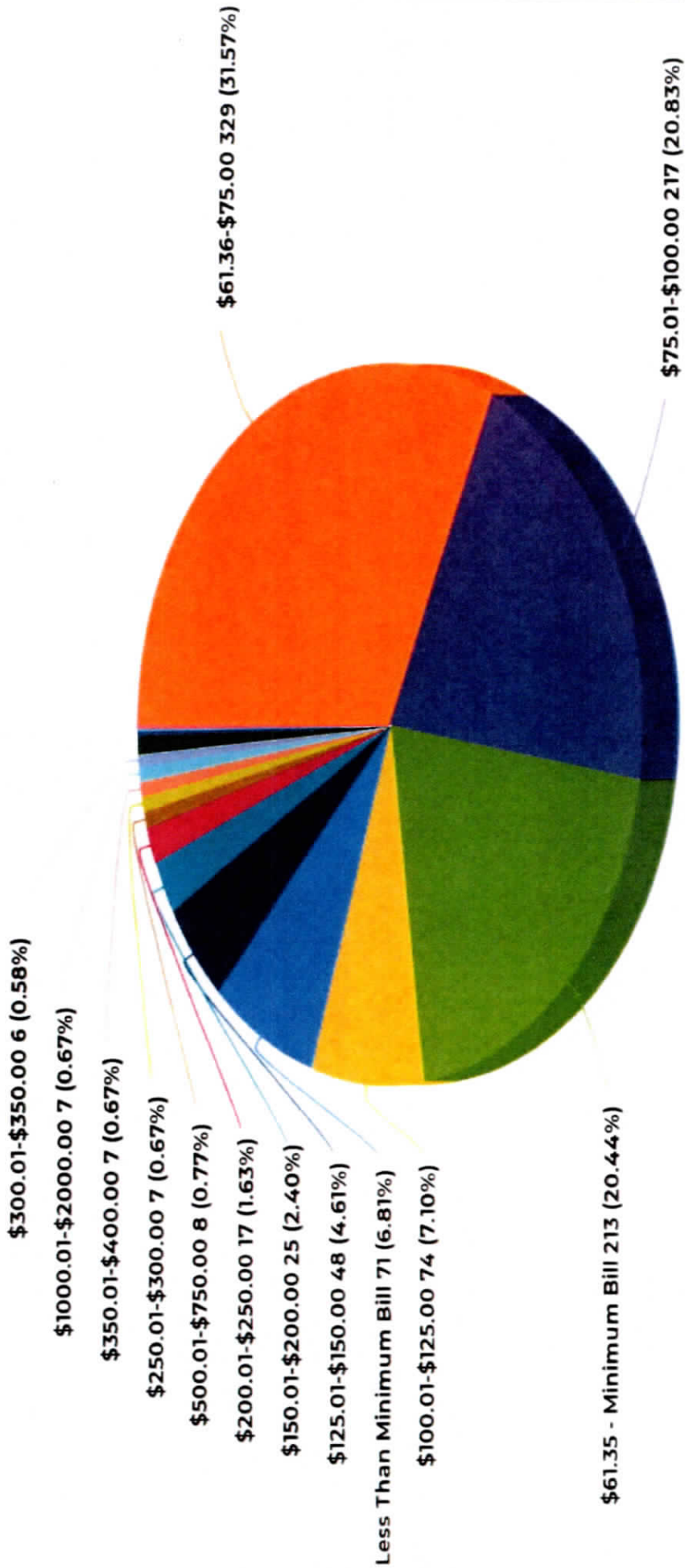
Meter Size Chart



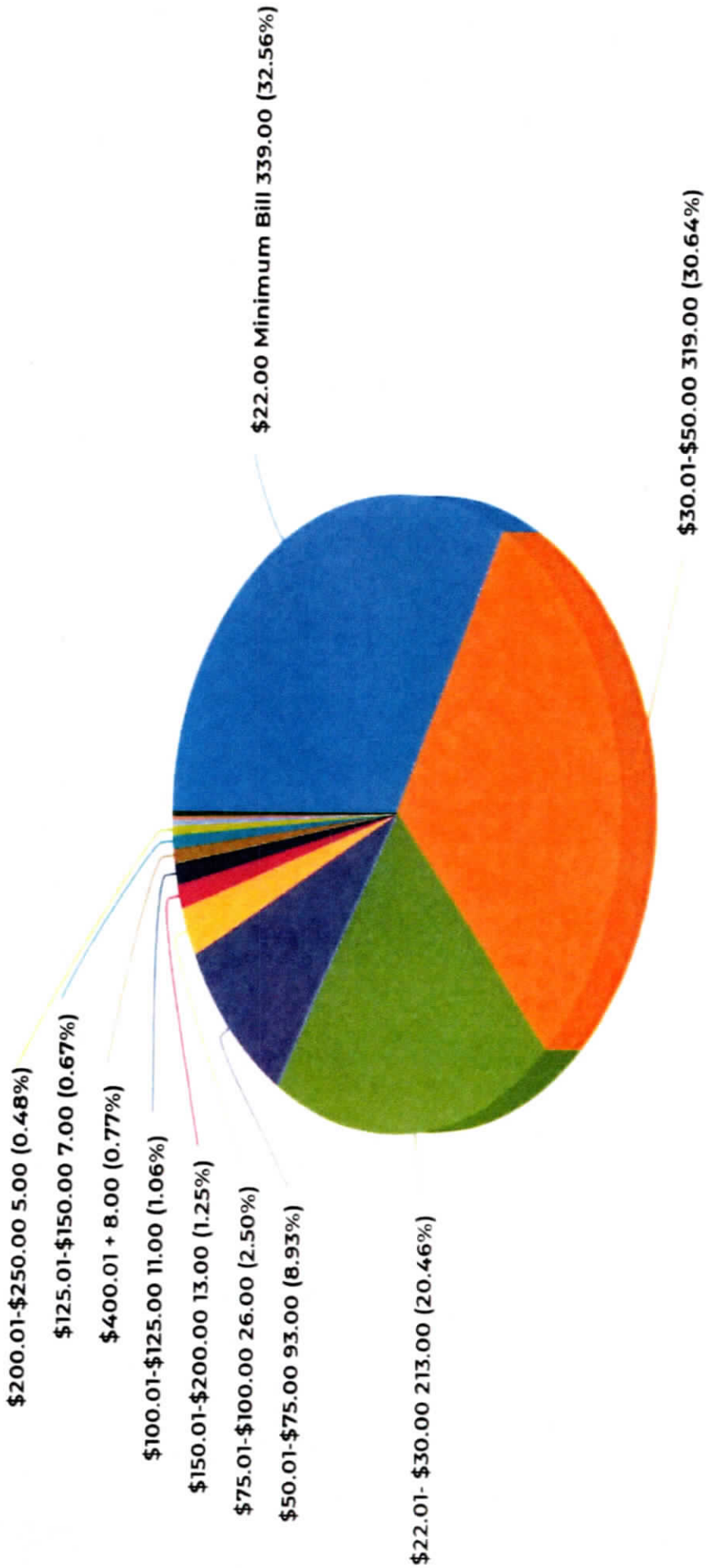
Water/Sewer/Trash Rate Comparison- Minimum Bill



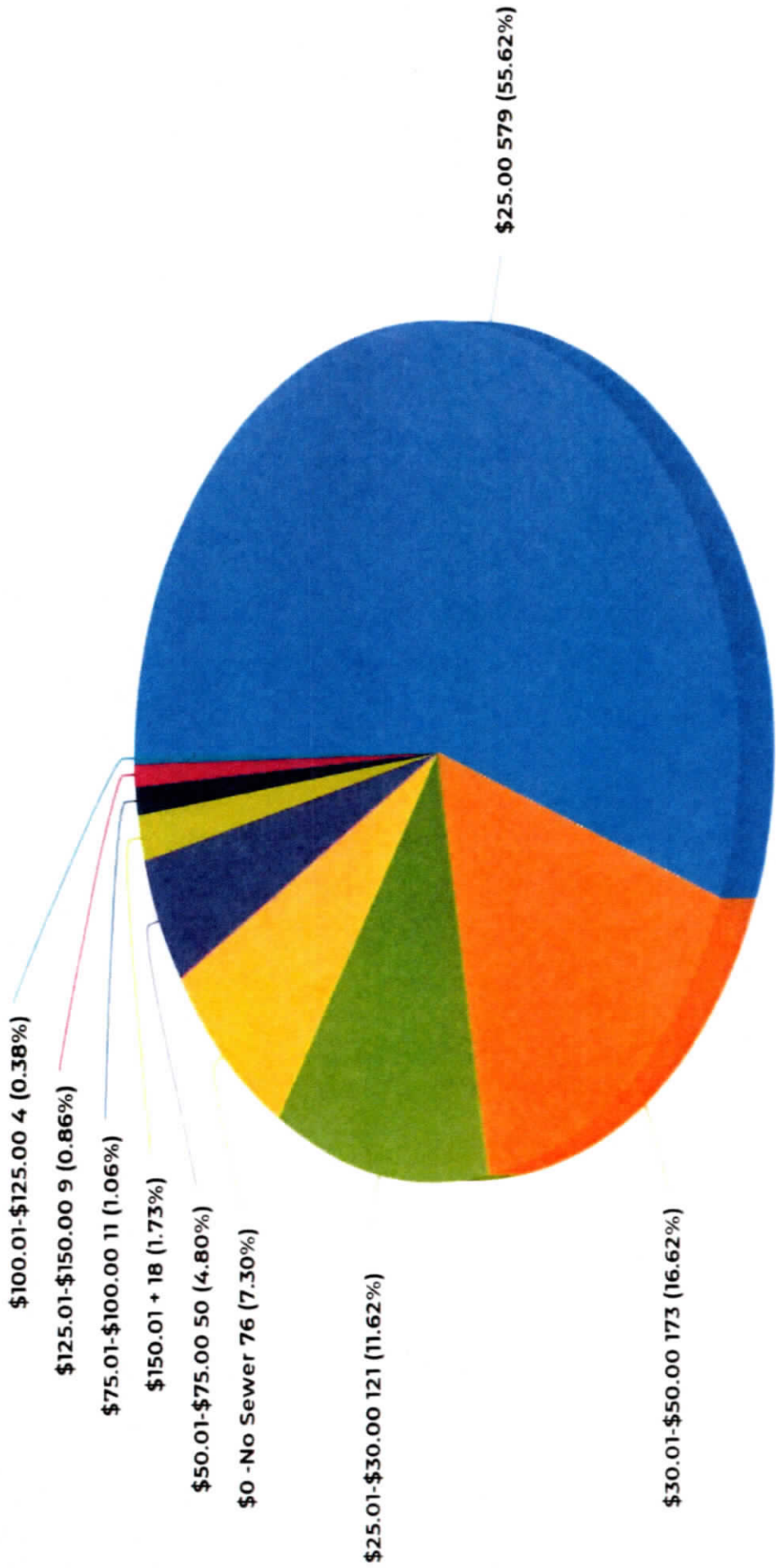
Total Bills- Water/Sewer/Trash



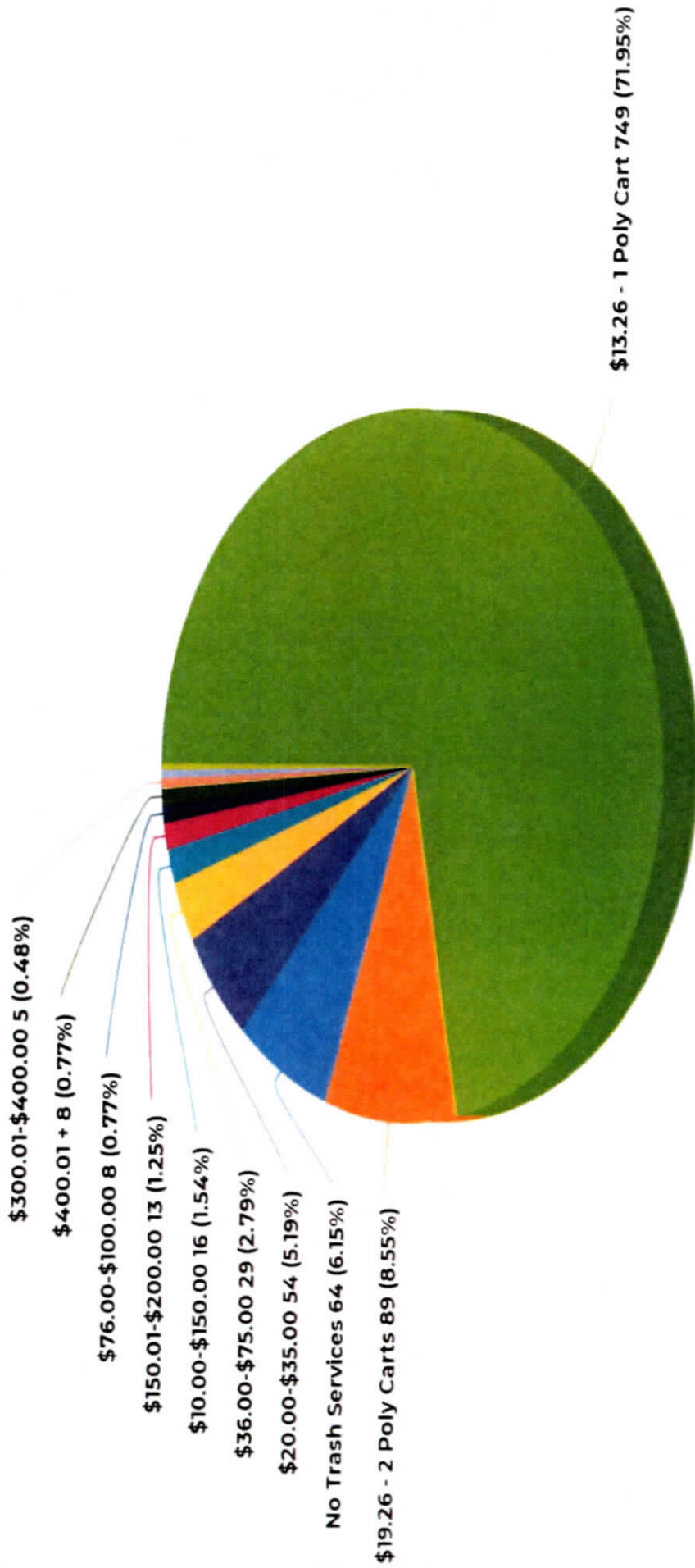
Current Water Bill



Current Sewer Bill



Current Trash Bill



**AUTOMATIC
MUTUAL AID IN FIRE PROTECTION**

FOR THE LISTED CITIES AND DEPARTMENTS

THE STATE OF TEXAS

COUNTIES OF MORRIS AND CASS

THIS AGREEMENT entered into this DATE, _____ by and between the City of Daingerfield, City of Lone Star, City of Naples, City of Omaha, City of Hughes Springs, Department of Cason, Department of Jenkins and Department of Rocky Branch.

