STATE OF TEXAS §

October 19, 2009

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 October 19, 2009.

MEMBERS PRESENT: **MAYOR BILL MAGERS; DEPUTY MAYOR JOE SMITH. COUNCIL MEMBERS ADAMI, SOFTLY, STEELE, WACKER.**

MEMBERS ABSENT: **COUNCIL MEMBER HOWETH.**

CALL TO ORDER

CALL TO ORDER

Mayor Bill Magers called the meeting to order at 5:00 p.m. The Pledge of Allegiance and the Invocation were given by Deputy Mayor Joe Smith.

APPROVE MINUTES

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The Council reviewed the Minutes of the Regular City Council Meeting of October 5, 2009. Council Member Steele moved to approve the Minutes as presented; Second by Council Member Wacker. All present voted AYE.
MOTION CARRIED.

PROCLAMATION

"LIONS WHITE CANE DAY" – OCTOBER 24, 2009

LIONS WHITE CANE DAY (OCT. 24, 2009)

Council Member Wacker presented a proclamation to Charles Holcomb, Noon Lions Club President, designating October 24, 2009 as "Lions White Cane Day."

Mr. Holcomb explained the significance of the use of white canes adding that the Sherman Noon Lions Club would be at several locations in Sherman on October 24, 2009 to collect money for White Cane Day. He thanked the City Council for their support of the Lions Club.

"CHAMBER OF COMMERCE WEEK" – October 19-23, 2009

CHAMBER OF COMMERCE WEEK (OCT. 19-23, 2009)

Deputy Mayor Smith presented a proclamation to Traci Carlson, Sherman Chamber of Commerce President, designating October 19 through 23, 2009 as "Chamber of Commerce Week."

Ms. Carlson thanked the City Council addressing the cooperative spirit that the Chamber has with the City and the Sherman Economic Development Corporation. She urged all citizens to support their area Chamber of Commerce.

Ms. Carlson introduced Chamber staff members Brittany Fulton, Events Coordinator, and Michelle Heath, Finance Coordinator.

She also updated the Council on the new sign installation at S.H. 75 and F.M. 1417, which should take about three weeks to complete.

SPECIAL PRESENTATION

RECOGNITION OF CITY OF SHERMAN AWARD: "CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING"

EXCELLENCE IN FINANCIAL REPORTING AWARD

Mayor Magers presented the 2009 "Certificate of Achievement for Excellence in Financial Reporting" to Mary Lawrence, Comptroller. Robby Hefton, Assistant City Manager/CFO, recognized the City's financial staff saying they have worked hard annually to prepare the Comprehensive Annual Financial Report (CAFR).

The designation means that the City meets some strict criteria for financial reporting and helps with bond rating agencies. Deputy Mayor Smith confirmed that the City of Sherman has received this award for the past 21 years.

Mayor Magers added that one of the critical things a City does in government is financing and financial transparency is very important. He recognized the level of professionalism and the level of recognition that the City of Sherman has.

INTRODUCTION AND PUBLIC HEARING OF ORDINANCES

ORD 5627 SUP FOR ASSISTED LIVING/MEMORY CARE/MEDICAL OFFICE FACILITY (505 FM 1417 NORTH)

Mayor Magers introduced Ordinance 5627 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 KYLE BOOTHE, BLUESTONE PARTNERS, LLC (OWNERS) TO ALLOW AN ASSISTED LIVING / MEMORY CARE, INDEPENDENT LIVING AND MEDICAL OFFICE FACILITY IN AN R-1 (ONE AND TWO FAMILY RESIDENTIAL) DISTRICT AT 505 F.M. 1417 NORTH (HERITAGE PARKWAY), BEING 2.8 ACRES IN THE G.W. McGLOTHLIN SURVEY, ABSTRACT NO. 828; PROVIDING FOR A REPEALER; PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED $2,000.

No citizens appeared before the City Council to discuss Ordinance 5627.

