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October 4, 2021

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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 4, 2021.

MEMBERS PRESENT:

MAYOR DAVID PLYLER; DEPUTY MAYOR DARON HOLLAND.

COUNCIL MEMBERS HOWETH, MELTON, STEELE, STEVENSON, TEAMANN.

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 given by Council Member Willie Steele.

CALL TO ORDER

APPROVE MINUTES

The Council reviewed the Minutes of the Called Joint Meeting with the Sherman Economic Development Corporation of September 14, 2021, and the Regular City Council Meeting of September 20, 2021. Council Member Melton moved to approve the Minutes, as presented; Second by Council Member Stevenson; 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.

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

CONSENT AGENDA

PUBLIC HEARING

**APPEAL FOR A VARIANCE TO ALLOW BEER AND WINE SALES
WITHIN 300 FEET OF A SCHOOL (CRUTCHFIELD ELEMENTARY);
TY OSMANI, OWNER, LUCKY STOP #1, LOCATED AT 415 SOUTH
DEWEY AVENUE**

Ryan Pittman, City Attorney, explained that this was a request for a variance to allow beer and wine sales within 300 feet of Crutchfield Elementary School. City ordinance states that property owners that want to sell alcohol within this distance must appear before the City Council to request a variance. Otherwise the location is prohibited.

The staff has measured for the permit, and determined that the school's property line is within 300 feet of the property line of 415 S. Dewey, the location of the request. The location is actually within

**APPEAL FOR AN
ALCOHOL VARIANCE
LUCKY STOP #1
(415 S. DEWEY)**

70 feet of the school's property. The ordinance also determines how the measurement will be taken. The applicant is not challenging the City's regulations or measurement, but they are seeking a variance, which is provided for in State law.

He also related what the Council is asked to consider when granting a variance. These include, is the regulation not in the best interest of the public; whether enforcement constitutes waste or inefficient use of the land or other resources; creates an undue hardship on an applicant; does not serve its intended purpose; is not effective or necessary; for any other reason the City Council has for the health, safety, and welfare of the public.

Edgar Korzeniowski, Attorney for Applicant

Mr. Korzeniowski appeared via Zoom and represented the property owner. He related Ty Osmani's credentials as a business owner and long-time resident in Sherman.

He said Mr. Osmani purchased two pieces of property, the store front at 415 S. Dewey and an adjacent residence at 405 S. Dewey, which he planned to develop and move the storefront to, in order to comply with the 300' buffer to the school's property. It was later determined that there was a sewer line on the second property that would need to be moved at a great expense to the property owner. This created an undue hardship for Mr. Osmani.

As a waste or inefficient use of land, Mr. Korzeniowski said the property has been vacant and unused and may contribute to the urban blight and public safety of residents, including school aged children. Vacant land also attracts transients and a criminal element. He said the owner also plans to hire a security guard for the first few months of operation to assure that things run smoothly.

Mr. Korzeniowski said they also felt, allowing this variance was in the best interest of the public because it benefits the sustainability and long-term viability of the neighborhood by reducing blight, discouraging vagrancy, adds jobs to the local economy, and improves public safety.

Mr. Osmani intends to hire six to ten employees, five of which would be full-time positions. He also intends to hire a part-time security guard for the first few months.

No other citizens appeared before the City Council to discuss the Appeal for a Variance to allow beer and wine sales within 300 feet of Crutchfield Elementary School, at 415 South Dewey Avenue.

Mayor Plyler introduced Ordinance No. 6417 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, DESIGNATING CITY OF SHERMAN INDUSTRIAL REINVESTMENT ZONE NO. 11; PROVIDING ELIGIBILITY OF THE ZONE FOR COMMERCIAL-INDUSTRIAL TAX ABATEMENT; CONTAINING FINDINGS THAT THE AREA DESCRIBED QUALIFIES FOR DESIGNATION AS A TAX ABATMENT REINVESTMENT ZONE PURSUANT TO CHAPTER 312 OF THE

ORD 6417
INDUSTRIAL
REINVESTMENT
ZONE
TEXAS INSTRUMENTS

TEXAS TAX CODE AND THAT THE IMPROVEMENTS PROPOSED BY THE LAND'S OWNER, TEXAS INSTRUMENTS INCORPORATED, ARE FEASIBLE AND PRACTICABLE AND OF BENEFIT TO THE LAND AND THE CITY; AUTHORIZING THE CITY MANAGER TO NEGOTIATE WRITTEN AGREEMENTS WITH THE OWNERS OF ANY TAXABLE REAL AND TANGIBLE PERSONAL PROPERTY LOCATED WITHIN THE DESIGNATED ZONE. AUTHORIZING THE CITY MANAGER TO TAKE ALL OTHER ACTIONS NECESSARY TO EFFECTUATE THE SAME; PROVIDING A REPEALING CLAUSE AND SEVERABILITY CLAUSE.