WITNESSETH:

WHEREAS the governing officials of the member cities and departments, political subdivisions of the State of Texas, desire to secure for each such city and department the benefits of mutual aid in fire prevention and the protection of life and property from fire and in fire fighting.

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

1. That upon the request of one department, who is a party hereto each having fire suppression equipment and personnel, will be dispatched by the county dispatcher, to any point within the 911 boundary limits of said requesting member department, designated by said County Dispatcher, Fire Chief, or Fire Officer on the scene of said requesting department, subject to the emergency conditions hereinafter stated.

It is hereby declared and agreed that an emergency condition shall exist within the boundaries of a party hereto at a time when one or more fires are in progress, and that when such condition exists the Officer in Charge of the fire department shall determine the advisability of sending fire fighting equipment beyond the boundary limits of the requested party, and the judgement of the Officer in Charge shall be final.

2. Any dispatch of equipment and personnel pursuant to this agreement is subject to the following conditions:
 - (A.) Any request for aid hereunder shall include a statement of the amount and type of equipment and number of personnel requested, and shall specify the location to which the equipment and personnel are to be dispatched, but the amount and type of equipment and

number of personnel to be furnished shall be determined by a representative of the responding department.

- (B.) The responding department shall report to the Officer in Charge of requesting department at the location to which the equipment is dispatched and assist in fire suppression.
- (C.) A responding department shall be released by the requesting department when the services of the responding department are no longer required or when the responding department is needed within the area for which it normally provides fire protection.
- (D.) The following stated assignments are designed so that there will be a minimum of two (2) fire departments responding to any rural structure fire in Morris County and adjacent areas of Cass County. Dispatcher should upon receipt of the reported structure fire in the county, dispatch the fire department in whose primary response area the fire occurs, then immediately dispatch the assisting fire department.

Departments to assist Cason FD: Daingerfield on Highway 11 to County Line, FM 144 north to Mt. Mitchell and Highway 49; Jenkins will respond on FM 144 south of Highway 11.

Departments to assist Daingerfield FD: Cason will assist on Highway 11 west and on Highway 49 west of the flats; Rocky Branch will assist on US 259 north, FM 130, FM 1400 and Highway 49 to the flats; Jenkins will assist on all structures on Highway 259 south of the city limits; and Hughes Springs will assist on Highway 11/49 east of Daingerfield.

Departments to assist Hughes Springs FD: Daingerfield will assist on Highway 11/49, and FM 130; Lone Star will assist on FM 250 and FM 161 south of Hughes Springs. Naples will assist Hughes Springs on FM 250 north and FM 161 north.

Departments to assist Jenkins FD: Cason will assist on FM 144 and western part of community; Daingerfield will assist to FM 144 intersection on Highway 259 south and northern part of the community; Lone Star will assist to FM 144 intersection and southern part of community (FM 997).

Departments to assist Lone Star FD: Jenkins will assist on Highway 259 north, FM 250 to T&N and Highway 259 south; Hughes Springs will assist on FM 250 past T&N.

Departments to assist Omaha FD: Rocky Branch will assist on Highway 259 south; Naples will assist on Highway 67 east and west and Highway 259 north of Omaha.

Departments to assist Naples FD: Rocky Branch will assist on Highway 338 and FM 161; Omaha will assist on Highway 67 east and west.

Departments to assist Rocky Branch FD: Daingerfield will assist on Highway 259 to Highway 338 intersection; Naples on Highway 338; and Omaha on Highway 259 north.

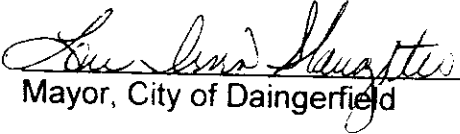
AT ALL TIMES PRIMARY DEPARTMENTS WILL BE DISPATCHED ACCORDING TO THEIR 911 AREAS.

The response areas include all county roads adjacent to listed response areas.

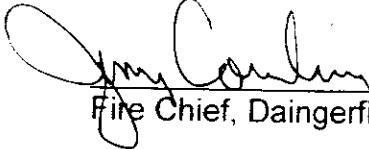
At any time the assisting department does not respond or cannot respond, the next nearest department should be dispatched in its place. Other assistance requests will be made as needed by the primary responding fire department.

3. To the extent not inconsistent with Section 791.006 Texas Government Code, each member department waives all claims against every other member department for compensation for any loss, damage, personal injury or death occurring as a consequence of the performance of this agreement.
4. No member department shall be reimbursed by any other member department for costs incurred pursuant to this agreement. The parties agree that the mutual covenants contained in this agreement fairly compensate the performing party for services rendered under this agreement.
5. All equipment used by the member city or fire department in carrying out this agreement will at the time of action hereunder be owned or operated by it; and all personnel acting for said member fire department under this agreement will, at the time of such action, be an employee or volunteer member of the fire department or said member department.
6. It is further agreed by and between the parties hereto that either party hereto shall have the right to terminate this agreement upon ninety (90) days written notice to the other parties hereto.

7. This agreement is an interlocal contract for the provision of mutual aid fire protection entered into pursuant to Chapter 791 Texas Government Code, commonly referred to as the Interlocal Cooperation Act.
8. THIS AGREEMENT WILL REPLACE ALL PREVIOUS AGREEMENTS. Effective date of this agreement shall be on the _____.



 Mayor, City of Daingerfield



 Fire Chief, Daingerfield VFD

 Mayor, City of Lone Star

 Fire Chief, Lone Star VFD

 Mayor, City of Naples

 Fire Chief, Naples VFD

 Mayor, City of Omaha

 Fire Chief, Omaha VFD

 Mayor, City of Hughes Springs

 Fire Chief, Hughes Springs VFD

 Fire Chief, Cason VFD

 Fire Chief, Jenkins VFD

 Fire Chief, Rocky Branch VFD

 Comm. Pct. One

 County Judge, Morris County

 Comm. Pct. Two

 County Sheriff

 Comm. Pct. Three

 County Attorney

 Comm. Pct. Four

Budget Amendment Resolution No. 09112023

An amending resolution relating to the annual budget and amendment thereof:

Whereas the City of Daingerfield has realized an emergency expense in that (2) AC units have gone out at city hall and need to be replaced.

Be it ordained by the City Council of the City of Daingerfield, Texas

Section One:

Increase expenditure account:

<u>Account Code</u>	<u>Description</u>	<u>Amount</u>
01-110.5353	Physical Plant Maint./Repairs	\$16,000

Section Two: The amount adjusting the expenditure account in Section One is for governmental purposes.

Approved by the City Council of the City of Daingerfield, Texas, this day, the 11th day of September 2023.

Wade Kerley, Mayor

ATTEST:

Michelle Jones, City Secretary

RESOLUTION NO. 2023-11

A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF DAINGERFIELD, TEXAS, PROVIDING FOR THE CITY OF DAINGERFIELD'S INTENT AND ELECTION TO BECOME ELIGIBLE TO PARTICIPATE IN TAX ABATEMENT; AND PROVIDING FOR OPEN MEETINGS AND EFFECTIVE DATE CLAUSES.

WHEREAS, the City of Daingerfield, Texas (the "City") is a home rule municipality that desires to elect to become eligible to participate in tax abatement for the purposes of attracting new industry and commercial enterprises to the City and to encourage the retention and development of existing businesses within the City;

WHEREAS, Section 312.002 (a) of the Texas Tax Code authorizes the City to adopt a resolution stating that the City as a taxing unit elects to become eligible to participate in tax abatement; and

WHEREAS, the City shall thereafter establish and adopt guidelines and criteria governing tax abatement agreements by the City,

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

Section 1. Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

Section 2. Election to Become Eligible to Participate in Tax Abatement. The City elects and intends to participate in tax abatement for all purposes as authorized in Chapter 312 of the Texas Tax Code.

Section 3. Abatement Guidelines and Criteria. The City Council shall adopt guidelines and criteria governing tax abatement agreements by the City in accordance with and as authorized in Chapter 312 of the Texas Tax Code.

Section 4. Effective Date. This Resolution shall become effective from and after the date of its passage in accordance with the Texas Local Government Code and the City Charter.

Section 5. Open Meetings. That the City Council has found and determined that the meeting at which this Resolution is considered is open to the public and that notice thereof was given in accordance with the provisions of the Texas Open Meetings Act, Texas Government Code, Chapter 551, as amended, and that a quorum of the City Council was present.

RESOLUTION PASSED AND APPROVED on this the ____ day of September, 2023.

ATTEST:

CITY OF DAINGERFIELD, TEXAS

Michelle Jones, City Secretary

Wade Kerley, Mayor
City of Daingerfield, Texas

Morris County Appraisal District

501 Crockett, Suite 1/PO Box 563

Daingerfield TX 75638

Ph: (903) 645-5601 / Fax: (903) 645-2694

Summer Golden, Chief Appraiser

August 15, 2023

Taxing Jurisdictions;

Re: 2022-23 VACANCY Board of Directors

Dear Jurisdictions,

The Board of Directors for 2022-23 has a vacancy as of August 14, 2023 of member, Ginger Smith. Mrs. Smith has accepted a position with one of our Taxing Jurisdictions; therefore, is ineligible to serve.

Please find attached Resolution to be completed at your next meeting or within 45 days (SEPTEMBER 28). Pursuant PTC 6.03 (1), each taxing unit that is entitled to vote may nominate by resolution adopted by its governing body a candidate to fill the vacancy. The unit shall submit the name within 45 days after notification. Once the Resolutions are all returned, I will prepare a list of the nominees to the Board of Directors within 5 days & at the following meeting shall elect by majority vote of its members one of the nominees to fill the vacancy.

If you have any questions or concerns, please call.

Sincerely,



Summer Golden, RPA RTA CCA CTA
Chief Appraiser

Encl.

**RESOLUTION
NOMINATION CANDIDATES
FOR
THE MORRIS COUNTY APPRAISAL DISTRICT
BOARD OF DIRECTORS**

BE IT ORDERED: By the Authority of the State of Texas, given by the Texas Property Tax Laws under Section 6:03 (1) the City of Daingerfield, nominates as candidate for the Morris County Appraisal District Board of Directors, for vacancy 2022-2023:

NOMINEE

This RESOLUTION is adopted by the City of Daingerfield, on this _____ day of _____, 2023.

Mayor
City of Daingerfield

Attest:

Secretary
City of Daingerfield



701 EAST MAIN ST., ATLANTA, TEXAS 75551 | 903-796-2851 | WWW.TXDOT.GOV

August 23, 2023

**Municipal Maintenance Agreement
City of Daingerfield**

The Honorable Wade Kerley
Mayor of Daingerfield
101 Linda Dr.
Daingerfield, Texas 75638

Dear Mayor Kerley:

As you are probably aware, the City of Daingerfield and the Texas Department of Transportation entered into a Municipal Maintenance Agreement on 04/22/2013. Under Chapter 311 of the Texas Transportation Code, cities are required to maintain highways within city limits. Section 221.002 of the Texas Transportation Code authorizes the State to enter into agreements with the City to maintain portions of highways. This agreement allows the State to assist the City and addresses the responsibilities for maintenance, control, supervision, and regulation of State highways within and through the City's corporate limits. It is our desire to update this agreement at this time.

Attached is a copy of the above referenced agreement for your information. We have also attached the latest version of the Municipal Maintenance Agreement in duplicate originals. Please execute both duplicate originals on behalf of the City and return for our further handling. Failure to update this agreement in a timely manner will affect the State's ability to assist the City with maintenance of the highways within your corporate limits. Please note the agreement must be supported by either a Municipal Maintenance Ordinance or Resolution. When returning the duplicate originals, please return a copy of the ordinance/resolution.

If you have any questions, please call Jason Dupree, P. E., District Director of Maintenance, at 903-799-1248.

Sincerely,

DocuSigned by:

23686C08B28F4A0
Rebecca L. Wells, P. E.
District Engineer - Atlanta

Cc: Area Engineers
Maintenance Supervisors

OUR VALUES: People • Accountability • Trust • Honesty
OUR MISSION: Connecting You With Texas

An Equal Opportunity Employer



MUNICIPAL MAINTENANCE AGREEMENT

This Municipal Maintenance Agreement ("Agreement") is made this _____ day of _____, 20____, by and between the State of Texas through the Texas Department of Transportation ("State"), and the City of _____ Daingerfield _____ (population _____ 2518 _____, 2020, latest Federal Census) acting by and through its duly authorized officers ("City").

