STATE OF TEXAS §

September 15, 2008

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 15, 2008.

MEMBERS PRESENT: MAYOR BILL MAGERS; DEPUTY MAYOR CARY WACKER. COUNCIL MEMBERS ADAMI, HOWETH, SOFTLY, STEELE.

MEMBERS ABSENT: COUNCIL MEMBER SMITH.

CALL TO ORDER

CALL TO ORDER

Mayor Bill Magers called the meeting to order at 5:00 p.m. The Pledge of Allegiance and the Invocation were given by Council Member Chip Adami.

RESIGNATION OF CITY ATTORNEY

RESIGNATION OF CITY ATTORNEY

Mayor Magers announced that City Attorney Doreen McGookey has resigned her position but has agreed to stay on until the end of the fiscal year. He thanked her for remaining until the end of the fiscal year.

APPROVE MINUTES

APPROVE MINUTES

The Council reviewed the Minutes of the Called City Council Meeting of September 2, 2008. Council Member Adami moved to approve the Minutes as presented; Second by Deputy Mayor Wacker. All present voted AYE.
MOTION CARRIED.

INTRODUCTION AND PUBLIC HEARING OF ORDINANCES

ORD 5556
AD VALOREM
TAX LEVY

Mayor Magers introduced Ordinance 5556 and called for a public hearing:
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 2008; 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.

No citizens appeared before the City Council to discuss Ordinance 5556.

ORD 5558
ZONE CHANGE
SHERMAN COMMONS
ADDITION

Mayor Magers introduced Ordinance 5558 and called for a public hearing:
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 12, ORDINANCE NO. 2280, SO AS TO INCLUDE CERTAIN PROPERTIES WITHIN THE C-2 (GENERAL COMMERCIAL) DISTRICT AT 3801 U.S. HIGHWAY 75 NORTH, BEING LOT 1, BLOCK C OF THE SHERMAN COMMONS ADDITION, REPLAT OF BLOCK C

(WOODMONT SHERMAN, L.P., OWNERS, AND MAYS & COMPANY, PROSPECTIVE BUYER); PROVIDING FOR A REPEALER.

No citizens appeared before the City Council to discuss Ordinance 5558.

ORD 5559
SUP FOR
TIRE SALES &
AUTO SERVICE
(3801 HWY 75 NORTH)

Mayor Magers introduced Ordinance 5559 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 WOODMONT SHERMAN, L.P. (OWNERS) AND MAYS & COMPANY (PROSPECTIVE BUYER) TO ALLOW A TIRE SALES BUSINESS AND AN AUTOMOBILE SERVICE AND REPAIR BUSINESS, INCLUDING SALES, SERVICE, REPAIR AND INSTALLATION OF TIRES, MOTOR VEHICLE PARTS AND ACCESSORIES, OIL AND ITS DERIVATIVES, AUTOMOBILE SUPPLIES AND FURNISHINGS IN A C-2 (GENERAL COMMERCIAL) DISTRICT AND O-1 (75 & 82 OVERLAY) DISTRICT AT 3801 U.S. HIGHWAY 75 NORTH, BEING LOT 1, BLOCK 1 OF THE SHERMAN COMMONS ADDITION, REPLAT OF BLOCK C; PROVIDING FOR A REPEALER; PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED $2,000.

No citizens appeared before the City Council to discuss Ordinance 5559.

ORD 5560
SUP FOR
DUPLEX
(1523-1531 E. THOMAS)

Mayor Magers introduced Ordinance 5560 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 MIDA ELIZABETH SKIPWORTH ESTATE (OWNERS), CHARLIE SKIPWORTH (EXECUTOR), MARK AND LISA MALONE (PROSPECTIVE BUYERS), AND SARTIN & ASSOCIATES (SURVEYOR) TO ALLOW A TWO-FAMILY DWELLING (DUPLEX) ON THE PROPOSED LOT 1, BLOCK 1 OF MALONE'S ADDITION IN AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT AT 1523-1531 EAST THOMAS STREET, BEING 0.36 ACRES IN THE G.B. PILANT SURVEY, ABSTRACT NO. 963; PROVIDING FOR A REPEALER; PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED $2,000.

