

October 5, 2020

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

CALL TO ORDER

CALL TO ORDER

APPROVE MINUTES

ANNOUNCEMENT

PROCLAMATION

**NATIONAL ARTS &
HUMANITIES MONTH
(OCTOBER 2020)**

Mr. Brown said it was a privilege to serve as Chairman of the Cultural Arts District Advisory Council, and to appear with Cary Wacker, Austin College Associate Vice President for Institutional Advancement and Director of the Center for Community and Regional Development, who does all the leg work for the Cultural Arts District.

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“NATIONAL DISABILITY EMPLOYMENT AWARENESS MONTH” – OCTOBER 2020

Council Member Howeth presented a proclamation to Omar Figueroa, Student Hire/Ability Navigator, Workforce Solutions Texoma, designating October 2020 as “National Disability Employment Awareness Month.”

Mr. Figueroa thanked the Mayor and Council for the recognition to help raise awareness about disabilities in employment. He also wanted to recognize the contributions that Americans with disabilities make to our community, our state, and our country.

CITIZEN’S COMMENTS

There were no citizen’s comments.

CONSENT AGENDA

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

RESOLUTION NO. 6657 – AUTHORIZING THE APPOINTMENT OF THE LAW FIRM OF ABERNATHY, ROEDER, BOYD & HULLETT, P.C. AS CITY ATTORNEY, PURSUANT TO ARTICLE IV, SECTION 5 OF THE CITY CHARTER; AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE AN ENGAGEMENT AGREEMENT WITH SAID LAW FIRM

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE APPOINTMENT OF THE LAW FIRM OF ABERNATHY, ROEDER, BOYD & HULLETT, P.C. AS CITY ATTORNEY, PURSUANT TO ARTICLE IV, SECTION 5 OF THE CITY CHARTER; AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE AN ENGAGEMENT AGREEMENT WITH SAID LAW FIRM.

Robby Hefton, City Manager, introduced Richard Abernathy, Partner, Abernathy, Roeder, Boyd & Hullett, P.C., and said the staff has been working with this firm for two or three years.

He said as Sherman continues to grow, and as the complexity of the issues facing the City continue to grow, he believes this firm will be able to provide a broad range of services to the City as their City Attorney.

Mr. Abernathy thanked the City Council and said his firm has worked with the staff for several years. He said they have found the staff to be professional and competent. He did mention the Mayor wearing the Denison Yellow Jacket Football Jersey.

ACTION TAKEN.

Motion by Council Member Stevenson to approve Resolution No. 6657, as presented. Second by Council Member Teamann.

NATIONAL DISABILITY
EMPLOYMENT
AWARENESS MONTH
(OCTOBER 2020)

CITIZEN’S COMMENTS

CONSENT AGENDA

RES 6657
HIRE LAW FIRM

VOTING AYE: Holland, Howeth, Melton, Steele, Stevenson, Teamann.

VOTING NAY: None.

MOTION CARRIED.

RESOLUTION NO. 6658 – AUTHORIZING EXECUTION OF A TIRZ #3 REIMBURSEMENT AND DEVELOPMENT AGREEMENT WITH ASPIRE TWO, LLC FOR THE REMEDIATION AND DEMOLITION OF STRUCTURES WITHIN SHERMAN TAX INCREMENT REINVESTMENT ZONE, NUMBER THREE (#3) IN THE CITY OF SHERMAN

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF A TIRZ #3 REIMBURSEMENT AND DEVELOPMENT AGREEMENT WITH ASPIRE TWO, LLC FOR THE REMEDIATION AND DEMOLITION OF STRUCTURES WITHIN SHERMAN TAX INCREMENT REINVESTMENT ZONE, NUMBER THREE (#3) IN THE CITY OF SHERMAN.

RES 6658
DEMOLISH
STRUCTURE IN
TIRZ #3

Mr. Hefton introduced Ryan Johnson, with Covenant Development, which is the developer operating for this project as Aspire Two, LLC. He said this development agreement is a reimbursement for the first phase of the project, which would be to demolish and remediate the old Medical Plaza Hospital, on Gallagher Road.

Future plans for the property are to redevelop this area, and this is the first step to prepare it for construction. In a previous Council Meeting the Tax Increment Reinvestment Zone #3 was expanded to include this property. The project and financing plan were also approved.

Mr. Hefton said they plan to start before the end of the year, and it would take a few months to complete. Once that portion is done, phase two would be presented to the Council for support to rebuild and redevelop the property.

