STATE OF TEXAS §

November 15, 2021

COUNTY OF GRAYSON §

BE IT REMEMBERED THAT A Regular Meeting of the City Council of the City of Sherman, Grayson County, Texas was begun and held in the Council Chambers of City Hall on November 15, 2021.

MEMBERS PRESENT: **MAYOR DAVID PLYLER; DEPUTY MAYOR DARON HOLLAND.**
COUNCIL MEMBERS HOWETH, STEELE, STEVENSON, TEAMANN.

MEMBERS ABSENT: **COUNCIL MEMBER DOBBS.**

CALL TO ORDER

CALL TO ORDER
Mayor Plyler called the meeting to order at 5:00 p.m. The Pledge of Allegiance and Invocation were given by Council Member Pam Howeth.

DECLARE RESULTS OF NOVEMBER 2, 2021 REGULAR MUNICIPAL ELECTION

CANVASS ELECTION RETURNS

CANVASS OF ELECTION RETURNS
Mayor Plyler canvassed the Election returns of the November 2, 2021 Regular Municipal Election, after the Recount of the Council Member, At-Large, Place 1 position on November 10, 2021. He read the number of early votes, Election Day votes, and total votes received for the At-Large, Place 1 position.

Council Member Howeth said when citizens think their vote doesn't count, this Election is an example of when every vote counts.

The detail of the Election returns are maintained in the permanent record file entitled "Elections" in the Office of the City Clerk. The canvass statistics are attached and made a part of these Minutes. (Exhibit A)

Mayor Plyler asked for a motion accepting Resolution 6801, declaring the official results of the November 2, 2021 Regular Municipal Election, after the Recount, for the Council Member, At-Large, Place 1 position.

RES 6801 REGULAR ELECTION

RESOLUTION NO. 6801 – DECLARING THE RESULTS OF THE RECOUNT OF THE COUNCIL MEMBER, AT-LARGE, PLACE 1 POSITION FOR THE NOVEMBER 2, 2021 MUNICIPAL ELECTION HELD IN THE CITY OF SHERMAN, GRAYSON COUNTY, TEXAS
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, CANVASSING THE ELECTION RETURNS OF THE RECOUNT OF THE NOVEMBER 2, 2021 GENERAL ELECTION FOR THE PURPOSE OF ELECTING ONE MEMBER OF THE CITY COUNCIL OF THE CITY OF SHERMAN (AT-LARGE, PLACE NO. 1) TO FILL AN EXPIRING TERM; DECLARING THE RESULTS OF THE ELECTION FOR THE OFFICE OF AT-LARGE, PLACE NO. 1 FOLLOWING THE RECOUNT REQUESTED BY ONE OF THE CANDIDATES.

ACTION TAKEN.
Motion by Council Member Stevenson to adopt Resolution No. 6801, as presented. Second by Council Member Teamann.
VOTING AYE: Holland, Howeth, Steele, Stevenson, Teamann.
VOTING NAY: None.
MOTION CARRIED.

OATH OF OFFICE

OATH OF OFFICE AND PRESENTATION OF CERTIFICATE OF ELECTION — **OATH OF OFFICE**

Linda Ashby, City Clerk, administered the Oath of Office to the following Council-elect positions.

Mayor	**David Plyler**
Council Member, At-Large, Place 1	**Henry Marroquin**

A Certificate of Election was presented to the newly sworn Mayor and Council Member. The new members were seated at the Council table.

NEW COUNCIL SEATED

MEMBERS PRESENT: Mayor David Plyler.
Council Members Holland, Howeth, Marroquin, Stevenson, Teamann.

MEMBERS ABSENT: Council Member Dobbs.

RECOGNITION OF OUTGOING COUNCIL MEMBERS

Mayor Plyler recognized outgoing Council Members Willie Steele and Sandra Melton. He presented them with plaques and crystal statues.

COUNCIL ELECTION OF DEPUTY MAYOR — **DEPUTY MAYOR ELECTION**

Mayor Plyler said the Deputy Mayor position normally goes to the Council Member with the most seniority. Currently, Council Member Howeth has the most seniority.

ACTION TAKEN.
Motion by Deputy Mayor Holland to nominate Council Member Pam Howeth to serve as Deputy Mayor from November 16, 2021 until November 8, 2022. Second by Council Member Teamann.
VOTING AYE: Holland, Howeth, Marroquin, Stevenson, Teamann.
VOTING NAY: None.
MOTION CARRIED.

SPECIAL PRESENTATION

RECEIVE PRESENTATION FROM MARGARET SOMEREVE, EXECUTIVE DIRECTOR OF TEXAS COALITION FOR AFFORDABLE POWER — **TEXAS COALITION FOR AFFORDABLE POWER**

The presentation on the Texas Coalition for Affordable Power was not held.

CITIZEN'S COMMENTS — **CITIZEN'S COMMENTS**

There were no citizen's comments.

CONSENT AGENDA **CONSENT AGENDA**

Asterisked (*) items are considered to be routine and will be enacted in one motion without discussion unless a Council Member or a citizen requests a specific item be discussed and voted on separately.

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

CONSENT AGENDA **CONSENT AGENDA**

Double Asterisked (**) items are considered to be routine and will be enacted in one motion, subject to Staff Review Letter, without discussion unless a Council Member or a citizen requests a specific item be discussed and voted on separately.

The Council reviewed the Consent Agenda. Council Member Teamann moved to approve the Consent Agenda, subject to the Staff Review Letter. Second by Deputy Mayor Howeth. All present voted AYE.

ORD 6428 AMEND VILLAGE PLANNED DEVELOPMENT (2800-3200 BLOCKS OF SOUTH FM 1417)

Mayor Plyler introduced Ordinance No. 6428 and called for a public hearing:
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, REPEALING ORDINANCE NO. 6253, AND AMENDING SECTION 6.12, ORDINANCE NO. 2280, SO AS TO AMEND A PLANNED DEVELOPMENT FOR VILLAGE PLANNED DEVELOPMENT (ORD. NO. 6253) IN THE 2800-3200 BLOCKS OF SOUTH F.M. 1417 (HERITAGE PARKWAY), BEING 624.473 ACRES IN THE ELIZABETH JONES SURVEY, ABSTRACT NO. 625 (THE MUNSON REALTY CO., OWNERS; JR. URBAN ADVISORS, JOHN RUGGIERI, PLANNING & URBAN DESIGN; JONES & CARTER, CIVIL ENGINEER; AND UNDERWOOD DRAFTING & SURVEYING, SURVEYOR); PROVIDING THAT THIS PLANNED DEVELOPMENT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; DESCRIBING THE TRACT TO BE REZONED; PROVIDING A REPEALING/SAVINGS CLAUSE, SEVERABILITY CLAUSE AND AN EFFECTIVE DATE; PROVIDING A PENALTY NOT TO EXCEED $2,000.00.

Rob Rae, Director of Development Services, said this item would amend the Village Planned Development, which was originally adopted about two years ago. The developer would like to make some changes to the Planned Development.

The primary change would be to change the eastern side of the property from an employment zone to a mix of single-family, multi-family, and commercial. Halff and Associates conducted a review to make sure this change would be consistent with the ordinance, and they deemed that it was.

John Ruggieri, 211 Ervay Street, Dallas, Texas 75201
Mr. Ruggieri is the Vice President and Director of Urban Design. He said some changes have been made to the Planned Development, to make it more applicable to the current market, and because the initial Planned Development was a little vague in places, and this

would make it more administratively friendly, for staff to administer, moving forward.

He presented a PowerPoint of the changes of the rezoning. Previously an area on the east side was designated "Employment" and will be changed to "East Village Zone." A "Future Growth" zone on the west side will also be changed to "West Residential Zone."