RECITALS

A. Chapter 311 of the Transportation Code gives the City exclusive dominion, control, and jurisdiction over and under the public streets within its corporate limits and authorizes the City to enter agreements with the State to fix responsibilities for maintenance, control, supervision, and regulation of State highways within and through its corporate limits; and

B. Section 221.002 of the Transportation Code authorizes the State, at its discretion, to enter agreements with cities to fix responsibilities for maintenance, control, supervision, and regulation of State highways within and through the corporate limits of such cities; and

C. The Executive Director, acting for and on behalf of the Texas Transportation Commission, has made it known to the City that the State will assist the City in the maintenance and operation of State highways within the City, conditioned that the City will enter into agreements with the State for the purpose of determining the respective responsibilities of the parties; and

D. The City has requested the State to assist in the maintenance and operation of State highways within the City as described herein. The Municipal Ordinance or Resolution authorizing the undersigned City Official to execute this Agreement on behalf of the City is attached as **Exhibit C**.

AGREEMENT

NOW, THEREFORE, in consideration of the premises and of the mutual covenants and agreements of the parties hereto, it is agreed as follows:

ARTICLE I. COVERAGE

1. State assumption of maintenance and operations described in this Agreement shall be effective on the date of execution of this agreement by the Texas Department of Transportation.
2. In this Agreement, the use of the words "State Highway" shall be construed to mean all numbered highways that are part of the State's Highway System.

3. This Agreement is intended to cover and provide for State participation in the maintenance and operation of the following classifications of State Highways within the City:
 - A. Non-Controlled Access highways or portions thereof which are described as "State Maintained and Operated" highways in the document attached and incorporated as **Exhibit A**.
 - B. All State highways or portions thereof which have been designated by the Texas Transportation Commission, or are maintained and operated, as Controlled Access Highways and which are described in the document attached and incorporated as **Exhibit B**.
4. In the event that the present system of State highways within the City is changed by cancellation, modified routing, new routes, or a change to City boundaries, the State shall terminate maintenance and operation and this Agreement shall become null and void on those portions of the highways which are no longer on the State Highway System; and this Agreement shall apply to the new highways on the State Highway System within the City; and they shall be classified as "State Maintained and Operated" under paragraph 3 above, unless the execution of a new agreement on the changed or new portions of the highways is requested by either the City or the State.
5. Exhibits that are a part of this Agreement may be changed with both parties' written concurrence. Additional exhibits may also be added with both parties' written concurrence. The Parties shall periodically update any exhibits to reflect changes to the State Highway System under paragraph 3. Paragraph 4 shall apply to changes to the State Highway System regardless of whether an exhibit has been updated under this Paragraph.
6. The terms of the Agreement apply to a State Highway described by paragraphs 2-4 of this Article, unless provided otherwise in a specific project agreement.

ARTICLE II. GENERAL CONDITIONS

1. The City authorizes the State to maintain and operate the State highways covered by this agreement in the manner set out herein.
2. This agreement is between the State and the City only. No person or entity may claim third party beneficiary status under this contract or any of its provisions, nor may any non-party sue for personal injuries or property damage under this contract.
3. This agreement is for the purpose of defining the authority and responsibility of both parties for maintenance and operation of State highways through the City. This agreement shall supplement any special agreements between the State and the City for the maintenance, operation, and/or construction of the State highways covered herein, and this agreement shall supersede any existing Municipal Maintenance Agreements.

4. Traffic regulations, including speed limits, shall be established only after traffic and engineering studies have been completed by the State or City, as applicable and in accordance with 43 Tex. Admin. Code Ch. 25, Subch. B, and approved by the State.
5. The State shall install, maintain, and operate, when required, all traffic signs and associated pavement markings necessary to regulate, warn, and guide traffic on State highways within the State right-of-way, including main lanes and frontage roads, except as otherwise provided in this paragraph and elsewhere in this Agreement.
 - A. At the intersections of off-system approaches to State highways, the City shall install and maintain (1) all stop signs, yield signs, and one-way signs to regulate, warn, and guide traffic on the off-system street, even if such signs are to be installed on State right-of-way, and (2) any necessary stop or yield bars and pedestrian crosswalks outside the main lanes or outside the frontage roads, if such exist. These signs and markings must meet or exceed the latest State breakaway standards, if applicable, and be in accordance with the latest edition/revision of the Texas Manual on Uniform Traffic Control Devices
 - B. The City shall install and maintain all street name signs except for those mounted on State-maintained traffic signal poles or arms or special advance street name signs on State right-of-way.
 - C. Any other signs or pavement markings desired by the City on State right-of-way shall require prior written authorization by the State, and shall be installed and maintained by the City.
 - D. All signs and markings installed by the City under this Paragraph must meet or exceed the latest State breakaway standards, if applicable, and be in accordance with the latest edition/revision of the Texas Manual on Uniform Traffic Control Devices. All existing signs or markings shall be upgraded on a maintenance replacement basis to meet these requirements.
6. Traffic control devices such as signs, traffic signals, and pavement markings, with respect to type of device, points of installation, and necessity, shall be determined by traffic and engineering studies as provided by regulation in the Texas Administrative Code.
 - A. The City shall not install, maintain, or permit the installation of any type of traffic control device which will affect or influence the use of State highways unless approved in writing by the State. Traffic control devices installed prior to the date of this agreement are hereby made subject to the terms of this agreement and the City agrees to the removal of such devices which affect or influence the use of State highways unless their continued use is approved in writing by the State.
 - B. It is understood that basic approval for future installations of traffic control signals by the State or as a joint project with the City, shall be indicated by the

proper City official's signature on the title sheet of the plans. Both parties should retain a copy of the signed title sheet or a letter signed by both parties acknowledging which signalized intersections are covered by this agreement. Any special requirements not covered within this agreement shall be covered under a separate agreement.

- C. This Agreement satisfies the agreement requirements of 43 Tex. Admin. Code § 25.5 concerning traffic signal installation, unless the parties determine a separate agreement is necessary to address project-specific issues that are not otherwise addressed by this Agreement.
7. Subject to approval by the State, any State highway lighting system may be installed by the City provided the City shall pay or otherwise provide for all cost of installation, maintenance, and operation, except in those installations specifically covered by separate agreements between the City and State.
- A. For all highway lighting system projects, including those covered by separate agreements unless provided otherwise therein, (1) costs shall include the electricity required to construct and operate the lighting system, (2) the State shall not begin the trial phase of a newly installed lighting system until the applicable utility account is established by the City.
 - B. Attached as **Exhibit D** is a list of lighting installations subject to this Agreement, but which do not have a separate agreement. Exhibit D shall be updated as necessary pursuant to Article 1, Section 6.
8. The City shall enforce the State laws governing the movement of loads which exceed the legal limits for weight, length, height, or width as prescribed by Chapters 621, 622, and 623 of the Transportation Code for public highways outside corporate limits of cities. The City shall also, by ordinance/resolution and enforcement, prescribe and enforce lower weight limits when mutually agreed by the City and the State that such restrictions are needed to avoid damage to the highway and/or for traffic safety.
9. The City shall prevent future encroachments within the right-of-way of the State highways and assist in removal of any present encroachments when requested by the State except where specifically authorized by separate agreement; and prohibit the planting of trees or shrubbery or the creation or construction of any other obstruction within the right-of-way without prior approval in writing from the State. Permitted landscaping and public art installations shall be handled through separate agreements.
10. New construction of sidewalks, shared use pathways, curb ramps, or other accessibility-related items by either Party shall comply with current ADA standards. Except as otherwise provided in this paragraph, the City is responsible for the maintenance of these items, regardless of whether the City or the State constructed the item. Maintenance includes keeping sidewalks clear of debris and vegetation, but does not

include pavement work except as provided in the next sentence. If a Party's highway project is considered an "alteration" under the ADA that triggers the requirement to construct or upgrade accessibility-related items, that Party is responsible for the construction or upgrade, unless provided otherwise in a separate agreement.

11. If the City has a driveway permit process that has been submitted to and approved by the State, the City shall issue permits for access driveways on State highway routes and shall assure the grantee's conformance, for proper installation and maintenance of access driveway facilities, with either a Local Access Management Plan that the City has adopted by ordinance and submitted to the State or, if the City has not adopted by ordinance and submitted to the State a Local Access Management Plan, the State's Access Management Manual. If the City does not have an approved city-wide driveway permit process, the State shall issue access driveway permits on State highway routes in accordance with the City's Local Access Management Plan, adopted by city ordinance and submitted to the State or, if the City has not adopted by ordinance and submitted a Local Access Management Plan, the State's Access Management Manual.
12. The use of unused right-of-way and areas beneath structures for public functions, such as parking, recreation, and law enforcement use, shall be determined by a separate agreement.
13. The State shall be responsible for installation, repair, and maintenance of any mailbox supports installed on the State highway system, including any markings needed on the mailbox supports.
14. The State shall be responsible for installation, repair, and maintenance of any roadside barriers including guardrail, guardrail end treatments, cable barriers, and concrete barriers needed for traffic safety on the state highway system.
15. The State shall be responsible for any structural repairs needed at bridges, culverts, drainage pipes, embankments, and retaining walls on the state highway system.
16. For purposes of this Agreement, "grade separation structure" is defined as any bridge, overpass, or similar structure that raises the roadway above ground level, regardless of what is underneath the structure.

ARTICLE III. NON-CONTROLLED ACCESS HIGHWAYS

The following specific conditions and responsibilities shall apply to the non-controlled access State highways described in Exhibit A, in addition to the General Conditions in Article II above.

1. **State's Responsibilities (Non-Controlled Access)**
 - A. Maintain the traveled surface and foundation beneath such traveled surface necessary for the proper support of vehicular loads encountered, and maintain the shoulders.

- B. Assist in mowing and litter pickup within the right of way to supplement City resources, when requested by the City and if State resources are available.
 - C. Assist in sweeping and otherwise cleaning the traveled surface and shoulders to supplement City resources, when requested by the City and if State resources are available.
 - D. Assist in snow and ice control to supplement City resources, when requested by the City and if State resources are available.
 - E. Structural maintenance and repairs of drainage facilities within the limits of the right-of-way and State drainage easements. This does not relieve the City of its responsibility for drainage of the State highway facility outside of the right of way or State easements but within its corporate limits.
 - F. In cities with less than 50,000 population, the State shall install and maintain school safety devices, school crosswalks, and crosswalks installed in conjunction with pedestrian signal heads. This does not include other pedestrian crosswalks.
 - G. Install, operate, and maintain traffic signals in cities with less than 50,000 population.
 - H. In cities equal to or greater than 50,000 population, the State may provide for installation of traffic signals when the installation is financed in whole or in part with federal-aid funds, if the City agrees to enter into an agreement setting forth the responsibilities of each party.
- 2. City's Responsibilities (Non-Controlled Access)**
- A. Prohibit angle parking, except upon written approval by the State after traffic and engineering studies have been conducted to determine if the State highway is of sufficient width to permit angle parking without interfering with the free and safe movement of traffic.
 - B. Install and maintain all parking restriction signs, pedestrian crosswalks (except as provided in Art. II.5), parking stripes, and special guide signs when agreed to in writing by the State. Cities greater than or equal to 50,000 population shall also install, operate, and maintain all school safety devices and school crosswalks.
 - C. Signing and marking of intersecting city streets with State highways shall be the full responsibility of the City (except as provided under Art. II.5).
 - D. Require installations, repairs, removals or adjustments of publicly or privately owned utilities or services to be performed in accordance with Texas Department of Transportation specifications and subject to approval of the State in writing.

- E. Regular cleanups and litter control to ensure drainage facilities are clear. Further, State structural maintenance and repair of drainage facilities within the right-of-way does not relieve the City of its responsibility for drainage of the State highway facility outside of the right-of-way or State easements but within its corporate limits, except where participation by the State is specifically covered in a separate agreement between the City and the State.
- F. Install, maintain, and operate all traffic signals in cities equal to or greater than 50,000 population. Any variations shall be handled by a separate agreement.
- G. Perform mowing and litter pickup.
- H. Sweep and otherwise clean the pavement, including grade separation structures. This includes cleaning and removing litter, trash, discarded personal property, unauthorized temporary shelters, or any other unauthorized item from all areas within the right of way, including underneath a grade separation structure.
- I. Perform snow and ice control.
- J. Retain all functions and responsibilities for maintenance and operations which are not specifically described as the responsibility of the State.

ARTICLE IV. CONTROLLED ACCESS HIGHWAYS

The following specific conditions and responsibilities shall apply to the controlled access State highways described in Exhibit B, in addition to the General Conditions in Article II above.

1. State's Responsibilities (Controlled Access)

- A. Maintain the traveled surface and foundations of the main lanes, ramps, and frontage necessary for the proper support of vehicular loads encountered.
- B. Mow and clean up litter within the outermost curbs of the frontage roads or the entire right-of-way width where no frontage roads exist. Assist in performing these operations between the right-of-way line and the outermost curb or crown line of the frontage roads on the City's request and if State resources are available.
- C. Sweep and otherwise clean the traveled surface and shoulders of the main lanes, ramps, grade separation structures, and frontage roads.
- D. Remove snow and control ice on the main lanes and ramps. Assist in these operations on the frontage roads and grade separation structures on the City's request and if State resources are available.

- E. Install and maintain school safety devices, school crosswalks, and crosswalks installed in conjunction with pedestrian signal heads on frontage roads. This does not include other pedestrian crosswalks.
- F. Install, operate and maintain traffic signals at ramps and frontage road intersections, unless covered by a separate agreement.
- G. Structural maintenance and repair of drainage facilities within the limits of the right-of-way and State drainage easements. This does not relieve the City of its responsibility for drainage of the State highway facility outside of the right-of-way or State easement but within its corporate limits.

