

STATE OF TEXAS §
 July 1, 2024
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 July 1, 2024.

MEMBERS PRESENT: MAYOR DAVID PLYLER; DEPUTY MAYOR SHAWN TEAMANN.
 COUNCIL MEMBERS DOBBS, HOLLAND, HOWETH, MARROQUIN,
 STEVENSON.

MEMBERS ABSENT: NONE.

CALL TO ORDER

Mayor Plyler called the meeting to order at 5:00 p.m. The Pledge of Allegiance and Invocation were led by Deputy Mayor Shawn Teamann.

CALL TO ORDER

APPROVE MINUTES

The Council reviewed the Minutes of the Regular City Council Meeting of June 17, 2024 and the Tax Increment Financing Board #3 Meeting of June 17, 2024. Council Member Howeth moved to approve the Minutes, as presented; Second by Council Member Holland; All present voted AYE.
MOTION CARRIED.

APPROVE MINUTES

CITIZEN'S COMMENTS

There were no citizen's comments.

CITIZEN'S COMMENTS

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.

CONSENT AGENDA

Mayor Plyler said there had been a request to remove E-6, entitled "Resolution 7332 - Approving the Greater Texoma Utility Authority's Intention to Award the Sherman WTP Flocculation and Sedimentation Improvements Project to Red River Construction Company," from the Consent Agenda, for consideration in its regular order of business.

The Council reviewed the Consent Agenda. Council Member Stevenson moved to approve the Consent Agenda, with the exception of Item E-6, "Resolution 7332," which will be considered in its regular order of business. Second by Council Member Dobbs. All present voted AYE.

PROCLAMATION

"AMERICANS WITH DISABILITIES ACT AWARENESS DAY" -- JULY 26, 2024

Mayor Plyler presented a proclamation to Janie Bates, Executive Director, Workforce Solutions Texoma, designating July 26, 2024 as "Americans with Disabilities Act Awareness Day."

**AMERICANS WITH
DISABILITIES ACT
DAY
(JULY 26, 2024)**

“PARKS AND RECREATION MONTH” -- JULY 2024

Deputy Mayor Teamann presented a proclamation to Justin Eastwood, Director of Parks and Recreation, and Theresa Hutchinson, Parks and Recreation Manager, designating July 2024 as “Parks and Recreation Month.”

**PARKS & RECREATION
MONTH
(JULY 2024)**

RESOLUTION NO. 7327 -- AUTHORIZING EXECUTION OF AN ECONOMIC DEVELOPMENT PROGRAM AGREEMENT WITH CHICK-FIL-A, INC FOR THE GRANT OF INCENTIVES PURSUANT TO CHAPTER 380 OF THE TEXAS LOCAL GOVERNMENT CODE

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN ECONOMIC DEVELOPMENT PROGRAM AGREEMENT WITH CHICK-FIL-A, INC. FOR THE GRANT OF INCENTIVES PURSUANT TO CHAPTER 380 OF THE TEXAS LOCAL GOVERNMENT CODE.

**RES 7327
CHAPTER 380
AGREEMENT
(CHICK-FIL-A)**

Terrence Steele, Assistant City Manager, explained that this Chapter 380 Agreement was for the second Chick-Fil-A location at Crossroads. The agreement is for 50% of the City’s portion of sales tax for two years.

ACTION TAKEN.

Motion by Deputy Mayor Teamann to approve Resolution No. 7327, as presented. Second by Council Member Howeth.

VOTING AYE: Dobbs, Holland, Howeth, Marroquin, Stevenson, Teamann.

VOTING NAY: None.

MOTION CARRIED.

RESOLUTION NO. 7328 -- AUTHORIZING EXECUTION OF A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF SHERMAN AND SHERMAN MF 276, LTD. FOR CERTAIN STREET IMPROVEMENTS WITHIN AN APPROXIMATE 13.640 ACRES GENERALLY LOCATED AT THE NORTHWEST CORNER OF O.B. GRONER ROAD AND F.M. HIGHWAY 1417

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF SHERMAN AND SHERMAN MF 276, LTD. FOR CERTAIN IMPROVEMENTS WITHIN AN APPROXIMATE 13.640 ACRES GENERALLY LOCATED AT THE NORTHWEST CORNER OF O.B. GRONER ROAD AND F.M. HIGHWAY 1417.

**RES 7328
DEVELOPMENT
AGREEMENT
STREET
IMPROVEMENTS
(NW CORNER O.B.
GRONER & FM 1417)**

Clint Phillpot, Assistant City Manager, said staff was concerned about traffic problems at O.B. Groner Road, when representatives for this Development Agreement came in for site plan approval. The road is currently 20’ to 24’ wide, and needed more capacity.