They also amended an internal transportation plan to reflect changes in the land use, and to create access to the employment zone, which the Sherman Economic Development Corporation owns.

Mr. Ruggieri said there has been no significant changes in the Village Center area, which is the "crown jewel" of the development.

The final portion is located east of Moore Street, which is now under construction. A portion, about 100 acres, has been changed to single-family and multi-family residential. There is also a commercial zone to the north on Travis Street and south on FM 1417.

There is language for employment within the commercial zone. This was done in case there was an opportunity for job growth within the area, this would give about 70 acres for employment.

He said the recommendation of staff was to "wrap" the single-family with a multi-family buffer in case there was employment north, along Travis Street, and to the east on SEDCO property.

No other citizens appeared before the City Council to discuss Ordinance No. 6428.

ORD 6429
ZONE CHANGE
(6350 THERESA DR)

Mayor Plyler introduced Ordinance No. 6429 and called for a public hearing:
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 12, ORDINANCE NO. 2280, SO AS TO INCLUDE CERTAIN PROPERTY WITHIN THE R-1 (ONE-FAMILY RESIDENTIAL) DISTRICT, LOCATED AT 6350 THERESA DRIVE, BEING 8.42 ACRES IN THE DANIEL C. SHELP SURVEY, ABSTRACT NO. 1097 (W. SCOTT WEISMANN III, OWNER; MICHAEL UFER, APPLICANT; AND SARTIN & ASSOCIATES SURVEYING, SURVEYOR); PROVIDING A PENALTY NOT TO EXCEED $2,000.00; PROVIDING A REPEALING/SAVINGS CLAUSE, SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

Mr. Rae said this is for a zone change from an M-2 (Heavy Manufacturing) District to an R-1 (One Family Residential) District. The owner would like to construct a 1,300 square foot main cabin with four, 420 square foot attached cabins, and a 1,000 square foot garage. The units are attached, so it would be considered a single-family building.

The Planning and Zoning Commission recommended approval of the zone change.

No citizens appeared before the City Council to discuss Ordinance No. 6429.

ORD 6430 ZONE CHANGE (6000-6400 BLOCKS SOUTH HWY 75 & 100-200 BLOCKS OF AKERS RD)

Mayor Plyler introduced Ordinance No. 6430 and called for a public hearing:
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 12, ORDINANCE NO. 2280, SO AS TO INCLUDE CERTAIN PROPERTY WITHIN THE C-1 (RETAIL BUSINESS) DISTRICT, LOCATED IN THE 6000-6400 BLOCKS OF SOUTH U.S. HIGHWAY 75 AND THE 100-200 BLOCKS OF AKERS ROAD, BEING 14.949 ACRES IN THE JOHN CHRONISTER SURVEY, ABSTRACT NO. 248 AND THE WILLIAM MARTIN SURVEY, ABSTRACT NO. 765 (JAMESTOWN SQUARE, LLC, OWNER; COPE EQUITIES, JAMES CRUSE, REPRESENTATIVE/DEVELOPER; HICKMAN CONSULTING ENGINEERS, CIVIL ENGINEER; DBA ARCHITECTS, ARCHITECTS; BILLY PECK CONSTRUCTION, CONTRACTOR; CARROLL CONSULTING GROUP, INC., AND UNDERWOOD DRAFTING AND SURVEYING, SURVEYORS); PROVIDING A PENALTY NOT TO EXCEED $2,000.00; PROVIDING A REPEALING/SAVINGS CLAUSE, SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

Mayor Plyler asked that the captions of Ordinance Nos. 6430, 6431, and 6432 be read together.

ORD 6431 ZONE CHANGE (6000-6400 BLOCKS SOUTH HWY 75 & 100-200 BLOCKS OF AKERS RD)

Mayor Plyler introduced Ordinance No. 6431 and called for a public hearing:
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 12, ORDINANCE NO. 2280, SO AS TO INCLUDE CERTAIN PROPERTY WITHIN THE SF-1 (SINGLE-FAMILY RESIDENTIAL) DISTRICT, LOCATED IN THE 6000-6400 BLOCKS OF SOUTH U.S. HIGHWAY 75 AND THE 100-200 BLOCKS OF AKERS ROAD, BEING 20.232 ACRES IN THE JOHN CHRONISTER SURVEY, ABSTRACT NO. 248 AND THE WILLIAM MARTIN SURVEY, ABSTRACT NO. 765 (JAMESTOWN SQUARE, LLC, OWNER; COPE EQUITIES, JAMES CRUSE, REPRESENTATIVE/DEVELOPER; HICKMAN CONSULTING ENGINEERS, CIVIL ENGINEER; DBA ARCHITECTS, ARCHITECTS; BILLY PECK CONSTRUCTION, CONTRACTOR; CARROLL CONSULTING GROUP, INC. AND UNDERWOOD DRAFTING AND SURVEYING, SURVEYORS); PROVIDING A PENALTY NOT TO EXCEED $2,000.00; PROVIDING A REPEALING/SAVINGS CLAUSE. SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

ORD 6432 ZONE CHANGE (6000-6400 BLOCKS SOUTH HWY 75 & 100-200 BLOCKS OF AKERS RD)

Mayor Plyler introduced Ordinance No. 6432 and called for a public hearing:
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 12, ORDINANCE NO. 2280, SO AS TO INCLUDE CERTAIN PROPERTY WITHIN THE R-2 (MULTI-FAMILY RESIDENTIAL) DISTRICT, LOCATED IN THE 6000-6400 BLOCKS OF SOUTH U.S. HIGHWAY 75 AND THE 100-200 BLOCKS OF AKERS ROAD, BEING 19.347 ACRES IN THE JOHN CHRONISTER SURVEY, ABSTRACT NO. 248 AND THE WILLIAM MARTIN SURVEY, ABSTRACT NO. 765 (JAMESTOWN SQUARE, LLC, OWNER; COPE EQUITIES, JAMES CRUSE, REPRESENTATIVE/DEVELOPER; HICKMAN CONSULTING

ENGINEERS, CIVIL ENGINEER; DBA ARCHITECTS, ARCHITECTS; BILLY PECK CONSTRUCTION, CONTRACTOR; CARROLL CONSULTING GROUP, INC. AND UNDERWOOD DRAFTING AND SURVEYING, SURVEYORS); PROVIDING A PENALTY NOT TO EXCEED $2,000.00; PROVIDING A REPEALING/SAVINGS CLAUSE, SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

Mr. Rae said this property is all zoned M-1.5 (Medium Manufacturing) District, and is located directly across from the Texas Instruments site, on the east side of Hwy 75.

The applicant is requesting three separate zone changes, with the first being on Tract 1, to Retail Commercial, about 90,000 square feet of commercial retail. The conceptual site plan was approved by the Planning and Zoning Commission. They also recommended approval of the zone change from M-1.5 to C-1.

The second ordinance is Tract 2, Multi-Family, currently zoned M-1.5. They are recommending that it be zoned to R-2, and are currently proposing 306 multi-family units and 78 townhome units for the site. The Planning and Zoning Commission approved the site plan and recommended approval of the zone change.

The third ordinance is Tract 3, for Single-Family and would be a zone change from M-1.5 to SF-1. They are proposing to have 62 residential lots on that tract.

<u>Todd Downing, 900 West Bethany Drive, #230, Allen, Texas 75013</u>
Mr. Downing appeared representing the request and was available if the Council had any questions. He said they are excited about the project and hoping to be an amenity for future development and industry, across from Texas Instruments.

The development would include a strip mall and multi-family. He said they may modify their single-family proposal and typically do a one acre development, in rural areas.

No other citizens appeared before the City Council to discuss Ordinance Nos. 6430, 6431, and 6432.

