

STATE OF TEXAS

§

September 16, 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 September 16, 2013.

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

MEMBERS ABSENT: COUNCIL MEMBER SMITH.

CALL TO ORDER

Mayor Wacker called the meeting to order at 5:00 p.m. The Pledge of Allegiance and the Invocation were given by Council Member Ryan Johnson.

CALL TO ORDER

APPROVE MINUTES

The Council reviewed the Minutes of the Called City Council Meeting of September 3, 2013. Deputy Mayor Howeth moved to approve the Minutes as presented; Second by Council Member Softly. All present voted AYE.
MOTION CARRIED.

APPROVE MINUTES

INTRODUCTION AND PUBLIC HEARING OF ORDINANCES

Mayor Wacker introduced Ordinance 5799 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 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.

ORD 5799
SUP FOR CHURCH
(1908 S. DEWEY)

Arlyn Samuelson, Pogue Engineering and Development Company, Inc., 1512 Bray Central Dr, McKinney, Texas

Mr. Samuelson said that Pogue Engineering and Development Company are the civil engineers for the project.

Promise Land Church is the owner and they are a non-denominational church that has been located in the Sherman area for approximately seven years. They have previously been located in leased facilities and are now looking for a larger home. There are already other churches in the area.

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No other citizens appeared before the City Council to discuss Ordinance 5799.

The Public Hearing was closed.

ADOPTION OF ORDINANCES

Ordinance 5799

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.

ORD 5799
SUP FOR CHURCH
(1907 S. DEWEY)
(TABLED)

Council Member Sofey expressed concern about the proposed ordinance. He and Council Member Johnson are currently serving on the North Texas Regional Airport Zoning Board. He was concerned about the density issue and compliance with the Comprehensive Master Plan.

Council Member Johnson asked about the seating capacity of the church. Mr. Samuelson said the seating capacity is 107 seats in the auditorium. Scott Shadden, Director of Development Services, said the parking spaces will allow 161.

Council Member Sofey said the City Council was being asked to grant a specific use permit for an area on a 5.88 acre tract. He was also surprised that there were privately owned tracts between the east side of the runway and Dewey Avenue.

Mayor Wacker said the Council was more aware of zoning around an airport because they have been dealing with zoning around the North Texas Regional Airport. A zone change or specific use permit that affects property around the airport is of concern.

Mr. Samuelson said one of the requirements of City staff was that Form 7460-1 would be submitted by the property owner and approved by the FAA prior to receiving a building permit. They currently have no plans for development of the remaining property and if it was developed in the future, they would be required to submit a site plan.

Council Member Sofey recognized that the site plan would come back for consideration, but the use of the property would have already been approved for the entire 5.885 acres with the specific use permit.

COUNCIL MINUTES – SEPTEMBER 16, 2013

Council Member Sofey said there are other tracts in that area and he wanted to be sure that “all bases are covered” before they set a precedent. He said he did have a small “level of discomfort” because he wants to be sure they make the right decision.

Council Member Johnson said his concern was because of the proximity to the airport. The tract is butting up next to the taxiway and runway and might be an issue from a density and safety standpoint.

George Olson, City Manager, asked the Council if they would like to see how the request fits with the Airport Hazard Zoning Ordinance and the Comprehensive Master Plan and would like to have additional time to gather the facts.

Mr. Samuelson said they have an item on the upcoming Planning and Zoning Commission agenda to consider screening for the property.

Council Member Sofey and Council Member Johnson felt it would be helpful to review the Airport Hazard Zoning Ordinance and the compatibility with the Comprehensive Master Plan before making a decision.

Mr. Samuelson confirmed that, if tabled, the ordinance would be considered at the next Council Meeting, which is scheduled for three weeks. He did not feel this would be a problem for the project.

ACTION TAKEN.

Motion by Council Member Sofey to table Ordinance No. 5799, for further consideration. Second by Council Member Johnson.

VOTING AYE: Howeth, Johnson, Plyler, Sofey, Softly.

VOTING NAY: None.

MOTION CARRIED TO TABLE.

Mr. Samuelson said that currently the church will be located about 60 feet from the road, but if the staff thinks the church should be moved closer to Dewey Avenue, they would be willing to consider that change.

Ordinance 5789

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, PROVIDING FOR THE LEVY OF AD VALOREM TAXES FOR THE CITY OF SHERMAN, TEXAS, FOR THE TAX YEAR 2013; DISTRIBUTING THE SAME AMONG THE VARIOUS FUNDS; PROVIDING FOR A PENALTY AND INTEREST FOR FAILURE TO PAY THE TAXES LEVIED WITHIN THE TIME PROVIDED BY LAW; PROVIDING FOR A REPEALER.

ORD 5789

LEVY OF
AD VALOREM
TAXES

ACTION TAKEN.

Motion by Council Member Plyler to approve Ordinance No. 5789, as presented. Second by Deputy Mayor

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Howeth.

VOTING AYE: Howeth, Johnson, Plyler, Sofey, Softly.

VOTING NAY: None.

MOTION CARRIED.

CONSENT AGENDA

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

CONSENT AGENDA

RESOLUTIONS

RESOLUTION NO. 5805 – ESTABLISHING PARKS AND RECREATION FIELD/FACILITY USAGE FEES

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, ESTABLISHING PARKS AND RECREATION FIELD/FACILITY USAGE FEES.

RES 5805
PARKS & REC
FIELD/FACILITY
USAGE FEES

Kevin Winkler, Parks and Community Services Director, said that during the budget process, the staff looked at ways to continue to provide the services that they have in the past. As part of that, they reviewed the user fees.

The maintenance aspect for the sports fields is approximately \$440,000 per year. The City provides for about 3,000 games per year on 30 fields. The proposed user fee will represent about \$14,000 per year.

Mayor Wacker added that the user fee will assist the City in keeping the level of maintenance that they already have. She added that in the last couple of years, the City has added new fields and added irrigation to some fields and they look very nice.

Mayor Wacker said that the user fee is not per game, but is per season and will be collected as teams register for leagues.

ACTION TAKEN.

Motion by Deputy Mayor Howeth to approve Resolution No. 5805, as presented. Second by Council Member Softly.

VOTING AYE: Howeth, Johnson, Plyler, Sofey, Softly.

VOTING NAY: None.

MOTION CARRIED.

RESOLUTION NO. 5806 – AUTHORIZING EXECUTION OF AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF SHERMAN AND THE CITY OF FORT WORTH FOR HOUSEHOLD HAZARDOUS WASTE SERVICES

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF SHERMAN AND THE CITY OF FORT WORTH FOR HOUSEHOLD HAZARDOUS WASTE SERVICES.

RES 5806
HOUSEHOLD
HAZARDOUS
WASTE SERVICES

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Clay Barnett, City Engineer, said Sherman began contracting with the City of Fort Worth in 2006 to provide household hazardous waste services.

The goal of the program is to collect hazardous waste before it is illegally dumped in the City's drainage and waterways. This keeps the waste out of the streams and lakes and improves the environment to keep Sherman's drinking water safe.

The program costs \$5,000 per year or \$47 per participating resident. Generally 100 residents participate in the hazardous waste service.

An E-Waste collection station is also offered during the event and is provided at no cost to the City from a Bonham-based business.

Mr. Olson said the program has been very successful. Council Members confirmed that the program began in 2006 and generally serves 100 residents.

ACTION TAKEN.

Motion by Council Member Plyler to approve Resolution No. 5806, as presented. Second by Council Member Johnson.

VOTING AYE: Howeth, Johnson, Plyler, Sofey, Softly.

VOTING NAY: None.

MOTION CARRIED.

RESOLUTION NO. 5807 – AUTHORIZING EXECUTION OF AN ENCROACHMENT EASEMENT WITH GULF CROSSING PIPELINE CO LLC TO CONSTRUCT A 16" GAS PIPELINE WITHIN THE PROGRESS DRIVE RIGHT-OF-WAY

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN ENCROACHMENT EASEMENT WITH GULF CROSSING PIPELINE CO LLC TO CONSTRUCT A 16" GAS PIPELINE WITHIN THE PROGRESS DRIVE RIGHT-OF-WAY.

CONSENT AGENDA.

**RES 5807
GAS PIPELINE
ENCROACHMENT
EASEMENT**

RESOLUTION NO. 5808 – AUTHORIZING EXECUTION OF AN ENCROACHMENT EASEMENT WITH GULF CROSSING PIPELINE CO LLC TO CONSTRUCT A 16" GAS PIPELINE WITHIN THE STREET RIGHT-OF-WAY OF TRAVIS STREET

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN ENCROACHMENT EASEMENT WITH GULF CROSSING PIPELINE CO LLC TO CONSTRUCT A 16" GAS PIPELINE WITHIN THE STREET RIGHT-OF-WAY OF TRAVIS STREET.

CONSENT AGENDA.

**RES 5808
GAS PIPELINE
ENCROACHMENT
EASEMENT**

OTHER BUSINESS

CONSIDER REQUEST OF THE AUSTIN COLLEGE KAPPA GAMMA CHI TO TEMPORARILY CLOSE CERTAIN STREETS FOR THE HOMECOMING 2013 'ROO RUN ON SATURDAY,

**CLOSE STREETS
AUSTIN COLLEGE
HOMECOMING**

COUNCIL MINUTES – SEPTEMBER 16, 2013

OCTOBER 26, 2013

Mayor Wacker said since she works for Austin College, she would pass the gavel to Deputy Mayor Howeth for this agenda item.

ACTION TAKEN.

Motion by Council Member Plyler to approve the request of the Austin College Kappa Gamma Chi to temporarily close certain streets for the Homecoming 2013 'Roo Run on Saturday, October 26, 2013, as presented. Second by Council Member Sofey.

VOTING AYE: Howeth, Johnson, Plyler, Sofey, Softly.

VOTING NAY: None.

ABSTAIN: Wacker.

MOTION CARRIED.

Deputy Mayor Howeth passed the gavel back to Mayor Wacker.

CONSIDER REQUEST OF DOWNTOWN SHERMAN PRESERVATION & REVITALIZATION TO TEMPORARILY CLOSE TRAVIS STREET (BETWEEN HOUSTON STREET AND LAMAR STREET) AND CROCKETT STREET (BETWEEN HOUSTON STREET AND LAMAR STREET) FOR A HALLOWEEN EVENT ON SATURDAY, OCTOBER 26, 2013; AND CONSIDER DSP&R'S REQUEST TO APPLY FOR A LIQUOR PERMIT TO SELL WINE TO PATRONS OF THE EVENT

The City Council approved the request of Downtown Sherman Preservation & Revitalization to temporarily close Travis Street, between Houston Street and Lamar Street, and Crockett Street, between Houston Street and Lamar Street, for a Halloween event on Saturday, October 26, 2013. They also approved DSP&R's request to apply for a liquor permit from the Texas Alcohol and Beverage Commission to sell wine to patrons at the event.

CONSENT AGENDA.

CLOSE STREETS
DSP&R HALLOWEEN
EVENT

FINAL PLAT APPROVAL OF O'HANLON RANCH ESTATES, PHASE 4, BEING 11.23 ACRES IN THE J.B. McANAIR SURVEY, ABSTRACT NO. 763; DGR DEVELOPMENT GROUP, LTD., OWNERS; AND SARTIN & ASSOCIATES, SURVEYORS (2600 BLOCK OF WEST LAMBERTH ROAD, 2400-2600 BLOCKS OF REMUDA DRIVE, 3100-3200 BLOCKS OF BANDERA DRIVE, AND 3100 BLOCK OF OVERLAND TRAIL)

The City Council approved the Final Plat of the O'Hanlon Ranch Estates, Phase 4, consisting of 11.23 acres in the J.B. McAnair Survey, Abstract No. 763. The property is located in the 2600 block of West Lamberth Road, 2400 to 2600 blocks of Remuda Drive, 3100 to 3200 blocks of Bandera Drive, and the 3100 block of Overland Trail. The owners would like to plat the property into 29 lots for residential development.