The developer took on the design, and it will ultimately be a four lane buildout, across from West Travis Street at FM 1417. It then tapers down to two lanes, but will ultimately be a four lane, median divided road.

The total cost of the street project will be about \$2.6 million, and this agreement will allow the City to reimburse about \$500,000 for

the project. Construction is expected to start by the end of August 2024.

ACTION TAKEN.

Motion by Deputy Mayor Teamann to approve Resolution No.

7328, as presented. Second by Council Member Stevenson.

VOTING AYE: Dobbs, Holland, Howeth, Marroquin, Stevenson, Teamann.

VOTING NAY: None.

MOTION CARRIED.

RESOLUTION NO. 7329 -- AUTHORIZING EXECUTION OF AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICES AGREEMENT WITH HUITT-ZOLLARS, INC. FOR THE DEVELOPMENT PLAN REVIEWS

**RES 7329
DEVELOPMENT
PLAN REVIEWS**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICES AGREEMENT WITH HUITT-ZOLLARS, INC. FOR DEVELOPMENT PLAN REVIEWS.

Mayor Plyler said the Council would like to consider Resolution 7329 after the Executive Session.

RESOLUTION NO. 7330 -- ACCEPTING THE CONTRACT WITH RED RIVER CONSTRUCTION COMPANY, INC. FOR THE CONSTRUCTION OF THE POST OAK WASTEWATER TREATMENT PLANT AERATION AND OTHER SECONDARY TREATMENT IMPROVEMENTS AS COMPLETE

**RES 7330
WWTP PLANT
IMPROVEMENTS**

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, ACCEPTING THE CONTRACT WITH RED RIVER CONSTRUCTION COMPANY, INC. FOR THE POST OAK WASTEWATER TREATMENT PLANT AERATION AND OTHER SECONDARY TREATMENT IMPROVEMENTS AS COMPLETE.

Tom Pruitt, Utility Engineer, said the project is one of seven projects at the Wastewater Treatment Plant, initiated in 2017, and was for a new aeration system and biological clarifiers. Funding of \$13.6 million was from the Texas Water Development Board, through the State Revolving Fund, and this portion cost \$5,644,800.

ACTION TAKEN.

Motion by Council Member Dobbs to approve Resolution No.

7330, as presented. Second by Council Member Holland.

VOTING AYE: Dobbs, Holland, Howeth, Marroquin, Stevenson, Teamann.

VOTING NAY: None.

MOTION CARRIED.

RESOLUTION NO. 7331 -- AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH FREESE AND NICHOLS, INC. FOR THE LEAD AND COPPER RULE REVISION COMPLIANCE PROGRAM - PHASE 3 SERVICES

**RES 7331
LEAD & COPPER
RULE REVISION
COMPLIANCE
PROGRAM**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH FREESE AND

NICHOLS, INC. FOR THE LEAD AND COPPER RULE REVISION COMPLIANCE PROGRAM – PHASE 3 SERVICES.
CONSENT AGENDA.

RESOLUTION NO. 7332 -- APPROVING THE GREATER TEXOMA UTILITY AUTHORITY'S INTENTION TO AWARD THE SHERMAN WTP FLOCCULATION AND SEDIMENTATION IMPROVEMENTS PROJECT TO RED RIVER CONSTRUCTION COMPANY

RES 7332
WTP IMPROVEMENTS

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, APPROVING THE GREATER TEXOMA UTILITY AUTHORITY'S INTENTION TO AWARD THE SHERMAN WTP FLOCCULATION AND SEDIMENTATION IMPROVEMENTS PROJECT TO RED RIVER CONSTRUCTION COMPANY.

Mayor Plyler removed Item E-6, Resolution 7332, from the Consent Agenda for consideration in its regular order of business.

RESOLUTION NO. 7333 -- AUTHORIZING THE PURCHASE OF A SPECIALTY UTV AMBULANCE FROM FARRWEST SPECIALTY VEHICLES FOR THE SHERMAN FIRE DEPARTMENT THROUGH BUYBOARD

RES 7333
AMBULANCE
PURCHASE

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE PURCHASE OF A SPECIALTY UTV AMBULANCE FROM FARRWEST SPECIALTY VEHICLES FOR THE SHERMAN FIRE DEPARTMENT THROUGH BUYBOARD.

CONSENT AGENDA.

OTHER BUSINESS

CONSIDER SCHEDULING A JOINT MEETING OF THE CITY COUNCIL AND THE SHERMAN ECONOMIC DEVELOPMENT CORPORATION BOARD OF DIRECTORS FOR 12:00 P.M. ON TUESDAY, SEPTEMBER 10, 2024, TO REVIEW AND APPROVE SEDCO'S ANNUAL BUDGET AND WORK PLAN

SET JOINT MTG
WITH SEDCO
(SEPT. 10, 2024)

Mr. Hefton said this was the annual meeting with the Sherman Economic Development Corporation Board of Directors, to review their budget and work plan.