2. City's Responsibilities (Controlled Access)

- A. Prohibit, by ordinance or resolution and through enforcement, all parking on frontage roads except when parallel parking on one side is approved by the State in writing. Prohibit all parking on main lanes and ramps and at such other places where such restriction is necessary for satisfactory operation of traffic, by passing and enforcing ordinances or resolution and taking other appropriate action in addition to full compliance with current laws on parking.
- B. When considered necessary and desirable by both the City and the State, the City shall pass and enforce an ordinance or resolution providing for one-way traffic on the frontage roads except as may be otherwise agreed to by separate agreements with the State.
- C. Secure the approval of the State before any utility installation, repair, removal or adjustment is undertaken, crossing over or under the highway facility or entering the right-of-way. In the event of an emergency, it being evident that immediate action is necessary for protection of the public and to minimize property damage and loss of investment, the City, without the necessity of approval by the State, may at its own responsibility and risk make necessary emergency utility repairs, notifying the State of this action as soon as practical.
- D. Pass necessary ordinances or resolutions and retain responsibility for enforcing the control of access to an expressway/freeway facility.
- E. Sweep and otherwise clean the pavement other than the traveled surface and shoulders, including underneath grade separation structures. This includes cleaning and removing litter, trash, discarded personal property, unauthorized temporary shelters, or any other unauthorized item.
- F. Mow and clean up litter between the right-of-way line and the outermost curb or crown line of the frontage roads, including drainage facilities in this area.

- G. Install and maintain all parking restriction signs, pedestrian crosswalks (except as provided by Art. II.5), and parking stripes when agreed to by the State in writing.
- H. Signing and marking of intersecting city streets to State highways shall be the full responsibility of the City (except as provided by Art. II.5).
- I. Retain all functions and responsibilities for maintenance and operations which are not specifically described as the responsibility of the State. State maintenance of drainage facilities within the right-of-way does not relieve the City of its responsibility for drainage of the State highway facility outside of the right-of-way but within its corporate limits except where participation by the State is specifically covered in a separate agreement between the City and the State.

ARTICLE V. TERMINATION

- 1. All obligations of the State to maintain and operate a State highway covered by this agreement shall terminate if and when such highway ceases to be designated as part of the State highway system.
- 2. Should either party fail to properly fulfill its obligations under this Agreement, the other party may terminate this agreement upon 30 days written notice.
- 3. Upon termination, all maintenance and operation duties on non-controlled access State highways shall revert to City responsibilities, except that the State shall retain all maintenance and operation responsibilities on controlled access State highways.

City of Daingerfield

State of Texas

Signature

TxDOT District Engineer

Name

Name

Rebecca L. Wells, P. E.

Title

Date

Date

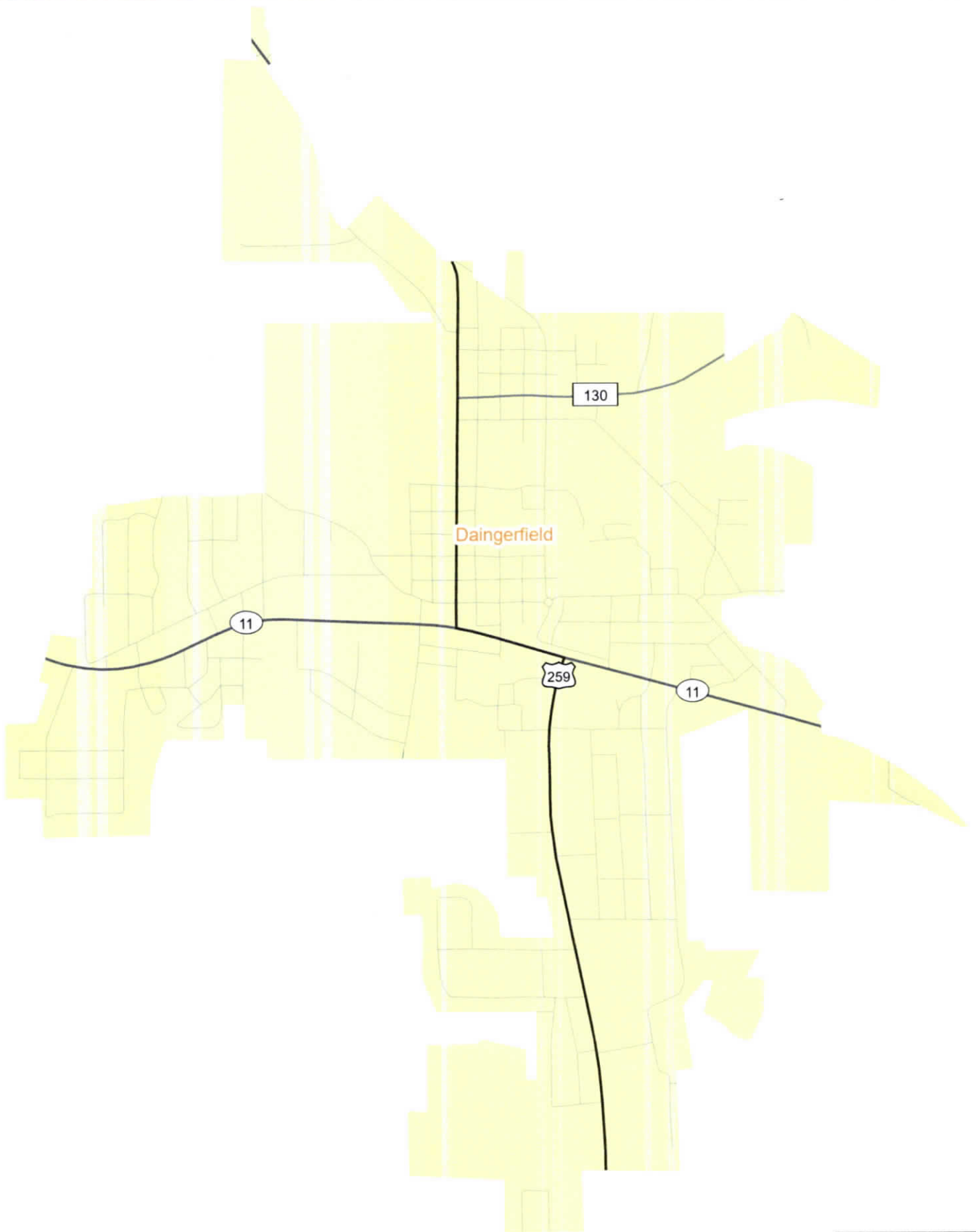


EXHIBIT "B"

CONTROLLED ACCESS HIGHWAYS

NO CONTROLLED ACCESS HIGHWAYS WITHIN CITY LIMITS.



Texas Department of Transportation

701 E MAIN • ATLANTA TEXAS 75551-2418 • (903) 796-2851

May 15, 2013

Re: Municipal Maintenance Agreement
City of Daingerfield

Mayor Lou Irvin
City of Daingerfield
108 Coffey Street
Daingerfield, TX 75638

Honorable Lou Irvin:

Enclosed is one original duplicate of the Municipal Maintenance Agreement between the City of Daingerfield and the Texas Department of Transportation which has been fully executed.

This is being furnished for your reference and file.

If you have any questions, please feel free to call me at 903-799-1280.

Sincerely,

Brad A. Haugh
District Maintenance Administrator – Atlanta

cc: Carl Peters, Maintenance Supervisor
Roger Ledbetter, Area Engineer
Administrative File



MUNICIPAL MAINTENANCE AGREEMENT

STATE OF TEXAS §

COUNTY OF TRAVIS §

THIS AGREEMENT made this 22nd day of April, 2013, by and between the State of Texas, hereinafter referred to as the "State," party of the first part, and the City of Daingerfield (population 2560, 2010, latest Federal Census) acting by and through its duly authorized officers, hereinafter called the "City," party of the second part.

WITNESSETH

WHEREAS, Chapter 311 of the Transportation Code gives the City exclusive dominion, control, and jurisdiction over and under the public streets within its corporate limits and authorizes the City to enter agreements with the State to fix responsibilities for maintenance, control, supervision, and regulation of State highways within and through its corporate limits; and

WHEREAS, Section 221.002 of the Transportation Code authorizes the State, at its discretion, to enter agreements with cities to fix responsibilities for maintenance, control, supervision, and regulation of State highways within and through the corporate limits of such cities; and

WHEREAS, the Executive Director, acting for and in behalf of the Texas Transportation Commission, has made it known to the City that the State will assist the City in the maintenance and operation of State highways within such City, conditioned that the City will enter into agreements with the State for the purpose of determining the responsibilities of the parties thereto; and

WHEREAS, the City has requested the State to assist in the maintenance and operation of State highways within such City:

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, it is agreed as follows:

For this agreement, the use of the words "State Highway" shall be construed to mean all numbered highways that are part of the State's Highway System.

COVERAGE

1. This agreement is intended to cover and provide for State participation in the maintenance and operation of the following classifications of State Highways within the City:
 - A. Non-Controlled Access highways or portions thereof which are described and/or graphically shown as "State Maintained and Operated" highways in Exhibit "A," which is attached hereto and made a part hereof.
 - B. All State highways or portions thereof which have been designated by the Texas Transportation Commission or maintained and operated as Controlled Access Highways and which are described and/or graphically shown in Exhibit "B," which is attached hereto and made a part hereof.
2. In the event that the present system of State highways within the City is changed by cancellation, modified routing, or new routes, the State will terminate maintenance and operation and this agreement will become null and void on those portions of the highways which are no longer on the State Highway System; and the full effect and all conditions of this agreement will apply to the changed highways or new highways on the State Highway System within the City; and they shall be classified as "State Maintained and Operated" under paragraph 1 above, unless the execution of a new agreement on the changed or new portions of the highways is requested by either the City or the State.
3. Exhibits that are a part of this agreement may be changed with both parties' written concurrence. Additional exhibits may also be added with both parties' written concurrence.

GENERAL CONDITIONS

1. The City authorizes the State to maintain and operate the State highways covered by this agreement in the manner set out herein.
2. This agreement is between the State and the City only. No person or entity may claim third party beneficiary status under this contract or any of its provisions, nor may any non-party sue for personal injuries or property damage under this contract.
3. This agreement is for the purpose of defining the authority and responsibility of both parties for maintenance and operation of State highways through the City. This agreement shall supplement any special agreements between the State and the City for the maintenance, operation, and/or construction of the State highways covered herein, and this agreement shall supersede any existing Municipal Maintenance Agreements.
4. Traffic regulations, including speed limits, will be established only after traffic and engineering studies have been completed by the State and/or City and approved by the State.
5. The State will erect and maintain all traffic signs and associated pavement markings necessary to regulate, warn, and guide traffic on State highways within the State right-of-way except as mentioned in this paragraph and elsewhere in this agreement. At the intersections of off-system approaches to State highways, the City shall install and maintain all stop signs, yield signs, and one-way signs and any necessary stop or yield bars and pedestrian crosswalks outside the main lanes or outside the frontage roads, if such exist. The City shall install and maintain all street name signs except for those mounted on State maintained traffic signal poles or arms or special advance street name signs on State right-of-way. All new signs installed by the City on State right-of-way shall meet or exceed the latest State breakaway standards and be in accordance with the *Texas Manual on Uniform Traffic Control Devices*, latest edition and revision. All existing signs shall be upgraded on a maintenance replacement basis to meet these requirements.
6. Subject to approval by the State, any State highway lighting system may be installed by the City provided the City shall pay or otherwise provide for all cost of installation, maintenance, and operation except in those installations specifically covered by separate agreements between the City and State.

7. The City shall enforce the State laws governing the movement of loads which exceed the legal limits for weight, length, height, or width as prescribed by Chapters 621, 622, and 623 of the Transportation Code for public highways outside corporate limits of cities. The City shall also, by ordinance/resolution and enforcement, prescribe and enforce lower weight limits when mutually agreed by the City and the State that such restrictions are needed to avoid damage to the highway and/or for traffic safety.
8. The City shall prevent future encroachments within the right-of-way of the State highways and assist in removal of any present encroachments when requested by the State except where specifically authorized by separate agreement; and prohibit the planting of trees or shrubbery or the creation or construction of any other obstruction within the right-of-way without prior approval in writing from the State.
9. Traffic control devices such as signs, traffic signals, and pavement markings, with respect to type of device, points of installation and necessity, will be determined by traffic and engineering studies. The City shall not install, maintain, or permit the installation of any type of traffic control device which will affect or influence the use of State highways unless approved in writing by the State. Traffic control devices installed prior to the date of this agreement are hereby made subject to the terms of this agreement and the City agrees to the removal of such devices which affect or influence the use of State highways unless their continued use is approved in writing by the State. It is understood that basic approval for future installations of traffic control signals by the State or as a joint project with the City, will be indicated by the proper City official's signature on the title sheet of the plans. Both parties should retain a copy of the signed title sheet or a letter signed by both parties acknowledging which signalized intersections are covered by this agreement. Any special requirements not covered within this agreement will be covered under a separate agreement.
10. New construction of sidewalks, ramps or other accessibility related items shall comply with current ADA standards. The city is responsible for the maintenance of these items.
11. If the City has a driveway permit process that has been submitted to and approved by the State, the City will issue permits for access driveways on State highway routes and will assure the grantee's conformance, for proper installation and maintenance of access driveway facilities, with either a Local Access Management Plan that the City has adopted by ordinance and submitted to the State or, if the City has not adopted by ordinance and submitted to the State a Local Access Management Plan, the State's "Regulations for Access Driveways to State Highways" and the State's Access Management Manual. If the City does not have an approved city-wide driveway permit process, the State will issue access driveway permits on State highway routes in accordance with the City's Local Access Management Plan, adopted by city ordinance and submitted to the State or, if the City has not adopted by ordinance and submitted a Local Access Management Plan, the State's "Regulations for Access Driveways to State Highways" and the State's Access Management Manual.
12. The use of unused right-of-way and areas beneath structures will be determined by a separate agreement

NON-CONTROLLED ACCESS HIGHWAYS

The following specific conditions and responsibilities shall be applicable to non-controlled access State highways in addition to the "General Conditions" contained herein above. Non-controlled access State highways or portions thereof covered by this section are those listed and/or graphically shown in Exhibit "A."

