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COUNCIL MINUTES – NOVEMBER 17, 2008

IN AN R-2 (MULTI-FAMILY RESIDENTIAL) DISTRICT AT 1002 SOUTH TRAVIS STREET, BEING LOT 18R OF THE REPLAT OF LOTS 18, 19, AND 20 OF M.B. MOORE'S ADDITION; PROVIDING FOR A REPEALER; PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED \$2,000.

No citizens appeared before the City Council to discuss Ordinance 5575.

Mayor Magers introduced Ordinance 5576 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280, SO AS TO GRANT A SPECIFIC USE PERMIT TO CENTER STREET CHURCH OF CHRIST (OWNERS), W.L. BELKNAP AND DAVID L. CORDER (REPRESENTATIVES), TO ALLOW A CHURCH IN AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT AT 1105 WEST CENTER STREET, BEING THE EAST 52.7 FEET OF LOT 4 AND LOTS 7-10, BLOCK 1 OF CHURCHILL PARK ADDITION; PROVIDING FOR A REPEALER; PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED \$2,000.

**ORD 5576
SUP FOR
CHURCH**

No citizens appeared before the City Council to discuss Ordinance 5576.

Mayor Magers introduced Ordinance 5577 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, PROVIDING FOR A PERMANENT "STOP" SIGN AT THE INTERSECTION OF DUPREE STREET AND WOODS STREET WITHIN THE CITY LIMITS OF THE CITY OF SHERMAN; PROVIDING FOR A PENALTY PROVISION; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

**ORD 5577
STOP SIGNS**

No citizens appeared before the City Council to discuss Ordinance 5577.

Mayor Magers introduced Ordinance 5578 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, PROVIDING FOR PERMANENT "YIELD" SIGNS AT THE INTERSECTION OF ALEXANDER STREET AND DUPREE STREET WITHIN THE CITY LIMITS OF THE CITY OF SHERMAN; PROVIDING FOR A PENALTY PROVISION; PROVIDING FOR A REPEALER; PROVIDING FOR SEVERABILITY.

**ORD 5578
YIELD SIGNS**

No citizens appeared before the City Council to discuss Ordinance 5578.

Mayor Magers introduced Ordinance 5579 and called for a public hearing:

ORD 5579
YIELD SIGNS

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, PROVIDING FOR PERMANENT “YIELD” SIGNS AT THE INTERSECTION OF DUPREE STREET AND CROCKETT STREET WITHIN THE CITY LIMITS OF THE CITY OF SHERMAN; PROVIDING FOR A PENALTY PROVISION; PROVIDING FOR A REPEALER; PROVIDING FOR SEVERABILITY.

No citizens appeared before the City Council to discuss Ordinance 5579.

The Ordinances were introduced and the Public Hearing was closed.

CLOSE PUBLIC
HEARING

ADOPTION OF ORDINANCES

Ordinance 5574

ORD 5574
ZONE CHANGE FOR
PATIO HOMES

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 12, ORDINANCE NO. 2280, SO AS TO INCLUDE CERTAIN PROPERTIES WITHIN THE R-1 (ONE FAMILY RESIDENTIAL) DISTRICT AT 1002 SOUTH TRAVIS STREET, BEING LOT 18R OF THE REPLAT OF LOTS 18, 19, AND 20 OF M.B. MOORE’S ADDITION (PAUL ANDREW HUGGINS, OWNER; CMA ARCHITECTURE, ARCHITECTS; AND MATTHIJS MELCHORS, REPRESENTATIVE); PROVIDING FOR A REPEALER.

Ordinance 5575

ORD 5575
SUP FOR
PATIO HOMES

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280, SO AS TO GRANT A SPECIFIC USE PERMIT TO PAUL ANDREW HUGGINS (OWNER), CMA ARCHITECTURE (ARCHITECTS), AND MATTHIJS MELCHORS (REPRESENTATIVE) TO ALLOW PATIO HOMES IN AN R-2 (MULTI-FAMILY RESIDENTIAL) DISTRICT AT 1002 SOUTH TRAVIS STREET, BEING LOT 18R OF THE REPLAT OF LOTS 18, 19, AND 20 OF M.B. MOORE’S ADDITION; PROVIDING FOR A REPEALER; PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED \$2,000.