ORD 6433
SUP FOR AUTO REPAIR, OIL & LUBE, TIRE SALES & SERVICE (1504 W. HOUSTON ST)

Mayor Plyler introduced Ordinance No. 6433 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 ALLOW AN AUTOMOBILE REPAIR, OIL AND LUBE AND TIRE SALES AND SERVICE CENTER IN A C-2 (GENERAL COMMERCIAL) DISTRICT AT 1504 WEST HOUSTON STREET, BEING LOT 1A OF THE REPLAT OF LOT 1, BLOCK 1, OASIS ADDITION (WILLOW BEND HOLDINGS, LLC, OWNER; GAREB JOSEPH TAHIR, APPLICANT; AND HELVEY-WAGNER AND ASSOCIATES SURVEYING (SURVEYOR); PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED $2,000.00.

Mr. Rae said this Specific Use Permit would allow an automobile repair shop, with tire changing and small repairs. They currently also operate First Choice of Texoma at 1624 Texoma Parkway.

No citizens appeared before the City Council to discuss Ordinance No. 6433.

ORD 6434
SUP FOR DUPLEX
(214 E. COLLEGE ST)

Mayor Plyler introduced Ordinance No. 6434 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 ALLOW A TWO-FAMILY DWELLING (DUPLEX) IN AN R-1 (ONE-FAMILY RESIDENTIAL) DISTRICT AT 214 EAST COLLEGE STREET, BEING 0.239 ACRES IN THE J.B. McANAIR SURVEY, ABSTRACT NO. 763 (MPY HOMES, LLC, OWNER; ANIL PESARAMELLI, REPRESENTATIVE; CHARLIE SHEARER, SHEARER DESIGN & ASSOCIATES, DESIGNER; AND COPLEY LAND SURVEYING, SURVEYOR) PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED $2,000.00.

Mr. Rae said this Specific Use Permit is for a duplex in an R-1 District. The applicant wants to build two, 1,439 square foot units with a one-car garage. The lot is 80 feet wide, which is definitely over the City's standard for a duplex. The Planning and Zoning Commission recommended approval of the Specific Use Permit.

A representative was available if Council Members had any questions.

No other citizens appeared before the City Council to discuss Ordinance No. 6434.

The Public Hearing was closed.

<u>ADOPTION OF ORDINANCES</u>
<u>Ordinance 6428</u>

ORD 6428
AMEND VILLAGE PLANNED DEVELOPMENT
(2800-3200 BLOCKS OF SOUTH FM 1417)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, REPEALING ORDINANCE NO. 6253, AND AMENDING SECTION 6.12, ORDINANCE NO. 2280, SO AS TO AMEND A PLANNED DEVELOPMENT FOR VILLAGE PLANNED DEVELOPMENT (ORD. NO. 6253) IN THE 2800-3200 BLOCKS OF SOUTH F.M. 1417 (HERITAGE PARKWAY), BEING 624.473 ACRES IN THE ELIZABETH JONES SURVEY, ABSTRACT NO. 625 (THE MUNSON REALTY CO., OWNERS; JR. URBAN ADVISORS, JOHN RUGGIERI, PLANNING & URBAN DESIGN; JONES & CARTER, CIVIL ENGINEER; AND UNDERWOOD DRAFTING & SURVEYING, SURVEYOR); PROVIDING THAT THIS PLANNED DEVELOPMENT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; DESCRIBING THE TRACT TO BE REZONED; PROVIDING A REPEALING/SAVINGS CLAUSE, SEVERABILITY CLAUSE AND AN EFFECTIVE DATE; PROVIDING A PENALTY NOT TO EXCEED $2,000.00.

ORD 6429
ZONE CHANGE
(6350 THERESA DR)

Ordinance 6429
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 12, ORDINANCE NO. 2280, SO AS TO INCLUDE CERTAIN PROPERTY WITHIN THE R-1 (ONE-FAMILY RESIDENTIAL) DISTRICT, LOCATED AT 6350 THERESA DRIVE, BEING 8.42 ACRES IN THE DANIEL C. SHELP SURVEY, ABSTRACT NO. 1097 (W. SCOTT WEISMANN III, OWNER; MICHAEL UFER, APPLICANT; AND SARTIN & ASSOCIATES SURVEYING, SURVEYOR); PROVIDING A PENALTY NOT TO EXCEED $2,000.00; PROVIDING A REPEALING/SAVINGS CLAUSE, SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

ORD 6430
ZONE CHANGE
(6000-6400 BLOCKS SOUTH HWY 75 & 100-200 BLOCKS OF AKERS RD)

Ordinance 6430
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 12, ORDINANCE NO. 2280, SO AS TO INCLUDE CERTAIN PROPERTY WITHIN THE C-1 (RETAIL BUSINESS) DISTRICT, LOCATED IN THE 6000-6400 BLOCKS OF SOUTH U.S. HIGHWAY 75 AND THE 100-200 BLOCKS OF AKERS ROAD, BEING 14.949 ACRES IN THE JOHN CHRONISTER SURVEY, ABSTRACT NO. 248 AND THE WILLIAM MARTIN SURVEY, ABSTRACT NO. 765 (JAMESTOWN SQUARE, LLC, OWNER; COPE EQUITIES, JAMES CRUSE, REPRESENTATIVE/DEVELOPER; HICKMAN CONSULTING ENGINEERS, CIVIL ENGINEER; DBA ARCHITECTS, ARCHITECTS; BILLY PECK CONSTRUCTION, CONTRACTOR; CARROLL CONSULTING GROUP, INC., AND UNDERWOOD DRAFTING AND SURVEYING, SURVEYORS); PROVIDING A PENALTY NOT TO EXCEED $2,000.00; PROVIDING A REPEALING/SAVINGS CLAUSE, SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

Council Member Teamann asked if the City had adequate water and sewer for a development such as the one proposed on Akers Road.

Wayne Lee, Director of Engineering, said there is existing water to the site, but they would have to extend sewer service, less than a mile, to reach their site. Clint Philpott, Assistant City Manager, said the sewer line is in the creek area, north of Texas Instruments and Finisar.

Council Member Howeth said she was glad they were adding more townhouses. She felt that was missing in Sherman, and what many residents wanted.

ORD 6431
ZONE CHANGE
(6000-6400 BLOCKS SOUTH HWY 75 & 100-200 BLOCKS OF AKERS RD)

Ordinance 6431
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 12, ORDINANCE NO. 2280, SO AS TO INCLUDE CERTAIN PROPERTY WITHIN THE SF-1 (SINGLE-FAMILY RESIDENTIAL) DISTRICT, LOCATED IN THE 6000-64000 BLOCKS OF SOUTH U.S. HIGHWAY 75 AND THE 100-200 BLOCKS OF AKERS ROAD, BEING 20.232 ACRES IN THE JOHN CHRONISTER SURVEY, ABSTRACT NO. 248 AND THE WILLIAM MARTIN SURVEY, ABSTRACT NO. 765 (JAMESTOWN SQUARE, LLC, OWNER; COPE EQUITIES, JAMES CRUSE, REPRESENTATIVE/DEVELOPER; HICKMAN CONSULTING ENGINEERS, CIVIL ENGINEER; DBA ARCHITECTS, ARCHITECTS; BILLY PECK CONSTRUCTION, CONTRACTOR; CARROLL

CONSULTING GROUP, INC. AND UNDERWOOD DRAFTING AND SURVEYING, SURVEYORS); PROVIDING A PENALTY NOT TO EXCEED $2,000.00; PROVIDING A REPEALING/SAVINGS CLAUSE. SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

ORD 6432
ZONE CHANGE
(6000-6400 BLOCKS SOUTH HWY 75 & 100-200 BLOCKS OF AKERS RD)