Mary Lawrence, Director of Finance, said the creation of this Reinvestment Zone is for Texas Instruments, and only includes their property. This is the first step in granting a tax abatement to TI for their project, which would add almost \$30 billion in value.

The first phase of the project is about \$6.5 billion, and is planned for next year. TI's decision is not final at this time, and the City expects to hear for sure, by the end of the year. The Reinvestment Committee has recommended approval of the zone creation and the tax abatement agreement.

The next step will be on the October 18, 2021 Council Meeting, with Council consideration of the tax abatement agreements and the Chapter 380 Agreements. The Grayson County Commissioners will also be considering tax abatement agreements with TI on their October 19, 2021 Meeting.

No citizens appeared before the City Council to discuss Ordinance No. 6417.

The Public Hearing was closed.

ADOPTION OF ORDINANCES

Ordinance 6417

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, DESIGNATING CITY OF SHERMAN INDUSTRIAL REINVESTMENT ZONE NO. 11; PROVIDING ELIGIBILITY OF THE ZONE FOR COMMERCIAL-INDUSTRIAL TAX ABATEMENT; CONTAINING FINDINGS THAT THE AREA DESCRIBED QUALIFIES FOR DESIGNATION AS A TAX ABATMENT REINVESTMENT ZONE PURSUANT TO CHAPTER 312 OF THE TEXAS TAX CODE AND THAT THE IMPROVEMENTS PROPOSED BY THE LAND'S OWNER, TEXAS INSTRUMENTS INCORPORATED, ARE FEASIBLE AND PRACTICABLE AND OF BENEFIT TO THE LAND AND THE CITY; AUTHORIZING THE CITY MANAGER TO NEGOTIATE WRITTEN AGREEMENTS WITH THE OWNERS OF ANY TAXABLE REAL AND TANGIBLE PERSONAL PROPERTY LOCATED WITHIN THE DESIGNATED ZONE. AUTHORIZING THE CITY MANAGER TO TAKE ALL OTHER ACTIONS NECESSARY TO EFFECTUATE THE SAME; PROVIDING A REPEALING CLAUSE AND SEVERABILITY CLAUSE.

ORD 6417
INDUSTRIAL
REINVESTMENT
ZONE
TEXAS INSTRUMENTS

Mayor Plyler said there is a typo on Item E-3. The Ordinance Number should read 6417.

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Council Member Steele asked, if the Council authorizes the Reinvestment Zone and the project doesn't happen, does the zone need to be removed or does it expire.

Robby Hefton, City Manager, said, by law, the Reinvestment Zone expires every five years. If they want to do Phase 2 longer than five years from when this is enacted, the Council would have to reauthorize it for another five year period.

ACTION TAKEN.

Motion by Council Member Stevenson to adopt Ordinance No. 6417, as presented. Second by Council Member Teamann.

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

VOTING NAY: None.

MOTION CARRIED.

OTHER BUSINESS

CONSIDER THE APPEAL FOR A VARIANCE TO ALLOW BEER AND WINE SALES WITHIN 300 FEET OF A SCHOOL (CRUTCHFIELD ELEMENTARY); TY OSMANI, OWNER, LUCKY STOP #1, LOCATED AT 415 SOUTH DEWEY AVENUE

Mr. Pittman said the Council considered a similar request in 2016 for this same location. At that time, the variance was not granted. The City staff did contact the Sherman Independent School District about the request for a variance, and they have not responded.

**LUCKY STOP #1
ALCOHOL VARIANCE
NEAR CRUTCHFIELD
ELEMENTARY
(415 S. DEWEY)
DENIED**

Council Member Stevenson confirmed that the location is actually under 70 feet from the school property. The statutory measurement is from property line to property line. Council Member Teamann confirmed that that distance is mainly City right-of-way.

Council Member Steele said he mentioned that when the property was purchased, Mr. Osmani thought about moving the building further away, so he must have known it was within 300 feet when he purchased it.

Mr. Korzeniowski said he did realize that, that's why he purchased the adjoining property. Council Member Steele clarified that Mr. Osmani planned to move the building, and asked if the sewer line sent that plan over his budget. Mr. Korzeniowski said he had no reason to believe there would be a problem with the sewer line, which was quoted at about \$6,000 to move.

Council Member Howeth said there's not a buffer between the two properties, except for the easement, and she asked if there was a chain-link fence between the two properties, would that make a difference. Mr. Pittman said that would not make a difference. The State requires that the measurement be made from property line to property line.