ORD 5628 SUP FOR AUTO & HEAVY VEHICLE REPAIR (4114 TEXOMA PKWY)

Mayor Magers introduced Ordinance 5628 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 EARL S. KEESE, SR. (OWNER) AND STUART A. MANNING, AAMCO TRANSMISSIONS (PROSPECTIVE BUYER) TO ALLOW AUTOMOTIVE AND HEAVY VEHICLE REPAIR, TRANSMISSIONS, BRAKES, MUFFLERS, SHOCKS, OIL & LUBE IN A C-2 (GENERAL

COMMERCIAL) DISTRICT AT 4114 TEXOMA PARKWAY, BEING 0.50 ACRES IN THE W.F. PATTERSON SURVEY, ABSTRACT NO. 969; PROVIDING FOR A REPEALER; PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED $2,000.

No citizens appeared before the City Council to discuss Ordinance 5628.

The Public Hearing was closed.

CLOSE PUBLIC HEARING

<u>ADOPTION OF ORDINANCES</u>

Ordinance 5627

ORD 5627
SUP FOR ASSISTED LIVING/MEMORY CARE/MEDICAL OFFICE FACILITY (505 FM 1417 NORTH)

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Ordinance 5628

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SUP FOR AUTO & HEAVY VEHICLE REPAIR (4114 TEXOMA PKWY)

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Council Member Steele asked about the conditions in the staff review letter. Scott Shadden, Director of Developmental Services, said they would be required to comply with the C-2 regulations and the tree and landscaping ordinance and they must have masonry on the outside of the building. Council Member Adami confirmed that there had been no exceptions to the masonry requirement.

Mr. Shadden said they will also be required to have fire lanes and no outside parking or storage of dismantled vehicles, wrecks or parts. All parking should be on private property

and not on Texoma Parkway right-of-way and must be on paved surfaces.

Council Member Steele asked what means are in place to screen the vehicles that are being repaired.

Stuart Manning, 2439 Flowing Wells Road, Pottsboro
Mr. Manning said there is existing fencing and a lot of growth that must be removed. He plans to re-landscape around the building. Mr. Manning said the back, where the parking will be, cannot be seen from the street at all.

The building will have only one automotive bay door on the front side and the actual repairs of vehicles will not be visible from Texoma Parkway. Mr. Manning said he is completely remodeling the building.

Council Member Steele verified that the requirements are a result of the commercial zoning regulations.

ACTION TAKEN.
Motion by Council Member Adami to approve Ordinance Nos. 5627 and 5628, as presented. Second by Deputy Mayor Smith.
VOTING AYE: Adami, Smith, Softly, Steele, Wacker.
VOTING NAY: None.
MOTION CARRIED.

CONSENT AGENDA

CONSENT AGENDA
The Council reviewed the Consent Agenda. Mayor Magers removed Item C-1 entitled "Resolution 5427 – Authorizing the execution of an Encroachment License Agreement with Bluestone Partners, LLC for the construction of a sign with a waterfall in a 20' Drainage and Utility Easement at 505 F.M. 1417 North (Heritage Parkway)" from the Consent Agenda for consideration in its regular order of business.

Council Member Wacker moved to approve the Consent Agenda, with the exception of Item C-1 which will be considered in its regular order of business. Second by Council Member Softly. All present voted AYE.

RESOLUTIONS

RES 5427 ENCROACHMENT FOR SIGN WITH WATERFALL (505 FM 1417 NORTH)

RESOLUTION NO. 5427 – AUTHORIZING THE EXECUTION OF AN ENCROACHMENT LICENSE AGREEMENT WITH BLUESTONE PARTNERS, LLC FOR THE CONSTRUCTION OF A SIGN WITH A WATERFALL IN A 20' DRAINAGE AND UTILITY EASEMENT AT 505 F.M. 1417 NORTH (HERITAGE PARKWAY)
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE EXECUTION OF AN ENCROACHMENT LICENSE AGREEMENT WITH BLUESTONE PARTNERS, LLC FOR THE CONSTRUCTION OF A SIGN WITH A WATERFALL IN A 20' DRAINAGE AND UTILITY EASEMENT AT 505 F.M. 1417 NORTH (HERITAGE PARKWAY).