<u>Ordinance 6432</u>
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 12, ORDINANCE NO. 2280, SO AS TO INCLUDE CERTAIN PROPERTY WITHIN THE R-2 (MULTI-FAMILY RESIDENTIAL) DISTRICT, LOCATED IN THE 6000-6400 BLOCKS OF SOUTH U.S. HIGHWAY 75 AND THE 100-200 BLOCKS OF AKERS ROAD, BEING 19.347 ACRES IN THE JOHN CHRONISTER SURVEY, ABSTRACT NO. 248 AND THE WILLIAM MARTIN SURVEY, ABSTRACT NO. 765 (JAMESTOWN SQUARE, LLC, OWNER; COPE EQUITIES, JAMES CRUSE, REPRESENTATIVE/DEVELOPER; HICKMAN CONSULTING ENGINEERS, CIVIL ENGINEER; DBA ARCHITECTS, ARCHITECTS; BILLY PECK CONSTRUCTION, CONTRACTOR; CARROLL CONSULTING GROUP, INC. AND UNDERWOOD DRAFTING AND SURVEYING, SURVEYORS); PROVIDING A PENALTY NOT TO EXCEED $2,000.00; PROVIDING A REPEALING/SAVINGS CLAUSE, SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

ORD 6433
SUP FOR AUTO REPAIR, OIL & LUBE, TIRE SALES & SERVICE (1504 W. HOUSTON ST)

<u>Ordinance 6433</u>
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 ALLOW AN AUTOMOBILE REPAIR, OIL AND LUBE AND TIRE SALES AND SERVICE CENTER IN A C-2 (GENERAL COMMERCIAL) DISTRICT AT 1504 WEST HOUSTON STREET, BEING LOT 1A OF THE REPLAT OF LOT 1, BLOCK 1, OASIS ADDITION (WILLOW BEND HOLDINGS, LLC, OWNER; GAREB JOSEPH TAHIR, APPLICANT; AND HELVEY-WAGNER AND ASSOCIATES SURVEYING (SURVEYOR); PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED $2,000.00.

ORD 6434
SUP FOR DUPLEX (214 E. COLLEGE ST)

<u>Ordinance 6434</u>
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 ALLOW A TWO-FAMILY DWELLING (DUPLEX) IN AN R-1 (ONE-FAMILY RESIDENTIAL) DISTRICT AT 214 EAST COLLEGE STREET, BEING 0.239 ACRES IN THE J.B. McANAIR SURVEY, ABSTRACT NO. 763 (MPY HOMES, LLC, OWNER; ANIL PESARAMELLI, REPRESENTATIVE; CHARLIE SHEARER, SHEARER DESIGN & ASSOCIATES, DESIGNER; AND COPLEY LAND SURVEYING, SURVEYOR) PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED $2,000.00.

ACTION TAKEN.

Motion by Deputy Mayor Howeth to adopt Ordinance Nos. 6428, 6429, 6430, 6431, 6432, 6433, and 6434, as presented. Second by Council Member Holland.

VOTING AYE: Holland, Howeth, Marroquin, Stevenson, Teamann.
VOTING NAY: None.
MOTION CARRIED.

RES 6803 HERITAGE RANCH MASTER DEVELOPMENT AGREEMENT (HWY 82, BETWEEN FM 1417 & PLAINVIEW RD)

RESOLUTION NO. 6803 – AUTHORIZING EXECUTION OF THE COMMERCIAL MASTER DEVELOPMENT AGREEMENT BETWEEN THE CITY OF SHERMAN AND HERITAGE RANCH HOLDINGS, LTD., FOR THE CONSTRUCTION OF PUBLIC FACILITIES IN THE COMMERCIAL PORTION OF THE MIXED-USE PLANNED DEVELOPMENT KNOWN AS HERITAGE RANCH, BEING AN APPROXIMATE 254-ACRES ALONG U.S. HWY 82 AND BETWEEN F.M. 1417 (HERITAGE PARKWAY) AND PLAINVIEW ROAD IN THE CITY OF SHERMAN, TEXAS
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN TEXAS, AUTHORIZING EXECUTION OF THE COMMERCIAL MASTER DEVELOPMENT AGREEMENT BETWEEN THE CITY OF SHERMAN AND HERITAGE RANCH LAND HOLDINGS, LTD., FOR THE CONSTRUCTION OF PUBLIC FACILITIES IN THE COMMERCIAL PORTION OF THE MIXED-USE PLANNED DEVELOPMENT KNOWN AS HERITAGE RANCH, BEING AN APPROXIMATE 254-ACRE DEVELOMENT ALONG U.S. HWY 82 AND BETWEEN F.M. 1417 (HERITAGE PARKWAY) AND PLAINVIEW ROAD IN THE CITY OF SHERMAN, TEXAS.

Robby Hefton, City Manager, said this is part two of the Heritage Ranch Development, located north of Hwy 82, east of FM 1417, and west of Travis Street. This parcel is 254 acres, west of the current Plainview Road.

Several meetings ago, the City Council approved the Residential Development Agreement, and this is the agreement for the commercial part of the development. This agreement was drafted by the City’s attorneys, using the same structure and form that the previous one used.

This agreement calls for the creation of another Reinvestment Zone. There would be one Reinvestment Zone for the east side, the single-family, residential piece, and a second Reinvestment Zone for the western portion, and would be used to reimburse the developer for public infrastructure, roads, water, sewer, drainage, lights, storm drainage, and other things that would be public infrastructure.

The agreement would call for the City’s participation on an east-west road that would ultimately connect to Travis Street, but running from FM 1417, through the width of this 254 acres, about 3,200 linear feet. This would be the City’s contribution toward the project. The agreement would call for the City to start construction, when the developer starts construction. Cost of the road would be between $2 million and $3 million, at today’s estimates.

The staff is not asking for approval to build the road tonight. This is the agreement that designates the responsibility of each entity.

He said the other thing it commits the City to is to negotiate in good faith, on the future discussions about the entertainment portion of the project and stormwater drainage.

In reviewing the planned development that was approved by Council, there is an entertainment component "to be defined." There is still talk about this component, but it is too early to determine the scope of the project.

As for stormwater drainage, all of the commercial and part of the residential area is in a low-lying area. There will definitely need to be some type of detention, but it is unclear as to what is actually needed. The second part of the agreement is to negotiate, with the developer, in good faith about the drainage needs, and who would construct and pay for it.

The TIRZ would be set up to capture increments, and the City is not spending anything that they don't currently have. This would be setting aside a portion of the property tax increment to share for reimbursement of all the other public infrastructure that will be needed.

The commercial development would include retail, restaurants, office space, and multi-family units. The entire development is in the $400 million range, and is a huge project. It is ultimately about 420 acres.

Ryan Pittman, City Attorney, said the agreement will say there is commitment to negotiate about the detention and entertainment portions, but it doesn't bind the City to participate on any of those projects.

Mr. Hefton added that, before anything could be constructed, it would require City Council approval for any future project. The City has committed to provide a sewer line that will serve the entire development.

Council Member Howeth clarified that, on the entertainment portion of the project, the City is not committing at this point. Mr. Pittman said the City is not committing to the drainage project or the entertainment portion of the project.

ACTION TAKEN.
Motion by Deputy Mayor Howeth to adopt Resolution No. 6803, as presented. Second by Council Member Stevenson.
VOTING AYE: Holland, Howeth, Marroquin, Stevenson.
VOTING NAY: Teamann.
MOTION CARRIED.

