STATE OF TEXAS §

October 7, 2013

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 7, 2013.

MEMBERS PRESENT: MAYOR CARY WACKER; DEPUTY MAYOR PAM HOWETH. COUNCIL MEMBERS JOHNSON, PLYLER, SMITH, SOFEY, SOFTLY.

MEMBERS ABSENT: NONE.

CALL TO ORDER

CALL TO ORDER

Mayor Wacker called the meeting to order at 5:00 p.m. The Pledge of Allegiance was led by members of Boy Scout Troop 66. The Invocation was given by Council Member Jason Sofey.

APPROVE MINUTES

APPROVE MINUTES

The Council reviewed the Minutes of the Called City Council Meeting (held jointly with the SEDCO Board) of September 9, 2013 and the Regular City Council Meeting of September 16, 2013. Deputy Mayor Howeth moved to approve the Minutes as presented; Second by Council Member Softly. All present voted AYE.
MOTION CARRIED.

PROCLAMATIONS

"NATIONAL ARTS AND HUMANITIES MONTH" – OCTOBER 2013

NATIONAL ARTS & HUMANITIES MONTH (OCT. 2013)

Mayor Wacker presented a proclamation designating "National Arts and Humanities Month" to Petra Franklin, Painting With a Twist. Ms. Franklin thanked the City Council adding that she appreciated the support of the downtown community.

"LIONS WHITE CANE DAY" – OCTOBER 19, 2013

LIONS WHITE CANE DAY (OCT. 19, 2013)

Council Member Smith presented a proclamation designating "Lions White Cane Day" to Dr. Jerry Gundersheimer, Lions Club Chairman of the White Cane Day project. Dr. Gundersheimer thanked the City Council for their support, and for helping the Lions Club relocate their collection efforts to the Sherman Town Center a couple of year ago.

INTRODUCTION AND PUBLIC HEARING OF ORDINANCES

ORD 5800 ATMOS ANNUAL RATE REVIEW MECHANISM FILING

Mayor Wacker introduced Ordinance 5800 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, APPROVING A NEGOTIATED RESOLUTION BETWEEN THE ATMOS CITIES STEERING COMMITTEE AND ATMOS ENERGY CORP., MID-TEX DIVISION, REGARDING THE COMPANY'S 2013 ANNUAL

RATE REVIEW MECHANISM FILING IN ALL CITIES EXERCISING ORIGINAL JURISDICTION; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT AND FINDING THE RATES TO BE SET BY THE ATTACHED TARIFFS TO BE JUST AND REASONABLE; REQUIRING THE COMPANY TO REIMBURSE CITIES' REASONABLE RATEMAKING EXPENSES; PROVIDING FOR A REPEALER; PROVIDING FOR SEVERABILITY; DECLARING AN EFFECTIVE DATE; REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND THE STEERING COMMITTEE'S LEGAL COUNSEL; PROVIDING A MOST FAVORED NATIONS CLAUSE.

Mayor Wacker explained that earlier this year, ATMOS Energy asked for a rate hike. The City of Sherman is a member of a consortium that negotiated a rate which equates to approximately $0.74 per month for most residential customers.

No citizens appeared before the City Council to discuss Ordinance 5800.

The Public Hearing was closed.

<u>ADOPTION OF ORDINANCES</u>

Ordinance 5800

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, APPROVING A NEGOTIATED RESOLUTION BETWEEN THE ATMOS CITIES STEERING COMMITTEE AND ATMOS ENERGY CORP., MID-TEX DIVISION, REGARDING THE COMPANY'S 2013 ANNUAL RATE REVIEW MECHANISM FILING IN ALL CITIES EXERCISING ORIGINAL JURISDICTION; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT AND FINDING THE RATES TO BE SET BY THE ATTACHED TARIFFS TO BE JUST AND REASONABLE; REQUIRING THE COMPANY TO REIMBURSE CITIES' REASONABLE RATEMAKING EXPENSES; PROVIDING FOR A REPEALER; PROVIDING FOR SEVERABILITY; DECLARING AN EFFECTIVE DATE; REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND THE STEERING COMMITTEE'S LEGAL COUNSEL; PROVIDING A MOST FAVORED NATIONS CLAUSE.

