

**SHERMAN CITY COUNCIL
AND
SHERMAN ECONOMIC DEVELOPMENT CORPORATION BOARD OF DIRECTORS
JOINT MEETING AGENDA
SHERMAN MUNICIPAL BALLROOM
405 NORTH RUSK STREET
SHERMAN, TEXAS
FRIDAY, SEPTEMBER 11, 2020
12:00 NOON**

- A. 1. CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN,
RECOGNITION OF GUESTS AND VISITORS**
- A. 2. INVOCATION BY DEPUTY MAYOR WILLIE STEELE**

Citizen Comments

- B. 1. CITIZEN COMMENTS**
During this meeting, the City Council welcomes public comment **only** on agenda items listed under the Open Meeting portion of the agenda, in accordance with Texas Government Code Section 551.007. For items not listed on the agenda, those matters may be discussed with City staff during regular business hours, or with the Mayor or any Council member by contacting them at times other than at City Council meetings.

Consent Agenda

- C. 1. 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

SEDCO Work Program

- D. 1. SEDCO WORK PROGRAM 2019-2020**
SEDCO's Presentation of the 2019-2020 Work Program Results
- D. 2. SEDCO WORK PROGRAM 2020-2021**
SEDCO's Presentation of the 2020-2021 Work Program
- D. 3. SEDCO WORK PROGRAM 2020-2021**
SEDCO Board to Discuss and Consider Approval of the SEDCO Work Program 2020-2021
- D. 4. SEDCO WORK PROGRAM 2020-2021**
City Council to Discuss and Consider Approval of the SEDCO Work Program 2020-2021

SEDCO Budget 2020-2021

- E. 1. SEDCO BUDGET 2020-2021**
SEDCO's Presentation of the SEDCO Budget 2020-2021
- E. 2. SEDCO BUDGET 2020-2021**
SEDCO Board to Discuss and Consider Approval of the 2020-2021 SEDCO Budget
- E. 3. SEDCO BUDGET 2020-2021**
City Council to Discuss and Consider Approval of the 2020-2021 SEDCO Budget

Resolutions

- F. 1. * RESOLUTION NO. 6649**
Finding and Determining a Public Purpose and Public Necessity Exists for Construction of the Lamberth Road Drainage Improvements Project; Appointing an Appraiser and Negotiator as Necessary; Authorizing the City Manager to Establish Just Compensation for the Property Rights to be Acquired; Authorizing the City Manager to Take all Steps Necessary to Acquire the Needed Property Rights in Compliance with All Applicable Laws and Regulations

Other Business

- G. 1. OTHER BUSINESS**

- H. ADJOURNMENT**

COUNCIL CALENDAR

CERTIFICATION

I, the undersigned authority, do hereby certify that the above Notice of Called Joint Meeting of the City Council of the City of Sherman and the Board of Directors of the Sherman Economic Development Corporation is a true and correct copy of said Notice and that I posted a true and correct copy of said Notice on the bulletin board at City Hall of said City of Sherman, Texas, a place convenient to the public, and said notice was posted on September 8, 2020 at 11:00 a.m., and said time of posting was 72 hours before said meeting was convened or called to order.

Dated this 8th day of September, 2020.
City of Sherman, Texas

City Clerk

The above agenda schedule represents an estimate of the order for the indicated items and is subject to change at any time.

All agenda items are subject to final action by the City Council.

An unscheduled closed executive session may be held if the discussion of any of the above agenda items concerns the purchase, exchange, lease or value of real property; the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee; the deployment or use of security personnel or equipment; or requires consultations with the City Attorney.

At the discretion of the City Council, non-agenda items under the headings of “Citizens Requests”, “Media Questions”, and “Council Concerns” may be presented to the Council for informational purposes; however, by law, the Council shall not discuss, deliberate, or vote upon such matters except that a statement of specific factual information, a recitation of existing policy, and deliberations concerning the placing of the subject on a subsequent agenda may take place.

The City Attorney has approved the Executive Session items on this agenda.