RES 6804 WATER TREATMENT PLANT IMPROVEMENTS

<u>RESOLUTION NO. 6804 – AUTHORIZING EXECUTION OF A PROFESSIONAL ENGINEERING DESIGN SERVICES AGREEMENT WITH GARVER, LLC FOR DESIGN OF WATER TREATMENT PLANT IMPROVEMENTS</u>
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF A PROFESSIONAL ENGINEERING DESIGN SERVICES AGREEMENT WITH GARVER, LLC FOR DESIGN OF THE WATER TREATMENT PLANT IMPROVEMENTS PROJECT.

Mr. Lee said this agreement is for a redesign of the Flocculation Sedimentation Basins. It was originally included in the 2022 Capital Improvement Program, because they had exceeded their life expectancy. However, a couple of months ago, they "broke down." This is not affecting the new portion of the Plant, that went active last year. It does affect the older part of the Plant.

The contract is approximately $284,000, and the design is expected to be complete sometime next Fall, with construction being completed the following Fall.

ACTION TAKEN.
Motion by Deputy Mayor Howeth to adopt Resolution No. 6804, as presented. Second by Council Member Teamann.
VOTING AYE: Holland, Howeth, Marroquin, Stevenson, Teamann.
VOTING NAY: None.
MOTION CARRIED.

RES 6805 WATER TREATMENT PLANT SLUDGE REMOVAL PROJECT

<u>RESOLUTION NO. 6805 – AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH SYNAGRO OF TEXAS-CDR, INC., BASED ON AN INVITATION TO BID, FOR CONSTRUCTION OF THE WTP SLUDGE REMOVAL PROJECT 2021</u>
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH SYNAGRO OF TEXAS-CDR, INC., BASED ON AN INVITATION TO BID FOR CONSTRUCTION OF THE WTP SLUDGE REMOVAL PROJECT 2021.

Mr. Lee said the Flocculation and Sedimentation Basins remove many items from the water, and this material is stockpiled in the sludge basins. Maintenance crews have dredged out some of the sludge ponds and stockpiled the sludge on site.

This contract is for removal of the stockpiles, not to exceed $200,000. There were two bidders, and the low bidder has not worked in Sherman before, but after research, the staff believes they have the capacity and financial ability to do the project.

It is estimated that there will be approximately 9,500 tons of sludge to be removed. The staff does recommend approval of the contract.

ACTION TAKEN.
Motion by Deputy Mayor Howeth to adopt Resolution No. 6805, as presented. Second by Council Member Holland.
VOTING AYE: Holland, Howeth, Marroquin, Stevenson, Teamann.
VOTING NAY: None.
MOTION CARRIED.

RES 6806 HOSPITAL DEVELOPMENT PREDEVELOPMENT LOAN

<u>RESOLUTION NO. 6806 – APPROVING AND AUTHORIZING EXECUTION OF THE AMENDED AND RESTATED PREDEVELOPMENT LOAN AGREEMENT AMONG CFP SHERMAN, LLC, THE CITY OF SHERMAN, TEXAS, CROSSROADS HOSPITAL DEVELOPMENT, LLC, IVY HOTEL GROUP, LLC, AP GULF STATES, INC., SHERMAN HOSPITAL MANAGEMENT COMPANY, LLC AND E4 ARCHITECTURE FOR THE COMMITMENT OF FUNDS FOR PREDEVELOPMENT EXPENSES RELATED FOR THE</u>

DEVELOPMENT, DESIGN AND CONSTRUCTION OF AN ESTIMATED 80-BED ACUTE CARE HOSPITAL AND APPROPRIATE SITE AMENITIES SUPPORTING THE SAME WITHIN THE CITY OF SHERMAN, TEXAS

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, APPROVING AND AUTHORIZING EXECUTION OF THE AMENDED AND RESTATED PREDEVELOPMENT LOAN AGREEMENT AMONG CFP SHERMAN, LLC, THE CITY OF SHERMAN, TEXAS, CROSSROADS HOSPITAL DEVELOPMENT, LLC, IVY HOTEL GROUP, LLC, AP GULF STATES, INC., SHERMAN HOSPITAL MANAGEMENT COMPANY, LLC AND E4 ARCHITECTURE FOR THE COMMITMENT OF FUNDS FOR PREDEVELOPMENT EXPENSES RELATED FOR THE DEVELOPMENT, DESIGN AND CONSTRUCTION OF AN ESTIMATED 80-BED ACUTE CARE HOSPITAL AND APPROPRIATE SITE AMENITIES SUPPORTING THE SAME WITHIN THE CITY OF SHERMAN.

Mr. Hefton said this amends the original pre-development loan that was approved several months ago. As they enter the diligence process, they need a little more time to complete the diligence. Things are progressing and he didn't feel they would need until April 2022, but that does give "breathing room."

The amendment changes the original October 31, 2021 date to April 30, 2022, and removes one of the partners that is no longer a part of the project, and adds a new party.

Mr. Hefton explained that Phoenix IDA is no longer a partner and has been replaced by Sherman Hospital Management Company, LLC. It doesn't change the dollars or the City's commitment dollars, it just removes one party and adds another party.

ACTION TAKEN.
Motion by Council Member Stevenson to adopt Resolution No. 6806, as presented. Second by Council Member Teamann.
VOTING AYE: Holland, Howeth, Marroquin, Stevenson, Teamann.
VOTING NAY: None.
MOTION CARRIED.

RES 6807
OPIOID SETTLEMENT

RESOLUTION NO. 6807 – JOINING WITH THE STATE OF TEXAS AND POLITICAL SUBDIVISIONS OF THE STATE AS A PARTY IN THE GLOBAL OPIOID SETTLEMENT AGREEMENT REGARDING OPIOID USE AND DISTRIBUTION IN *IN RE: TEXAS OPIOID LITIGATION*, MDL NO. 2018-63587, IN THE 152ND DISTRICT COURT OF HARRIS COUNTY, TEXAS, AND OTHER LITIGATION; ACCEPTING THE TEXAS OPIOID ABATEMENT FUND COUNCIL AND SETTLEMENT ALLOCATION TERM SHEET; AUTHORIZING THE CITY MANAGER TO EXECUTE SETTLEMENT PARTICIPATION DOCUMENTS

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, JOINING WITH THE STATE OF TEXAS AND POLITICAL SUBDIVISIONS OF THE STATE AS A PARTY IN THE GLOBAL OPIOID SETTLEMENT AGREEMENTS REGARDING OPIOID USE AND DISTRIBUTION IN *IN RE: TEXAS OPIOID LITIGATION*, MDL NO. 2018-63587, IN THE 152ND DISTRICT COURT

OF HARRIS COUNTY, TEXAS, AND OTHER LITIGATION; ACCEPTING THE TEXAS OPIOID ABATEMENT FUND COUNCIL AND SETTLEMENT ALLOCATION TERM SHEET; AUTHORIZING THE CITY MANAGER TO EXECUTE SETTLEMENT PARTICIPATION DOCUMENTS; PROVIDING FOR AN EFFECTIVE DATE.

Mary Lawrence, Director of Finance, explained that Mr. Pittman notified the staff that the City was part of the allocation from the settlement proceeds in the State of Texas versus certain opioid manufacturers and distributors. The settlement amount is about $330,000, depending on how many cities accept, and other calculation factors. The City must have Council approval to receive these funds.

Texoma Community Center is the only organization in the area that already has an opioid program to help people. The staff has spoken to them about "beefing up" their program and using the fund to help with opioids. They are excited about the opportunity to receive this funding.

Hopefully, the Police Department can work with the Texoma Community Center to provide training to help them identify the suspects that may need a different kind of assistance for their issues.

If approved, the staff will bring back a contract with the Texoma Community Center for Council consideration.