No citizens appeared before the City Council to discuss Ordinance 5560.

ORD 5561
SUP FOR DAY
HABILITATION
PROGRAM FOR
ADULTS

Mayor Magers introduced Ordinance 5561 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 TERRY SC WONG (OWNER), DEAN GILBERT, JR. (PROPERTY MANAGER) AND EVERGREEN PRESBYTERIAN MINISTRIES, INC., THERESA GARRETT (TENANT) TO ALLOW A DAY HABILITATION PROGRAM / SCHOOL AND TRAINING CENTER FOR ADULTS WITH DEVELOPMENTAL DISABILITIES IN A C-1 (RETAIL BUSINESS) DISTRICT AND O-1.1 (FM 1417 OVERLAY) DISTRICT AT 2001 SKYLINE DRIVE, SUITE A-145, BEING LOT 3, BLOCK 1 OF THE SKYLINE BUSINESS PARK REPLAT; PROVIDING FOR A REPEALER; PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED $2,000.

No citizens appeared before the City Council to discuss Ordinance 5561.

The Ordinances were introduced and the Public Hearing was closed.

CLOSE PUBLIC HEARING

ADOPTION OF ORDINANCES

Ordinance 5556

ORD 5556 AD VALOREM TAX LEVY

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 2008; 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.

Mayor Magers said the Council has fulfilled a promise to the voters by reducing property taxes by 20% with the passage of this ordinance.

Ordinance 5560

ORD 5560 SUP FOR DUPLEX (1523-1531 E. THOMAS)

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 MIDA ELIZABETH SKIPWORTH ESTATE (OWNERS), CHARLIE SKIPWORTH (EXECUTOR), MARK AND LISA MALONE (PROSPECTIVE BUYERS), AND SARTIN & ASSOCIATES (SURVEYOR) TO ALLOW A TWO-FAMILY DWELLING (DUPLEX) ON THE PROPOSED LOT 1, BLOCK 1 OF MALONE'S ADDITION IN AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT AT 1523-1531 EAST THOMAS STREET, BEING 0.36 ACRES IN THE G.B. PILANT SURVEY, ABSTRACT NO. 963; 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.

Ordinance 5561

ORD 5561 SUP FOR DAY HABILITATION PROGRAM FOR

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 TERRY SC WONG (OWNER), DEAN GILBERT, JR. (PROPERTY MANAGER) AND EVERGREEN PRESBYTERIAN MINISTRIES, INC., THERESA GARRETT (TENANT) TO ALLOW A DAY HABILITATION PROGRAM / SCHOOL AND TRAINING CENTER FOR ADULTS WITH DEVELOPMENTAL DISABILITIES IN A C-1 (RETAIL BUSINESS) DISTRICT AND O-1.1 (FM 1417 OVERLAY) DISTRICT AT 2001 SKYLINE DRIVE, SUITE 1-145, BEING LOT 3, BLOCK 1 OF THE SKYLINE BUSINESS PARK REPLAT; 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.

ADULTS

ACTION TAKEN.

Motion by Council Member Adami to approve Ordinance Nos. 5556, 5560, and 5561, as presented. Second by Council Member Steele.

VOTING AYE: Adami, Howeth, Softly, Steele, Wacker.
VOTING NAY: None.
MOTION CARRIED.

Ordinance 5558

ORD 5558
ZONE CHANGE
SHERMAN COMMONS ADDITION

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 12, ORDINANCE NO. 2280, SO AS TO INCLUDE CERTAIN PROPERTIES WITHIN THE C-2 (GENERAL COMMERCIAL) DISTRICT AT 3801 U.S. HIGHWAY 75 NORTH, BEING LOT 1, BLOCK C OF THE SHERMAN COMMONS ADDITION, REPLAT OF BLOCK C (WOODMONT SHERMAN, L.P., OWNERS, AND MAYS & COMPANY, PROSPECTIVE BUYER); PROVIDING FOR A REPEALER.