PERSONS WITH DISABILITIES, WHO PLAN TO ATTEND THIS MEETING AND WHO MAY NEED ASSISTANCE, ARE REQUESTED TO CONTACT LINDA ASHBY AT (903) 892-7204, TWO (2) WORKING DAYS PRIOR TO THE MEETING SO THAT APPROPRIATE ARRANGEMENTS CAN BE MADE.

Mayor

David Plyler

Deputy Mayor

Willie Steele

Council Members

Willie Steele, Council-At-Large, PL #1
Sandra Melton, Council-At-Large, PL #2
Shawn C. Teamann, Council – District #1

Josh Stevenson, Council – District #2
Pamela L. Howeth, Council – District #3
Daron Holland, Council – District #4



SHERMAN CITY COUNCIL

Agenda Communication Form

**City Council Called Joint Meeting with SEDCO
Board**

C. 1.

Meeting Date: 09/11/2020

Prepared By: Pamela Cloer, Assistant to the City Manager

Approved By: Robby Hefton, City Manager

Caption:

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

Issue:

F. 1. * RESOLUTION NO. 6649

Finding and Determining a Public Purpose and Public Necessity Exists for Construction of the Lamberth Road Drainage Improvements Project; Appointing an Appraiser and Negotiator as Necessary; Authorizing the City Manager to Establish Just Compensation for the Property Rights to be Acquired; Authorizing the City Manager to Take all Steps Necessary to Acquire the Needed Property Rights in Compliance with All Applicable Laws and Regulations



SHERMAN CITY COUNCIL

Agenda Communication Form

**City Council Called Joint Meeting with SEDCO
Board**

D. 1.

Meeting Date: 09/11/2020

Prepared By: Pamela Cloer, Assistant to the City Manager

Approved By: Robby Hefton, City Manager

Caption:

SEDCO WORK PROGRAM 2019-2020

SEDCO's Presentation of the 2019-2020 Work Program Results



SHERMAN CITY COUNCIL

Agenda Communication Form

**City Council Called Joint Meeting with SEDCO
Board**

D. 2.

Meeting Date: 09/11/2020

Prepared By: Pamela Cloer, Assistant to the City Manager

Approved By: Robby Hefton, City Manager

Caption:

SEDCO WORK PROGRAM 2020-2021

SEDCO's Presentation of the 2020-2021 Work Program



SHERMAN CITY COUNCIL

Agenda Communication Form

**City Council Called Joint Meeting with SEDCO
Board**

D. 3.

Meeting Date: 09/11/2020

Prepared By: Pamela Cloer, Assistant to the City Manager

Approved By: Robby Hefton, City Manager

Caption:

SEDCO WORK PROGRAM 2020-2021

SEDCO Board to Discuss and Consider Approval of the SEDCO Work Program 2020-2021



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Called Joint Meeting with SEDCO Board

D. 4.

Meeting Date: 09/11/2020

Prepared By: Pamela Cloer, Assistant to the City Manager

Approved By: Robby Hefton, City Manager

Caption:

SEDCO WORK PROGRAM 2020-2021

City Council to Discuss and Consider Approval of the SEDCO Work Program 2020-2021

Issue:

This item will allow the City Council to ask questions of the Sherman Economic Development Corporation (SEDCO) Board and staff. It will also allow the City Council to discuss SEDCO's work plan and request changes as they see fit.

Background:

The SEDCO by-laws require a joint meeting annually between the SEDCO Board and the City Council. The by-laws also state that the SEDCO work program and budget are not complete until they are approved by the City Council.

Origination:

SEDCO

Financial Consideration:

SEDCO is completely funded by 4A sales tax at the rate of 3/8 cents per \$1 of taxable sales. Therefore, there is no direct financial consideration for the City of Sherman.

Staff Recommendation:

The staff recommends that the City Council discuss the SEDCO work program and request any changes that they feel are necessary. The staff further recommends approval of SEDCO's work program in its original or amended form, as the Council sees fit.