State's Responsibilities (Non-Controlled Access)

1. Maintain the traveled surface and foundation beneath such traveled surface necessary for the proper support of same under vehicular loads encountered and maintain the shoulders.
2. Assist in mowing and litter pickup to supplement City resources when requested by the City and if State resources are available.
3. Assist in sweeping and otherwise cleaning the pavement to supplement City resources when requested by the City and if State resources are available.

4. Assist in snow and ice control to supplement City resources when requested by the City and if State resources are available.
5. Maintain drainage facilities within the limits of the right-of-way and State drainage easements. This does not relieve the City of its responsibility for drainage of the State highway facility within its corporate limits.
6. Install, maintain, and operate, when required, normal regulatory, warning and guide signs and normal markings (except as provided under "General Conditions" in paragraph 5). In cities with less than 50,000 population, this also includes school safety devices, school crosswalks, and crosswalks installed in conjunction with pedestrian signal heads. This does not include other pedestrian crosswalks. Any other traffic striping desired by the City may be placed and maintained by the City subject to written State approval.
7. Install, operate, and maintain traffic signals in cities with less than 50,000 population.
8. In cities equal to or greater than 50,000 population, the State may provide for installation of traffic signals when the installation is financed in whole or in part with federal-aid funds if the City agrees to enter into an agreement setting forth the responsibilities of each party.

City's Responsibilities (Non-Controlled Access)

1. Prohibit angle parking, except upon written approval by the State after traffic and engineering studies have been conducted to determine if the State highway is of sufficient width to permit angle parking without interfering with the free and safe movement of traffic.
2. Install and maintain all parking restriction signs, pedestrian crosswalks [except as provided in paragraph 6 under "State's Responsibilities (Non-Controlled Access)"], parking stripes and special guide signs when agreed to in writing by the State. Cities greater than or equal to 50,000 population will also install, operate, and maintain all school safety devices and school crosswalks.
3. Signing and marking of intersecting city streets with State highways will be the full responsibility of the City (except as provided under "General Conditions" in paragraph 5).
4. Require installations, repairs, removals or adjustments of publicly or privately owned utilities or services to be performed in accordance with Texas Department of Transportation specifications and subject to approval of the State in writing.
5. Retain all functions and responsibilities for maintenance and operations which are not specifically described as the responsibility of the State. The assistance by the State in maintenance of drainage facilities does not relieve the City of its responsibility for drainage of the State highway facility within its corporate limits except where participation by the State is specifically covered in a separate agreement between the City and the State.
6. Install, maintain, and operate all traffic signals in cities equal to or greater than 50,000 population. Any variations will be handled by a separate agreement.
7. Perform mowing and litter pickup.
8. Sweep and otherwise clean the pavement.
9. Perform snow and ice control.

CONTROLLED ACCESS HIGHWAYS

The following specific conditions and responsibilities shall be applicable to controlled access highways in addition to the "General Conditions" contained herein above. Controlled access State highways or portions thereof covered by this section are those listed and/or graphically shown in Exhibit "B."

State's Responsibilities (Controlled Access)

1. Maintain the traveled surface of the through lanes, ramps, and frontage roads and foundations beneath such traveled surface necessary for the proper support of same under vehicular loads encountered.
2. Mow and clean up litter within the outermost curbs of the frontage roads or the entire right-of-way width where no frontage roads exist and assist in performing these operations between the right-of-way line and the outermost curb or crown line of the frontage roads in undeveloped areas.
3. Sweep and otherwise clean the through lanes, ramps, separation structures or roadways and frontage roads.
4. Remove snow and control ice on the through lanes and ramps and assist in these operations as the availability of equipment and labor will allow on the frontage roads and grade separation structures or roadways.
5. Except as provided under "General Conditions" in paragraph 5, the State will install and maintain all normal markings and signs, including sign operation if applicable, on the main lanes and frontage roads. This includes school safety devices, school crosswalks and crosswalks installed on frontage roads in conjunction with pedestrian signal heads. It does not include other pedestrian crosswalks.
6. Install, operate and maintain traffic signals at ramps and frontage road intersections unless covered by a separate agreement.
7. Maintain all drainage facilities within the limits of the right-of-way and State drainage easements. This does not relieve the City of its responsibility for drainage of the highway facility within its corporate limits.

City's Responsibilities (Controlled Access)

1. Prohibit, by ordinance or resolution and through enforcement, all parking on frontage roads except when parallel parking on one side is approved by the State in writing. Prohibit all parking on main lanes and ramps and at such other places where such restriction is necessary for satisfactory operation of traffic, by passing and enforcing ordinances/resolutions and taking other appropriate action in addition to full compliance with current laws on parking.
2. When considered necessary and desirable by both the City and the State, the City shall pass and enforce an ordinance/resolution providing for one-way traffic on the frontage roads except as may be otherwise agreed to by separate agreements with the State.
3. Secure or cause to be secured the approval of the State before any utility installation, repair, removal or adjustment is undertaken, crossing over or under the highway facility or entering the right-of-way. In the event of an emergency, it being evident that immediate action is necessary for protection of the public and to minimize property damage and loss of investment, the City, without the necessity of approval by the State, may at its own responsibility and risk make necessary emergency utility repairs, notifying the State of this action as soon as practical.
4. Pass necessary ordinances/resolutions and retain its responsibility for enforcing the control of access to the expressway/freeway facility.
5. Install and maintain all parking restriction signs, pedestrian crosswalks (except as mentioned above in paragraph 5 under "State's Responsibilities") and parking stripes when agreed to by the State in writing. Signing and marking of intersecting city streets to State highways shall be the full responsibility of the City (except as discussed under "General Conditions" in paragraph 5).

TERMINATION

All obligations of the State created herein to maintain and operate the State highways covered by this agreement shall terminate if and when such highways cease to be officially on the State highway system; and further, should either party fail to properly fulfill its obligations as herein outlined, the other party may terminate this agreement upon 30 days written notice. Upon termination, all maintenance and operation duties on non-controlled access State highways shall revert to City responsibilities, in accordance with Chapter 311 of the Texas Transportation Code. The State shall retain all maintenance responsibilities on controlled access State highways in accordance with the provisions of Chapter 203 of the Texas Transportation Code and 23 United States Code Section 116.

Said State assumption of maintenance and operations shall be effective the date of execution of this agreement by the Texas Department of Transportation.

IN WITNESS WHEREOF, the parties have hereunto affixed their signatures, the City of Daingerfield
on the 22nd day of April, 2013, and the Texas Department of Transportation, on the 14th day
of May, 2013.

ATTEST:

Glade Edmon

CITY OF Daingerfield

BY City Secretary
(Title of Signing Official)

THE STATE OF TEXAS

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

BY *Robert H. Kelly*
(District Engineer)

Atlanta District - ATL - 19 District

The Texas Department of Transportation maintains the information collected through this form. With few exceptions, you are entitled on request to be informed about the information that we collect about you. Under Sections 552.021 and 552.023 of the Government Code, you also are entitled to receive and review this information. Under Section 559.004 of the Government Code, you are also entitled to have us correct information about you that is incorrect. For more information, call 512/416-3048.

NOTE: To be executed in duplicate and supported by Municipal Maintenance Ordinance/Resolution and City Secretary Certificate.

RESOLUTION NO. 042213

Form 1017
Resolution
September 1996

A RESOLUTION APPROVING THE AGREEMENT DATED APRIL 22, 2013 BETWEEN THE
STATE OF TEXAS AND THE CITY OF DAINGERFIELD FOR
THE MAINTENANCE CONTROL SUPERVISION AND REGULATION OF CERTAIN STATE HIGHWAYS AND/OR
PORTIONS OF STATE HIGHWAYS IN THE CITY OF DAINGERFIELD
AND PROVIDING FOR THE EXECUTION OF SAID AGREEMENT; AND DECLARING AN EMERGENCY.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DAINGERFIELD

SECTION 1 That the certain agreement dated APRIL 22, 2013 between the State of Texas and the
City of DAINGERFIELD for the maintenance control supervision and regulation of
certain State Highways and/or portions of State Highways in the City of DAINGERFIELD
be and the same is hereby approved and that _____ is hereby
authorized to execute said agreement on behalf of the City of DAINGERFIELD and to
transmit the same to the State of Texas for appropriate action.

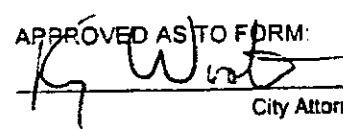
PASSED April 22, 2013

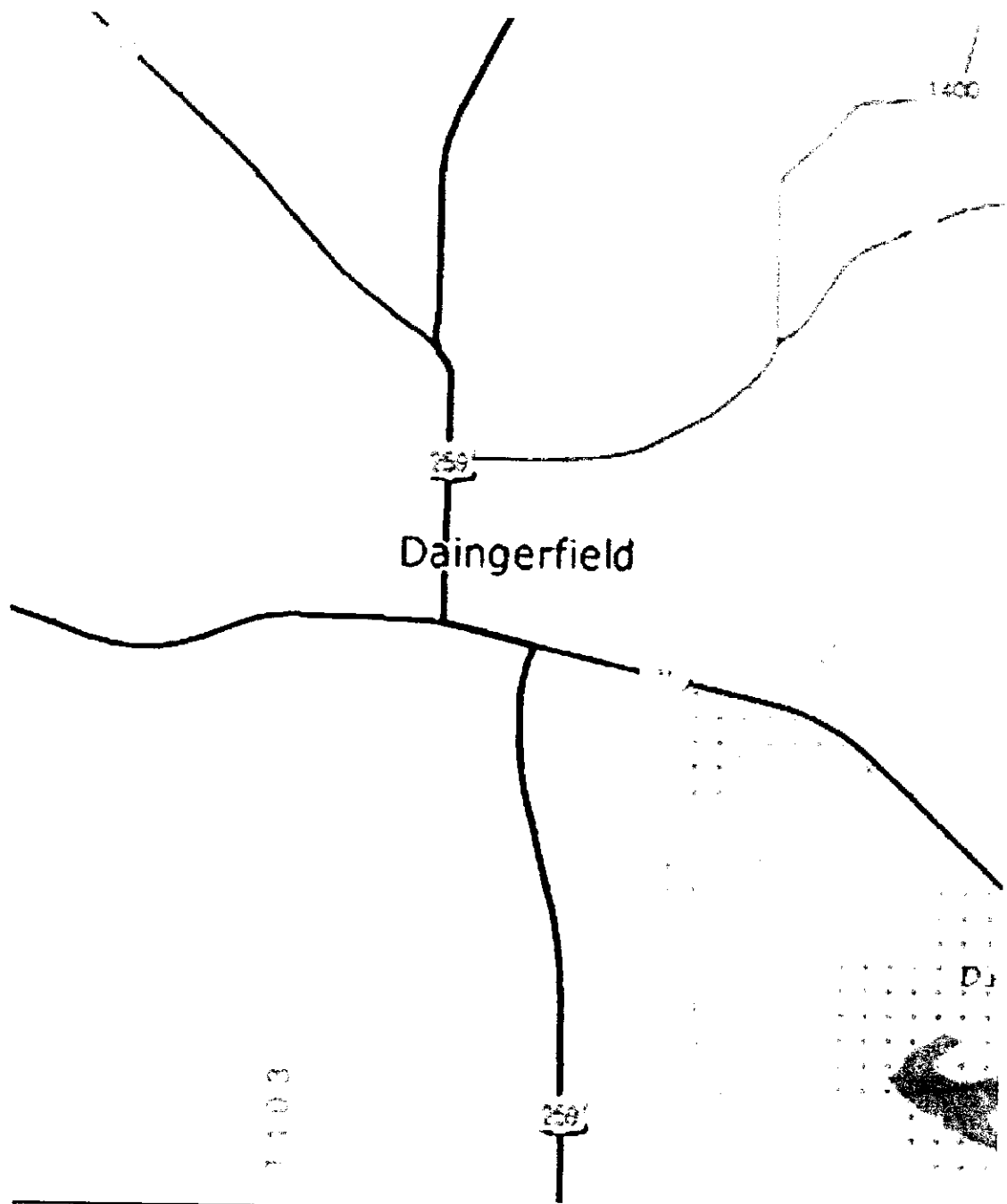
APPROVED April 22, 2013


Mayor

ATTEST 
Secretary

City of Daingerfield
Clerk

APPROVED AS TO FORM:

City Attorney



City of Daingerfield
Exhibit A



MMA Changes

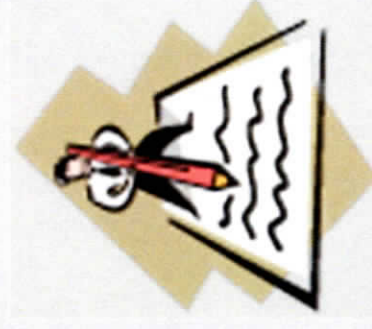
State and City Requirements

August 31, 2023

Overview

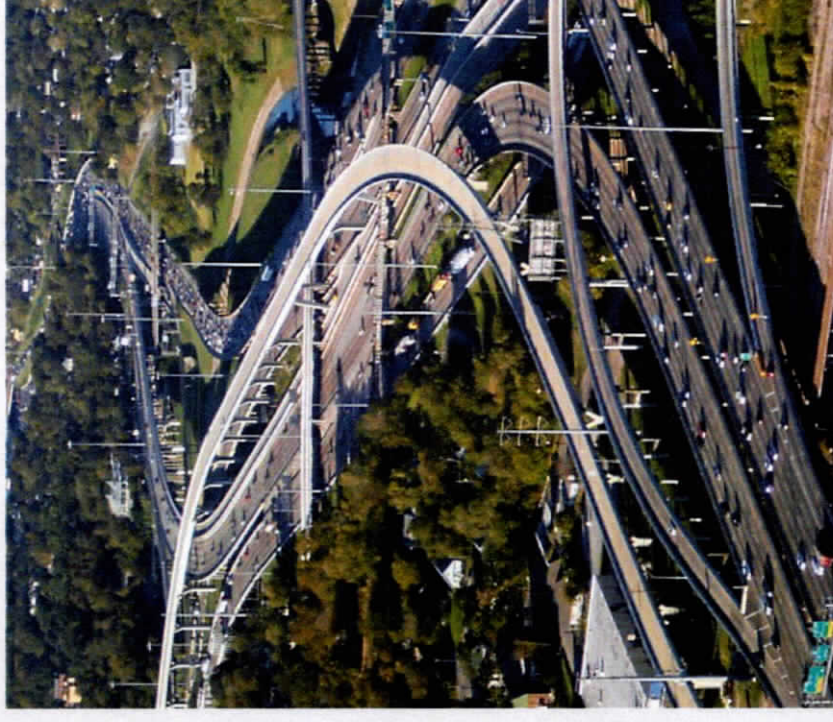


- Recently there have been some updates to the Municipal Maintenance Agreement
- Changes to City and State responsibilities for Controlled and Non-Controlled Access roadways
- Both parties should periodically check in to reflect changes to State Highway System



General Conditions

- Updated agreement includes specific code numbers for traffic regulations, signs, signals, and pavement markings
- Adds information and clarity for lighting projects, permitted landscaping, sidewalks, and other accessibility related items
- Includes new sections on mailbox supports and markings, roadside barriers, and structural support at bridges, culverts, drainage pipes, embankments, and retaining walls
 - All of which are State responsibility



General Conditions: Drainage Requirements

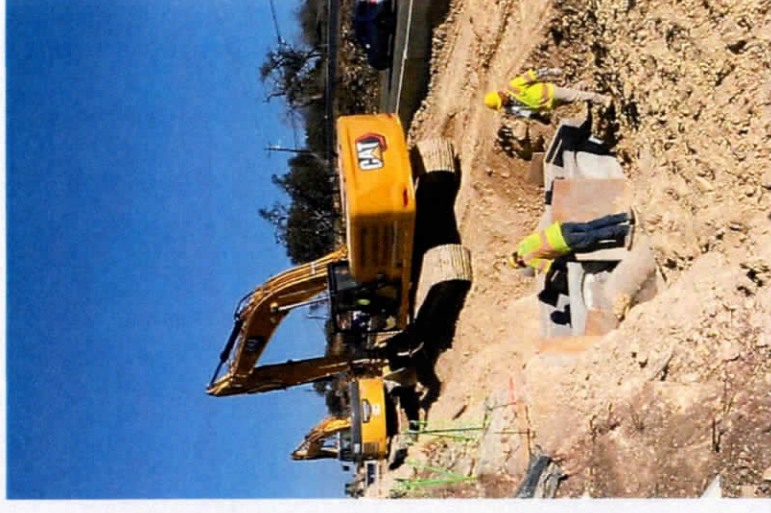


State Requirements

- Responsible for structural maintenance and repair of drainage facilities within the ROW and State drainage easements

City Requirements

- Responsible for regular cleanups and litter control to ensure that drainage facilities are clear
- City still responsible for structural repair and maintenance outside of the ROW but within its corporate limits



General Conditions: ADA Items and Sidewalks



- New construction of sidewalks or other accessibility-related items by either Party should comply with current ADA standards
- **State** is responsible for structural maintenance and repair of these items
- **City** is responsible for the maintenance of these accessibility-related items, including keeping them clear of debris and vegetation



Non-Controlled Access

City Responsibility

August 31, 2023

Non-Controlled Access – City Responsibility



- City responsible for parking restrictions, crosswalks, signage and marking of intersecting streets, privately owned utilities, pavement sweeping, mowing and litter cleanup, ice control, and more
 - Mostly remains unchanged from original agreement, just adds clarity
- Specifies that the City's is still **responsible** for cleanup and litter control of drainage facilities **outside** of the right of way



Non-Controlled Access

State Responsibility

Non-Controlled Access – State Responsibility

- Provides clarity that State is responsibilities for school safety devices and installation and operation of traffic signals in cities of less than 50,000 people
- Otherwise, **almost identical** to old agreement
 - Responsible for maintaining the travel surface and shoulders
 - Assist in mowing, sweeping, and ice control when requested by the City and if State resources are available



Controlled Access

City Responsibility

August 31, 2023

Controlled Access – City Responsibility



- The City is responsible for cleaning and sweeping any pavement that is not the traveled surface or shoulders, **including** underneath grade separated structures
- The City is responsible for mowing and picking up any litter between the ROW line and outermost curb or crown line of the frontage roads, including around drainage facilities
- The City is responsible for **everything not explicitly defined** as that of the State
 - Everything else remains the same as old agreement



Controlled Access

State Responsibility

Controlled Access – State Responsibility



- Mowing and litter cleanup and snow and ice control in the Right of Way are responsibility of the State
 - **Can assist** with these same items between ROW line and frontage roads and on grade separated structures “on the City’s request and if State resourced are available”
- Sweeping, installing school safety devices, and maintenance of drainage facilities **remain State responsibility** within ROW along traveled surface and shoulders



Conclusion



- Updated MMA document provides clarity on responsibility in an easier to read format
- Remains largely the same, with the State retaining responsibility along its Right of Way and the City retaining responsibility elsewhere



RESOLUTION NO. 09112023

A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF DAINGERFIELD, TEXAS, APPROVING THE AGREEMENT BETWEEN THE STATE OF TEXAS AND THE CITY OF DAINGERFIELD, FOR THE MAINTENANCE, CONTROL, SUPERVISION AND REGULATION OF CERTAIN STATE HIGHWAYS AND/OR PORTIONS OF STATE HIGHWAYS IN THE CITY OF DAINGERFIELD AND PROVIDING FOR THE EXECUTION OF SAID AGREEMENT, PROVIDING FOR OPEN MEETINGS, AND EFFECTIVE DATE CLAUSES.

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

Section 1. Findings. That the certain agreement dated September 11, 2023, between the State of Texas and the City of Daingerfield for the maintenance, control, supervision and regulation of certain State Highways and /or portions of State Highways in the City of Daingerfield be and the same is, hereby approved; and that the City Manager is hereby authorized to execute said agreement on behalf of the City of Daingerfield and to transmit the same to the Sate of Texas for appropriate action.

Section 2. Effective Date. This Resolution shall become effective from and after the date of its passage in accordance with the Transportation Code and the City Charter.

Section 3. Open Meetings. That the City Council has found and determined that the meeting at which this Resolution is considered is open to the public and that notice thereof was given in accordance with the provisions of the Texas Open Meetings Act, Texas Government Code, Chapter 551, as amended, and that a quorum of the City Council was present.

RESOLUTION PASSED AND APPROVED on this the 11th day of September 2023.

ATTEST:

CITY OF DAINGERFIELD, TEXAS

Michelle Jones, City Secretary

Wade Kerley, Mayor
City of Daingerfield, Texas

Daingerfield Animal Shelter Statistics - August 2023

Pet's Name	Intake Date	Species	Gender	Breed	Age On Intake	Disposition	Disposition Date	Notes
Kaya	10/12/2018	Dog	Female	Pit Bull Mix	6 Months	N/A	N/A	
Betty	8/14/2019	Dog	Female	Pit Bull Mix	1 Year	N/A	N/A	
Remus	4/22/2022	Dog	Male	Mixed Breed	1 Year	N/A	N/A	
Violet	4/28/2022	Cat	Female	DSH (Black & White)	1 Year	N/A	N/A	
Cornbread	11/23/2022	Dog	Male	Mixed Breed	3 Years	N/A	N/A	
Alfie	2/7/2023	Dog	Male	Mixed Breed	3 Months	Euthanized	8/7/2023	Due to space
Unity	4/13/2023	Dog	Female	Mixed Breed	10 Months	N/A	N/A	
Tisha	5/17/2023	Dog	Female	Pointer Mix	2 Years	Adopted	8/7/2023	
Soos	6/1/2023	Cat	Female	DSH (Grey Tabby & White)	8 Weeks	Adopted	7/19/2023	Returned Adoption (7/26/2023)
Bogie	6/2/2023	Dog	Male	Pit Bull/Lab Mix	8 Months	N/A	N/A	Police Call
Clara	6/12/2023	Dog	Female	Mixed Breed	2 Years	Euthanized	8/7/2023	Due to space
Cedar	6/16/2023	Dog	Male	Mixed Breed	8 Weeks	N/A	N/A	
Buster	6/23/2023	Dog	Male	Mixed Breed	6 Weeks	Adopted	8/11/2023	
Huckleberry	7/6/2023	Dog	Male	Retriever Mix	4 Years	N/A	N/A	
Luke	7/14/2023	Dog	Male	Pit Bull Mix	2 Years	N/A	N/A	
Lorelai	7/17/2023	Dog	Female	Pit Bull Mix	1 Year	Rescued	8/7/2023	ATASNP
Shuri	7/18/2023	Dog	Female	Mixed Breed	1 Year	N/A	N/A	
Freckles	7/31/2023	Dog	Male	Heeler Mix	1 Year	N/A	N/A	
Shep	7/31/2023	Dog	Male	Shepherd Mix	5 Months	N/A	N/A	
Gemma	8/1/2023	Dog	Female	Mixed Breed	1 Year	Reclaimed	8/14/2023	
Nylah	8/7/2023	Dog	Female	Mixed Breed	9 Months	N/A	N/A	
Waffles	8/7/2023	Dog	Male	Pit Bull Mix	2 Years	N/A	N/A	
N/A	8/7/2023	Cat	Male	DSH (Buff Tabby)	1 Year	Relocated	8/7/2023	
Cyrus	8/9/2023	Cat	Male	DSH (Grey Tabby & White)	4 Months	N/A	N/A	
Bellatrix	8/11/2023	Cat	Female	DSH (Grey)	4 Weeks	N/A	N/A	
Tisha	8/22/2023	Dog	Female	Pointer Mix	2 Years	Reclaimed	8/22/2023	
Vader	8/23/2023	Cat	Male	DSH (Black & White)	5 Months	N/A	N/A	

Daingerfield Animal Shelter Statistics - August 2023

Species	Stray	Owner Surrender	Born At Shelter	Total Intake	Adopted	Rescued	Reclaimed	Euthanized	Relocated	Expired	Total Outcome	Total Left At Shelter	ACO Calls	Phone Calls	Event Visitors	Total Visitors
Cats	4	0	0	4	1	0	0	0	1	0	2	5	16	19		
Dogs	4	0	0	4	2	1	2	2	0	0	7	14	32	55		
Other	0	0	0	0	0	0	0	0	0	0	0	0	11	25	4	43

TRACEY CLIMER
CHIEF OF POLICE



DEANNA HARRISON
ADMINISTRATIVE ASSISTANT

Daingerfield Police Department
101 LINDA DRIVE • DAINGERFIELD, TX 75638

AUGUST 2023

CODE

- High Grass 9
- Garbage/Clutter 1
- Junk Vehicle 1
- Tethering 0
- Animal Nuisance 0
- Too many animals 0
- Citations issued 2

Total Corrected: 10

CALLS OF SERVICE: 193

NUMBER OF TRAFFIC CONTACTS: 34

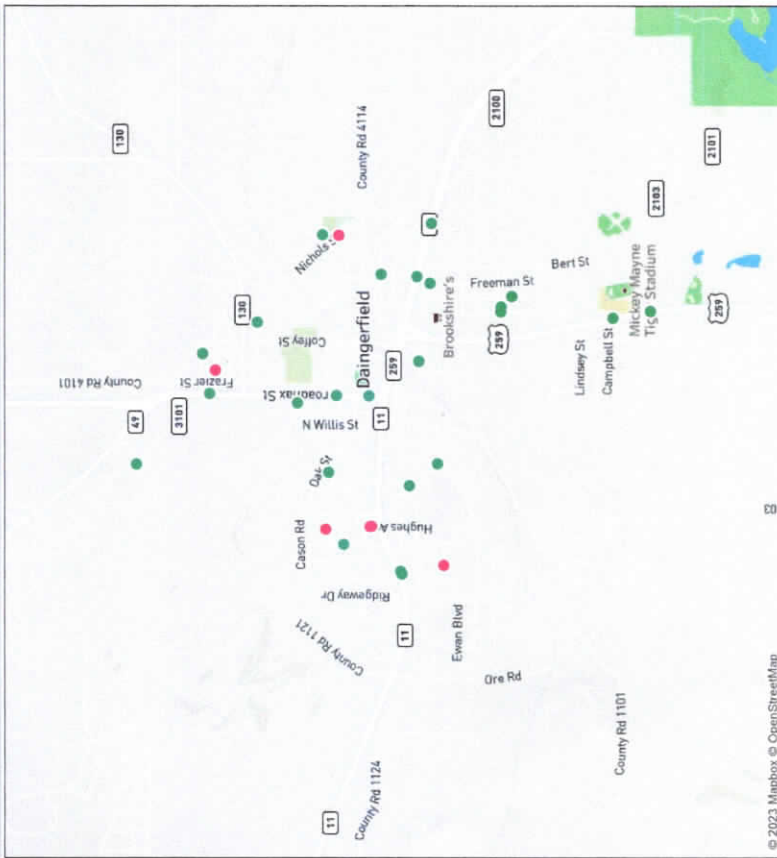
CRASH INVESTIGATIONS: 7

ARREST: 24

OFFICE: (903) 645-2114 • DISPATCH: (903) 645-2232 • FAX: (903) 645-3263

LifeNet Data - Last Month

Map - 1-Emergency-Life Threat & 2-Emergency-Non Life Threat



© 2023 Mapbox © OpenStreetMap

Late Run
■ Late
■ On Time

Contract Zone
 Dangerfield

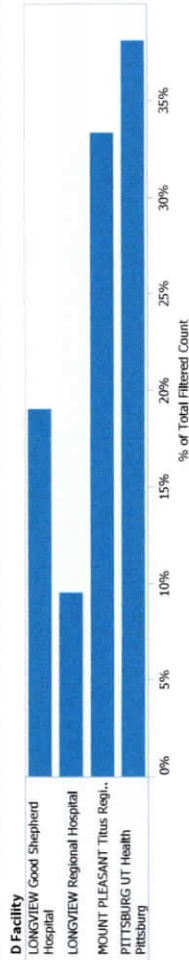
Date Period
 8/1/2023 to 8/31/2023

Nature of Calls - 1-Emergency-Life Threat & 2-Emergency-Non Life Threat	
Breathing Problems 18.182%	Fall(s) 18.182%
Sick Person 9.091%	Chest Pain 9.091%
	Unknown Problem 9.091%