Ordinance 5559

ORD 5559
SUP FOR
TIRE SALES &
AUTO SERVICE
(3801 HWY 75 NORTH)

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 WOODMONT SHERMAN, L.P. (OWNERS) AND MAYS & COMPANY (PROSPECTIVE BUYER) TO ALLOW A TIRE SALES BUSINESS AND AN AUTOMOBILE SERVICE AND REPAIR BUSINESS, INCLUDING SALES, SERVICE, REPAIR AND INSTALLATION OF TIRES, MOTOR VEHICLE PARTS AND ACCESSORIES, OIL AND ITS DERIVATIVES, AUTOMOBILE SUPPLIES AND FURNISHINGS IN A C-2 (GENERAL COMMERCIAL) DISTRICT AND O-1 (75 & 82 OVERLAY) DISTRICT AT 3801 U.S. HIGHWAY 75 NORTH, BEING LOT 1, BLOCK 1 OF THE SHERMAN COMMONS ADDITION, REPLAT OF BLOCK C; 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.

Council Member Adami asked if there were any questions on the staff review letter that was presented at the Planning and Zoning Commission Meeting.

The staff review letter states that all aspects of the C-2 (General Commercial) District, the O-1 (75 & 82) Overlay District, the Commercial Tree and Landscaping Ordinance and the Sign Ordinance must be followed, outside storage and display of products will not be allowed, and overhead doors/service bays shall not be located on the parkway side of any building without variance approval.

Ryan Scott, 7821 Vinyard Ct., North Richland Hills, Texas
Mr. Scott is the Construction Manager for Woodmont Development. He stated they are okay with the provisions and added the Planning and Zoning Commission wanted the overhead door painted the same color as the building and that will be done. Council Member Adami verified that the overhead doors will be facing Loy Lake Road instead of Highway 75.

ACTION TAKEN.
> **Motion by Council Member Adami to approve Ordinance Nos. 5558 and 5559, subject to the staff review comments. Second by Deputy Mayor Wacker.**

VOTING AYE: Adami, Howeth, Softly, Steele, Wacker.
VOTING NAY: None.
MOTION CARRIED.

CONSENT AGENDA

CONSENT AGENDA
The Council reviewed the Consent Agenda. Mayor Magers removed Item C-6 entitled "Resolution 5263 – Authorizing Execution of an Encroachment License Agreement with Overland Group, LLC for a Multi-Tenant Sign in the Utility Easement along F.M. 1417 and Overland Trail in the O'Hanlon Ranch Addition, Phase 2 to the City of Sherman" from the Consent Agenda for discussion in its regular order of business.

Council Member Adami moved to approve the Consent Agenda, with the exception of Item C-6, which will be discussed in its regular order of business. Second by Council Member Softly. All present voted AYE.

LION'S WHITE CANE DAY (OCT. 4, 2008)

PROCLAMATION
"LION'S WHITE CANE DAY" – OCTOBER 4, 2008
Mayor Magers presented a proclamation designating October 4, 2008 as "Lions White Cane Day" to Dr. Jerry Gundersheimer, Chairman of the White Cane Drive for the Sherman Noon Lions Club.

Dr. Gundersheimer thanked the Mayor and City Council adding that the White Cane Day is their major fund raiser and last year donations from the event helped 212 area children with eye exams.

This year, Dr. Gundersheimer has been advised about the prohibition of allowing organizations to collect money in the streets. Normally the Lions Club collected at two intersections in Sherman. He asked the City Council to allow

their organization to collect money at the intersections of Loy Lake Road and Taylor Street and at Taylor Street and Travis Street.

Mayor Magers said the issue of allowing organizations to collect in the street is one of safety. They would be allowed to collect on the side of the road, but not in the street.

George Olson, City Manager, explained that many organizations have requested to collect in the street, and the staff has determined that it would be dangerous to those soliciting and those contributing, as well as impede traffic.