Deputy Mayor Steele asked if the end of phase one was clearly defined? Would the structure be completely gone? Mr. Hefton said the demarcation point for the City is that the site is ready for rebuilding. That will be clear when they have remediated the site and the building is gone. Language is included in the reimbursement agreement that the City has the right of inspection

At this point, he said, it appears that most of the infrastructure is already in place for their future needs. Their site is composed of 14 acres. Mr. Hefton said they already have quotes and a plan from the firm that has been hired for remediation.

Council Member Howeth asked how long they anticipated the project would take. Mr. Johnson said the remediation part should take about 60 working days, and the demolition part, another 60 to 75 working days. He said by late winter or early spring, the property should be cleared.

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Council Member Teamann said he appreciated them looking to give back to the local non-profits with some of the equipment that was removed from the facility.

ACTION TAKEN.

Motion by Deputy Mayor Steele to approve Resolution No. 6658, as presented. Second by Council Member Teamann.
VOTING AYE: Holland, Howeth, Melton, Steele, Stevenson, Teamann.
VOTING NAY: None.
MOTION CARRIED.

RESOLUTION NO. 6659 – AUTHORIZING THE PURCHASE OF VIDEO EVIDENCE SOLUTION SOFTWARE FOR THE SHERMAN POLICE DEPARTMENT FROM WATCHGUARD VIDEO THROUGH EQUIPMENT LEASE-PURCHASE AGREEMENT NO. 24944 WITH MOTOROLA SOLUTIONS, INC. THROUGH THE TEXAS DEPARTMENT OF INFORMATION RESOURCES (DIR)

RES 6659
POLICE DEPT.
VIDEO EVIDENCE
SOFTWARE

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE PURCHASE OF VIDEO EVIDENCE SOLUTION SOFTWARE FOR THE SHERMAN POLICE DEPARTMENT FROM WATCHGUARD VIDEO THROUGH EQUIPMENT LEASE-PURCHASE AGREEMENT NO. 24944 WITH MOTOROLA SOLUTIONS, INC. THROUGH THE TEXAS DEPARTMENT OF INFORMATION RESOURCES (DIR).

Zach Flores, Police Chief, said video evidence is one of the main things used for providing racial profiling statistics. The technology of the video in the vehicles is essentially antiquated. Especially due to the societal climate, it is very important to keep pace with technology and become more efficient.

Deputy Mayor Steele verified that the new system would support dash cams and body cams. Council Member Teamann asked about the main difference that would be provided by the upgrade.

Chief Flores said the officer would be able to tag the video in the field so it would immediately be accessible when they return to the Police Department. It will also have a portal to the District Attorney's Office.

Currently they pay an employee to burn DVDs every day, all day, which is antiquated technology. Also, timeliness is critical in the work and this would allow the video to be immediately accessible. Things must be out to the public as quickly as possible, and this would be another tool to ensure that.

Council Member Teamann asked if this agreement would include all server space that would be needed. Chief Flores said it does and it would be housed on-site, and would transition to the new facility.

COUNCIL MINUTES – OCTOBER 5, 2020

Council Member Holland asked about the person currently burning the DVDs and hoped they would move into another capacity rather than lose their job. Chief Flores said they hoped to transition that employee and added that they are working with the District Attorney, who has been very progressive.

Council Member Howeth said with everything going on in the news, and in an effort to reassure citizens, what are they doing to train officers to handle arrests in the proper manner.

Chief Flores said several years ago, the Sherman Police Department was presented with the Texas Best Practices Recognition from the Texas Police Chiefs Association. Locally, only the Sherman Police Department and the Denison Police Department have that designation.

That recognition mandates a lot of things for the department that are forward thinking. In order to retain that designation, they have to maintain several areas, and they received their reaccreditation last month. They also frequently review officer's stops and interactions for quality assurance checks each month. This is tracked to assure that they are treating the public the way they should and that they are being treated the way they should.

ACTION TAKEN.

Motion by Council Member Stevenson to approve Resolution No. 6659, as presented. Second by Council Member Holland.

VOTING AYE: Holland, Howeth, Melton, Steele, Stevenson, Teamann.

VOTING NAY: None.

MOTION CARRIED.

RESOLUTION NO. 6660 – AUTHORIZING THE PURCHASE OF FOUR NEW FORD F-150 TRUCKS FOR THE DEVELOPMENT SERVICES DEPARTMENT FROM SAM PACK'S FIVE STAR FORD THROUGH THE TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (BUYBOARD)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE PURCHASE OF FOUR NEW FORD F-150 TRUCKS FOR THE DEVELOPMENT SERVICES DEPARTMENT FROM SAM PACK'S FIVE STAR FORD THROUGH THE TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (BUYBOARD).