Mayor Magers removed Item C-1 from the Consent Agenda for consideration in its regular order of business.

Mayor Magers asked what the exception was for this sign. Mr. Shadden said it is just an encroachment into the City easement. They have already appeared before the Planning and Zoning Commission and received the exception for the set-back. The proposed sign is in a utility and drainage easement.

Mayor Magers confirmed that the proposed sign will be located very close to where the current sign is located.

<u>Kyle Boothe, 2414 Westhaven Court</u>
Mr. Boothe said the current sign will be removed but the new sign's footprint will be larger than the old sign.

Mayor Magers felt it was important to keep all signs on Heritage Parkway consistent. Mr. Shadden said they also received an exception on the size, which is a little over the ordinance requirements. Council Member Steele verified that the sign is close to the location of the original sign and that the encroachment is in case the City needs to access the easement, then Mr. Boothe would be responsible for moving and replacing the sign.

Mayor Magers expressed concern that the sign is larger than the requirements allow. Since the Heritage Parkway Overlay District was enacted, he felt there had been too many exceptions for signs. If the City is going to grant an excessive number of exceptions, then maybe the sign standards need to be changed.

Mayor Magers asked Jason Sofey, Planning and Zoning Commission Chairman, if there had been one sign in that area that had not been an exception.

Mr. Sofey said there have been signs that did not require an exception, but those don't come to the City Council for consideration. He felt the primary thing is a reuse of property. He felt the current ordinance was in place for a reason and was a good ordinance.

The proposed sign is in a unique location and the single sign is not larger than allowed. The problem is that the sign needed to be doubled in two different directions. The northbound sign complies and the southbound sign complies, but the two signs together are larger than the requirements. The sign is vee-shaped instead of a single surface sign.

Mr. Sofey agreed saying he didn't like granting any exceptions, especially on Heritage Parkway. Mayor Magers' concern was that they were trying to standardize signs and he felt if the current ordinance requires a lot of exceptions, then they should consider changing the requirements.

Council Member Wacker said she helped develop the initial ordinance and the key was the monument signs and that the size of those size was reasonable. There have been some exceptions because of visibility issues.

ACTION TAKEN.
Motion by Council Member Steele to approve Resolution No. 5427, as presented. Second by Council Member Wacker.
VOTING AYE: Adami, Smith, Softly, Steele, Wacker.
VOTING NAY: None.
MOTION CARRIED.

<u>RESOLUTION NO. 5428 – AUTHORIZING THE ACCEPTANCE OF FISCAL YEAR 2009 HOMELAND SECURITY GRANT PROGRAM FEDERAL GRANT AWARD NUMBER 2009-SS-T9-0064 FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY AND THE U.S. DEPARTMENT OF HOMELAND SECURITY</u>

RES 5428 HOMELAND SECURITY GRANT

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE ACCEPTANCE OF FISCAL YEAR 2009 HOMELAND SECURITY GRANT PROGRAM FEDERAL GRANT AWARD NUMBER 2009-SS-T9-0064 FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY AND THE U.S. DEPARTMENT OF HOMELAND SECURITY.

Mayor Magers verified that the grant will be used for training and will not cost the City of Sherman any money.

ACTION TAKEN.
Motion by Council Member Adami to approve Resolution No. 5428, as presented. Second by Deputy Mayor Smith.
VOTING AYE: Adami, Smith, Softly, Steele, Wacker.
VOTING NAY: None.
MOTION CARRIED.