Alternatives:

The City Council could reject the entire work plan and ask the SEDCO Board to start over completely.



SHERMAN CITY COUNCIL

Agenda Communication Form

**City Council Called Joint Meeting with SEDCO
Board**

E. 1.

Meeting Date: 09/11/2020

Prepared By: Pamela Cloer, Assistant to the City Manager

Approved By: Robby Hefton, City Manager

Caption:

SEDCO BUDGET 2020-2021

SEDCO's Presentation of the SEDCO Budget 2020-2021



SHERMAN CITY COUNCIL

Agenda Communication Form

**City Council Called Joint Meeting with SEDCO
Board**

E. 2.

Meeting Date: 09/11/2020

Prepared By: Pamela Cloer, Assistant to the City Manager

Approved By: Robby Hefton, City Manager

Caption:

SEDCO BUDGET 2020-2021

SEDCO Board to Discuss and Consider Approval of the 2020-2021 SEDCO Budget



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Called Joint Meeting with SEDCO Board

E. 3.

Meeting Date: 09/11/2020

Prepared By: Pamela Cloer, Assistant to the City Manager

Approved By: Robby Hefton, City Manager

Caption:

SEDCO BUDGET 2020-2021

City Council to Discuss and Consider Approval of the 2020-2021 SEDCO Budget

Issue:

This item will allow the City Council to ask questions of the Sherman Economic Development Corporation (SEDCO) Board and staff. It will also allow the City Council to discuss SEDCO's budget and request changes as they see fit.

Background:

The SEDCO by-laws require a joint meeting annually between the SEDCO Board and the City Council. The by-laws also state that the SEDCO work program and budget are not complete until they are approved by the City Council.

Origination:

SEDCO

Financial Consideration:

SEDCO is completely funded by 4A sales tax at the rate of 3/8 cents per \$1 of taxable sales. Therefore, there is no direct financial consideration for the City of Sherman.

Staff Recommendation:

The staff recommends that the City Council discuss the SEDCO budget and request any changes that they feel are necessary. The staff further recommends approval of the SEDCO budget in its original or amended form, as the Council sees fit.

Alternatives:

The City Council could reject the entire budget and ask the SEDCO board to start over completely.



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Called Joint Meeting with SEDCO Board

F. 1.

Meeting Date: 09/11/2020

Prepared By: Brandon Shelby, City Attorney

Approved By: Robby Hefton, City Manager

Caption:

*** RESOLUTION NO. 6649**

Finding and Determining a Public Purpose and Public Necessity Exists for Construction of the Lamberth Road Drainage Improvements Project; Appointing an Appraiser and Negotiator as Necessary; Authorizing the City Manager to Establish Just Compensation for the Property Rights to be Acquired; Authorizing the City Manager to Take all Steps Necessary to Acquire the Needed Property Rights in Compliance with All Applicable Laws and Regulations

Issue:

To consider granting authority to negotiate for property rights on the Lamberth Road Drainage project and complete condemnation proceedings. This project will increase capacity of the east fork crossing of Post Oak Creek to handle a one hundred-year event. Currently, the road has flooding issues and would be overtopped in a ten-year event. The existing ten foot (10') diameter culvert is being replaced with four 12' x 12' box culverts; and the road in that area is being raised four feet (4').

Background:

All properties for this project have been acquired previously aside from a small parcel on Lamberth Road. Staff was unable to determine ownership of the parcel; and condemnation proceedings are necessary to acquire title. A finding of necessity is necessary for condemnation proceedings.

Origination:

Director of Engineering

Financial Consideration:

Property acquisition costs, along with costs for appraisals, surveys, maps and photos

Staff Recommendation:

Staff recommends approval.