Mayor Magers said the developer is “down zoning” the property from R-2 to R-1. He recognized the developer for working with the neighbors to bring a successful development to the neighborhood that will be a win-win for everyone.

Ordinance 5576

ORD 5576
SUP FOR
CHURCH

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280, SO AS TO GRANT A SPECIFIC USE PERMIT TO CENTER STREET CHURCH OF CHRIST (OWNERS), W.L. BELKNAP AND DAVID L. CORDER

(REPRESENTATIVES), TO ALLOW A CHURCH IN AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT AT 1105 WEST CENTER STREET, BEING THE EAST 52.7 FEET OF LOT 4 AND LOTS 7-10, BLOCK 1 OF CHURCHILL PARK ADDITION; PROVIDING FOR A REPEALER; PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED \$2,000.

Ordinance 5577

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, PROVIDING FOR A PERMANENT “STOP” SIGN AT THE INTERSECTION OF DUPREE STREET AND WOODS STREET WITHIN THE CITY LIMITS OF THE CITY OF SHERMAN; PROVIDING FOR A PENALTY PROVISION; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

**ORD 5577
STOP SIGNS**

Ordinance 5578

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, PROVIDING FOR PERMANENT “YIELD” SIGNS AT THE INTERSECTION OF ALEXANDER STREET AND DUPREE STREET WITHIN THE CITY LIMITS OF THE CITY OF SHERMAN; PROVIDING FOR A PENALTY PROVISION; PROVIDING FOR A REPEALER; PROVIDING FOR SEVERABILITY.

**ORD 5578
YIELD SIGNS**

Ordinance 5579

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, PROVIDING FOR PERMANENT “YIELD” SIGNS AT THE INTERSECTION OF DUPREE STREET AND CROCKETT STREET WITHIN THE CITY LIMITS OF THE CITY OF SHERMAN; PROVIDING FOR A PENALTY PROVISION; PROVIDING FOR A REPEALER; PROVIDING FOR SEVERABILITY.

**ORD 5579
YIELD SIGNS**

ACTION TAKEN.

Motion by Deputy Mayor Wacker to approve Ordinance Nos. 5574, 5575, 5576, 5577, 5578, and 5579, as presented. Second by Council Member Softly.

VOTING AYE: Adami, Howeth, Smith, Softly, Steele, Wacker.

VOTING NAY: None.

MOTION CARRIED.

CONSENT AGENDA

The Council reviewed the Consent Agenda. Council Member Adami moved to approve the Consent Agenda, as presented. Second by Deputy Mayor Wacker. All present voted AYE.

CONSENT AGENDA

RESOLUTIONS

RESOLUTION NO. 5288 – AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH PIAZZA CONSTRUCTION FOR CONSTRUCTION OF THE CENTER STREET FIELD RENOVATION PROJECT

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AWARDING A BID TO AND

**RES 5288
CENTER STREET
FIELD RENOVATION**

AUTHORIZING EXECUTION OF A CONTRACT WITH PIAZZA CONSTRUCTION FOR CONSTRUCTION OF THE CENTER STREET FIELD RENOVATION PROJECT.

Council Member Smith asked about the addendum to the bid specification. George Olson, City Manager, introduced Dennis Sims, Dunkin Sims Stoffels, the City's consultant for the project.

Mr. Sims said there were addendums to clarify points in the contract. One of the requirements is that the contractor acknowledge that they have received the addendums. Piazza Construction did not acknowledge receipt of the addendum #4, which was a clarification. There was no substantive change in the addendum and the dollar amount was not changed.

Council Member Smith verified that this did not change the bidding process because the project manual states that the City may waive any informality they wish in the best interest of the City.

Mayor Magers said the project includes lighting, irrigation, two sports/athletic fields, restroom, hike/bike trail and parking lot.

ACTION TAKEN.

Motion by Council Member Adami to approve Resolution No. 5288, as presented. Second by Council Member Softly.

VOTING AYE: Adami, Howeth, Smith, Softly, Steele, Wacker.

VOTING NAY: None.