Dr. Gundersheimer said the Lions Club has a blanket insurance policy to protect anyone from harm working in their behalf. Mayor Magers said other organizations may not have insurance and the City must be consistent in their decisions.

Mr. Olson said the City is following State law and the municipality has the ability to deny a request. Mayor Magers reiterated that the intersections are highly traveled and there is a legitimate safety risk. Council Member Steele verified that they could collect donations in front of other businesses.

Fire Chief Jeff Jones will provide Dr. Gundersheimer with a contact name for Town Center.

RESOLUTIONS

RESOLUTION NO. 5259 – REVOKING AND REPLACING RESOLUTION NO. 5081; ESTABLISHING SALARY STRUCTURES AND INCENTIVE/CERTIFICATION PAY SCHEDULES FOR FIREFIGHTERS AND POLICE OFFICERS

RES 5259 POLICE AND FIRE SALARIES

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, REVOKING AND REPLACING RESOLUTION NO. 5081; ESTABLISHING SALARY STRUCTURES AND INCENTIVE / CERTIFICATION PAY SCHEDULES FOR FIREFIGHTERS AND POLICE OFFICERS; PROVIDING FOR AN EFFECTIVE DATE.
CONSENT AGENDA.

RESOLUTION NO. 5260 – APPROVING AND ADOPTING AMENDMENT NUMBER ONE TO THE FLEXIBLE SPENDING ACCOUNT PLAN FOR THE CITY OF SHERMAN'S EMPLOYEES AND DEPENDENTS EFFECTIVE OCTOBER 1, 2008

RES 5260 EMPLOYEE FLEX SPENDING ACCOUNT

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, APPROVING AND ADOPTING AMENDMENT NUMBER ONE TO THE FLEXIBLE SPENDING ACCOUNT PLAN FOR THE CITY OF SHERMAN'S EMPLOYEES AND DEPENDENTS EFFECTIVE OCTOBER 1, 2008.
CONSENT AGENDA.

RES 5261 HOUSHOLD HAZARDOUS WASTE SERVICES

RESOLUTION NO. 5261 – 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.
CONSENT AGENDA.

RES 5262 RESIDENTIAL RECYCLING CARTS

RESOLUTION NO. 5262 – AUTHORIZING THE PURCHASE OF REPLACEMENT RESIDENTIAL RECYCLING CARTS THROUGH THE HOUSTON-GALVESTON AREA COUNCIL OF GOVERNMENTS (H-GAC) FOR THE SOLID WASTE SERVICES DEPARTMENT

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE PURCHASE OF REPLACEMENT RESIDENTIAL RECYCLING CARTS THROUGH THE HOUSTON-GALVESTON AREA COUNCIL OF GOVERNMENTS (H-GAC) FOR THE SOLID WASTE SERVICES DEPARTMENT.
CONSENT AGENDA.

RES 5258 PECAN GROVE PARK PROJECT

RESOLUTION NO. 5258 – AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH VESCOR, INC. D/B/A VESSELS CONSTRUCTION FOR CONSTRUCTION OF PECAN GROVE PARK DEVELOPMENT, PHASE 1

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH VESCOR, INC. D/B/A VESSELS CONSTRUCTION FOR CONSTRUCTION OF PECAN GROVE PARK DEVELOPMENT, PHASE I.

Kevin Winkler, Parks and Recreation Administrator, presented an update on Phase I of the Pecan Grove Park Development. He thanked the City Councils, past and present, for moving forward with both the Pecan Grove Park Development, the Center Street Complex that will be forthcoming, and Phase II of Pecan Grove Park scheduled for FY 2008-2009.

Bids were received for Phase I and will include all of the base items and two alternate items. The base bid will include a 33 space concrete parking lot that will tie into the existing Cypress Grove, an 8 foot walk way that will extend between the parking lot and the pavilion/playground area, and a playground with a 50x40 foot fall zone.

The two alternate items will include a 1,000 foot walking trail loop and six picnic tables that will be located under the pavilion.