Deputy Mayor Holland asked why the sewer line needed to be removed. Council Member Steele said the sewer line is in the way of where the building would be constructed.

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Council Member Teamann said the parking lot looks to be more than 300 feet away from school property, and asked if it was replatted, would it move them far enough away. Mr. Pittman said a replat would not change the dynamics of how the State says to measure.

Council Member Howeth said Mr. Osmani feels there is a need for beer and wine sales for this business to be successful, but she said this area has been described as a “food desert” and they could use a “mini grocery store.” She asked if he would consider opening a small grocery store there if the variance was not approved.

Mr. Korzeniowski said Mr. Osmani does intend to sell some food items at the location.

Ty Osmani, Owner, Lucky Stop #1

Mr. Osmani appeared via Zoom and is the property owner and applicant. He said he intends to sell some hot food at the location. He said the Dollar General is located nearby and sells grocery items, and he did not feel he could compete with them.

ACTION TAKEN.

Motion by Council Member Melton to deny the request for a Variance to allow beer and wine sales, at 415 South Dewey Avenue, within 300 feet of Crutchfield Elementary School, as presented. Second by Council Member Howeth.

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

VOTING NAY: None.

MOTION CARRIED TO DENY.

RESOLUTION NO. 6780 – AUTHORIZING EXECUTION OF AN ECONOMIC DEVELOPMENT PROGRAM AGREEMENT WITH SUPER SHACK, LLC FOR THE GRANT OF INCENTIVES PURSUANT TO CHAPTER 380 OF THE TEXAS GOVERNMENT CODE

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

**RES 6780
SUPER SHACK
CHAPTER 380
AGREEMENT**

Terrence Steele, Assistant City Manager, said in 2019, the Council approved the program to incentivize retail recruitment. This is the third applicant as a result of that program.

Super Shack is a new restaurant that will be opening in Sherman in the next few weeks. They are requesting to have up to 50% of their sales tax rebated for two years.

Council Member Stevenson asked if there was a timeline for them to come online. Mr. Steele said they were supposed to be online by October 1, 2021. They were hoping to be online by September 1, 2021, but they are doing extensive remodeling.

Deputy Mayor Holland said it is a very good seafood place and they are working “around the clock” to try and get it completed. Mr. Steele said this is a restaurant that Deputy Mayor Holland

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introduced to Sherman. They looked at different facilities that were available in the community, and selected the old Applebee's building. Mr. Hefton said he was glad there were restaurateurs that would consider locating in an existing location, rather than leaving a vacant location. That is exactly what this program is trying to accomplish.

ACTION TAKEN.

Motion by Council Member Stevenson to adopt Resolution No. 6780, as presented. Second by Deputy Mayor Holland.

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

VOTING NAY: None.

MOTION CARRIED.

RESOLUTION NO. 6781 – AUTHORIZING EXECUTION OF A PROFESSIONAL ENGINEERING DESIGN SERVICES AGREEMENT WITH CP&Y, INC. FOR THE DESIGN OF MOORE STREET FROM PARK AVENUE TO CENTER STREET

**RES 6781
DESIGN OF
MOORE STREET**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF A PROFESSIONAL ENGINEERING DESIGN SERVICES AGREEMENT WITH CP&Y, INC. FOR THE DESIGN OF MOORE STREET FROM PARK AVENUE TO CENTER STREET.

Wayne Lee, Director of Engineering, said this contract is for the engineering design services for Moore Street, from Park Avenue to Center Street. This corresponds to the City's Master Thoroughfare Plan and the Five-Year Capital Improvement Plan.

It includes about 7,800 feet of what will ultimately be a four-lane boulevard. CP&Y will design the four-lane boulevard, and will provide construction plans to build half of that to begin with. The contract will be for \$520,000, and it is anticipated that their design will be completed next Fall.

Council Member Steele said "this is a road to somewhere." Mr. Hefton said this is a road that goes north, from Park Avenue to Center Street.

ACTION TAKEN.

Motion by Council Member Steele to adopt Resolution No. 6781, as presented. Second by Council Member Howeth.

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

VOTING NAY: None.

MOTION CARRIED.

RESOLUTION NO. 6782 – AUTHORIZING EXECUTION OF A PROFESSIONAL DESIGN SERVICES AGREEMENT WITH KIMLEY-HORN AND ASSOCIATES, INC. FOR THE DESIGN OF SHEPHERD DRIVE FROM US 75 TO FARMINGTON ROAD

**RES 6782
DESIGN OF
SHEPHERD DR.**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF A PROFESSIONAL DESIGN SERVICES AGREEMENT WITH KIMLEY-

HORN AND ASSOCIATES, INC. FOR THE DESIGN OF SHEPHERD DRIVE FROM US 75 TO FARMINGTON ROAD.

Mr. Lee said this is a design services agreement for Shepherd Drive. With Shepherd Place and the Texas Instruments developments, the City is trying to “stay ahead of the curve” with the Master Thoroughfare Plan.

This road would be a six-lane, divided road. Kimley-Horn will assist with the alignment of the road from U.S. Hwy 75 to Farmington Road, which is about 11,200 feet. They will provide up to 30% of the design plans for six-lanes, along Shepherd Drive Planned Development only.

This will help set the horizontal and vertical alignment with Shepherd Place Planned Development, and the horizontal alignment further west, as those properties develop over time and the City knows what type of right-of-way will be needed.

The contract is for \$370,000, and the plans should be complete by next Summer.

Council Member Teamann said the Council approved the Planned Development, but they haven’t seen any final plats, and he asked how far along they are in the process. Mr. Lee said they have a conceptual, but they wanted to “nail down” the horizontal and vertical of Shepherd Drive.

Mr. Hefton said this issue will also be discussed in Executive Session today. They will have more details on the project itself, and an economic development agreement with them. He said they are moving along, but this project is related to several things going on in this area, including Texas Instruments, the water line expansion project, and Shepherd Place. He said there would be more details on those aspects of the project, in Executive Session.

Council Member Howeth said she was concerned because that was a lot of money to pay up front, hoping Texas Instruments will expand, and that the Planned Development will go forward. Things are happening fast, and there must be a plan, but she felt it was a lot of money to spend “on a maybe.”

Mr. Hefton said it is a lot of money, and right now, there is “nothing on the ground,” other than a Planned Development that’s been approved. However, this road is on the City’s Master Thoroughfare Plan, so it’s not a matter of if, it’s when, it needs to be developed. Also, part of the reason to move forward with planning is to identify the scope of the project and where the road is going to go, and to acquire the right-of-way.

Right-of-way acquisition costs are increasing significantly, because land prices are increasing. Whether the road is built now, or in ten years, it’s important to obtain the right-of-way now, at today’s cost. The Council will have to approve the rest of the engineering plan and any construction in the future. He felt it was important to plan

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for the future and line out where the road will be located so they can obtain the right-of-way.

Council Member Melton asked to have that discussion in Executive Session, prior to the vote on this resolution. Council Member Teamann asked if the item could be tabled or moved until after Executive Session. Mr. Pittman suggested taking it out of order and not taking action until after Executive Session.

Council Member Steele said the design on this road is \$150,000 less than on Moore Street. Mr. Lee said they are only providing 30% of the design, and the rest is just a horizontal schematic to determine the alignment for the right-of-way. They are providing 30% horizontal and vertical along Shepherd Place, so they'll have a better idea where the road needs to be placed. He said there is a lot of grade difference in the area.

Clint Philpott, Assistant City Manager, said there are also a lot of Oncor utility poles, so some decisions were made internally on alignment of the road, so the water line could also be constructed. However, the staff needs the full alignment of the road so decisions can be made about where the Oncor poles go and if they expand in the future, they will know where the road will be located and where the median will be.

He said there were a lot of complicated pieces to this, and having the alignment study to Farmington Road would really help lock-in exactly where the six-lane road will be located. Then as development comes on line, the City can get the right-of-way dedicated on the frontend. He said there would be a lot of value to this, even if the Planned Development wasn't there. But the Planned Development and Texas Instruments has moved this forward in time.

Council Member Teamann asked if the Council should expect another \$600,000 to come back for the final part of the design. Mr. Lee said, if everything goes through and there is a need for it. Mr. Philpott said they need to get this "set-up," then when they know that the Planned Development and Texas Instruments "are real," they can move forward with the design and be more confident with the entire project.

Brain Parks, 1420 West Shepherd Drive

Mr. Parks asked why the City plans to construct a six-lane road at that location.

Mr. Philpott said the Thoroughfare Plan tries to plan for major corridors, both east/west and north/south. East/west corridors include FM 1417, which will ultimately be a six-lane road; and FM 902; and Shepherd Drive falls in between those two roads. It's further south than preferred, but if you go further north, there's Choctaw Creek. Having east/west corridors, other than Hwy 82, helps alleviate traffic on one road.

Mr. Parks asked if there will be more information in the future on the expansion of Shepherd Drive. Mr. Philpott said yes, that's part of

this alignment, to determine where the road needs to be located, but also to talk with property owners to make sure it aligns with future development.

Council Member Teamann said, even if it's planned to be a six-lane road, only two or four lanes will be constructed first. Mr. Philpott said they will probably perform a Traffic Impact Analysis on the Planned Development to determine what level of service is needed.

With six-lanes, they can initially construct two lanes; three lanes, which is two lanes with a continuous left turn; or a four-lane option. They will try to stretch the money available to serve the actual development on the ground, and want to construct the "right amount."

Council Member Howeth said the City is spending a lot of money to see where this road needs to go, and she wants to be sure the citizens understand why this is being done and how they will benefit from it. She said there are potholes that aren't getting repaired, and the citizens see that.

Council Member Melton asked how Mr. Parks heard about the agenda item. Mr. Parks said his wife read about it last night. However, they were contacted in January about the water line, and realized from the map, that it was "coming through their swimming pool."

Mr. Philpott said plans for the development have progressed since January and the City is trying to react and make sure that it develops appropriately and is not "thrown together." Mr. Parks said they are excited about the water line because they don't have fire hydrants.

Mr. Hefton said right now, the alignment is a conceptual line on a page, but the study will consider elevations, alignments, and property owner's needs and wants, to balance everything and determine where the actual road will be located.

RESOLUTION NO. 6783 – AUTHORIZING THE PURCHASE OF A 2022 ARMORED VEHICLE FOR THE SHERMAN POLICE DEPARTMENT FROM THE ARMORED GROUP THROUGH THE TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (BUYBOARD)

**RES 6783
POLICE ARMORED
VEHICLE**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE PURCHASE OF A 2022 ARMORED VEHICLE FOR THE SHERMAN POLICE DEPARTMENT FROM THE ARMORED GROUP THROUGH THE TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (BUYBOARD).

Bruce Dawsey, Assistant Police Chief, said they discussed this vehicle at the annual budget meeting. It is a ballistic/tactical vehicle that will fit the number of people on the team, and is rated for 50 caliber ammunition.

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It has features to keep the officers safe and a ram-arm to make better, safer approaches, communication throws, and to push open doors.

It's made for protection of the officers, but also for use in extracting civilians, downed officers, or firemen. The vehicle has doors on each side, making it more tactically advantageous, and allowing an approach from either side.

Deputy Mayor Holland asked where the armored vehicle would be kept. Chief Dawsey said it would be housed at the new Police Annex. He said it would not be "driven around town" and would be a special response vehicle only.

Council Member Melton said the money being used to purchase the vehicle is not coming from the City's budget. Chief Dawsey said \$183,000 is coming from seizure funds, and the rest is coming from the budget.

ACTION TAKEN.

Motion by Council Member Stevenson to adopt Resolution No. 6783, as presented. Second by Council Member Howeth.

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

VOTING NAY: None.

MOTION CARRIED.

RESOLUTION NO. 6784 – AUTHORIZING THE PURCHASE OF OFFICE365 IMPLEMENTATION FOR EXCHANGE AND TEAMS DEPLOYMENT SERVICES THROUGH THE TEXAS DEPARTMENT OF INFORMATION RESOURCES – CONTRACT DIR-TSO-4061

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE PURCHASE OF OFFICE365 IMPLEMENTATION FOR EXCHANGE AND TEAMS DEPLOYMENT SERVICES THROUGH THE TEXAS DEPARTMENT OF INFORMATION RESOURCES – CONTRACT DIR-TSO-4061.
CONSENT AGENDA.

RES 6784
PURCHASE OF
OFFICE365

**REQUEST TO ADVERTISE
WATER TREATMENT PLANT SLUDGE REMOVAL PROJECT**

The City Council approved the request to advertise for bids for the construction of the Water Treatment Plant Sludge Removal Project.

REQ TO ADVERTISE
WTP SLUDGE
REMOVAL PROJECT

The project would remove sludge that has been dredged and stockpiled on-site for removal to the landfill. As the Water Treatment Plant operates, it slowly fills with sludge that periodically must be removed. This project is planned maintenance.
CONSENT AGENDA.

**OTHER BUSINESS
CONSIDER APPROVAL OF THE ANNEXATION SCHEDULING PLAN FOR ADOPTION OF APPROXIMATELY 142.223 ACRES OF LAND LOCATED NORTH OF FM 1417 (VIETNAM VETERANS PARKWAY), EAST OF U.S. HIGHWAY 75 AND SOUTH OF POST OAK CREEK, ADJACENT TO THE SHERMAN CITY LIMITS AND IN THE CITY OF SHERMAN'S EXTRA TERRITORIAL JURISDICTION; AND**

ANNEXATION
SCHEDULE
TRAVIS HEIGHTS

DIRECTING THE DEPARTMENT OF ENGINEERING SERVICES TO DEVELOP A SERVICE PLAN FOR THE AREA TO BE ANNEXED UPON APPROVAL OF THE ANNEXATION SCHEDULING PLAN

Mr. Lee said this is a voluntary annexation, which includes about 142 acres, located north of FM 1417, east of Hwy 75, and south of Post Oak Creek.

The developer has presented a preliminary plat for the 400 lot subdivision, which will be called Travis Heights. There is a zone change that will be presented to the Planning and Zoning Commission, that is dependent on the annexation. Consideration of the annexation will be on the Council's October 18, 2021 Agenda.

ACTION TAKEN.

Motion by Council Member Howeth to approve the Annexation Scheduling Plan for approximately 142.223 acres of land located north of FM 1417, east of U.S. Hwy 75, and south of Post Oak Creek, also known as Travis Heights, as presented. Second by Council Member Stevenson.

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

VOTING NAY: None.

MOTION CARRIED.

CONSIDER POSSIBLE CHANGES TO CHAPTER 3, BUILDING REGULATIONS REGARDING REQUIREMENTS FOR ENGINEERED FRAMING PLANS TO BE SUBMITTED TO THE CITY FOR NEW RESIDENTIAL AND COMMERCIAL BUILDINGS

**BUILDING
REQUIREMENTS
ENGINEERED
FRAMING PLANS**

Rob Rae, Director of Development Services, said the City's Building Code was updated in December 2020 to the 2018 International Residential Code. This included engineering plans for multi-family and commercial buildings over 5,000 square feet. Some of Sherman's peer cities also requiring engineering plans for the framing of buildings for all new single family.

Many homebuilders are already accustomed to building to these standards and currently submit engineered framing plans in other cities. This change would give assurance to the City that these new homes are built to standard. Currently there are 15 different ways to build the framing of the wall to assure it is secure.

Mr. Rae said the staff is looking for direction from the Council as to whether or not they would like to enact this new requirement. Council Member Stevenson has been in contact with the Development Services Department about this change.

Larry Bollier, Building Official/Chief Plans Examiner, was in attendance to answer any questions the Council might have about the request.

Council Member Stevenson said he does about 7,000 inspections a year for cities to the south of Sherman. He showed some photos of homes that were under construction, and were completed, except for the external sheer wall portion of the home. A wind storm came through and the entire house fell down.

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He said, even with brand new, solid lumber, modern frame houses, engineering design and sheer wall, makes those houses much stronger. Otherwise, all homes are susceptible to failure, especially during high wind episodes.

Through the years, the State of Texas, has changed the standards for products that are required for homebuilding. Now, with computer engineering, the products for homebuilding have become less substantial and lighter. The pitches of the roof have also gone up and it has increased wind load capacity to the house. It also seems that the weather is getting more volatile.

Council Member Stevenson said in most cities he works in, that are experiencing growth, they require an engineered plan and an engineered sheer wall to ensure that those houses built through computer drafting, can withstand a 125 mile per hour wind. Without these requirements, he said homes are susceptible to collapse or being blown off their foundations, especially during tornados.

Council Member Stevenson said Sherman is about to be experiencing a lot of growth, and many of the homebuilders in Sherman, also build in other cities. They are building in other cities, with a lot more safety features, because these cities require that. The safety features help prevent homes from collapsing in high winds. He felt homes in Sherman should also be built with the same high standards and the same level of safety.

Council Member Steele clarified that if the home in the picture had been designed properly, it wouldn't have collapsed at that stage. Council Member Stevenson said the house in the picture was fully framed, the only thing they hadn't done was put the sheer wall on the outside.

Council Member Melton asked Mr. Bollier if he saw any problems with these new requirements. Mr. Bollier said he didn't see any problem with it. The IRC doesn't require any engineering on houses, because if they are built to code, they should withstand the sheer wall. They are considered "brace walls" with the IRC. He did say he felt it would be a good idea to have an engineered wall to take the wind load. Some of the builders he has worked with recently, didn't know what a brace wall was. He felt it would be a good asset to the City's building code.

Council Member Teamann confirmed that the City does require sheer walls, but they are not required to be engineered.

Council Member Melton asked if it would make his job easier to have this requirement in place. Mr. Bollier said yes, by requiring an engineering design, it takes it off the City staff and puts the responsibility on an engineer. He estimated it would add about \$1,000 to the cost of a house to have an engineering design.

Mayor Plyler said, based on the number of houses coming into Sherman, what would it do to the staff if the City required this on every house.

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Council Member Stevenson said this would make the engineering companies financially liable and they would perform their own inspections. It could be made a part of the City's code that they wouldn't send their own inspectors out until their engineers have inspected it.

Mr. Bollier verified that the only thing that would require engineering would be the sheer walls and the wall bracing. On commercial buildings over 5,000 square feet, they are entirely engineered.

Council Member Stevenson said there are 16 different ways to do it that are allowed by the code. The City inspector must know all 16 ways and decide if the structure meets one of those 16 ways. However, if an engineering plan is required, the City inspector would only inspect, checking against the plan to make sure it meets that plan. This would reduce the manpower and time spent on site for inspections because they aren't having to interpret. If the builders are building in other towns, they are already doing this requirement.

Council Member Steele asked if this would put a burden on local builders. Council Member Teamann said they are already requiring the sheer wall, this just adds steps for the builder. Mayor Plyler said now they have to have a third party.

Council Member Stevenson said the request to review the issue came from him. Mr. Rae said Council Member Stevenson mentioned to him that they were doing this in other cities, so he looked at the program and decided it would probably be a good idea for the City to do, to have the additional assurance that walls are built correctly.

Peter Tracy, 705 S. Valentine

Mr. Tracy said as a homeowner in Sherman, he originally spent two years looking for a home. Almost every home he looked at in Sherman had foundation and structural problems. He discussed the quality structure of the home he finally purchased in southeast Sherman. He felt the proposed code changes would be beneficial to the homeowner.

Council Member Teamann asked if the product from the code changes would be any different in the end, with or without an engineering plan. Mr. Bollier said it wouldn't be any different, because they will have to meet the code either way. He did say he spoke with a couple of builders this past week and mentioned a brace wall, and they didn't know what he was talking about.

Council Member Stevenson said, before the Planned Developments "start taking off" and there are a lot more homes built in Sherman, this would assure that safer houses are built and it would relieve some of the burden and strain on the City staff. Mayor Plyler said if the houses are built to code, they will have those features anyway.

Mr. Rae said the staff needs direction on whether or not the Council wants them to pursue this or not.

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Council Member Steele said he wasn't convinced that the City needs this. He felt that the homes being built are safe and up to code. He felt it would put an undue expense on homebuilders and would be passed on to the homeowners.

Council Member Stevenson felt the majority of houses were being built by homebuilders that are already paying for the services anyway.

Council Member Teamann said he felt the City was "getting to the same place, whether they require it or not." He said he would like to see how it would be more efficient.

Mr. Rae said he spoke with the building official in Prosper, Texas, and asked him why they decided to require this since it's not required in the code, and his response was to help their staff with time. He said it expanded their resources.

Council Member Teamann said if it showed that it would save the staff time and would be a tax savings to the citizens, then it might make sense. He said he would like to see additional information. Mayor Plyler suggesting getting additional information before a decision is made.

RECEIVE PRESENTATION FROM POLICE SERGEANT BRETT MULLEN ON THE POLICE DEPARTMENT'S ANNUAL HALLOWEEN EVENT, "FRIGHT FEST"

HALLOWEEN FRIGHT FEST

Sergeant Brett Mullen, Police Department, presented information on the Annual Fright Fest event, which will be held October 29, 2021, from 6:00 p.m. until 8:30 p.m., at Pecan Grove Athletic Complex. This will be the 20th anniversary of the event.

This year it is being moved to Pecan Grove Athletic Complex due to the current highway construction, and in order to accommodate parking and the large number of people that attend the event. They expect about 3,000 people to attend this year.

Council Member Melton asked if he felt the construction on FM 1417 would cause problems. Sergeant Mullen said probably not as much as the construction on Hwy 75. There would also be dedicated parking at the Athletic Complex and access from Hwy 82.

Last year the Parks and Recreation Department did a drive-through Halloween event at Pecan Grove. This year's event will not be a drive-through event.

RECEIVE AN UPDATE ON THE CITY OF SHERMAN'S ONGOING PROJECTS

ONGOING CITY PROJECTS

Nate Strauch, Community and Support Services Manager, presented an update on the City's ongoing projects. A drone flyover highlighted the following projects.

- Lamberth Road Sewer Collapse – completed by December
- Brockett/Broughton Intersection
- Magnolia Townhomes
- Pebblebrook – Phase IV
- The Grove

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- South Travis (Travis Heights)
- Bel Air
- Park Street
- FM 1417
- Washington Meadows
- U.S. Hwy 75
- Texas Instruments (550 acres)

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 4, 2021

The City Council approved the request of St. Mary’s Catholic School to temporarily close certain streets for the “Run Run Rudolph 5K and Family Fun Run/Walk” on December 4, 2021.