Council Member Holland verified that the agreement would be between Texoma Community Center and the City of Sherman. Council Member Teamann ask about a timeline to accept the settlement. Ms. Lawrence said the City has until January 1, 2022 to accept the funds, with a portion of the settlement to be received in January 2022.

Council Member Teamann said Texoma Community Center is a great community partner.

ACTION TAKEN.
Motion by Council Member Teamann to adopt Resolution No. 6807, as presented. Second by Council Member Holland.
VOTING AYE: Holland, Howeth, Marroquin, Stevenson, Teamann.
VOTING NAY: None.
MOTION CARRIED.

RESOLUTION NO. 6808 – CASTING VOTES TO ELECT A CANDIDATE TO SERVE AS A MEMBER OF THE GRAYSON CENTRAL APPRAISAL DISTRICT BOARD OF DIRECTORS

RES 6808
GRAYSON APPRAISAL DISTRICT BOARD

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, CASTING VOTES TO ELECT A CANDIDATE TO SERVE AS A MEMBER OF THE GRAYSON CENTRAL APPRAISAL DISTRICT BOARD OF DIRECTORS.
CONSENT AGENDA.

RES 6809 PURCHASE OF AMBULANCE

<u>RESOLUTION NO. 6809 – AUTHORIZING THE PURCHASE OF A 2022 FRAZER TYPE I 14' MODULE AMBULANCE FOR THE SHERMAN FIRE DEPARTMENT FROM KNAPP CHEVROLET AND FRAZER, LTD. THROUGH THE HOUSTON-GALVESTON AREA COUNCIL OF GOVERNMENTS (H-GAC)</u>
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE PURCHASE OF A 2022 FRAZER TYPE I 14' MODULE AMBULANCE FOR THE SHERMAN FIRE DEPARTMENT FROM KNAPP CHEVROLET AND FRAZER, LTD. THROUGH THE HOUSTON-GALVESTON AREA COUNCIL OF GOVERNMENTS (H-GAC).
CONSENT AGENDA.

RES 6810 FIRE DEPARTMENT RADIOS

<u>RESOLUTION NO. 6810 – AUTHORIZING THE PURCHASE OF TWENTY-SIX HAND-HELD RADIOS AND EIGHT MOBILE RADIOS FOR THE SHERMAN FIRE DEPARTMENT FROM MOTOROLA, INC., A SOLE SOURCE PROVIDER</u>
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE PURCHASE OF TWENTY-SIX HAND-HELD RADIOS AND EIGHT MOBILE RADIOS FOR THE SHERMAN FIRE DEPARTMENT FROM MOTOROLA INC., A SOLE SOURCE PROVIDER.
CONSENT AGENDA.

RES 6811 STREET DEPARTMENT WHEEL LOADER

<u>RESOLUTION NO. 6811 – AUTHORIZING THE PURCHASE OF A NEW 950GC WHEEL LOADER FROM HOLT CAT MANUFACTURING FOR THE STREET DEPARTMENT THROUGH SOURCEWELL PURCHASING COOPERATIVE</u>
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE PURCHASE OF A NEW 950GC WHEEL LOADER FROM HOLT CAT MANUFACTURING FOR THE STREET DEPARTMENT THROUGH SOURCEWELL PURCHASING COOPERATIVE.
CONSENT AGENDA.

REQ TO ADVERTISE ANNUAL SUPPLY OF CHEMICALS

<u>REQUEST TO ADVERTISE</u>
<u>ANNUAL SUPPLY OF CHEMICALS</u>
The City Council approved the request to advertise for the annual supply of chemicals for 2022. This contract would cover the City's supply of industrial chemical purchases for use at the Water Treatment Plant and the Wastewater Treatment Plant.
CONSENT AGENDA.

<u>OTHER BUSINESS</u>

GRAYSON COUNTY USE OF ANIMAL SHELTER ALTERNATIVES

<u>RECEIVE PRESENTATION FROM POLICE CHIEF ZACHARY FLORES ON ALTERNATIVES FOR THE CONTRACT WITH GRAYSON COUNTY FOR USE OF THE CITY OF SHERMAN ANIMAL SHELTER</u>
Zach Flores, Police Chief, updated the City Council on the proposed contract with Grayson County for use of the City's Animal Shelter. He said there was a "big" difference in what has been done in the past, and what they are proposing to do.

He said Sherman has the only government run animal shelter in Grayson County. Historically, Sherman has charged $50 per animal for the other agencies to use the Shelter, and the City has assumed

all costs after that. In FY 2020, Grayson County brought in 20% of the animal population at the Shelter.

For FY 2020, the Animal Shelter's budget was approximately $1 million, and Grayson County paid $25,700, or about 2.7% of the expenses.

In looking at a different structure, Chief Flores said they modeled the proposed fee structure on Collin County's structure.

He presented statistics for the number of animals that were taken in at the Shelter, 2,564, and the number of those that were from Grayson County, 531. That means that Grayson County brought 20.7% of the animals into the Shelter in FY 2020.

The direct costs for the Animal Shelter for FY 2022 are estimated to be a little over $1 million, with indirect costs estimated at $102,000, making the cost per animal $440. Using the FY 2020 numbers, because that's a full year, and the actual cost per animal, Grayson County would pay $233,731. Other cities would pay based on the same percentage of animals they brought into the shelter the previous full fiscal year.

Chief Flores said in comparison, last year Grayson County paid $25,700 for their annual contract, but this year, under the new accounting, they would pay $233,731. Currently, the City of Sherman and Grayson County are working under an expired contract.

He asked if the Council wanted to consider implementation of this proposed fee schedule. Also, since the timing of this issue did not allow the County to build the higher fees into their budget, he presented flexible implementation dates to consider. These possible implementation dates were January 1, 2022, April 1, 2022, July 1, 2022, or as directed by the City Council.

Mayor Plyler confirmed that the $440 per animal is the City's actual cost to take in an animal, based on FY 2020's numbers. Chief Flores said to make sure this is an accurate representation of costs, at the end of the year they would review the number of animals that actually came into the Shelter and they would do a "true up" of costs. The County would either get a credit if they were "overcharged" or pay the City more, based on the actual costs. This true up is also based on Collin County's program.

Mayor Plyler asked about "unintended consequences" and the possibility of having animals dumped on rural streets instead of being taken to the Shelter. Chief Flores said that was a possibility.

Council Member Teamann clarified that this fee wouldn't apply to citizens of the County bringing their animals in, but only to the County bringing animals in. He asked what portion of the total intake came from outside the City of Sherman. Chief Flores said there are a few animals from other cities, but most come from the County.

Deputy Mayor Howeth said the Council is very concerned that the Sherman Shelter is overcrowded, and they are looking at ways to deal with the overcrowding. No one wants to increase costs, but something has to be done, because the City has outgrown the Shelter. She said they are trying not to be a "kill shelter," but if an animal can't be placed because of their behavior, or they are in bad physical shape, that may happen. She added that it is not fair for the citizens of Sherman to pay all of the expenses for all the lost and abandoned animals in the County.

Council Member Teamann confirmed that the City Manager has the right to adjust the fee that citizens are charged for surrendering an animal, but that fee has not changed. Chief Flores said they have not been able to receive surrendered animals because of the limited space. They have had to turn them away.

Mr. Hefton said the principal is that Sherman pays for Sherman, and outside entities, using Sherman services, should pay their fair share for providing these services. He said this also follows the path for other regional shelters.

Council Member Stevenson felt the new fee schedule should be enacted on January 1, 2022.

Mr. Hefton asked if there was a general consensus that the process the staff has proposed is equitable, and if the Council agreed on the start date of January 1.

Deputy Mayor Howeth asked when Grayson County was notified. Chief Flores said he has had multiple conversations with the County, but no "hard numbers" yet. He said it was "not a surprise" to them and they have been aware that the City would not enter into a new contract until the issue was resolved.