<u>RESOLUTION NO. 5429 – AUTHORIZING THE PURCHASE OF A 2010 FORD F-450 SUPERCAB DIESEL CHASSIS FOR A 2005 FRAZER AMBULANCE THROUGH THE HOUSTON-GALVESTON AREA COUNCIL OF GOVERMENTS (H-GAC)</u>

RES 5429 PURCHASE AMBULANCE

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE PURCHASE OF A 2010 FORD F-450 SUPERCAB DIESEL CHASSIS FOR A 2005 FRAZER AMBULANCE THROUGH THE HOUSTON-GALVESTON AREA COUNCIL OF GOVERNMENTS (H-GAC).
CONSENT AGENDA.

<u>RESOLUTION NO. 5430 – AUTHORIZING THE PURCHASE OF AUTOMATED METER READING EQUIPMENT FOR THE UTILITY BILLING DEPARTMENT FROM MOUNTAIN STATES PIPE AND SUPPLY COMPANY D/B/A U.S. METERING AND TECHNOLOGY, INC.</u>

RES 5430 AUTOMATED METER READING EQUIPT.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE PURCHASE OF

AUTOMATED METER READING (AMR) EQUIPMENT FOR THE UTILITY BILLING DEPARTMENT FROM MOUNTAIN STATES PIPE AND SUPPLY COMPANY D/B/A U.S. METERING AND TECHNOLOGY, INC.
CONSENT AGENDA.

RES 5431 RESIDENTIAL TAX ABATEMENT (620 E. SYCAMORE)

RESOLUTION NO. 5431 – AUTHORIZING EXECUTION OF AN AGREEMENT WITH CUPID INVESTMENTS FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 620 EAST SYCAMORE STREET
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN AGREEMENT WITH CUPID INVESTMENTS FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 620 EAST SYCAMORE STREET.
CONSENT AGENDA.

OTHER BUSINESS

APPROVE FINAL PLAT PEBBLEBROOK ADDITION PHASE 3A (1900 BLOCK OF RIDGECREST)

FINAL PLAT APPROVALOF THE PEBBLEBROOK ADDITION, PHASE 3A, BEING 1.23 ACRES IN THE ELIZABETH JONES SURVEY, ABSTRACT NO. 625 AND BEING A REPLAT OF 830.1 SQUARE FEET OR 0.02 ACRES IN THE PEBBLEBROOK, PHASE III; SHERMAN HILLS COUNTRY CLUB, LTD AND ARTISAN DEVELOPMENT COMPANY, INC., OWNERS; WALT DeRONDE, REPRESENTATIVE; GREG EDWARDS ENGINEERING SERVICES, INC., ENGINEERS; AND COX LAND SURVEYING COMPANY, SURVEYORS (1900 BLOCK OF RIDGECREST LANE)
The City Council approved the Final Plat of the Pebblebrook Addition, Phase 3A, which is 1.23 acres, and being a Replat of 830.1 square feet or 0.02 acres of Pebblebrook, Phase III.

The property is located on the east side of Ridgecrest Lane at the intersection with Park Avenue. The owner would like to plat the property into seven lots for residential development. The Planning and Zoning Commission recommended approval of the Final Plat.
CONSENT AGENDA.

CITIZENS REQUESTS

CITIZENS REQUESTS
There were no citizens requests.

MEDIA QUESTIONS

MEDIA QUESTIONS
There were no media questions.

COUNCIL COMMENTS

AUSTIN COLLEGE HOMECOMING

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Council Member Wacker said Austin College had a nice Homecoming recently.

FRIGHT FEST

FRIGHT FEST
Mayor Magers said the Police Department will be sponsoring the annual Fright Fest on Saturday, October 31, 2009 from 6 p.m. to 8 p.m. on the Municipal Building Grounds.

BASEBALL FIELDS
Mayor Magers commended the City staff on the nice baseball fields after the recent rains.

BASEBALL FIELDS

ADJOURNMENT
On Motion duly made and carried, the meeting adjourned at 5:27 p.m.

ADJOURNMENT

____
MAYOR

____
CITY CLERK