MOTION CARRIED.

RESOLUTION NO. 5289 – AUTHORIZING EXECUTION OF AN ENGINEERING SERVICES AGREEMENT WITH CP&Y, INC. FOR THE DESIGN OF THE CANYON CREEK DRIVE EXTENSION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN ENGINEERING SERVICES AGREEMENT WITH CP&Y, INC. FOR THE DESIGN OF THE CANYON CREEK DRIVE EXTENSION.

**RES 5289
DESIGN OF
CANYON CREEK
DRIVE EXTENSION**

Mayor Magers said the Canyon Creek extension will be an entrance to Pecan Grove Park, west of the Fire Station.

ACTION TAKEN.

Motion by Deputy Mayor Wacker to approve Resolution No. 5289, as presented. Second by Council Member Steele.

VOTING AYE: Adami, Howeth, Smith, Softly, Steele, Wacker.

VOTING NAY: None.

MOTION CARRIED.

RESOLUTION NO. 5290 – AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH GE IONICS, INC. FOR THE PURCHASE OF THIRTY-TWO (32) ELECTRO DIALYSIS REVERSAL (EDR) MEMBRANE STACKS FOR THE WATER TREATMENT PLANT

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH GE IONICS, INC. FOR THE PURCHASE OF THIRTY-TWO (32) ELECTRO DIALYSIS REVERSAL (EDR) MEMBRANE STACKS FOR THE WATER TREATMENT PLANT.
CONSENT AGENDA.

RES 5290
WATER TREATMENT
PLANT MEMBRANE
STACKS

PAYMENT APPROVAL

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ) ANNUAL CONSOLIDATED WATER QUALITY ASSESSMENT FEE FOR FISCAL YEAR 2008-2009: \$67,140.00

The City Council approved payment of \$67,140 to the Texas Commission on Environmental Quality (TCEQ) for the annual Consolidated Water Quality Assessment Fee for Fiscal Year 2008-2009.

PAYMENT APPROVAL
TCEQ WATER
QUALITY FEE

The fee is imposed to fund the Clean Rivers Program and to pay TCEQ expenses for administering water quality programs, including the City's wastewater permit. The fee is calculated based on permitted flow and pollutant loadings.

CONSENT AGENDA.

REQUEST TO ADVERTISE
ANNUAL SUPPLY OF CHEMICALS

The City Council approved the request to advertise for an annual supply of chemicals for Fiscal Year 2008-2009 for the Water Treatment Plant and the Wastewater Treatment Plant.

CONSENT AGENDA.

REQ TO ADVERTISE
ANNUAL SUPPLY
OF CHEMICALS

OTHER BUSINESS

RECEIVE PRESENTATION FROM KENDIG KEAST COLLABORATIVE ON THE UPDATE OF THE CITY OF SHERMAN'S COMPREHENSIVE MASTER PLAN

Gary Mitchell, Principal, Kendig Keast, presented an update on the City's Comprehensive Master Plan. The process began in the Spring of 2008 and they are in month 9 of 12 on the timeline. Seven sections have been reviewed by the Comprehensive Plan Advisory Committee (CPAC) and there are three remaining sections. The draft plan should be presented to the City Council in February 2009 for adoption.

MASTER PLAN
UPDATE

At the beginning of the process, they felt drainage was the main issue, however as the process continued, they have determined other action areas that need to be addressed.

One action area is post-industrial economic development and good paying jobs. TIP Strategies will be presenting the economic development portion of the Master Plan at a later date.

Other action areas include parks and trails system, community image and aesthetics, downtown revitalization, and storm drainage. At some point, U.S. Hwy 75 will need to be reconstructed and the off ramps will need to be addressed. Sherman features an older style of off ramps that need to be addressed for safety issues.

Action areas also include annexation and growth management, thoroughfare planning, neighborhood integrity and revitalization, and the water supply. Even though the water supply outlook is good now, Mr. Mitchell urged the City not to be complacent because water is the resource of the future.

Mr. Mitchell presented examples of action items that the City might consider to address these areas.

The final CPAC Meeting will be held December 11, 2008 and a Joint Council – Planning and Zoning Commission Workshop will be held in January 2009 to consider the overall draft plan and plan implementation priorities. A public hearing and final consideration by the City Council will be held in February 2009.