The bid received was under budget and will allow for the two alternate items. Estimated completion of the project should take about 120 days.

ACTION TAKEN.

Motion by Deputy Mayor Wacker to approve Resolution No. 5258, as presented. Second by Council Member Softly.

VOTING AYE: Adami, Howeth, Softly, Steele, Wacker.
VOTING NAY: None.
MOTION CARRIED.

RES 5263
O'HANLON RANCH
MULTI-TENANT
SIGN
(TABLED)

<u>RESOLUTION NO. 5263 – AUTHORIZING EXECUTION OF AN ENCROACHMENT LICENSE AGREEMENT WITH OVERLAND GROUP, LLC FOR A MULTI-TENANT SIGN IN THE UTILITY EASEMENT ALONG F.M. 1417 AND OVERLAND TRAIL IN THE O'HANLON RANCH ADDITION, PHASE 2 TO THE CITY OF SHERMAN</u>

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN ENCROACHMENT LICENSE AGREEMENT WITH OVERLAND GROUP, LLC FOR A MULTI-TENANT SIGN IN THE UTILITY EASEMENT ALONG F.M. 1417 AND OVERLAND TRAIL IN THE O'HANLON RANCH ADDITION, PHASE 2 TO THE CITY OF SHERMAN.

Mayor Magers removed Item C-6 from the Consent Agenda for discussion in its regular order of business.

Mayor Magers verified that the developer is requesting one multi-tenant sign instead of three individual signs. The sign would be larger and in the City easement, but still smaller than the three individual signs.

He also verified that the Planning and Zoning Commission has granted the variance for size and the City Council will consider only the location of the sign in the easement.

Mayor Magers expressed concern that the City Council enacted an Overlay District for Heritage Parkway designating certain criteria for signage as well as other areas. He said Heritage Parkway is the last undeveloped thoroughfare in Sherman.

He said he had no problem with moving the setback a few feet, however if the Council is trying to have a uniform look for an area of higher-end commercial development, they must "stand fast" with elevations and signage. As the governing body of the City, the Council needs to provide direction to the Planning and Zoning Commission as to the Council's desires. He felt the City should stand by the criteria for the Heritage Park Overlay District.

Council Member Steele asked about the actual variances.

Joe Dale, 224 W. Houston

Mr. Dale appeared representing Booth Enterprises, and told the Council that he understood they were granted a variance for location and for size of the sign. The sign requested was originally 14 feet tall and 100 square feet. Overlay District criteria would allow them three monument signs of 65 square feet each.

They have re-evaluated the size of the sign and have reduced it to 12 feet, which is in the Overlay District guidelines. They have reduced the square footage to 70 square feet, which is only 5 square feet larger than what the Overlay District allows. Mr. Dale said the location of the sign is critical and if it is moved, it would be too hard to see.

Council Member Steele asked about the setback. Scott Shadden, Director of Developmental Services, said the current question is about the encroachment and the setback is not an issue at this point. Mayor Magers said he had no problem with the location of the sign in the easement but the size of the sign should be consistent with the 65 square foot requirement in the Overlay District.

Mr. Dale said there could be nine tenants needing nine separate signs and they felt one multi-tenant sign would be better. Mayor Magers felt it was better to have three 65 foot signs if needed rather than one 70 foot sign.

Mr. Dale said their building fronts on Overland Trail and they are requesting one sign on the corner of Overland Trail that will service all three buildings. F.M. 1417 is the side setback, not the front setback.

Council Member Steele verified that the setback would be 25 feet plus the height of the sign. Mr. Shadden said he would meet with the developer to clarify the issues for Council consideration at the next City Council Meeting.

Council Member Steele said once they allow one sign a little closer, where does it stop. Council Member Howeth agreed that once they grant one variance, how do they justify denying other variances for the size of signs.

Mayor Magers clarified the two issues. The size of the sign has already been approved by the Planning and Zoning Commission. The City Council is only considering the easement. He suggested that Mr. Shadden and Mr. Dale meet to see if there is a solution that everyone will be happy with. The item could be tabled now and reconsidered in two weeks.