ACTION TAKEN.

Motion by Council Member Stevenson to schedule a Joint Meeting of the City Council and the Sherman Economic Development Corporation Board of Directors for September 10, 2024, at 12:00 p.m., as presented. Second by Council Member Howeth.

VOTING AYE: Dobbs, Holland, Howeth, Marroquin, Stevenson, Teamann.

VOTING NAY: None.

MOTION CARRIED.

CONSIDER AND ACT ON A PETITION FROM JON L. BROWN AND LOVANDA L. BROWN RELATED TO APPROXIMATELY 1.3 ACRES OF LAND LOCATED IN THE DRIPPING SPRINGS ADDITION, LOT 2, AS RECORDED IN VOLUME 3268, PAGE 285 OF THE REAL PROPERTY RECORDS, GRAYSON COUNTY, TEXAS, LOCATED WITHIN THE CITY OF SHERMAN'S EXTRATERRITORIAL JURISDICTION

PETITION FOR
REMOVAL FROM ETJ
(DENIED)

COUNCIL MINUTES – JULY 1, 2024

Ryan Pittman, City Attorney, said his comments applied to these four agenda items.

Each item is a petition from the property owner, that the City has received to release their property from the City's Extraterritorial Jurisdiction, in accordance with Senate Bill 2038.

He added, that on Item F-4, the petitioners that submitted that petition have not provided any evidence that they are the owners of that property, and the City has been unable to confirm that fact.

If the Council decides to deny that petition as has been done in the past, they may also want to include the additional defect of not being able to prove they own the property, therefore being qualified to present the petition, in the first place.

Council Member Howeth asked why these citizens were requesting to be removed from the ETJ. Mr. Pittman said the petitioners did not state a reason. He offered to discuss the issue in Executive Session.

ACTION TAKEN.

Motion by Council Member Stevenson to deny the petition submitted by Jon L. Brown and Lovanda L. Brown, for the release of property from the City's Extraterritorial Jurisdiction, because Senate Bill 2038, Local Government Code, Section 42.104 and Section 42.105 are unconstitutional delegations of legislative authority and are in direct and irreconcilable conflict with Local Government Code, Section 42.023, and the City has not consented and does not consent to the release of the property from its ETJ or any reduction of the City's ETJ.

Second by Deputy Mayor Teamann.

VOTING AYE: Dobbs, Holland, Howeth, Marroquin, Stevenson, Teamann.

VOTING NAY: None.

MOTION CARRIED TO DENY.

CONSIDER AND ACT ON A PETITION FROM BENJAMIN M. CROUSE AND SARAH M. CROUSE RELATED TO APPROXIMATELY 8 ACRES OF LAND LOCATED IN THE JOHN McCLENIHAN SURVEY, ABSTRACT NO. 789, AS RECORDED IN VOLUME 517, PAGE 619, OF THE GRAYSON COUNTY OFFICIAL PUBLIC RECORDS AND BEING THAT SAME TRACT CONVEYED AS RECORD IN DOCUMENT NUMBER 2024-2259 OF THE OFFICIAL PUBLIC RECORDS, GRAYSON COUNTY, TEXAS LOCATED WITHIN THE CITY OF SHERMAN'S EXTRATERRITORIAL JURISDICTION

ACTION TAKEN.

Motion by Council Member Stevenson to deny the petition submitted by Benjamin M. Crouse and Sarah M. Crouse, for the release of property from the City's Extraterritorial Jurisdiction, because Senate Bill 2038, Local Government Code, Section 42.104 and Section 42.105 are unconstitutional delegations of legislative authority and are in direct and irreconcilable conflict with Local Government Code, Section 42.023, and the City has not consented and does not consent to the release of the

PETITION FOR
REMOVAL FROM ETJ
(DENIED)

property from its ETJ or any reduction of the City's ETJ.
Second by Council Member Dobbs.

VOTING AYE: Dobbs, Holland, Howeth, Marroquin, Stevenson,
Teamann.

VOTING NAY: None.

MOTION CARRIED TO DENY.

CONSIDER AND ACT ON A PETITION FROM BENJAMIN M. CROUSE AND SARAH M. CROUSE RELATED TO APPROXIMATELY 129.7 ACRES OF LAND LOCATED IN THE JOHN McCLENIHAN SURVEY, ABSTRACT NO. 789, AS RECORDED IN VOLUME 2664, PAGE 266 AND AS RECORDED IN INSTRUMENT NO. 20217-28819 OF THE OFFICIAL PUBLIC RECORDS, GRAYSON COUNTY, TEXAS, LOCATED WITHIN THE CITY OF SHERMAN'S EXTRATERRITORIAL JURISDICTION

ACTION TAKEN.