RES 6660
PURCHASE OF
DEVELOPMENT
SVCS. TRUCKS

Rob Rae, Director of Development Services, said at the Budget Work Session, the Council discussed purchasing vehicles for the Building Inspectors. Currently the inspectors use their personal vehicles for inspections and are provided a car allowance.

Purchase of City vehicles would allow for a clear identification of inspectors, for their safety and for citizen's safety. Quotes

COUNCIL MINUTES – OCTOBER 5, 2020

were received from four dealerships, including two local dealers. The lowest bid was from Five Star Ford in Carrollton.

Council Member Teamann asked how close the local bidders were to the low bid. Mr. Rae said the local dealerships were between \$2,000 and \$4,000 higher for each vehicle. Holiday Ford in Whitesboro and Five Star Ford were the two lowest bids.

Council Member Teamann asked what the local contingency was for preference of local bidders. Mr. Hefton said the law changed in the last few years. It used to be 5% local preference, but that amount has gone down. On a \$21,000 vehicle, even under the old standards, it would have had to be no more than \$1,000 higher, however the difference was significantly more than that.

Mr. Hefton said the City's preference is local vendors, and the staff looks at all those things when considering the bids.

Deputy Mayor Steele assumed it was not a cost savings, and asked how much more the City would spend to provide vehicles. Mr. Hefton said the net cost to the City this budget year, is zero. The vehicles will be financed through the tax notes that they are packaging for the other equipment purchases. There are also some savings from the projections of the tax note purchases.

Council Member Stevenson added that the City won't be paying mileage anymore. Mr. Hefton said most City departments do drive City vehicles. This is one department that had never been switched over from car allowances.

When the issue was raised at the Budget Workshop, the staff did their research to determine the most cost effective way to provide for vehicles. The incremental cost this year, will only be the cost of gas and oil changes, and should be less than \$10,000. Council Member Melton addressed the safety side of the issue too.

Council Member Teamann asked what the current plan cost in mileage. Mr. Hefton said the employees weren't paid mileage, they were actually paid a car allowance of \$400 to \$500 each. Mr. Hefton said, to him the question was whether or not this department was being treated equitably, compared to other departments.

Mr. Hefton said another change was that most departments have uniforms paid for by, and provided by the City. This makes them easily identifiable as a City employee. This would bring them on par with other City departments.

Council Member Stevenson asked how many other City employees were using their own vehicles. Mr. Hefton said the Engineering techs used their own vehicles. Only on-call employees actually take a vehicle home after hours.

COUNCIL MINUTES – OCTOBER 5, 2020

Council Member Teamann verified that tax notes are a seven year maximum by law, but the City's practice is for five years. The rate on the tax note is sub 1%.

Council Member Howeth felt that the City departments that go out into the community need to have uniforms for identification purposes and for security. She asked the staff to look at that issue in the future as money allows. Mr. Hefton said the City already has that "as a general rule." There are different kinds of "uniforms" and some employees wear the formal uniform, while others wear shirts with the City logo on them.

ACTION TAKEN.

Motion by Council Member Stevenson to approve Resolution No. 6660, as presented. Second by Council Member Holland.

VOTING AYE: Holland, Howeth, Melton, Steele, Stevenson, Teamann.

VOTING NAY: None.

MOTION CARRIED.

RESOLUTION NO. 6661 – AUTHORIZING EXECUTION OF AN AGREEMENT WITH JULIO CESAR TOBAR FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 503 EAST WILSON AVENUE WITHIN CITY OF SHERMAN REINVESTMENT ZONE, NUMBER TEN (#10)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN AGREEMENT WITH JULIO CESAR TOBAR FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 503 EAST WILSON AVENUE WITHIN CITY OF SHERMAN REINVESTMENT ZONE, NUMBER TEN (#10).

CONSENT AGENDA.

RES 6661
RESIDENTIAL
PROPERTY TAX
ABATEMENT
(503 E. WILSON)

RESOLUTION NO. 6662 – AUTHORIZING EXECUTION OF AN AGREEMENT WITH SUZETTE MORGAN FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 425 WEST HESTER STREET WITHIN CITY OF SHERMAN REINVESTMENT ZONE, NUMBER TEN (#10)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN AGREEMENT WITH SUZETTE MORGAN FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 425 WEST HESTER STREET WITHIN CITY OF SHERMAN REINVESTMENT ZONE, NUMBER TEN (#10).