Response Time Info - 1-Emergency-Life Threat & 2-Emergency-Non Life Threat

Response Zone (group)	Response Profile	Call Outcome (group)	Late	Runs	Pct%	Avg. Resp Time (sec)
Dangerfield	Emergency (539 secs)	Arrival-DOA per other, Arrival-...	1	19	94.7%	358.9
		Lift Assist Only	0	1	100.0%	0.0
		Mutual Aid Used	0	1	100.0%	484.0
		PI Transported	5	22	77.3%	478.6
Grand Total		Total	6	43	86.0%	413.4

Destinations -1-Emergency-Life Threat & 2-Emergency-Non Life Threat



Daingerfield Fire Department

August 2023

Structure Fire	2		
False Alarm	1		
Grass/Woods Fire	10		
Vehicle Collision/Crash	5		
1 st Responder/assist EMS	4		
Set up landing zone	4		
Utility Line down/arcng	2		
	Total	28	YTD 139
Responses inside City	18	YTD 76	
Outside City	10	YTD 63	
Estimated Water usage:	8,000 Gallons		

August 2023

Detailed Breakdown	
Audio Books	0
Computer	130
DVDs	19
Games & Puzzles	0
Board Books	0
Graphic Novels	20
Spanish	1
Children Fiction	46
Children NonFiction	9
Junior Fiction	54
Junior NonFiction	0
Young Adult Fiction	14
Adult Fiction	150
Adult Non Fiction	12
Christian Fiction	2
Western	0
Total	457
YTD Total	3531

Basic Breakdown	
Audiobooks	0
Computer	130
DVDs	19
Games & Puzzles	0
Books	308
Total	457
YTD Total	3531

Totals	
Fax	\$41.00
Copies	\$198.75
Book Donations	\$21.52
Fines Paid	\$0.00

Checkout Counts (includes renewals)	
Patron Category	Count
Adult	378
Juvenile	43
Teens	1
Total	422

New Patron Accounts	
Patron Category	Count
Adult	7
Juvenile	3
Teens	1
Renewal	10
Total	21

Total Visitors This Month: 465			
Attendance of Activities:			
Birth to 5yrs	6-11 yrs	12-18 yrs	Adult
19	28	0	0
			General Public
			19

Monthly Council Report

August 2023

Printed: 9/1/2023

Cases Filed

Penal Count	6	Ordinance Count	2
Traffic Count	13	Parking Count	0
Other Count	1	STEP Count	0
Total Filed		22	

Amounts Collected

Tech Fund	\$ 38.16	Building Security Fund	\$ 44.42
State	\$ 925.67	Fine	\$ 671.10
City	\$ 518.98	Warrant Fee	\$ 72.63
Total Amount		\$ 2,198.33	

Warrants

Issued	20	Recalled	2
Served	2	Outstanding Amount	\$ 351,092.68
Total Amount		\$ 1,517.60	

Dispositions

Paid in Full	2	Credit for Time Served	7
Paid Partial	10	Dismissed	5
Appealed	0	Total Disposed	14

Trials

Jury	0	Total	0
Bench	0		



Citation Offense Count By Stop Type

Number of NON-TRAFFIC Offenses (for *ALL*)		8
Number of CITATIONS		8
Assault Family Violence (9999)		3
Public Intoxication 1st Offense (7005)		1
Theft under100.00 First Offense (7012)		1
Disorderly Conduct (7002)		1
Unsanitary Conditions (202)		1
Burn Ban Violation (206)		1

Number of TRAFFIC Offenses (for *ALL*)		16
Number of CITATIONS		16
Speeding 15+ (6015 - 3001)		6
No Drivers License (3103 - 3103)		4
Fail to Maintain Financial Responsibility (3049)		2
Assault, No Injury, 1st Offense (7004)		1
Speeding 11-15 (6011 - 3001)		1
Allow Unlicense Driver to Drive-Guardian (9001 - 3364)		1
Fail To Yield ROW-Stop Sign (3052)		1

**Water Accountability
Report Period
JULY 10th - AUGUST 10th
2023**

Location	
City Hall/Police Department	3,100
Library	1,100
Fire Department	400
Public Works	1,200
Wastewater Treatment Plant	448,900
Roundabout/Coffey St.	11,900
City Park (sprinkler)	-
Animal Shelter	1,200
Total City Usage	467,800
Total Gallons Billed	7,485,100
Fire Fighting Gallons estimate	8,000
Line Flushing estimate	2,539,705
Leaks estimate 7 /10 - 8/10	75,300
Bulk Water - 7/10 - 8/10	-
	-
	-
	-
Total Gallons Used	10,575,905
Total Gallons Delivered	12,325,700
Difference	1,749,795
Percentage Unaccounted	14%

PUBLIC WORKS REPORT
Report Period August 1st – 31st , 2023

Personnel

- Number 6 full time employees end of August.
- Comments _____

Streets

- Patching Repaired potholes on Greenwood St, Park Ln, Peak St, Carpenter St, Center St, Wildwood Rd, S. Willis St, Scurry St, Freeman St, and Nancy St.
- Signage _____
- Mowing Mowed the easement area in front of McDonalds, along Hwy 259 and South Lift Station, Wastewater Treatment Plant, Union Pumpstation, Fire station, and City Park. Bushhogged right of way down parts of Hwy 11 and Hwy 259
- Tree Trimming Versa boomed down Peak St, Short St, Freeman St, Toby St, Nix St, Campbell St, Cotton St, Jenkins @ State St. Trimmed trees sticking out in the road by Post Office.
- Drainage Repaired washout around culvert at 819 Webb St.
- Miscellaneous _____

Water

- Leak repairs
 - Service lines 1 service line repair 840 Webb St

- Main lines 2" main repair 306 State St. 6" that T's to a 2" repair near 1105 Bert St.

• Connections	<u>45</u>
• Disconnections	<u>52</u>
• Meter reading start/end	<u>8/10/23</u>
• Total meters read	<u>1251</u>
• Total customers billed	<u>1062</u>
• Re-reads	<u>9</u>
• Meters Replaced	<u>3</u>
• Pressure checks	<u>1</u>
• Taps installed	<u>1</u>
• Lines Flushed	<u>19</u>
• Fire Hydrants	
○ Repaired	<u>0</u>
○ Replaced	<u>0</u>
○ Flushed	<u>19</u>

City Departmental Usage

- (See Attached Listing)

Wastewater Treatment Plant

- Chlorine usage 431 lbs
- Maintenance/Repairs Replace belt on aerator. Completed Daily logs. Collected composite and pH and DO samples weekly.

- Non-Compliance **No non-compliance.**
- Explanation **N/A**
- Waste Water Treated
 - Beginning reading **931570**
 - Ending reading **936230**
 - Total treated **4.658 MGD – Avg .150 MGD**
 - Rainfall **0"**
 - Sludge Removal **15,000 gallons**

Lift Station

- Maintenance **Daily checks to ensure all pumps are running.**
- Repairs **Replaced pump #2 South Lift Station.**

Sewer

- Number Calls **12**
- Sewer Repairs **0**
- Taps installed **0**

Miscellaneous Matters

 Delivered 8 Trash Carts

CASH BALANCE SHEET

TX HERITAGE Bank/NETCU/TexSTAR

ACCOUNT NAME	BALANCE	RECEIPTS	DISBURSE	TOTALS
Consolidated - THB	\$ 599,581.12	\$ 244,702.54	\$ 356,984.43	\$ 487,299.23
TCDP Grant	\$ 202.09	\$ -	\$ -	\$ 202.09
RBEG LOAN FUND	\$ 195,057.56	\$ 4,805.10		\$ 199,862.66
MCBS CHECKING	\$ 19,089.48	\$ 12.16		\$ 19,101.64
MCTF CHECKING	\$ 7,306.50	\$ 3.10		\$ 7,309.60
DDM CHECKING	\$ 2,055.93	\$ 0.87	\$ -	\$ 2,056.80
CHILD SAFETY-SZ	\$ 12,506.20	\$ 7.97	\$ -	\$ 12,514.17
ANIMAL SHELTER	\$ 35,390.51	\$ 30.06		\$ 35,420.57
HOTEL/MOTEL CHCK	\$ 83,119.44	\$ 105.89	\$ -	\$ 83,225.33
PEG FEES SUDDNL	\$ 4,588.51	\$ 1.95	\$ -	\$ 4,590.46
LOCAL TRUANCY PREVENTION	\$ 759.84			\$ 759.84
CYPRESS CD 02-1059	\$ 127,363.46	\$ -		\$ 127,363.46
4.50% 2/8/2024				
CYPRESS CD 02-1060	\$ 127,405.02		\$ -	\$ 127,405.02
4.60% 8/8/2024				
CYPRESS CD 02-1061	\$ 127,259.58		\$ -	\$ 127,259.58
4.25% 2/8/2025				
CYPRESS CD 01-1037	\$ 127,259.58		\$ -	\$ 127,259.58
4.25% 2/8/2025				
CYPRESS CD 01-1040	\$ 252,500.00		\$ -	\$ 252,500.00
5.00% 4/19/2024				
CYPRESS CD 01-1041	\$ 252,432.88		\$ -	\$ 252,432.88
4.80% 10/18/2024				
CYPRESS CD 02-1062	\$ 252,534.25		\$ -	\$ 252,534.25
5.00% 04/19/2024				
CYPRESS CD 02-1063	\$ 252,432.88		\$ -	\$ 252,432.88
4.80% 10/18/2024				
TX HERITAGE 02-1036	\$ 55,618.89	\$ 212.57	\$ -	\$ 55,831.46
4.5% 6/9/24				
TX HERITAGE 02-1034	\$ 60,675.14	\$ 231.90	\$ -	\$ 60,907.04
4.5% 6/9/24				
TexSTAR-01-1080	\$ 493,521.82	\$ 2,220.43	\$ -	\$ 495,742.25
YIELD- 5.06%				
TexSTAR-02-1080	\$ 369,289.45	\$ 1,661.53		\$ 370,950.98
YIELD- 5.06%				
TX HRTG C.O.B. # 2941	\$ 100.00	\$ -	\$ -	\$ 100.00
TX HRTG C.O.B. # 2968	\$ 100.00	\$ 21,450.00		\$ 21,550.00
TX HRTG C.O.B. # 2984	\$ 100.00			\$ 100.00
TX HRTG C.O.B. # 2976	\$ 100.00	\$ -	\$ -	\$ 100.00
GRAND TOTAL	\$ 3,458,350.13	\$ 275,446.07	\$ 356,984.43	\$ 3,376,811.77

** Note- ARPA FUNDS ARE IN CONSOLIDATED ACCOUNT- \$256,842.21



Monthly Financial Summary Report AUGUST 2023

This monthly financial report is for the period ending **AUG 31, 2023**, as closed by the Finance department. This represents **11** months into the fiscal year's budget.

Budget Changes or Amendments: Please see attached budget amendment for emergency AC work at City Hall.