Council Member Teamann said, if the County is bringing animals to the City's Shelter, it is costing the citizens for things that are out of the area.

ACTION TAKEN.

> **Motion by Council Member Stevenson to adopt the proposed alternatives for the contract with Grayson County for use of the City of Sherman Animal Shelter, with an effective date of January 1, 2022, as presented. Second by Council Member Teamann.**

VOTING AYE: Holland, Howeth, Marroquin, Stevenson, Teamann.
VOTING NAY: None.
MOTION CARRIED.

<u>CONSIDER CANCELLATION OF THE DECEMBER 20, 2021 REGULAR CITY COUNCIL MEETING AND ADD CALLED CITY COUNCIL MEETING ON DECEMBER 13, 2021</u>

CANCELLATION OF DECEMBER 13, 2021 COUNCIL MEETING & SET DECEMBER 13, 2021 MEETING

Mr. Hefton said the Council's regularly scheduled Council Meeting of December 20, 2021, falls on Christmas week. The staff proposed to cancel that meeting and reschedule it for December 13, 2021. Council Member Teamann confirmed that the Planning and Zoning Commission Meeting will be held on December 14, 2021.

ACTION TAKEN.

Motion by Council Member Holland to cancel the December 20, 2021 Regular City Council Meeting and add a Called City Council Meeting on December 13, 2021, as presented. Second by Deputy Mayor Howeth.

VOTING AYE: Holland, Howeth, Marroquin, Stevenson, Teamann.
VOTING NAY: None.
MOTION CARRIED.

APPROVE REPLAT LANDMARK ADDITION (1712 N. FM 1417)

REPLAT APPROVAL OF LANDMARK ADDITION, LOTS 1R & 4, BLOCK 1, A REPLAT OF LANDMARK ADDITION, REPLAT OF LOT 2, BLOCK 1, BEACON HILL ADDITION, SECTION 1, BEING PART OF LOT 1, BLOCK 1, LANDMARK ADDITION, CONTAINING 1.462 ACRES; RAHIM AYUSH LLC, OWNER, VAQUERO HERITAGE PKWY PARTNERS, LP, DEVELOPER, TRIANGLE ENGINEERING LLC, CIVIL ENGINEER AND JPH LAND SURVEYING, INC., SURVEYOR (1712 NORTH FM 1417 (HERITAGE PARKWAY))

The City Council approved the Replat of Landmark Addition, a 1.462 acre tract, located at 1712 North FM 1417. The property is zoned a C-1 (Retail Business) District and located in the O-1.1 (FM 1417) Overlay District. The owner would like to replat the property into two lots for commercial development.

The Planning and Zoning Commission recommended approval of the Replat, subject to the Staff Review Letter.
CONSENT AGENDA.

APPROVE REPLAT J.P. LOVING'S ADDITION (329 W. CHERRY ST)

REPLAT APPROVAL OF J.P. LOVING'S ADDITION, LOT 5R, BEING A REPLAT OF LOTS 4 & 5, J.P. LOVING'S ADDITION, BEING 0.154 ACRES IN THE SAMUEL BLAGG SURVEY, ABSTRACT NO. 56 AND BEING A PART OF LOT 4 AND ALL OF LOT 5 OF J.P. LOVING'S ADDITION; TOBAR PROPERTIES LLC, OWNER AND PRESTON TRAIL LAND SURVEYING, SURVEYOR (329 WEST CHERRY STREET)

The City Council approved the Replat of J.P. Loving's Addition, a 0.154 acre tract, located at 320 West Cherry Street. The property is zoned an R-2 (Multi-Family Residential) District. The owner would like to replat the property into a 58.54' lot for residential development.

The Planning and Zoning Commission recommended approval of the Replat, subject to the Staff Review Letter.
CONSENT AGENDA.

APPROVE FINAL PLAT QUAIL RUN, PHASE TWO (4700-5200 BLOCKS OF QUAIL RUN RD & W. CORMORANT DR)

FINAL PLAT APPROVAL OF QUAIL RUN, PHASE TWO, BEING 20.429 ACRES IN THE JASON STAMPS SURVEY, ABSTRACT NO. 1115 AND THE ELIZABETH JONES SURVEY, ABSTRACT NO. 625; 300 SHERMAN, LP, OWNER, GEES, INC., CIVIL ENGINEER AND PRESTON TRAIL LAND SURVEYING, SURVEYOR (4700-5200 BLOCKS OF QUAIL RUN ROAD AND WEST CORMORANT DRIVE)

The City Council approved the Final Plat of Quail Run, Phase Two, a 20.429 acre tract, located in the 4700 to 5200 blocks of Quail Run Road and West Cormorant Drive. The property is zoned an SF-1 (Single Family Residential) District, R-1 (One-Family Residential)

District, and R-2 (Multi-Family Residential) District. The owner would like to plat the property into 84 lots for residential development.

The Planning and Zoning Commission recommended approval of the Final Plat, subject to the Staff Review Letter.
CONSENT AGENDA.

APPROVE FINAL PLAT TEXOMA COMMUNITY CENTER ADDITION (2310 N. TRAVIS ST)

FINAL PLAT APPROVAL OF TEXOMA COMMUNITY CENTER ADDITION, BEING 0.485 ACRES IN THE J.B. McANAIR SURVEY, ABSTRACT NO. 763; TEXOMA COMMUNITY CENTER, OWNER, TORI DYESS, APPLICANT AND PRESTON TRAIL LAND SURVEYING, SURVEYOR (2310 NORTH TRAVIS STREET)
The City Council approved the Final Plat of Texoma Community Center Addition, a 0.485 acre tract, located at 2310 North Travis Street. The property is zoned a C-1 (Retail Business) District. The owner would like to plat the property into one lot for commercial development.

The Planning and Zoning Commission recommended approval of the Final Plat, subject to the Staff Review Letter.
CONSENT AGENDA.

APPROVE FINAL PLAT KAISER ALUMINUM ADDITION (4318 S. HWY 75)

FINAL PLAT APPROVAL OF KAISER ALUMINUM ADDITION, LOTS 1 & 2, BEING 11.781 ACRES IN THE SHEROD DUNMAN SURVEY, ABSTRACT NO. 329; KAISER ALUMINUM FABRICATED PRODUCTS, LLC, OWNER AND PRESTON TRAIL LAND SURVEYING, SURVEYOR (4318 SOUTH U.S. HIGHWAY 75)
The City Council approved the Final Plat of Kaiser Aluminum Addition, an 11.781 acre tract, located at 4318 South U.S. Highway 75. The property is located in the Blalock Industrial Park.

At the July 19, 2021 City Council Meeting, an exception and site plan approval for ABC Supply was granted to allow outdoor storage in the front and rear of the building, subject to the site plan, as presented in lieu of the required rear half of the property and shall not be placed on that half of the property adjacent to an existing street (Dorset Drive), in the Blalock Industrial Park.

The owners would like to plat the property into two lots as a requirement of the site plan approval. The Planning and Zoning Commission recommended approval of the Final Plat, subject to the Staff Review Letter.
CONSENT AGENDA.

APPOINT/REMOVE OR CONSIDER QUALIFICATIONS TO BOARDS AND COMMISSIONS

COUNCIL BOARDS & COMMITTEES

COUNCIL AUDIT COMMITTEE (3)
INVESTMENT COMMITTEE (2)
TAX REINVESTMENT COMMITTEE (2)
TAX INCREMENT FINANCING BOARD #1 (3)
TAX INCREMENT FINANCING BOARD #2 (3)
TAX INCREMENT FINANCING BOARD #3 (3)
TAX INCREMENT FINANCING BOARD #5 (3)

TAX INCREMENT FINANCING BOARD #6 (3)
TAX INCREMENT FINANCING BOARD #7 (3)
ANIMAL CONTROL ADVISORY COMMITTEE (1)
Council Member Teamann recommended that any current Council Members that were serving on boards remain unchanged and the newly elected Council Members be appointed to boards that were represented by outgoing Council Members. Council Members discussed new appointments.