Mayor Magers said he has received extremely positive feedback from the citizens that have been involved in the CPAC Meetings.

CONSIDER REQUEST OF DOWNTOWN SHERMAN PRESERVATION & REVITALIZATION TO TEMPORARILY CLOSE CERTAIN STREETS FOR THE ANNUAL SHERMAN CHRISTMAS PARADE ON FRIDAY, DECEMBER 5, 2008

CLOSE STREETS
FOR CHRISTMAS
PARADE

The City Council approved the request of the Downtown Sherman Preservation & Revitalization to temporarily close certain streets for the Annual Sherman Christmas Parade on December 5, 2008. The event will require traffic control assistance and barricades from the City of Sherman.
CONSENT AGENDA.

CONSIDERATION TO ORDINANCE NO. 2684, SECTION 26, SUBSECTION 12(E)(2) FOR A VARIANCE TO ALLOW LOTS WITH NO PUBLIC STREET FRONTAGE IN AN R-2 (MULTI-FAMILY RESIDENTIAL) DISTRICT AT 1002 SOUTH TRAVIS STREET, BEING LOT 18R OF THE REPLAT OF LOTS 18, 19, AND 20 OF M.B. MOORE'S ADDITION (PAUL ANDREW HUGGINS, OWNER; CMA ARCHITECTURE, ARCHITECTS; AND MATTHIJS MELCHORS, REPRESENTATIVE)

VARIANCE FOR
LOTS WITH NO
STREET FRONTAGE
(1002 S. TRAVIS)

Scott Shadden, Director of Developmental Services, explained that the request was for a variance to allow lots with no street frontage at 1002 South Travis. Mayor Magers said the variance ties in with the earlier requests for a zone change and specific use permit to allow patio homes on the property.

Mr. Shadden said there would be a common-owned area between Travis Street and the individual lots that are for

sale. The variance is to the Developer's Ordinance which requires both Planning and Zoning and City Council approval.

Council Member Adami verified that the owners will maintain the common area, which will wrap around the lots so there is no frontage on Travis Street. Mayor Magers felt this was a great addition to the neighborhood.

Council Member Steele expressed concern that the back of the patio homes, screened by a fence, would face Travis Street. Mr. Shadden said the final plat and final site plan will be brought back to the Planning and Zoning Commission for approval.

Matthijs Melchiors, 1200 Summit Ave, Suite 300, Fort Worth, Texas

Mr. Melchiors appeared representing the owner of the property. He explained that the fence would be a combination of masonry and wood and would have brick columns. Council Member Steele asked Jason Sofey, Chairman of the Planning and Zoning Commission, if specifications for the fence had been included.

Mr. Sofey said the Planning and Zoning Commission approved a conceptual request and will still need to approve the final plat and site plan. He said they will still have some discretion with the final approval. The decision was based on the fact that they wanted masonry on the fence and the setbacks will still be met. The only variance is that the ordinance requires that the houses face Travis Street and they are requesting a variance not to face Travis Street.

There were neighbors that attended the Planning and Zoning Commission Meeting to express concern about locating apartments on the property. Deputy Mayor Wacker felt it was a great improvement over apartments that have been located on the property in the past.

Council Member Steele was still concerned about a wooden stockade fence along Travis Street. Council Member Adami asked if a rendering of the fence will be presented when they request final approval from the Planning and Zoning Commission. Mr. Shadden said a rendering would be presented at that time.

Mayor Magers reiterated that the Council is concerned that the fencing be aesthetically pleasing since it will be seen from Travis Street. Council Member Steele verified that off-street parking will be on the inside of the development.

ACTION TAKEN.

Motion by Council Member Steele to approve the variance to allow lots with no public street frontage in an

COUNCIL MINUTES – NOVEMBER 17, 2008

R-2 (Multi-Family Residential) District at 1002 South Travis Street, as presented. Second by Deputy Mayor Wacker.

VOTING AYE: Adami, Howeth, Smith, Softly, Steele, Wacker.

VOTING NAY: None.

MOTION CARRIED.