ORD 5800 ATMOS ANNUAL RATE REVIEW MECHANISM FILING

ACTION TAKEN.

Motion by Council Member Smith to approve Ordinance No. 5800, as presented. Second by Council Member Plyler.

VOTING AYE: Howeth, Johnson, Plyler, Smith, Sofey, Softly.
VOTING NAY: None.
MOTION CARRIED.

TABLED AT THE SEPTEMBER 16, 2013 CITY COUNCIL MEETING:
ADOPTION OF ORDINANCE NO. 5799

ORD 5799
SUP FOR CHURCH
(1908 S. DEWEY)

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 CHURCH IN AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT AT 1908 SOUTH DEWEY AVENUE, BEING 5.885 ACRES IN THE G.B. PILANT SURVEY, ABSTRACT NO. 963 (PROMISE LAND CHURCH OF SHERMAN, OWNERS AND POGUE ENGINEERING & DEVELOPMENT COMPANY, INC., ENGINEERS/ SURVEYORS); PROVIDING FOR A REPEALER; PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED $2,000.00.

ACTION TAKEN.
Motion by Council Member Sofey to remove Ordinance 5799 from table for discussion. Second by Council Member Softly.
VOTING AYE: Howeth, Johnson, Plyler, Smith, Sofey, Softly.
VOTING NAY: None.
MOTION CARRIED TO REMOVE FROM TABLE.

Council Member Johnson said he had some questions that needed to be addressed by the City Attorney.

ACTION TAKEN.
Motion by Council Member Johnson to convene in Executive Session pursuant to Section 551.071(2) of the Texas Open Meetings Act. Second by Council Member Sofey.
VOTING AYE: Howeth, Johnson, Plyler, Smith, Sofey, Softly.
VOTING NAY: None.
MOTION CARRIED TO CONVENE IN EXECUTIVE SESSION.

On Motion duly made and carried, the Open Meeting recessed and reconvened in Executive Session at 5:11 p.m.

On Motion duly made and carried, the Executive Session recessed at 5:31 p.m. and reconvened in Open Meeting.

Arlyn Samuelson, Pogue Engineering and Development Company, Inc., 1512 Bray Central Dr, McKinney, Texas
Mr. Samuelson said the Council tabled the item on September 16, 2013 to address some concerns. The staff provided Council Members with a copy of the Airport Hazard Zoning Ordinance, including the map.

He said the concerns were a little unclear, but he did have an idea and would like to address those concerns. He said the church has owned the property for some time, with the idea of building the church on the property. He asked if there was still opposition after he addressed their concerns, if the Council would advise him prior to a vote, maybe the item

could be tabled again to address issues that might still make the project viable to everyone.

Mr. Samuelson said the Airport Hazard Zoning Ordinance was basically enacted to restrict the height of structures and the use of property to limit potential airport hazards. It does that by defining a surface around the Airport, above which anything that would encroach above that surface would be a potential airport hazard.

He presented a map of the Airport Hazard Zoning area with an overlay of the location of the proposed church. He added that the proposed church does not protrude into the protected area. The Airport Hazard Zoning Ordinance is not specific as to what uses would be restricted, but basically indicates that land uses would be restricted toward airplane safety, including electronic interference with instrument approaches.

Mr. Samuelson said during his research, he found FAA design requirements, which define a Runway Protection Zone. In that zone, they say municipalities should restrict uses of public gathering places, which are specific for different types of airports. For Sherman's Airport, this Runway Protection Zone coincides with the approach zone, and not the sides of the runway.

He added that the density of a single-family subdivision, based on the existing R-1 zoning, would be greater than the proposed church. The single-family subdivision would also follow a 25 foot building setback at the rear, where the church is planning to locate 80 feet off the property line.

Council Member Johnson expressed his concern from a safety operational standpoint. He asked if the church was aware of the airplane noise and potential hazards of being located next to an Airport. Mr. Samuelson said that had been taken into consideration. He asked that the Council also consider not only the number of people involved, but the percentage of time the church would be occupied, which is five to ten hours per week.