ACTION TAKEN.
Motion by Council Member Stevenson to reappoint all Council Members remaining on the Council and currently serving on the Council Audit Committee, Investment Committee, Tax Reinvestment Committee, Tax Increment Financing Board #1, Tax Increment Financing Board #2, Tax Increment Financing Board #3, Tax Increment Financing Board #5, Tax Increment Financing Board #6, and Tax Increment Financing Board #7, for terms from November 16, 2021 to November 2022; and to appoint Juston Dobbs to serve on the Investment Committee and the Tax Increment Financing Board #1, and Henry Marroquin to serve on the Tax Reinvestment Committee and the Animal Control Advisory Committee, for a term from November 16, 2021 to November 2022. Second by Council Member Teamann.
VOTING AYE: Holland, Howeth, Marroquin, Stevenson, Teamann.
VOTING NAY: None.
MOTION CARRIED.

COUNCIL COMMENTS
THANKS TO OUTGOING COUNCIL MEMBERS

THANKS TO OUTGOING COUNCIL MEMBERS

Council Member Teamann thanked outgoing Council Members Sandra Melton and Willie Steele for their service, and said it had been a pleasure serving with them. He also congratulated newly elected Council Members Henry Marroquin and Juston Dobbs, and said he looked forwarding to serving with them.

UPDATE ON GENERATORS

UPDATE ON GENERATORS

Council Member Teamann asked to get an update at a future Council Meeting, on the generators, since the weather is getting colder.

SERVICE ON THE CITY COUNCIL

SERVICE ON THE CITY COUNCIL

Council Member Marroquin said he was really looking forward to working with the rest of the City Council. He thanked everyone for their support.

SERVICE ON THE CITY COUNCIL

SERVICE ON THE CITY COUNCIL

Council Member Stevenson welcomed the new Council Members. He also thanked former Council Member Melton for her service and said he had enjoyed working with her.

He said when he was first elected to the Council, he sat beside former Council Member Steele and he “really took him under his wing.” He said he had been a great leader for the City for so many years and they would really miss him.

He also welcomed new Council Members Henry Marroquin and Juston Dobbs, and said he looked forward to working with them.

SERVICE ON THE CITY COUNCIL

SERVICE ON THE CITY COUNCIL

Mayor Plyler thanked former Council Members Melton and Steele for their service, and wished them well.

ANNOUNCEMENTS

ANNOUNCEMENTS

Mayor Plyler announced the following:

- **The annual Sherman Christmas Parade will be held on December 4, 2021, with the theme "Winter Scenes and Snow Globe Dreams." The parade starts at 6:00 p.m.**
- **The Sherman Symphony Orchestra will host Christmas Pops on December 4, 2021, at 7:30 p.m., at Austin College.**
- **Hope on Houston will be sponsoring the Nutcracker ballet on November 26 and 27, 2021. Tickets and sponsorships are still available.**

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

EXECUTIVE SESSION

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.

TEX. GOV'T CODE § 551.071 --
SEEKING THE ADVICE OF ITS ATTORNEY ABOUT PENDING OR CONTEMPLATED LITIGATION, SETTLEMENT OFFERS OR ANY MATTER IN WHICH THE DUTY OF THE ATTORNEY TO THE CITY COUNCIL UNDER THE TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT OF THE STATE BAR OF TEXAS CLEARLY CONFLICTS WITH THE TEXAS OPEN MEETINGS ACT

TEX. GOV'T CODE § 551.072 --
DELIBERATING THE PURCHASE, EXCHANGE, LEASE OR VALUE OF REAL PROPERTY IF DELIBERATION IN AN OPEN MEETING WOULD HAVE A DETRIMENTAL EFFECT ON THE POSITION OF THE CITY IN NEGOTIATIONS WITH A THIRD PERSON

(a) Deliberation regarding the purchase and value of real property generally located south of FM 691, east of FM 1417, west of US Highway 75 and north of US Highway 82

TEX. GOV'T CODE § 551.073 --
DELIBERATING A NEGOTIATED CONTRACT FOR A PROSPECTIVE GIFT OR DONATION TO THE CITY IF DELIBERATION IN AN OPEN MEETING WOULD HAVE A DETRIMENTAL EFFECT ON THE POSITION OF THE CITY IN NEGOTIATIONS WITH A THIRD PERSON

TEX. GOV'T CODE § 551.074 --
DELIBERATING THE APPOINTMENT, EMPLOYMENT, EVALUATION, REASSIGNMENT, DUTIES, DISCIPLINE OR DISMISSAL OF A PUBLIC OFFICER OR EMPLOYEE; OR TO HEAR A COMPLAINT OR CHARGE AGAINST AN OFFICER OR EMPLOYEE

UNLESS THE OFFICER OR EMPLOYEE WHO IS THE SUBJECT OF THE DELIBERATION OR HEARING REQUESTS A PUBLIC HEARING
(a) Texoma Council of Governments Board of Directors (1)

TEX. GOV'T CODE § 551.076 –
DELIBERATING THE DEPLOYMENT, OR SPECIFIC OCCASIONS FOR IMPLEMENTATION, OF SECURITY PERSONNEL OR DEVICES OR A SECURITY AUDIT

TEX. GOV'T CODE § 551.087 –
DISCUSSING OR DELIBERATING COMMERCIAL OR FINANCIAL INFORMATION THAT THE CITY HAS RECEIVED FROM A BUSINESS PROSPECT THAT THE CITY SEEKS TO HAVE LOCATE, STAY OR EXPAND IN OR NEAR THE CITY AND WITH WHICH THE CITY IS CONDUCTING ECONOMIC DEVELOPMENT NEGOTIATIONS; OR DELIBERATING THE OFFER OF A FINANCIAL OR OTHER INCENTIVE TO A BUSINESS PROSPECT
(a) Economic Development Project

TEX. GOV'T CODE § 551.089 --
DELIBERATING SECURITY ASSESSMENTS OR DEPLOYMENTS RELATING TO INFORMATION RESOURCES TECHNOLOGY, NETWORK SECURITY INFORMATION, OR THE DEPLOYMENT OR SPECIFIC OCCASIONS FOR IMPLEMENTATION OF SECURITY PERSONNEL, CRITICAL INFRASTRUCTURE OR SECURITY DEVICES

On Motion duly made and carried, the Open Meeting recessed and reconvened in Executive Session at 6:17 p.m.

On Motion duly made and carried, the Executive Session recessed at 6:48 p.m. and reconvened in Open Meeting.

OPEN MEETING — **OPEN MEETING**

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

APPOINT/REMOVE OR CONSIDER QUALIFICATIONS TO BOARDS AND COMMISSIONS

TEXOMA COUNCIL OF GOVERNMENTS BOARD OF DIRECTORS (1) — **TCOG BOARD OF DIRECTORS**

ACTION TAKEN.

Motion by Council Member Marroquin to appoint Juston Dobbs, to the Texoma Council of Governments Board of Directors, for a term from November 16, 2021 to November 2022. Second by Council Member Stevenson.

VOTING AYE: Holland, Howeth, Marroquin, Stevenson, Teamann.
VOTING NAY: None.
MOTION CARRIED.

ADJOURNMENT **ADJOURNMENT**

On Motion duly made and carried, the meeting adjourned at 6:50 p.m.

MAYOR

CITY CLERK