FINAL PLAT APPROVAL OF BAILEY ADDITION; BEN DYE, OWNER; SARTIN & ASSOCIATES, SURVEYOR (2511 NORTH TRAVIS STREET)

The City Council approved the Final Plat of the Bailey Addition, located at 2511 North Travis Street, south of Lamberth Road. The developer would like to plat the property into one lot for commercial development of a mini-warehouse complex. The Planning and Zoning Commission recommended approval of the Final Plat.

CONSENT AGENDA.

**APPROVE FINAL PLAT
BAILEY ADDITION**

FINAL PLAT APPROVAL OF CARRUS MEDICAL PLAZA, A REPLAT OF LOT 2 OF POST OAK CROSSING EAST ADDITION; SDB PARTNERS, DBA CARRUS SPECIALTY HOSPITAL, OWNERS; STERLING ENGINEERING & DESIGN GROUP, DEVELOPER; TEAGUE, NALL AND PERKINS, INC., CHRIS SCHMITT, ENGINEERS; AND UNDERWOOD DRAFTING AND SURVEYING, SURVEYORS (1810 U.S. HIGHWAY 82 WEST)

The City Council approved the Final Plat of Carrus Medical Plaza, a Replat of Lot 2 of Post Oak Crossing East Addition, located at 1810 U.S. Highway 82 West, between Post Oak Crossing and F.M. 1417 North. The developer would like to plat the property into five lots for commercial development. The Planning and Zoning Commission recommended approval of the Final Plat.

CONSENT AGENDA.

**APPROVE FINAL PLAT
CARRUS MEDICAL
PLAZA**

CITIZENS REQUESTS

BENEFIT FOR POLICE OFFICER MARK WOOD

Tom Watt, Police Chief, briefed the City Council on a benefit that was held Saturday, November 15, 2008, at Loy Lake Park for Police Officer Mark Wood. There was tremendous support for Officer Wood and his family and they are deeply thankful for this support. A tremendous amount of money was earned and will help the family a lot.

**BENEFIT FOR
POLICE OFFICER
MARK WOOD**

MEDIA QUESTIONS

There were no media questions.

MEDIA QUESTIONS

COUNCIL COMMENTS

HAPPY HOLIDAYS

Deputy Mayor Wacker wished everyone a Happy Holiday season.

HAPPY HOLIDAYS

AUSTIN COLLEGE FOOTBALL TEAM

Mayor Magers said the Austin College Kangaroos finished in the 500 season for the first time in a long time. He thanked everyone that supported the team this year.

**AUSTIN COLLEGE
FOOTBALL TEAM**

EXECUTIVE SESSION – IN ACCORDANCE WITH CHAPTER 551, GOVT. CODE, V.T.C.S., (OPEN MEETINGS LAW)

THE CITY COUNCIL WILL NOW HOLD AN EXECUTIVE SESSION PURSUANT TO THE PROVISIONS OF THE OPEN MEETINGS LAW, CHAPTER 551, GOVERNMENT CODE, VERNONS TEXAS CODES ANNOTATED, IN ACCORDANCE WITH THE AUTHORITY CONTAINED IN THE FOLLOWING SECTIONS.

EXECUTIVE SESSION

SECTION 551.071 --

**CONSULTATION WITH CITY ATTORNEY CONCERNING PENDING OR CONTEMPLATED LITIGATION:
IN THE COURT OF APPEALS, FIFTH DISTRICT OF TEXAS AT DALLAS NO. 05-06-00420-CV; THE CITY OF SHERMAN, TEXAS AND THE SHERMAN CITY COUNCIL, APPELLANTS v. JAMES WAYNE, APPELLEE**

On Motion duly made and carried, the Open Meeting recessed and reconvened in Executive Session at 5:30 p.m.

On Motion duly made and carried, the Executive Session recessed at 5:44 p.m. and reconvened in Open Meeting.

OPEN MEETING

Reconvene into Open Meeting and take action, if any, on items discussed in Executive Session.

OPEN MEETING

ADJOURNMENT

On Motion duly made and carried, the meeting adjourned at 5:45 p.m.

ADJOURNMENT

MAYOR

CITY CLERK