**CLOSE STREETS
FOR RUN RUN
RUDOLPH 5K
(DEC. 4, 2021)**

The event will require barricade placement and removal , and police officers to maintain safety at certain points along the route.
CONSENT AGENDA.

APPOINT/REMOVE OR CONSIDER QUALIFICATIONS TO BOARDS AND COMMISSIONS

ANIMAL CONTROL ADVISORY COMMITTEE (1)
ACTION TAKEN.

Motion by Council Member Melton to appoint Aaron Jason Bucy to the Animal Control Advisory Committee, for a term from October 5, 2021 to October 5, 2024, as presented.

**ANIMAL CONTROL
ADVISORY COMMITTEE**

Council Member Stevenson asked if this could be considered after Executive Session.

MEDIA QUESTIONS

There were no media questions.

MEDIA QUESTIONS

COUNCIL COMMENTS

GROWING CITY

Council Member Melton said it was wonderful that Sherman is a growing City, and she thanked the departments that are working together to make sure we’re doing the best for the citizens.

GROWING CITY

BREAST CANCER AWARENESS MONTH

Council Member Howeth reminded everyone that it is Breast Cancer Awareness Month and she urged all women over 40 to be checked for breast cancer.

**BREAST CANCER
AWARENESS MONTH**

CHERRY STREET PARK WALKING TRAILS

Council Member Howeth complimented the Parks Department for all the work they have put into Cherry Street Park, especially adding the walking trails and the bridge over the creek.

**CHERRY STREET
PARK WALKING
TRAILS**

THANKS TO THE STREET DEPARTMENT

Council Member Howeth thanked the Street Department for their work on Park Street and Broughton Street. She said it would be done by the first of the year.

**THANKS TO THE
STREET DEPT.**

BREAST CANCER AWARENESS MONTH

Council Member Teamann said Women Rock is hosting a dine-in at Texas Roadhouse today, and the proceeds go toward their cause.

**BREAST CANCER
AWARENESS MONTH**

ANNOUNCEMENTS

Mayor Plyler announced the following:

- The Sherman Police Department will sponsor Fright Fest, at Pecan Grove Park, on October 29, 2021. The new location will provide more room for the crowd, and additional parking.
- Trick or Treat on Travis Street will be held on October 29, 2021, at 6:00 p.m.
- Election Day is November 2, 2021. In-person voting will once again be offered across the street in the Sherman Municipal Ballroom, as well as other locations through out Grayson County.

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.

EXECUTIVE SESSION

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

(A) ANNUAL PERFORMANCE EVALUATION OF CITY MANAGER

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

- (A) SHERMAN HOSPITAL UPDATE
- (B) SHEPHERD PLACE
- (C) PROJECT MAMMOTH

TEX. 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 6:34 p.m.

On Motion duly made and carried, the Executive Session recessed
at 7:50 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

**APPOINT/REMOVE OR CONSIDER QUALIFICATIONS TO BOARDS
AND COMMISSIONS**

ANIMAL CONTROL ADVISORY COMMITTEE (1)

ACTION TAKEN.

Motion by Council Member Melton to appoint Aaron Jason Bucy
to the Animal Control Advisory Committee, for a term from
October 5, 2021 to October 5, 2024, as presented. Second by
Council Member Stevenson.

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

VOTING NAY: None.

MOTION CARRIED.

**ANIMAL CONTROL
ADVISORY COMMITTEE**

**RESOLUTION NO. 6782 – AUTHORIZING EXECUTION OF A
PROFESSIONAL DESIGN SERVICES AGREEMENT WITH KIMLEY-
HORN AND ASSOCIATES, INC. FOR THE DESIGN OF SHEPHERD
DRIVE FROM US 75 TO FARMINGTON ROAD**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
SHERMAN, TEXAS, AUTHORIZING EXECUTION OF A
PROFESSIONAL DESIGN SERVICES AGREEMENT WITH KIMLEY-

**RES 6782
DESIGN OF
SHEPHERD DR.**

COUNCIL MINUTES – OCTOBER 4, 2021

HORN AND ASSOCIATES, INC. FOR THE DESIGN OF SHEPHERD DRIVE FROM US 75 TO FARMINGTON ROAD.

ACTION TAKEN.

Motion by Council Member Stevenson to adopt Resolution No.

6782, as presented. Second by Council Member Steele.

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

VOTING NAY: None.

MOTION CARRIED.

ADJOURNMENT

On Motion duly made and carried, the meeting adjourned at 7:51 p.m.

ADJOURNMENT

MAYOR

CITY CLERK