He said the Council is trying to set a standard as the City moves west and they want to control development. Council Member Adami said no matter what is done now, it will not prevent one of the businesses from coming back and asking for a separate sign in the future. Council Member Steele

agreed that a precedent needs to be set now for the future. Deputy Mayor Wacker added that a citizen's committee originally worked on the Overlay District Ordinance and decisions were made to ensure a specific design quality for the area.

ACTION TAKEN.

Motion by Deputy Mayor Wacker to table Resolution No. 5258, for further discussion. Second by Council Member Adami.

VOTING AYE: Adami, Howeth, Softly, Steele, Wacker.
VOTING NAY: None.
MOTION CARRIED TO TABLE.

RES 5264 RESIDENTIAL TAX ABATMENT (608 E. SYCAMORE)

<u>RESOLUTION NO. 5264 – AUTHORIZING EXECUTION OF AN AGREEMENT WITH BARTON CAPITAL, LTD FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 608 EAST SYCAMORE STREET</u>
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN AGREEMENT WITH BARTON CAPITAL, LTD FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 608 EAST SYCAMORE STREET.
CONSENT AGENDA.

RES 5265 RESIDENTIAL TAX ABATEMENT (612 E. SYCAMORE)

<u>RESOLUTION NO. 5265 – AUTHORIZING EXECUTION OF AN AGREEMENT WITH BARTON CAPITAL, LTD FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 612 EAST SYCAMORE STREET</u>
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN AGREEMENT WITH BARTON CAPITAL, LTD FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 612 EAST SYCAMORE STREET.
CONSENT AGENDA.

RES 5266 CODE ENFORCEMENT OFFICIALS OBTAIN SEARCH WARRANTS

<u>RESOLUTION NO. 5266 – DESIGNATING CODE ENFORCEMENT OFFICIALS FOR THE PURPOSES OF OBTAINING ADMINISTRATIVE SEARCH WARRANTS</u>
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, DESIGNATING CODE ENFORCEMENT OFFICIALS FOR THE PURPOSES OF OBTAINING ADMINISTRATIVE SEARCH WARRANTS.
CONSENT AGENDA.

RES 5267 ANNUAL SUPPLY PARTS & MATERIALS FOR WATER & SEWER DISTRIBUTION & COLLECTION

<u>RESOLUTION NO. 5267 – AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH EAGLE UNDERGROUND UTILITY SUPPLY, INC. D/B/A MAINLINE SUPPLY COMPANY FOR AN ANNUAL SUPPLY OF WATER AND SEWER DISTRIBUTION AND COLLECTION MISCELLANEOUS PARTS AND MATERIALS</u>
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF

SHERMAN, TEXAS, AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH EAGLE UNDERGROUND UTILITY SUPPLY, INC. D/B/A MAINLINE SUPPLY COMPANY FOR AN ANNUAL SUPPLY OF WATER AND SEWER DISTRIBUTION AND COLLECTION MISCELLANEOUS PARTS AND MATERIALS.
CONSENT AGENDA.

RES 5268
SHERMAN HILLS
COUNTRY CLUB
DEVELOPER'S
AGREEMENT
AMENDMENT

<u>RESOLUTION NO. 5268 – AUTHORIZING EXECUTION OF AN AMENDMENT TO THE DEVELOPER'S AGREEMENT WITH SHERMAN HILLS COUNTRY CLUB, LTD. FOR THE CONSTRUCTION OF PUBLIC FACILITIES IN SUNRISE TRACT, PHASE I OF THE SHERMAN HILLS ADDITION TO THE CITY OF SHERMAN</u>
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN AMENDMENT TO THE DEVELOPER'S AGREEMENT WITH SHERMAN HILLS COUNTRY CLUB, LTD. FOR THE CONSTRUCTION OF PUBLIC FACILITIES IN SUNRISE TRACT, PHASE I OF THE SHERMAN HILLS ADDITION IN THE CITY OF SHERMAN.
CONSENT AGNEDA.

REQUEST TO ADV
BROCKETT ST.
BEAUTIFICATION
PROJECT

<u>REQUEST TO ADVERTISE</u>
<u>BROCKETT STREET BEAUTIFICATION PROJECT</u>
Mr. Olson said the staff is moving forward with the Brockett Street Beautification Project. The design components include a 37 foot wide street with new curb and gutter and replacing existing driveways and storm water inlet boxes. The sidewalk is currently on the north side of the street with ADA ramps. The street lighting will also be improved.

The add alternates include brick paver crosswalks at the intersections and the sidewalk on the south side of the street. Hopefully the bid will be low enough to include some of these items.

ACTION TAKEN.
Motion by Council Member Steele to approve the request to advertise for the Brockett Street Beautification Project, as presented. Second by Council Member Adami.
VOTING AYE: Adami, Howeth, Softly, Steele, Wacker.
VOTING NAY: None.
MOTION CARRIED.

CHANGE ORDER
ROSS AVE.
SEWER MAIN
REPLACEMENT

<u>CHANGE ORDER NO. 1</u>
<u>ROSS AVENUE SEWER MAIN REPLACEMENT; $14,400.00, INCREASE</u>
The City Council approved Change Order No. 1 which is a final reconciliatory change order to adjust final project quantities for the sewer line replacement on Ross Avenue.

The change order results in an increase of $14,400 to the contract amount yielding a final contract price of $176,869. The delay in receiving a railroad permit required the

contractor to leave the job and return at a later date to complete the project, resulting in additional demobilization and mobilization costs. Fourteen additional sewer taps were also added to the project resulting in an increased project cost.

The project was funded through the Greater Texoma Utility Authority (GTUA) and funds for the change order are available through GTUA.
CONSENT AGENDA.

OTHER BUSINESS

CONSIDER REQUEST OF THE SHERMAN INDEPENDENT SCHOOL DISTRICT AND THE SHERMAN HIGH SCHOOL STUDENT COUNCIL TO TEMPORARILY CLOSE CERTAIN STREETS FOR THE 2008 SHERMAN HIGH SCHOOL HOMECOMING PARADE ON MONDAY, SEPTEMBER 29, 2008

SHS HOMECOMING PARADE

The City Council approved the request from the Sherman Independent School District and the Sherman High School Student Council to close certain streets in the downtown area for the 2008 Sherman High School Homecoming Parade on September 29, 2008. The event will require traffic contral assistance, barricades, and emergency medical support from the City of Sherman.
CONSENT AGENDA.

FINAL PLAT APPROVAL OF THE MALONE'S ADDITION; MIDA ELIZABETH SKIPWORTH ESTATE, OWNER; MARK AND LISA MALONE, PROSPECTIVE BUYERS (1523-1531 EAST THOMAS STREET)

APPROVE FINAL PLAT MALONE'S ADDITION (1523-1531 E. THOMAS ST.)

The City Council approved the Final Plat of the Malone's Addition, located at 1523 through 1531 East Thomas Street, between Loving and Dewey Avenues, across from Hawn Park. The developer would like to plat the property into one lot for residential development. The Planning and Zoning Commission recommended approval of the Final Plat.
CONSENT AGENDA.

FINAL PLAT APPROVAL OF THE RJ SPENCER INVESTMENTS ADDITION; R.J. SPENCER INVESTMENTS, LLC, OWNER (1102 F.M. 1417 NE)

APPROVE FINAL PLAT RJ SPENCER INVESTMENTS ADDITION

The City Council approved the Final Plat of the RJ Spencer Investments Addition, located at 1102 F.M. 1417 NE, between the railroad tracks and U.S. Highway 82 East. The owner would like to plat the property into two lots for industrial development. The Planning and Zoning Commission recommended approval of the Final Plat.
CONSENT AGENDA.

CITIZENS REQUESTS

CITIZENS REQUESTS

There were no citizen's requests.