APPROVE FINAL PLAT
(2600 BLOCK OF W.
LAMBERTH RD, 2400-
2600 BLOCKS OF
REMUDA DR,
3100-3200 BLOCKS
OF BANDERA DR &
3100 BLOCK OF
OVERLAND TRAIL)

COUNCIL MINUTES – SEPTEMBER 16, 2013

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

REPLAT APPROVAL OF LOT 1R OF SHERMAN CROSSING ADDITION, CONTAINING 8.139 ACRES; 75/82 SHERMAN CROSSING LTD., OWNERS; HERB GOODMAN, GOODMAN REAL ESTATE SOLUTIONS, REPRESENTATIVE; BLUESTONE PARTNERS, GENERAL CONTRACTOR; AND UNDERWOOD DRAFTING AND SURVEYING, SURVEYORS (3200 BLOCK OF U.S. HIGHWAY 75 NORTH)

The City Council approved the Replat of Lot 1R of Sherman Crossing Addition, consisting of 8.139 acres, located in the 3200 block of U.S. Highway 75 North. The owners would like to replat the property into two lots for commercial development.

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

FINAL PLAT APPROVAL OF HALE INDUSTRIAL PARK ADDITION IN THE CITY OF SHERMAN'S EXTRATERRITORIAL JURISDICTION (ETJ), BEING 7.537 ACRES IN THE FIELDING BACON SURVEY, ABSTRACT NO. 119; HALE SOUTHMAYD CORPORATION, OWNERS; JOHN ROMAN, REPRESENTATIVE; AND HELVEY & ASSOCIATES SURVEYING, INC., SURVEYORS (4601 WEST HIGHWAY 56)

The City Council approved the Final Plat of Hale Industrial Park Addition, consisting of 7.537 acres in the Fielding Bacon Survey, Abstract No. 119, located at 4601 West Highway 56, in the City's Extraterritorial Jurisdiction. The owners would like to plat the property into two lots.

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

CITIZENS REQUESTS

There were no citizen's requests.

MEDIA QUESTIONS

There were no media questions.

APPOINT/REMOVE OR CONSIDER QUALIFICATIONS TO BOARDS AND COMMISSIONS:

KEEP SHERMAN BEAUTIFUL COMMISSION (5)
ACTION TAKEN.

Motion by Deputy Mayor Howeth to appoint Karen Tooley and Lauren Roth to the Keep Sherman Beautiful Commission for a term beginning and ending when the entire board is appointed. Second by Council Member Softly.

VOTING AYE: Howeth, Johnson, Plyler, Sofey, Softly.

VOTING NAY: None.

MOTION CARRIED.

APPROVE REPLAT
(SHERMAN CROSSING
ADDITION)

APPROVE FINAL PLAT
(HALE INDUSTRIAL
PARK ADDITION)

CITIZENS REQUESTS

MEDIA QUESTIONS

KEEP SHERMAN
BEAUTIFUL
COMMISSION

COUNCIL COMMENTS

BATTLE OF THE AXE

Deputy Mayor Howeth said the Battle of the Axe will be held in a couple of weeks and Sherman High students will be collecting cans of food for the annual food drive. She asked all citizens to consider donating canned food, which benefits the citizens of Sherman and Denison. Donations will be accepted at all Sherman schools, especially Sherman High School.

**BATTLE OF
THE AXE**

ARTS FESTIVAL

Council Member Johnson reminded everyone that the Arts Festival will be held this weekend.

ARTS FESTIVAL

HISPANIC HERITAGE FESTIVAL

Mayor Wacker said the Hispanic Heritage Festival was celebrated this past weekend and was a nice event. She thanked the staff for all their hard work in conjunction with the festival.

**HISPANIC
HERITAGE
FESTIVAL**

ARTS FESTIVAL

Mayor Wacker reminded citizens that Choo Choo Soul with Genevieve will be held in Kidd-Key Auditorium on Saturday, September 21, 2013 at 4:00 p.m., in conjunction with the Arts Festival.

ARTS FESTIVAL

ADJOURNMENT

On Motion duly made and carried, the meeting adjourned at 5:22 p.m.

ADJOURNMENT

MAYOR

CITY CLERK