CONSENT AGENDA.

RES 6662
RESIDENTIAL
PROPERTY TAX
ABATEMENT
(425 W. HESTER)

RESOLUTION NO. 6663 – AUTHORIZING THE ACCEPTANCE OF THE RESIGNATION OF THE CURRENT CITY ATTORNEY PURSUANT TO ARTICLE IV, SECTION 5 OF THE CITY CHARTER; AND AUTHORIZING ACCEPTANCE OF A

RES 6663
SEPARATION
AGREEMENT WITH
CITY ATTORNEY

SEPARATION AGREEMENT BETWEEN THE CITY OF SHERMAN AND BRANDON SHELBY OF SHELBY LAW, PLLC
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE ACCEPTANCE OF THE RESIGNATION OF THE CURRENT CITY ATTORNEY PURSUANT TO ARTICLE IV, SECTION 5 OF THE CITY CHARTER; AND AUTHORIZING ACCEPTANCE OF A SEPARATION AGREEMENT BETWEEN THE CITY OF SHERMAN AND BRANDON SHELBY OF SHELBY LAW, PLLC.
CONSENT AGENDA.

OTHER BUSINESS

CONSIDER REQUEST OF ST. MARY’S CATHOLIC SCHOOL TO TEMPORARILY CLOSE CERTAIN STREETS FOR THE “RUN RUN RUDOLPH 5K AND FAMILY FUN RUN/WALK” ON SATURDAY, DECEMBER 5, 2020

The City Council approved the request of St. Mary’s Catholic School to close certain streets for the “Run Run Rudolph 5K and Family Fun Run/Walk” on December 5, 2020.

The event will begin at 8:45 a.m. and will require barricade placement and removal, as well as police officers along the route.

CONSENT AGENDA.

MEDIA QUESTIONS

There were no media questions.

COUNCIL COMMENTS

DENISON YELLOW JACKET SHIRT

Council Member Holland said it was a sad day in Sherman when the Mayor had to wear a Denison Yellow Jacket Shirt.

GLAD TO BE BACK IN SHERMAN

Council Member Howeth said she was glad to be back in Sherman. She has been in California for two weeks. She said we take clean air for granted here in Sherman. She said we are fortunate to have rain, no fires, and good air quality.

ANNOUNCEMENTS

Mayor Plyler announced the following:

- Sherman Main Street will host “Trick or Treat on Travis” on October 29, 2020, from 6:00 pm until 8:00 p.m. The event will be spread out over three blocks to give everyone plenty of room to stay safe.
- Sherman Parks and Recreation will host “Caravan to Candyland” on October 30, 2020, at the new Pecan Grove ballfields. Volunteers will be handing out bags of candy to vehicles as they drive through.
- The Sherman Chamber of Commerce’s Annual Legislative Luncheon will be held online this year at 12:00 p.m. on November 6, 2020.

CLOSE STREETS
RUN RUN RUDOLPH
5K & FUN RUN
(DEC. 5, 2020)

MEDIA QUESTIONS

DENISON YELLOW
JACKET SHIRT

GLAD TO BE
BACK IN SHERMAN

ANNOUNCEMENTS

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.

SECTION 551.071 -- CONSULTATION WITH CITY ATTORNEY CONCERNING PENDING OR CONTEMPLATED LITIGATION

SECTION 551.071 -- CONSULT WITH THE CITY ATTORNEY ON A MATTER IN WHICH THE DUTY OF THE ATTORNEY TO THE GOVERNMENTAL BODY UNDER THE TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT OF THE STATE BAR OF TEXAS CLEARLY CONFLICTS WITH THIS CHAPTER

SECTION 551.074 -- PERSONNEL MATTERS: DELIBERATE THE APPOINTMENT, EMPLOYMENT, EVALUATION, REASSIGNMENT, DUTIES, DISCIPLINE, OR DISMISSAL OF A PUBLIC OFFICER OR EMPLOYEE

SECTION 551.087 -- DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS: DELIBERATE REGARDING COMMERCIAL OR FINANCIAL INFORMATION THAT THE CITY HAS RECEIVED FROM A BUSINESS PROSPECT AND DELIBERATE ANY OFFERS OR INCENTIVES TO THE BUSINESS PROSPECT

Council Members did not meet in Executive Session.

ADJOURNMENT

On Motion duly made and carried, the meeting adjourned at 5:40 p.m.

MAYOR

CITY CLERK

EXECUTIVE SESSION

ADJOURNMENT