Mayor Wacker said they were also considering a potential conflict with lighting close to the runway. Mr. Samuelson said that could be addressed with "down-facing" lighting.

Council Member Johnson verified that the requestors had read the Airport Zoning Hazard Ordinance and could comply with the provisions of the ordinance. He reiterated that his concern was from a safety/hazard standpoint. He wanted to assure the health, safety, and welfare of both those attending the church and the citizens.

Mayor Wacker said Mr. Samuelson also mentioned moving the church closer to the road at the last Council Meeting. Mr. Samuelson said that is an option if needed, but they are

already 80 feet from the back property line verses 25 feet as required by the zoning. Mr. Samuelson confirmed that the capacity of the sanctuary was about 110.

Council Member Sofey said with a Specific Use Permit, the Council has the latitude to include some stipulations on approval. He said the church was a small structure for the entire 5.88 acres, but he was more concerned about granting the SUP for the entire acreage and the future density issues.

Council Member Plyler wanted them to understand that Sunday morning was the busiest time at the Airport and that this is an ongoing operation. There are smells and sounds that go with an Airport. He wanted to be sure they understood that there is a danger in being that close to the Airport.

Council Member Smith said he hoped that the Airport would not be an issue for them in the near future and he had no problems with the project.

Mr. Samuelson said that if there is still opposition, he asked to know "up front" before the vote is taken so things can be worked out first.

Council Member Johnson said the City wants to be a good partner and hopes that the church succeeds, but he still has concerns about the safety and density issues and being so close to the Airport.

ACTION TAKEN.

> **Motion by Council Member Smith to approve Ordinance No. 5799, as presented. Second by Council Member Softly.**

VOTING AYE: Howeth, Plyler, Smith, Softly.
VOTING NAY: Johnson, Sofey,
MOTION CARRIED.

Mayor Wacker asked that they work with the staff and comply with the requirements set forth in the letter issued by the Planning and Zoning Commission.

CONSENT AGENDA

CONSENT AGENDA

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

RESOLUTIONS

RES 5809 HOTEL/MOTEL TAX FOR SHERMAN MUSEUM

RESOLUTION NO. 5809 – AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH THE SHERMAN MUSEUM FOR EXPENDITURE OF A PORTION OF THE FUNDS COLLECTED BY THE CITY OF THE HOTEL-MOTEL OCCUPANCY TAX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE CITY MANAGER TO

EXECUTE A CONTRACT WITH THE SHERMAN MUSEUM FOR EXPENDITURE OF A PORTION OF THE FUNDS COLLECTED BY THE CITY OF THE HOTEL-MOTEL OCCUPANCY TAX.

Mayor Wacker said there was a lengthy discussion during the Budget Work Session about the allocation of the Hotel-Motel Occupancy Tax. The Council agreed to continue funding the Sherman Museum at $70,000. This is the annual contract for that funding.

ACTION TAKEN.

Motion by Council Member Johnson to approve Resolution No. 5809, as presented. Second by Deputy Mayor Howeth.

VOTING AYE: Howeth, Johnson, Plyler, Smith, Sofey, Softly.
VOTING NAY: None.
MOTION CARRIED.

RES 5810 HOMELAND SECURITY GRANT

<u>RESOLUTION NO. 5810 – AUTHORIZING THE ACCEPTANCE OF FISCAL YEAR 2013 HOMELAND SECURITY GRANT PROGRAM (HSGP), STATE HOMELAND SECURITY GRANT PROGRAM (SHSP), FEDERAL GRANT AWARD NUMBER EMW-2013-SS-00045 FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY AND THE U.S. DEPARTMENT OF HOMELAND SECURITY; AUTHORIZING THE PURCHASE OF EQUIPMENT RELATED TO REGIONAL RESPONSE</u>

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE ACCEPTANCE OF FISCAL YEAR 2013 HOMELAND SECURITY GRANT PROGRAM (HSGP), STATE HOMELAND SECURITY GRANT PROGRAM (SHSP), FEDERAL GRANT AWARD NUMBER EMW-2013-SS-00045 FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY AND THE U.S. DEPARTMENT OF HOMELAND SECURITY; AUTHORIZING THE PURCHASE OF EQUIPMENT RELATED TO REGIONAL RESPONSE.
CONSENT AGENDA.

RES 5811 PURCHASE OF AMBULANCE

<u>RESOLUTION NO. 5811 – AUTHORIZING THE PURCHASE OF A 2013/2014 DODGE RAM 4500 6.7L DIESEL CHASSIS TO REMOUNT AND REFURBISH A 2006 FRAZER AMBULANCE FOR THE SHERMAN FIRE DEPARTMENT THROUGH THE HOUSTON-GALVESTON AREA COUNCIL OF GOVERN-MENTS (H-GAC)</u>

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE PURCHASE OF A 2013/2014 DODGE RAM 4500 6.7L DIESEL CHASSIS AND REMOUNTING A 2006 FRAZER AMBULANCE FOR THE SHERMAN FIRE DEPARTMENT THROUGH THE HOUSTON-GALVESTON AREA COUNCIL OF GOVERNMENTS (H-GAC).
CONSENT AGENDA.

RES 5812 PURCHASE OF BRUSH TRUCK

<u>RESOLUTION NO. 5812 – AUTHORIZING THE PURCHASE OF A 2014 SKEETER/F550 FORD BRUSH TRUCK FOR THE SHERMAN FIRE DEPARTMENT FROM SIDDONS-MARTIN EMERGENCY GROUP THROUGH THE HOUSTON-</u>

GALVESTON AREA COUNCIL OF GOVERNMENTS (H-GAC)
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE PURCHASE OF A 2014 SKEETER/F550 FORD BRUSH TRUCK FOR THE SHERMAN FIRE DEPARTMENT FROM SIDDONS-MARTIN EMERGENCY GROUP THROUGH THE HOUSTON-GALVESTON AREA COUNCIL (H-GAC).
CONSENT AGENDA.

RESOLUTION NO. 5813 – AUTHORIZING THE PURCHASE OF A 2014 INTERNATIONAL 4300 CHASSIS FOR LIGHTNING LOADER (BRUSH TRUCK) FOR THE SOLID WASTE SERVICES DEPARTMENT FROM SOUTHWEST INTERNATIONAL TRUCKS-ARLINGTON THROUGH THE TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (BUYBOARD)

RES 5813
LOADER FOR SOLID WASTE BRUSH TRUCK

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE PURCHASE OF A 2014 INTERNATIONAL 4300 CHASSIS FOR LIGHTNING LOADER (BRUSH TRUCK) FOR THE SOLID WASTE SERVICES DEPARTMENT FROM SOUTHWEST INTERNATIONAL TRUCKS-ARLINGTON THROUGH THE TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (BUYBOARD).
CONSENT AGENDA.

OTHER BUSINESS
REPLAT OF LOT 4C, BLOCK 1 OF THE REPLAT OF LOT 4, BLOCK 1, CRESCENT OAKS PLAZA, CONTAINING 2.856 ACRES; ET JOINT VENTURE, OWNERS; AND UNDERWOOD DRAFTING AND SURVEYING, SURVEYORS (1600 BLOCK OF U.S. HIGHWAY 75 NORTH)

APPROVE REPLAT CRESCENT OAKS PLAZA (1600 BLOCK OF U.S. HWY 75 NORTH)

The City Council approved the Replat of Lot 4C, Block 1 of the Replat of Lot 4, Block 1, Crescent Oaks Plaza, containing 2.856 acres, located in the 1600 block of U.S. Highway 75 North. The owners would like to replat the lot into two lots for commercial development.

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

CITIZENS REQUESTS

CITIZENS REQUESTS
There were no citizen's requests.

MEDIA QUESTIONS

MEDIA QUESTIONS
There were no media questions.

APPOINT/REMOVE OR CONSIDER QUALIFICATIONS TO BOARDS AND COMMISSIONS:
LIBRARY BOARD (2)

LIBRARY BOARD

ACTION TAKEN.

> **Motion by Council Member Smith to reappoint Nan Jones to the Library Board for a term from March 20, 2013 to March 20, 2016. Second by Council Member Johnson.**

VOTING AYE: Howeth, Johnson, Plyler, Smith, Sofey, Softly.
VOTING NAY: None.
MOTION CARRIED.