MEDIA QUESTIONS

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There were no media questions.

COUNCIL COMMENTS

SHERMAN ARTS FESTIVAL

SHERMAN ARTS FESTIVAL

Deputy Mayor Wacker reminded everyone that the Sherman Arts Festival will be held Saturday, September 20, 2008 on the Municipal Building grounds. The Butterfield Trail event will be held Sunday, September 21, 2008 on the Grayson County Court House lawn.

THANKS TO TOURISM DEPARTMENT

THANKS TO TOURISM DEPT.

Council Member Howeth thanked the Sherman Tourism Department for inviting members of the City Council and staff to a Theatricks' performance of "OLIVER!" She said it was a delightful performance and there are some very talented young people in Sherman.

SHERMAN ARTS FESTIVAL

SHERMAN ARTS FESTIVAL

Mayor Magers said the Sherman High Steppers need some people to be dunked in their dunking booth at Arts Festival and he said he would recommend the Chiefs.

YOUTH FOOTBALL

YOUTH FOOTBALL

Mayor Magers said during the Arts Festival, from 12 p.m. to 6 p.m., Youth Football will he playing in Bearcat Stadium for the first time since 2002. He thanked the Sherman Independent School District for use of the field and the City of Sherman for making the parks available for practice.

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 551.071 --	**CONSULTATION WITH CITY ATTORNEY CONCERNING LEGAL MATTERS: PANDA ENERGY**
SECTION 551.071 --	**CONSULTATION WITH CITY ATTORNEY CONCERNING PENDING OR CONTEMPLATED LITIGATION: CAUSE NO. 05-06-00420-CV; CITY OF SHERMAN, ET AL V. JAMES WAYNE LUCKY STOP #10'S REQUEST FOR ALCOHOL PERMIT**
SECTION 551.072 --	**DELIBERATIONS REGARDING REAL PROPERTY: DELIBERATE REGARDING THE**

POTENTIAL PURCHASE OF A PIECE OF REAL PROPERTY

SECTION 551.072 -- **PERSONNEL MATTERS: CONSIDER THE QUALIFICATIONS, APPOINTMENT AND REMOVAL OF MEMBERS TO BOARDS AND COMMISSIONS: SHERMAN ECONOMIC DEVELOPMENT CORPORATION (2)**
ANNUAL PERFORMANCE EVALUATION OF THE CITY MANAGER

SECTION 551.087 -- **DELIBERATIONS REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS:**
DELIBERATE REGARDING COMMERCIAL OR FINANCIAL INFORMATION THAT THE CITY HAS RECEIVED FROM BUSINESS PROSPECTS AND DELIBERATE ANY OFFERS OR INCENTIVES TO THE BUSINESS PROSPECTS, INCLUDING THE FOLLOWING:
PANDA ENERGY

On Motion duly made and carried, the Open Meeting recessed and reconvened in Executive Session at 5:45 p.m.

On Motion duly made and carried, the Executive Session recessed at 6:24 p.m. and reconvened in Open Meeting.

OPEN MEETING

<u>OPEN MEETING</u>
Reconvene into Open Meeting and take action, if any, on items discussed in Executive Session.

SHERMAN ECONOMIC DEVELOPMENT CORPORATION

<u>CONSIDER THE QUALIFICATIONS, APPOINTMENT AND REMOVAL OF MEMBERS TO BOARDS AND COMMISSIONS: SHERMAN ECONOMIC DEVELOPMENT CORPORATION (2)</u>
ACTION TAKEN.
> **Motion by Council Member Adami to reappoint Kelly Bickerstaff and Greg Kirkpatrick for a term from October 1, 2008 to October 1, 2010. Second by Council Member Softly.**

VOTING AYE: Adami, Howeth, Softly, Wacker.
VOTING NAY: None.
MOTION CARRIED.

ADJOURNMENT

ADJOURNMENT

On Motion duly made and carried, the meeting adjourned at 6:25 p.m.

MAYOR

CITY CLERK