General Fund YTD Revenues: \$1,899,247.11

Water & Sewer YTD Revenues: \$1,076,171.78

TOTAL YTD REVENUE: \$2,975,418.89

As of Aug, revenues should be tracking around **91.63%** of the annual budget. Actual YTD revenues are at **78.28%**

General Fund YTD Expenditures : \$1,954,093.46

Water & Sewer YTD Expenditures: \$1,256,763.52

TOTAL YTD EXPENDITURES: \$3,210,856.98

As of Aug, expenses should also be tracking around **91.63%**. Actual YTD expenses are at **84.44%**

Our general fund balance as of 8/31/23: \$487,299.23

This includes American Rescue Plan funds of \$256,842.21

NOTES:

REVENUE ACTUAL vs. BUDGET YTD 31-Aug-23 2022-2023

REVENUE ACTUAL vs. BUDGET YTD 31-Aug-23 2022-2023

REVENUE ACTUAL vs. BUDGET YTD 31-Aug-23 2022-2023

G/L Code	Account	YTD Actual	Budget	Remaining \$	Remaining %
1	General Revenue	\$1,899,247.11	\$2,360,481.00	\$461,233.89	19.54%
2	Water/Sewer	\$1,076,171.78	\$1,441,428.00	\$365,256.22	25.34%
Total		\$2,975,418.89	\$3,801,909.00	\$826,490.11	21.72%

EXPENSES

ACTUAL vs. BUDGET YTD

30-Aug-23

2022-2023

G/L Code	Account Title	YTD Actual	Budget	Remaining \$	Remaining %
101	Legislative	\$27,722.74	\$26,743.00		0.00%
110	Administration	\$50,410.31	\$55,792.00		9.65%
111	General Office	\$43,728.77	\$48,822.00		10.43%
113	Finance	\$71,433.03	\$81,428.00		12.27%
120	Library	\$60,187.14	\$84,586.00		28.85%
201	Judicial	\$58,129.71	\$67,870.00		14.35%
202	Police Department	\$490,671.31	\$582,537.00		15.77%
203	Code Enforcement	\$23,289.38	\$21,399.00		0.00%
204	Fire Department	\$150,660.24	\$403,260.00		62.64%
205	Animal Shelter	\$126,533.30	\$136,110.00		7.04%
301	Streets	\$502,800.54	\$665,499.48		24.45%
401	Sanitation	\$345,098.07	\$357,251.00		3.40%
602	City Park	\$3,428.92	\$6,298.00		45.56%
601	Water	\$846,595.84	\$789,788.52		0.00%
608	Sewer	\$410,167.68	\$474,028.00		13.47%
Total		\$3,210,856.98	\$3,801,412.00	\$590,555.02	15.56%

RURAL BUSINESS ENTERPRISE GRANT
August 1, 2023

Name	LOAN DATE	Loan Matures	Loan Amount	Payment Amount	Delinquent	BALANCE
Richard Chapman	12/2/2011	12/1/2015	\$ 19,566.31	\$ 300.00		\$ 1,056.36 Paid \$300 on 10/9/22
Chris Smith	10/16/2015	11/25/2025	\$ 32,000.00	\$ 301.66		\$ 8,197.07
Beverly Miller & Kaden Miller	10/13/2017	11/1/2027	\$ 35,000.00	\$ 329.00		\$ 15,987.81
Chris Smith-TexSTAR Properties	1/1/2019	1/1/2029	\$ 75,000.00	\$ 708.00		\$ 43,499.09
Chris Smith-TexSTAR Properties #2	7/27/2021	7/27/2031	\$ 76,884.00	\$ 725.00		\$ 63,003.40 **PAID BY GEORGIA NAVA
Austin Luxury Realty	10/15/2021	10/15/2031	\$ 43,000.00	\$ 405.00		\$ 35,815.45
Morris Pharmacy Sean Family Realty	2/15/2022	2/15/2032	\$ 80,000.00	\$ 755.99		\$ 67,802.29
Marty Walker Realty	8/24/2022	8/24/2032	\$ 75,000.00	\$ 707.02		\$ 68,878.03
Start2Finish	12/1/2022	12/1/2027	\$ 35,000.00	\$ 621.16		\$ 30,581.93
			\$ 471,450.31			\$ 334,821.43

RBEG Balance as of 8/31/2023 \$199,862.66

**CITY OF DAINGERFEILD
SALES TAX**

	2022-2023	2021 - 2022	2020 - 2021	2019 - 2020	2018 - 2019	2017 - 2018	2016 - 2017	2015-2016	2014-2015
OCT	\$ 48,112.35	\$ 51,443.59	\$ 41,142.45	\$ 34,761.49	\$ 35,300.59	\$ 36,337.88	\$ 35,441.70	\$ 31,704.23	\$ 29,975.70
NOV	\$ 45,806.14	\$ 46,197.98	\$ 35,612.60	\$ 31,359.30	\$ 33,270.36	\$ 33,577.76	\$ 39,876.78	\$ 33,968.53	\$ 39,130.38
DEC	\$ 50,182.69	\$ 42,117.81	\$ 37,318.54	\$ 34,762.48	\$ 34,702.95	\$ 36,175.21	\$ 35,973.52	\$ 34,089.97	\$ 32,791.01
JAN	\$ 66,134.84	\$ 66,649.73	\$ 48,088.61	\$ 42,764.34	\$ 39,807.70	\$ 37,709.62	\$ 34,861.36	\$ 31,676.77	\$ 32,230.22
FEB	\$ 52,483.27	\$ 47,851.50	\$ 39,490.77	\$ 34,291.95	\$ 31,283.74	\$ 35,127.25	\$ 46,094.85	\$ 64,074.18	\$ 45,917.05
MAR	\$ 48,145.56	\$ 41,993.69	\$ 36,435.54	\$ 31,536.80	\$ 34,701.53	\$ 31,673.08	\$ 34,438.07	\$ 27,272.25	\$ 30,383.44
APRIL	\$ 57,440.64	\$ 63,486.11	\$ 53,557.35	\$ 41,293.43	\$ 35,680.32	\$ 39,677.01	\$ 31,459.64	\$ 34,548.22	\$ 30,129.50
MAY	\$ 57,699.79	\$ 44,380.90	\$ 48,081.93	\$ 44,606.19	\$ 34,907.70	\$ 32,406.71	\$ 41,223.85	\$ 56,468.45	\$ 39,771.67
JUNE	\$ 44,148.01	\$ 44,395.41	\$ 44,089.79	\$ 39,446.15	\$ 33,957.00	\$ 36,456.88	\$ 34,687.58	\$ 31,820.67	\$ 35,933.95
JULY	\$ 63,081.26	\$ 53,757.11	\$ 50,913.19	\$ 46,885.21	\$ 40,559.24	\$ 37,165.13	\$ 37,155.79	\$ 36,660.64	\$ 31,903.30
AUG		\$ 50,099.53	\$ 45,473.20	\$ 45,864.91	\$ 40,854.16	\$ 31,930.61	\$ 41,511.29	\$ 50,345.73	\$ 41,905.38
SEPT.	\$ 47,786.30	\$ 47,786.30	\$ 43,148.35	\$ 36,962.28	\$ 31,329.20	\$ 31,432.68	\$ 32,602.90	\$ 39,033.77	\$ 32,054.50
	\$ 533,234.55	\$ 600,159.66	\$ 523,352.32	\$ 464,534.53	\$ 426,354.49	\$ 419,669.82	\$ 445,327.33	\$ 471,663.41	\$ 422,126.10



City Secretary's Report

In August I attended the Legislative Update training held in Georgetown and would like to give a brief overview of changes that will affect the City of Daingerfield. I will be bringing policies and/or ordinances for review or amendment in the coming months to comply with new legislation.

During this legislative session.

- 8,344 Bills and Joint Resolutions filed.
 - 1,880 Bills and Joint Resolutions Aimed at City services.
- 1,258 Bills Passed
 - 230 Bills Aimed at City services passed (18.3%)
 - 44 Election Bills became law.
- 13 constitution amendments for the November 2023 ballot

Just to highlight a few that will be brought before you in the coming months:

- **SB1893-TikTok Ban**-Requires a city to adopt a policy prohibiting the installation or use and requiring the removal of TikTok or any successor application, on any city-owned or leased electronic device, subject to certain exceptions for law enforcement.
- **HB1922-Reauthorization of Building Permit Fees**-abolishes a city fee charged as a condition to constructing, renovating, or remodeling a structure on the 10th anniversary after the date the fee is adopted or most recently reauthorized unless the governing body of the city holds a public hearing and reauthorizes the fee by a vote of the governing body.*(Failure to do this means our fees are void)*
- **HB2127-Preemption**-Expressly preempts certain home rule city regulations, such as: regulations relating to employment leave, hiring practices, breaks, employment benefits etc; Regulations involving the breeding, care, treatment, or sale of animals or animal products if person holds a license for the business issued by state or federal government, regulations of evictions or delivery of notice to vacate prior to an eviction. *(This bill is rather large and will need to be continued to be monitored for change relevant to our City)*

These are just a few of the many new laws that have been enacted during this session. I will remain vigilant and provide essential updates as they become necessary and available.

City of Daingerfield

101 LINDA DRIVE • DAINGERFIELD, TEXAS 75638 • (903) 645-3906 • FAX (903) 645-5488

Minutes of Regular Meeting
Northeast Texas Municipal Water District
Board of Directors
July 24, 2023 – 10:00 a.m.

The Board of Directors of the Northeast Texas Municipal Water District met in an open meeting on Monday, July 24, 2023, at 10:00 A.M. The meeting was held at Northeast Texas Municipal Water District's Executive Office located at 4180 Farm Road 250, Hughes Springs, Texas 75656. Notice of the meeting was legally posted. A quorum was present. An opportunity was provided for public comments before any action was taken by the Board of Directors.

Present:	Jack Salmon, Jr.	-	Avinger
	Stan Wyatt	-	Daingerfield
	George Otstott	-	Jefferson
	Saundra Wexler	-	Lone Star
	Jimmy E. Cox	-	Ore City
	Patrick Smith	-	Pittsburg
Staff:	Wayne Owen	-	NETMWD
	Dominik Sobieraj	-	NETMWD
	Osiris Brantley	-	NETMWD
	Robert Speight	-	NETMWD
Virtual	Brian Sledge	-	General Counsel
Guest	David Simpson		

President George Otstott called the meeting to order at 10:00 a.m. Jack Salmon gave the invocation. Mr. Otstott led the directors in the pledge of allegiance to the United States flag. David Simpson made a public comment.

On a motion by Saundra Wexler and a second by Stan Wyatt, minutes of the June 26, 2023, meeting were approved. Motion carried, all voting aye.

George Otstott gave the oaths of office to returning director, Saundra Wexler. The oath of office was signed, notarized, and received by the district for filing.

A motion to approve the Director's Bonds in the amount of \$10,000 was made by Jimmy Cox. Jack Salmon seconded the motion. Motion carried, all voting aye.

Saundra Wexler made a motion to adopt a resolution calling for Director's compensation to remain at \$150 per day and decline the increased per diem authorized by the Texas Legislature. Jimmy Cox seconded the motion. Motion carried, all voting aye.

On a motion by Jimmy Cox and a second by Stan Wyatt, acceptance of the audit engagement letter with Arnold, Walker Arnold & Co., P.C. was approved. Motion carried, all voting aye.

Jack Salmon made a motion to approve the monthly investment report, approve financial reports on all current accounts and funds, approve the three-month review for LOPSS expenses and authorization to make adjusting entries for April, May, and June 2023, and pay invoices for professional services. Jimmy Cox seconded the motion. Motion carried, all voting aye.

An update to all job descriptions in the Employee Policy Manual was presented to the Board, along with allowing two employees in a division to take vacation at the same time by supervisor authorization, and the addition of the day after Thanksgiving as a paid holiday. Saundra Wexler made a motion to approve the proposed updates to the Employee Policy Manual. Stan Wyatt seconded the motion. Motion carried all voting aye.

Dominik Sobieraj presented the 2023-2024 Capital Improvement propositions. Stan Wyatt made a motion to approve the Capital Improvement Budget list. Jimmy Cox seconded the motion. Motion carried all voting aye. The NETMWD 2023-2024 budget was put on hold until the August 2023 Board meeting. Patrick Smith made a motion to release the draft budget to member cities. Jack Salmon seconded the motion. Motion carried, all voting aye.

Water Production Operations Report was made by Dominik Sobieraj:

Raw water quality is moderate. We had to go up on Alum dosage to counter water quality issues.
Current dosage range (70mg/l – 80mg/l)

PITTSBURG

- Generator is in place (official full start-up scheduled for July 5th)
 - Startup was successful.
- Working on chlorine/ammonia feed system (Capital Imp)
- Communicating with the City of Pittsburg about water quality issues
- New Utility Director Chad Pearson

TANNER

- Working on adjusting sludge dump plug valves
 - Installing gear boxes
 - Fabricating new pedestals
- Trenches have been filled – JW preparing to do final hook up of a new 480v line.
 - All south area of the sludge hill is now available for drying beds.
- Received 4 (60x200) sludge bags.
- Working on CIP list/Budget for FY 2023/2024
- Drained and cleaned basin #3 (all 4 basins are now good to go for summer run)
- The broken spool piece in the p-Trap has been replaced.

The District's General Counsel, Brian Sledge, in response to a public comment received and a recent newspaper article, noted that the manner in which the District provides notice of its meetings and the practices and procedures it utilizes in calling open or closed sessions of the Board are fully compliant with the Texas Open Meetings Act and consistent with the practices and procedures utilized by most other local governmental entities of which he is aware. Mr. Sledge noted that public transparency and compliance with open government laws are top priorities of the District, and that it was unfortunate that anything to the contrary would be portrayed to others. Mr. Sledge had nothing further to report concerning pertinent legal issues and developments impacting the District that had not already been shared with the Board.

On a motion by Patrick Smith, and a second by Sandra Wexler, the approval for the standard joint-funding agreement with USGS for the period of October 1, 2023, through September 30, 2024, was made. Motion carried all voting aye.

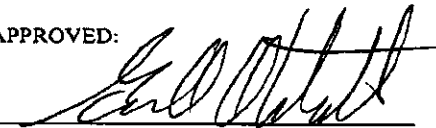
The 2023 Basin Highlights Report for the Cypress Creek Basin was postponed for the August 2023 Board meeting.

During the General Manager's report, Mr. Owen spoke about the experiences with six out of the seven member cities concerning the potential proposed rate increase.

On a motion by Sandra Wexler and a second by Stan Wyatt, the next meeting of the Board of Directors was set for August 28, 2023. Motion carried, all voting aye.

Motion to adjourn was made by Jack Salmon with a second from Jimmy Cox. Motion carried, all voting aye.

APPROVED:


George Otstott, President

ATTEST:

