

November 4, 2024

MEMBERS PRESENT: MAYOR DAVID PLYLER.
COUNCIL MEMBERS BARNETT, DOBBS, HOLLAND, HOWETH,
MARROQUIN, STEVENSON.

CALL TO ORDER

CALL TO ORDER

APPROVE MINUTES

MOTION CARRIED.

SHERMAN MUNICIPAL AIRPORT HANGARS

AIRPORT HANGARS

Clint Philpott, Assistant City Manager, said there was an increase in construction costs, and the City “worked it out” on the back end of the agreement.

CONSENT AGENDA

CONSENT AGENDA

Council Member Barnett asked to remove Item F-11, entitled “Resolution 7426 - Authorizing Execution of an Agreement for EMS and Fire Protection Services between Grayson County, Texas and the City of Sherman, Texas, for the Period of October 1, 2024 through September 30, 2024,” 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 F-11, which will be considered in its regular order of business. Second by Council Member Dobbs. All present voted AYE.

Mayor Plyler introduced Ordinance No. 6786 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, CLOSING AND ABANDONING THE PLATTED ALLEY WEST OF LOT 1, BLOCK 29, W. ELLIOTT’S ADDITION, AND EAST OF LOTS 1-4, BLOCK 20, CONTINUATION OF W. ELLIOTT’S ADDITION, IN THE CITY OF SHERMAN, GRAYSON COUNTY, TEXAS, AS BEING SHOWN IN VOLUME 138, PAGE 265 AND VOLUME 101, PAGE 484, DEED RECORDS, GRAYSON COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED IN THE EXHIBITS “A” AND “B” ATTACHED HERETO AND MADE A PART HEREOF FOR ALL PURPOSES.

ORD 6786
ABANDON
PLATTED ALLEY
(914 E. THOMAS)

Wayne Lee, Director of Engineering, said the property owner next door is requesting that this alley be abandoned. In 1964, the City Council Minutes show that the alley was abandoned, however it wasn’t done by ordinance or filed at Grayson County.

If the Council approves the abandonment, it will be done by ordinance and filed at the County.

No citizens appeared before the City Council to discuss Ordinance No. 6786.

The Public Hearing was closed.

Ordinance 6786

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, CLOSING AND ABANDONING THE PLATTED ALLEY WEST OF LOT 1, BLOCK 29, W. ELLIOTT’S ADDITION, AND EAST OF LOTS 1-4, BLOCK 20, CONTINUATION OF W. ELLIOTT’S ADDITION, IN THE CITY OF SHERMAN, GRAYSON COUNTY, TEXAS, AS BEING SHOWN IN VOLUME 138, PAGE 265 AND VOLUME 101, PAGE 484, DEED RECORDS, GRAYSON COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED IN THE EXHIBITS “A” AND “B” ATTACHED HERETO AND MADE A PART HEREOF FOR ALL PURPOSES.

ORD 6786
ABANDON
PLATTED ALLEY
(914 E. THOMAS)

ACTION TAKEN.

Motion by Council Member Howeth to approve Ordinance No. 6786, as presented. Second by Council Member Stevenson.

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

**INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6782
(TABLED AT THE OCTOBER 21, 2024 CITY COUNCIL MEETING)**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SHERMAN'S ZONING ORDINANCE/CODE OF ORDINANCES CHAPTER 14, TO REZONE A TRACT OF LAND CONSISTING OF 0.870 ACRES BEING LOT 1, LOT 2 AND LOT 3, ALVARADO ESTATES, IN THE ROBERT THOMPSON SURVEY, ABSTRACT 1200, CITY OF SHERMAN, GRAYSON COUNTY, TEXAS, LOCATED AT 2901, 2909 AND 2913 SOUTH FIRST STREET, HERETOFORE ZONED R-6 (SINGLE FAMILY RESIDENTIAL) DISTRICT; REZONING AND PLACING THE TRACT IN THE R-4 (SINGLE FAMILY RESIDENTIAL) DISTRICT ZONING CLASSIFICATION, BELACOO, LLC (OWNER), JAY PESKUSKI (REPRESENTATIVE) AND UNDERWOOD DRAFTING AND SURVEYING (SURVEYOR) PROVIDING FOR A PENALTY NOT TO EXCEED \$2,000.00; PROVIDING A REPEALING/SAVINGS CLAUSE, SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

ORD 6782
ZONE CHANGE
(2901, 2909, 2913
S. FIRST ST)
(REMAINS ON TABLE)

Mayor Plyler asked if Council Members wanted to remove Ordinance 6782 from table, for discussion. Council Member Stevenson said it was originally tabled because there was no representative there to answer questions.

Council Members asked if a representative was present to answer questions. Since no one appeared to represent the request, it remained tabled.

RESOLUTION NO. 7416 -- APPROVAL OF THE PURCHASE AND SALE AGREEMENT WITH BEL AIR COMMUNITIES, LLC, FOR THE PURCHASE AND SALE OF APPROXIMATELY 10.0 ACRES OF LAND, GENERALLY LOCATED SOUTH OF F.M. 1417, EAST OF U.S. HIGHWAY 75 AND BEHIND THE MOVIE BOWL GRILL IN THE CITY OF SHERMAN, TEXAS

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, APPROVAL OF THE PURCHASE AND SALE AGREEMENT WITH BEL AIR COMMUNITIES, LLC, FOR THE PURCHASE OF APPROXIMATELY 10.0 ACRES OF LAND, GENERALLY LOCATED SOUTH OF F.M. 1417, EAST OF U.S. HIGHWAY 75 AND BEHIND MOVIE BOWL GRILL IN THE CITY OF SHERMAN, TEXAS.

RES 7416
SALE OF CITY
OWNED PROPERTY
(FM 1417 & HWY 75)

Mr. Philpott explained that the property lies behind Schulman Movie Bowl Grill, and would be sold to Bel Air Communities, to be included in their development. The property backs up to the lagoon feature.

Six acres of the ten acres is actually usable. Money gained from the sale of the property would be put into the TIRZ to help pay for additional public infrastructure within the TIRZ.

ACTION TAKEN.

Motion by Council Member Howeth to approve Resolution No. 7516, as presented. Second by Council Member Barnett.

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

VOTING NAY: None.

MOTION CARRIED.

RESOLUTION NO. 7417 -- AWARDING A BID TO AND AUTHORIZING THE EXECUTION OF A CONTRACT BETWEEN WHOLE ENVIRONMENTAL, INC. BASED ON AN INVITATION TO BID FOR DEMOLITION AND ASBESTOS REMEDIATION SERVICES FOR THE BALTIC AND ST. CHARLES APARTMENTS

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AWARDING A BID TO AND AUTHORIZING THE EXECUTION OF A CONTRACT BETWEEN WHOLE ENVIRONMENTAL, INC. BASED ON AN INVITATION TO BID FOR DEMOLITION AND ASBESTOS REMEDIATION SERVICES FOR THE BALTIC AND ST. CHARLES APARTMENTS.

**RES 7417
DEMOLITION OF
BALTIC & ST.
CHARLES
APARTMENTS**

Rob Rae, Director of Development Services, said this contract would allow for a contract for demolition services for The Baltic and St. Charles Apartments. If approved they will start demolition tomorrow and it is estimated to take 12 weeks to complete.

ACTION TAKEN.

Motion by Council Member Marroquin to approve Resolution No. 7417, as presented. Second by Council Member Howeth.

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

VOTING NAY: None.

MOTION CARRIED.

RESOLUTION NO. 7418 -- AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH WALTER P. MOORE AND ASSOCIATES INC. FOR A DOWNTOWN BUILDING ASSESSMENT

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH WALTER P. MOORE AND ASSOCIATES, INC. FOR THE DOWNTOWN BUILDING ASSESSMENT.

**RES 7418
DOWNTOWN
BUILDING
ASSESSMENT**

Mr. Rae said this contract is with a structural engineering firm that would assess the overall condition of critical buildings in Downtown Sherman. This data could then be used by the Council for future development and revitalization strategies.

The proposed assessment would include 10 blocks, and would include all the buildings that have attached or shared walls within that designated area.

Mr. Rae said the staff is still working to finalize some last-minute agreement issues. If approved, those issues would be finalized with the City Attorney and the City Manager. Otherwise, he asked that the item be tabled.

Council Member Barnett verified that the inspection would be a visual inspection. Mr. Rae said it would be an exterior assessment from the public right-of-way, based on issues that could affect the City. They would not use a drone assessment because the staff was concerned about private property.

Council Member Howeth asked about the next step if questionable structures were determined. Mr. Rae said the assessment would determine three levels of conditions, “good,” “minor changes,” or “major changes.”

The assessment could be relayed to the building owner, and also could be attached if a building permit is pulled, so the staff would know if additional repairs would be needed.

Robby Hefton, City Manager, added that the staff also wanted to be sure that the City’s money used for Downtown façade grants would not be spent on buildings that needed major structural repairs.

ACTION TAKEN.

Motion by Council Member Stevenson to approve Resolution No. 7418, subject to the staff working out specific conditions.

Second by Council Member Dobbs.

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

VOTING NAY: None.

MOTION CARRIED.

Mayor Plyler asked that the captions of Resolution 7419 and Resolution 7420 be read together:

RESOLUTION NO. 7419 -- APPROVING THE GREATER TEXOMA UTILITY AUTHORITY’S INTENTION TO AMEND CONTRACT LANGUAGE TO ARTICLE 9 AND ARTICLE 15, CONVERSION FROM CMAR TO LUMP SUM, TO KIEWIT WATER FACILITIES SOUTH CO.
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, APPROVING THE GREATER TEXOMA UTILITY AUTHORITY’S INTENTION TO AMEND CONTRACT LANGUAGE TO ARTICLE 9 AND ARTICLE 15, CONVERSION FROM CMAR TO LUMP SUM TO KIEWIT WATER FACILITIES SOUTH CO.

RES 7419
SOUTH WWTP

RESOLUTION NO. 7420 -- APPROVING THE GREATER TEXOMA UTILITY AUTHORITY’S INTENTION TO APPROVE AMENDMENT NO. 7 (FINAL GMP) TO KIEWIT WATER FACILITIES SOUTH CO. FOR THE SOUTH WASTEWATER TREATMENT PLANT
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, APPROVING THE GREATER TEXOMA UTILITY AUTHORITY’S INTENTION TO APPROVE AMENDMENT NO. 7 (FINAL GMP) TO KIEWIT WATER FACILITIES SOUTH CO. FOR THE SOUTH WASTEWATER TREATMENT PLANT.

RES 7420
SOUTH WWTP

Mr. Philpott updated the Council on the status of the South Wastewater Treatment Plant - MBR Project. As of September 30, 2024, the project is on schedule and moving forward. He discussed the number of personnel on site, the number of subcontractors

working on the project, the percentage of completion, and the number of manhours spent on the job.

Mr. Philpott said Kiewit is also involved in the community, and he showed photos of some of their participation and giving back to Sherman.

As of September 30, 2024, they have 377 personnel onsite, and the “substantial” completion date is August 2025, which will meet the schedule for Sherman’s needs.

He explained that Resolution 7419 is the City giving approval to the Greater Texoma Utility Authority to approve contract language which converts the project from a “construction manager at risk” project to a “lump sum” project. Many cities do this for the ease of getting the project done.

Resolution 7420 is the actual approval of the final GMP as a lump sum contract. Kiewit submitted a final GMP for the WWTP for a total amount of \$288,131,406.55. The only thing this doesn’t include is any potential change orders for items that the City wants, to change the scope of the project. For any of those items, the City would negotiate a price and come back to the City Council for approval.

Mr. Philpott said the staff is recommending moving to a lump sum project. Mr. Hefton reiterated that \$288 million is the final number for the project, and only changes that the City initiates and approves, would come back.

Council Member Stevenson verified that if the City doesn’t change the scope of the project, the total cost would be \$288 million. Mr. Philpott explained the CMAR contract includes a contingency fund that can be used for contract changes and gap charges. Lump sum removes that, and there is an “internal contingency” built in that, if they don’t spend, they get to keep. This makes the ease of construction a lot faster.

Council Member Stevenson verified that, in this contract, the internal contingency is \$9 million, and that they would keep it if they don’t use it. He felt this was “a lot of bonus money” to give them that they could keep if they don’t spend. He said they were already being paid an extra premium to get this project completed quickly, and felt this was “asking them to do what they’ve already said they would do.”

The staff discussed “owner contingency” versus “builder contingency.”

Council Member Barnett said there could also be a risk that prices increase, and they would be held to the lump sum price.

Mr. Hefton said the lump sum price was negotiated, and started out higher, and the \$9 million contingency is about 3% of the total project cost. He felt it was important to keep the timing of the project in line.

COUNCIL MINUTES – NOVEMBER 4, 2024

Mayor Plyler said Wastewater Treatment Plants are extremely difficult and expensive to build, and he didn't feel that a 3% contingency was outrageous.

Council Member Stevenson verified that there would be a full accounting of expenses at the end of the project, so the Council would know how much of the contingency they were able to keep.

Council Member Barnett verified that the final completion date was in November 2025.

ACTION TAKEN.

Motion by Council Member Howeth to approve Resolution Nos. 7419 and 7420, as presented. Second by Council Member Barnett.

VOTING AYE: Barnett, Dobbs, Holland, Howeth, Marroquin.

VOTING NAY: Stevenson.

MOTION CARRIED.

RESOLUTION NO. 7421 -- AUTHORIZING EXECUTION OF AN AMENDED AND RESTATED PROFESSIONAL SERVICES AGREEMENT WITH TEAGUE NALL AND PERKINS, INC. FOR DESIGN OF THE HERITAGE RANCH PUBLIC IMPROVEMENTS PROJECT

**RES 7421
HERITAGE RANCH
PUBLIC
IMPROVEMENT
PROJECT**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN AMENDED AND RESTATED PROFESSIONAL SERVICES AGREEMENT WITH TEAGUE NALL AND PERKINS, INC. FOR DESIGN OF THE HERITAGE RANCH PUBLIC IMPROVEMENTS.

Mr. Lee said in January, the Council approved an agreement with Teague Nall and Perkins, for the design of Lonestar Parkway, a four-lane, divided arterial road, which is a realignment of Plainview Road, up to the new, proposed elementary school.

During the design process, it was determined that the City would need to rebuild a portion of Plainview Road, along the school property. Mr. Lee said it makes sense to build it in concrete, and this amendment helps pay for the design, additional design, advertising, and construction services for the remainder of Heritage Ranch Trail, from the school to Heritage Parkway.

The amendment is for \$162,200, for a total contract price of \$1.25 million.

ACTION TAKEN.

Motion by Council Member Dobbs to approve Resolution No. 7421, as presented. Second by Council Member Holland.

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

VOTING NAY: None.

MOTION CARRIED.

RESOLUTION NO. 7422 -- AUTHORIZING EXECUTION OF AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICES AGREEMENT WITH GARVER, LLC FOR THE SHERMAN WTP SEDIMENTATION BASIN MECHANISM REPLACEMENT PROJECT
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICES AGREEMENT WITH GARVER, LLC FOR THE SHERMAN WTP SEDIMENTATION BASIN MECHANISM REPLACEMENT PROJECT.
CONSENT AGENDA.

RES 7422
WATER TREATMENT
PLANT
SEDIMENTATION
BASIN

RESOLUTION NO. 7423 -- AUTHORIZING THE EXECUTION OF THE FIRST AMENDMENT TO ADDENDUM TO AGREEMENT WITH SKYTRUST, LLC DATED MARCH 2, 2020 FOR CONSTRUCTION OF HANGARS AT THE SHERMAN MUNICIPAL AIRPORT
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE EXECUTION OF THE FIRST AMENDMENT TO THE ADDENDUM TO AGREEMENT WITH SKYTRUST, LLC DATED MARCH 2, 2020, FOR CONSTRUCTION OF HANGARS AT THE SHERMAN MUNICIPAL AIRPORT.
CONSENT AGENDA.

RES 7423
MUNICIPAL AIRPORT
HANGARS

RESOLUTION NO. 7424 -- AUTHORIZING THE EXECUTION OF A FIRST AMENDMENT TO THE CONTRACT WITH SKYTRUST, LLC DATED FEBRUARY 2, 2020 FOR ASSIGNMENT OF RENTAL INCOME FOR HANGAR NO. 1 AT THE SHERMAN MUNICIPAL AIRPORT
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE EXECUTION OF THE FIRST AMENDMENT TO CONTRACT WITH SKYTRUST, LLC DATED FEBRUARY 2, 2020 FOR ASSIGNMENT OF RENTAL INCOME FOR HANGAR NO. 1 AT THE SHERMAN MUNICIPAL AIRPORT.
CONSENT AGENDA.

RES 7424
MUNICIPAL AIRPORT
HANGARS

RESOLUTION NO. 7425 -- AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH HALFF ASSOCIATES, INC. FOR THE STORMWATER MANAGEMENT PROGRAM (SWMP) PREPARATION AND PHASE II MS4 GENERAL PERMIT ASSISTANCE
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH HALFF ASSOCIATES, INC. FOR THE STORMWATER MANAGEMENT PROGRAM (SWMP) PREPARATION AND PHASE II MS4 GENERAL PERMIT ASSISTANCE.
CONSENT AGENDA.

RES 7425
STORMWATER
MANAGEMENT
PROGRAM

RESOLUTION NO. 7426 -- AUTHORIZING EXECUTION OF AN AGREEMENT FOR EMS AND FIRE PROTECTION SERVICES BETWEEN GRAYSON COUNTY, TEXAS AND THE CITY OF SHERMAN, TEXAS FOR THE PERIOD OF OCTOBER 1, 2024 THROUGH SEPTEMBER 30, 2025
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN AGREEMENT FOR EMS AND FIRE PROTECTION SERVICES BETWEEN GRAYSON COUNTY, TEXAS AND THE CITY OF

RES 7426
GRAYSON COUNTY
EMS & FIRE
PROTECTION

COUNCIL MINUTES – NOVEMBER 4, 2024

SHERMAN, TEXAS FOR THE PERIOD OF OCTOBER 1, 2024 THROUGH SEPTEMBER 30, 2025.

Council Member Barnett asked to remove Item F-11 from the Consent Agenda for consideration in its regular order of business.

Council Member Barnett said he paid City taxes and County taxes, and a portion of the County tax goes to pay for EMS. As the County grows, that portion of the County tax will also grow, and yet he's already paying for emergency services. Essentially, he is paying for the same service twice.

He said it makes sense for the County to have a solution, other than to rely on the City to solve their emergency management problems. He asked if they had brought any plan to the City as to how that will be handled in the future.

Billy Hartsfield, Fire Chief, said he is aware of some meetings, but has not been invited to the meetings. Mr. Hefton said he would prefer that the City was out of the fire/EMS service in the County. He said this is a one-year contract, and the County is talking about setting up Emergency Districts. He added that the County is aware that the City is "growing weary" of providing this service outside the City limits.

Council Member Stevenson verified that the proposed contract does not compensate the City for the full cost of service. Chief Hartsfield said it provides about a 50% discount to the County, per incident of response. Council Member Barnett said, also, the Sherman citizens have already paid the County with their tax dollars.

Chief Hartsfield said the ability of other surrounding cities has increased and they are better equipped to help provide services to the County.

Council Member Stevenson asked Ryan Pittman, City Attorney, if the City could not enter into an agreement if they were not fully compensated. Mr. Pittman said they could, or they could just not enter into the agreement. Mr. Hefton said they could also enter into the agreement for six months instead of a year.

Council Member Howeth verified that the cost the County pays was determined through a "very hasty" annual negotiation. Chief Hartsfield said last year the City received a \$90,000 increase in the contract, but there was no increase for this year.

Council Member Barnett said he was also concerned about fire/EMS service to the citizens that said they did not want to be part of the City's Extra Territorial Jurisdiction.

ACTION TAKEN.

Motion by Council Member Stevenson to approve Resolution No. 7426, subject to a maximum contract of six months and prorated. Second by Council Member Barnett.

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

VOTING NAY: None.

MOTION CARRIED.

RESOLUTION NO. 7427 -- AUTHORIZING THE PURCHASE OF MOWERS FROM SAM'S LAWN RIDERS FOR THE PARKS MAINTENANCE DEPARTMENT THROUGH SOURCEWELL CONTRACT

RES 7427
PARKS MAINT
EQUIPMENT

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE PURCHASE OF MOWERS FROM SAM'S LAWN RIDERS FOR THE PARKS MAINTENANCE DEPARTMENT.

CONSENT AGENDA.

RESOLUTION NO. 7428 -- AUTHORIZING THE PURCHASE OF A NEW MANHOLE CUTTER FROM KIRBY SMITH FOR THE STREET MAINTENANCE DEPARTMENT THROUGH BUYBOARD

RES 7428
STREET DEPT
EQUIPMENT

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE PURCHASE OF A NEW MANHOLE CUTTER FROM KIRBY SMITH FOR THE STREET MAINTENANCE DEPARTMENT THROUGH BUYBOARD.

CONSENT AGENDA.

RESOLUTION NO. 7429 -- AUTHORIZING THE PURCHASE OF A ZERO TURN MOWER AND ATTACHMENTS FROM GLK TURF SOLUTIONS FOR THE PARKS MAINTENANCE DEPARTMENT THROUGH BUYBOARD

RES 7429
PARKS MAINT
EQUIPMENT

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE PURCHASE OF A ZERO TURN MOWER AND ATTACHMENTS FROM GLK TURF SOLUTIONS FOR THE PARKS MAINTENANCE DEPARTMENT THROUGH BUYBOARD.

CONSENT AGENDA.

RESOLUTION NO. 7430 -- AUTHORIZING SUBMISSION OF A GRANT APPLICATION AND THE ACCEPTANCE OF THE MOTOR VEHICLE CRIME PREVENTION AUTHORITY GRANT FY25

RES 7430
CRIME PREVENTION
GRANT

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING SUBMISSION OF A GRANT APPLICATION AND THE ACCEPTANCE OF THE MOTOR VEHICLE CRIME PREVENTION AUTHORITY GRANT FY25, THROUGH THE TEXAS DEPARTMENT OF MOTOR VEHICLES FOR THE SHERMAN POLICE DEPARTMENT OPERATIONS.

CONSENT AGENDA.

RESOLUTION NO. 7431 -- AUTHORIZING THE PURCHASE OF A NEW VERMEER CHIPPER FROM VERMEER FOR STREET MAINTENANCE DEPARTMENT THROUGH BUYBOARD

RES 7431
STREET MAINT
EQUIPMENT

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE PURCHASE OF A NEW VERMEER CHIPPER FROM VERMEER FOR THE STREET MAINTENANCE DEPARTMENT THROUGH BUYBOARD.

CONSENT AGENDA.

CHANGE ORDER NO. 1

APPROVING THE GREATER TEXOMA UTILITY AUTHORITY'S
INTENTION TO APPROVE CHANGE ORDER NO. 1 TO BID
PACKAGE #3 TO ELLIOTT ELECTRIC SUPPLY FOR THE
WASTEWATER TREATMENT PLANT ELECTRICAL DISTRIBUTION
& GENERATOR PROJECT

CHANGE ORDER
WWTP ELECTRICAL
DISTRIBUTION &
GENERATOR PROJECT

Mr. Lee said in September 2023, the City Council approved Bid Package #3 to Elliott Electric Supply for the Wastewater Treatment Plant Electrical Distribution Generator Project.

The vendor will be unable to meet the specified transformers that were included in the bid package, under the required timeline. The vendor has recommended a copper transformer instead of an aluminum transformer, which will require a couple of additional transformers.

After review by the engineer, it was determined that they were equivalent. They will cost \$136,000 more, which is 10% from the original award. Elliott Electric will also supply a three-year warranty instead of a two-year warranty.

Council Member Dobbs asked if the copper transformers were originally available, or asked what changed since the award of bid. Mr. Hefton said originally, they thought they would have the copper transformers on a certain date, but now they can't be delivered.

Council Members expressed concern that the aluminum transformers "ran hotter" than the copper. Tom Pruitt, Utility Engineer, said they have a safety factor built into them, and Elliott Electric extended the warranty. He said it would take 18 months to get the copper transformers.

Mayor Plyler did not like the use of aluminum transformers.

ACTION TAKEN.

Motion by Council Member Stevenson to approve the Greater Texoma Utility Authority's intention to approve Change Order No. 1, to Elliott Electric Supply for the Wastewater Treatment Plant Electrical Distribution and Generator Project, as presented. Second by Council Member Howeth.

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

VOTING NAY: Plyler.

MOTION CARRIED.

OTHER BUSINESS

1323 SOUTH CROCKETT STREET (Project No. 24-004616)
(APPEAL FROM HISTORICAL PRESERVATION BOARD 10/1/2024)
THE REQUEST OF JACQUELINE MOORE (OWNER), JOE HALL
(REPRESENTATIVE) AND HELVEY-WAGNER SURVEYING, INC.
(SURVEYOR) CONCERNING THE PROPERTY AT 1323 SOUTH
CROCKETT STREET, CONSISTING OF 0.236 ACRES, BEING A
PART OF THE SAMUEL BLAGG SURVEY, ABSTRACT NO. 56,
BEING A PART OF LOT 62, OF M.B. MOORE'S ADDITION

HISTORICAL
PRESERVATION
BOARD APPEAL
FENCE AT 1323
S. CROCKETT ST
(TABLED)

Mr. Rae said the applicant, Jacqueline Moore, has appealed a decision by the Historical Preservation Board, concerning the

construction of a fence at her residence at 1323 South Crockett Street, located in the Heritage Row Historical District.

No building permits were requested for the construction of the fence, which was “red-tagged” following an inspection of the property by the City staff. Since that time, the contractor has applied for a permit and the Certificate of Appropriateness was applied for. The fence is a 4’ high, ranch style fence which is stained.

The Historical Preservation Board met on October 1, 2024, to consider the request for a Certificate of Appropriateness. They voted 3-to-0 to allow the fence, but no taller than 36” and it must be painted white or black.

Mr. Rae said there are four options for Council Members. They can deny the appeal and sustain the Historical Board’s action; approve the appeal, allowing the 4’ high stained fence; deny the original request for the Certificate of Appropriateness; or determine other conditions for the request.

Jacqueline Moore, 1323 S. Crockett Street

Ms. Moore is the applicant and property owner. She said there was no information or notification about Heritage Row prior to her purchase of the home.

She said there were seven homes near her on Heritage Row that have fences in the front yard and none of them have approval from the Board. They all average 42” or higher. Her fence is 48” tall.

Louise Moore, 1318 S. Crockett Street

Louise Moore, is Jacqueline Moore’s mother and lives across the street from her. She reiterated that of the seven homes on the street that have fences in the front yard, there is only one that is 36” tall.

Jacqueline Moore said she was officially notified on October 21, 2024, that she didn’t have a fence permit. The builder did tell her he had a permit for the fence. She would like to keep the fence stained instead of painting it black or white.

Council Member Howeth expressed concern that people purchasing homes in the Historical District weren’t made aware of the restrictions on their property. Mayor Plyler said they are told about the restrictions when they “pull” a building permit, before construction begins.

Jacqueline Moore asked for an “accommodation” for her fence, until she can afford to install a more appropriate iron fence.

Council Member Stevenson confirmed that, on August 16, 2024, Jacqueline Moore was told by her contractor that he had a permit for construction of the fence. Mr. Rae said a permit was applied for on August 12, 2024, but it was never “signed off on” by the Building Official. At that time, the City staff realized it didn’t go before the Historical Board for approval.

Mr. Rae said the requirements for the Heritage Row Historical District are in the City's Code of Ordinances. Council Member Stevenson confirmed that the person applying for the building permit would have been told by City staff that they needed a Certificate of Appropriateness from the Historical Board.

Council Member Stevenson said the Historical Board said they would allow the fence, but no taller than 36" and painted white or black. He asked if she was willing to adhere to those conditions.

She felt 36" was too short and said she would bring it down to 43", but she felt a black stain would be more appropriate.

Council Member Barnett verified that the Historical District is shown on the City's Zoning Map and is available on the GIS map on the website. He said it would be the same as any of the other zoning districts, such as R-4 or the Blalock Overlay District.

Council Member Stevenson asked if any notification is mailed to residents of the Historical District about regulations. Mayor Plyler said it is normally part of the permitting approval process. He also didn't feel that the average fence on Heritage Row was 42" tall.

Council Member Dobbs felt it was important to pay attention to the aesthetics of a neighborhood, especially with the new development in Sherman.

Mr. Rae said, originally the fence was fully enclosed. The Building Official told them that, in front yards, there is a requirement for an "ornamental" fence to have 50% opening.

ACTION TAKEN.

Motion by Council Member Stevenson to Table the Appeal from the Historical Preservation Board's decision for a Certificate of Appropriateness at 1323 South Crockett Street, to allow a 4' wood decorative fence in the Heritage Row Historical District, to get some clarity on the issue. Second by Council Member Howeth.

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

VOTING NAY: None.

MOTION CARRIED TO TABLE.

REJECT ALL BIDS FOR THE CONSTRUCTION OF THE WASTEWATER TREATMENT PLANT 12.5KV DISTRIBUTION SYSTEM (MV LOOP PROJECT)

Mr. Lee said there was only one bidder for the Wastewater Treatment Plant Distribution System, and that bidder didn't recognize the two addendums, which makes it a non-responsive bid. The staff is recommending that the bid be rejected and the project be readvertised.

ACTION TAKEN.

Motion by Council Member Stevenson to reject all bids for the construction of the Wastewater Treatment Plant 12.5KV

**REJECT BIDS FOR
WWTP DISTRIBUTION
SYSTEM
(MV LOOP PROJECT)**

Distribution System (MV Loop Project), as presented. Second by Council Member Dobbs.

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

VOTING NAY: None.

MOTION CARRIED.

COUNCIL COMMENTS

- The Council spent just as much time discussing a fence issue with a citizen as they did discussing a \$9 million issue with a contractor. (Josh Stevenson)
- Commended the Police Department on the annual Fright Fest. (Pam Howeth, Henry Marroquin)
- Commended Kiewit Water Facilities South for giving back to the community. (Daron Holland)
- Thanks to Mayor Plyler for everything he has done for Sherman, and for his years of service. (Henry Marroquin, Clay Barnett)

ANNOUNCEMENTS

Mayor Plyler announced the following:

- This is his last full City Council Meeting as Mayor of the City of Sherman. He said it has been a joy and a privilege to serve this City for the past nine years. He thanked everyone for allowing him to serve. He also congratulated Mayor-elect Shawn Teamann, and said he knew he would do a great job.

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

COUNCIL COMMENTS

ANNOUNCEMENTS

EXECUTIVE SESSION

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

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

The Executive Session was not needed.

ADJOURNMENT

On Motion duly made and carried, the meeting adjourned at 6:22 p.m.

ADJOURNMENT

MAYOR

CITY CLERK