KEEP SHERMAN BEAUTIFUL COMMISSION

KEEP SHERMAN BEAUTIFUL COMMISSION (3)
ACTION TAKEN.

> **Motion by Council Member Plyler to appoint Angela Krieger to the Keep Sherman Beautiful Commission for a term beginning and ending when the entire board is appointed. Second by Deputy Mayor Howeth.**

VOTING AYE: Howeth, Johnson, Plyler, Smith, Sofey, Softly.
VOTING NAY: None.
MOTION CARRIED.

RED RIVER GROUNDWATER CONSERVATION DISTRICT

RED RIVER GROUDNWATER CONSERVATION DISTRICT BOARD OF DIRECTORS (1)
George Olson, City Manager, explained that three years ago the Red River Groundwater Conservation District was created and is comprised of representatives from both Grayson and Fannin Counties. This board oversees the conservation and use of ground water in the State of Texas.

At the time, Mr. Olson was appointed to the Board as it was created and the by-laws and management plan were created. That has now been completed. He recommended that he now resign from the Board and that the City Council appoint Mark Gibson, Director of Utilities, as they move into managing desired future conditions.

Mayor Wacker agreed this was a good transition point and she expressed appreciation to Mr. Olson for his help in organizing this key board so that, in the future the City's water rights are protected and that Sherman is working in conjunction with the State of Texas. As the Board's task now switches to a more technical role, she agreed it was a good move to appoint Mr. Gibson.

ACTION TAKEN.

> **Motion by Deputy Mayor Howeth to appoint Mark Gibson to the Red River Groundwater Conservation District Board of Directors to fill an unexpired term from October 8, 2013 to August 31, 2015. Second by Council Member Sofey.**

VOTING AYE: Howeth, Johnson, Plyler, Smith, Sofey, Softly.
VOTING NAY: None.
MOTION CARRIED.

COUNCIL COMMENTS

BREAST CANCER AWARENESS MONTH

BREAST CANCER AWARENESS MONTH
Council Member Smith reminded everyone that October is Breast Cancer Awareness Month and he urged everyone to wear pink in support of the cause.

DOWNTOWN SHERMAN HALLOWEEN

DOWNTOWN SHERMAN HALLOWEEN EVENT
Council Member Sofey said Downtown Sherman Preservation and Revitalization will be sponsoring a

Halloween event on October 26, 2013, which includes a wine walk and bands.

EVENT

FRIGHT FEST

FRIGHT FEST

Mayor Wacker reminded citizens about the City's Halloween Fright Fest and encouraged participants to sign up to have a booth to distribute candy at the event. Those interested should contact Sergeant D.M. Hampton at the Sherman Police Department. The event is held annually on the Municipal Building Grounds and is a family event for trick-or-treaters and their families.

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.

SECTION 551.074 PERSONNEL MATTERS
CONSIDER THE QUALIFICATIONS, APPOINTMENT AND REMOVAL OF MEMBERS TO BOARDS AND COMMISSIONS:
SHERMAN ECONOMIC DEVELOPMENT CORPORATION BOARD OF DIRECTORS (3)

On Motion duly made and carried, the Open Meeting recessed and reconvened in Executive Session at 5:54 p.m.

On Motion duly made and carried, the Executive Session recessed at 6:10 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.

SHERMAN ECONOMIC DEVELOPMENT CORPORATION BOARD OF DIRECTORS (3)

SEDCO BOARD OF DIRECTORS

ACTION TAKEN.

Motion by Council Member Smith to appoint Brooks Hull, David Key, and Willie Steele to the Sherman Economic Development Corporation Board of Directors for a term from October 8, 2013 to October 1, 2015. Second by Council Member Plyler.

VOTING AYE: Howeth, Johnson, Plyler, Smith, Sofey, Softly.
VOTING NAY: None.
MOTION CARRIED.

ADJOURNMENT

ADJOURNMENT

On Motion duly made and carried, the meeting adjourned at 6:11 p.m.

MAYOR

CITY CLERK