Motion by Council Member Stevenson to deny the petition because the petitioners have not provided sufficient evidence that they are in fact qualified to submit the petition as owners or residents of the subject property (and the City is unable to verify or conclude the same) and because Senate Bill 2038, Local Government Code, Sections 42.104 and 42.105, are unconstitutional delegations of legislative authority, and are in direct and irreconcilable conflict with Local Government Code, Section 42.023, and the City has not consented and does not consent to release of the property from its ETJ or any reduction of the City's ETJ. Second by Council Member Howeth.

VOTING AYE: Dobbs, Holland, Howeth, Marroquin, Stevenson,
Teamann.

VOTING NAY: None.

MOTION CARRIED TO DENY.

PETITION FOR
REMOVAL FROM ETJ
(DENIED)

CONSIDER AND ACT ON A PETITION FROM BENJAMIN M. CROUSE AND SARAH M. CROUSE RELATED TO APPROXIMATELY 11 ACRES OF LAND LOCATED IN THE JOHN McCLENIHAN SURVEY, ABSTRACT NO. 789, AS RECORDED IN VOLUME 3291, PAGE 193, OF THE OFFICIAL PUBLIC RECORDS, GRAYSON COUNTY, TEXAS, LOCATED WITHIN THE CITY OF SHERMAN'S EXTRATERRITORIAL JURISDICTION

ACTION TAKEN.

Motion by Council Member Stevenson to deny the petition submitted by Benjamin M. Crouse and Sarah M. Crouse, for the release of property from the City's Extraterritorial Jurisdiction, because Senate Bill 2038, Local Government Code, Section 42.104 and Section 42.105 are unconstitutional delegations of legislative authority and are in direct and irreconcilable conflict with Local Government Code, Section 42.023, and the City has not consented and does not consent to the release of the property from its ETJ or any reduction of the City's ETJ. Second by Council Member Howeth.

VOTING AYE: Dobbs, Holland, Howeth, Marroquin, Stevenson,
Teamann.

VOTING NAY: None.

MOTION CARRIED TO DENY.

PETITION FOR
REMOVAL FROM ETJ
(DENIED)

COUNCIL COMMENTS

- Asked for a Council tour of the Wastewater Treatment Plant and the Water Treatment Plant, when the improvements were complete. (Pam Howeth)
- Asked Council Members to tour the Senior Citizen Center to become more aware of what programs they offer. (Pam Howeth)

ANNOUNCEMENTS

Mayor Plyler announced the following:

- Lights on the Lake will be held on July 3, 2024, at Pecan Grove Park, and will feature The Beach Boys and an awesome fireworks display.

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.

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

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

COUNCIL COMMENTS

ANNOUNCEMENTS

EXECUTIVE SESSION

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

TEXAS 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 5:26 p.m.

On Motion duly made and carried, the Executive Session recessed
at 6:09 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

RESOLUTION NO. 7329 -- AUTHORIZING EXECUTION OF
AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICES
AGREEMENT WITH HUITT-ZOLLARS, INC. FOR THE
DEVELOPMENT PLAN REVIEWS

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AMENDMENT
NO. 1 TO THE PROFESSIONAL SERVICES AGREEMENT WITH
HUITT-ZOLLARS, INC. FOR DEVELOPMENT PLAN REVIEWS.

RES 7329
DEVELOPMENT
PLAN REVIEWS
(NO ACTION TAKEN)

Council Members took no action on Resolution 7329.

RESOLUTION NO. 7332 -- APPROVING THE GREATER TEXOMA
UTILITY AUTHORITY'S INTENTION TO AWARD THE SHERMAN
WTP FLOCCULATION AND SEDIMENTATION IMPROVEMENTS
PROJECT TO RED RIVER CONSTRUCION COMPANY

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
SHERMAN, TEXAS, APPROVING THE GREATER TEXOMA UTILITY
AUTHORITY'S INTENTION TO AWARD THE SHERMAN WTP
FLOCCULATION AND SEDIMENTATION IMPROVEMENTS PROJECT
TO RED RIVER CONSTRUCTION COMPANY.

RES 7332
WTP IMPROVEMENTS

ACTION TAKEN.

Motion by Council Member Stevenson to approve Resolution
No. 7332, as presented. Second by Council Member Howeth.

COUNCIL MINUTES – JULY 1, 2024

VOTING AYE: Dobbs, Holland, Howeth, Marroquin, Stevenson, Teamann.

VOTING NAY: None.

MOTION CARRIED.

ADJOURNMENT

On Motion duly made and carried, the meeting adjourned at 6:10 p.m.

ADJOURNMENT

MAYOR

CITY CLERK