Alternatives:

As may be directed by the Council

Attachments

Resolution No. 6649
Aerial Location Map

RESOLUTION NO. 6649

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, FINDING AND DETERMINING A PUBLIC PURPOSE AND PUBLIC NECESSITY EXISTS FOR CONSTRUCTION OF THE LAMBERTH ROAD DRAINAGE IMPROVEMENTS PROJECT; APPOINTING AN APPRAISER AND NEGOTIATOR AS NECESSARY; AUTHORIZING THE CITY MANAGER TO ESTABLISH JUST COMPENSATION FOR THE PROPERTY RIGHTS TO BE ACQUIRED; AUTHORIZING THE CITY MANAGER TO TAKE ALL STEPS NECESSARY TO ACQUIRE THE NEEDED PROPERTY RIGHTS IN COMPLIANCE WITH ALL APPLICABLE LAWS AND REGULATIONS; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the City Council of the City of Sherman, Texas has previously authorized the employment of Lynn Vessels Construction, LLC. to plan for construction of the Lamberth Road Drainage Improvements Project; and

WHEREAS, this project was recommended by the City Staff in order to upgrade stormwater service for the City and recommended the acquisition of all necessary property rights; and

WHEREAS, the City Council has considered the project will increase capacity of the east fork crossing of Post Oak Creek to handle a one hundred-year event and has determined that a public purpose and public necessity exists for the acquisition of all necessary and appropriate property rights for the construction of the Lamberth Road Drainage Improvement Project; and

WHEREAS, the City Council has funded and approved the Lamberth Road Drainage Improvements Project through the Stormwater Utility Fund Program budget;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS:

SECTION 1. That the City Council hereby finds and determines that a public purpose and public necessity exists for the City of Sherman to acquire all necessary and appropriate property rights in those certain lots, tracts, or parcels of land deemed necessary for the Lamberth Road Drainage Improvements Project, including relocation of certain utilities, and does further determine the public purpose and public necessity of the City of Sherman acquiring said property together with all necessary and appropriate appurtenances, additions and improvements on, over, under and through those certain lots, tracts and parcels of land.

SECTION 2. That the City Manager or his designee is authorized and directed to acquire all appropriate property rights for the Lamberth Road Drainage Improvements Project for the City of Sherman and to acquire said rights in compliance with State and Federal law. The City Manager, or his designee, is specifically authorized and directed to do each and every act necessary to acquire the needed property rights including, but not limited to, the authority to negotiate, give notices,

make written offers to purchase, prepare contracts and, when necessary, to institute proceedings in eminent domain.

SECTION 3. That the City Manager or his designee is hereby appointed as “negotiator” for the acquisition of the property and, as such, the City Manager or his designee is authorized and directed to do each and every act and deed hereinabove specified or authorized by reference. Subject to the availability of funds appropriated by the City Council for such purposes and with the advice and recommendation of the City Attorney and the City’s appointed appraiser, the City Manager is specifically authorized to establish the just compensation for the acquisition of this property. If the City Manager or his designee determines that an agreement with the property owner(s) as to just compensation cannot be reached, then the City Attorney is hereby authorized and directed to file or cause to be filed, against the owners and interested parties of the property, proceedings in eminent domain to acquire the above stated interest in the property.

SECTION 4. That a qualified appraiser shall be designated the appraiser of the property to be acquired as necessary.

SECTION 5. That the findings of fact, recitations and provisions set out in the preamble of this resolution are adopted and made a part of the body of this resolution, as if the same were fully set forth herein.

SECTION 6. That it is hereby officially found and determined that the meeting at which this resolution is passed is open to the public and that public notice of the time, place, and purpose of said meeting was given as required by law.

PASSED AND APPROVED on this the _____ day of _____, 2020.

CITY OF SHERMAN, TEXAS

BY: _____
DAVID PLYLER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

BY: _____
**BRANDON S. SHELBY,
CITY ATTORNEY**





SHERMAN CITY COUNCIL

Agenda Communication Form

**City Council Called Joint Meeting with SEDCO
Board**

Meeting Date: 09/11/2020

Prepared By: Pamela Cloer, Assistant to the City Manager

Approved By: Robby Hefton, City Manager

Caption:

COUNCIL CALENDAR

Attachments

2020 Council Calendar

2020

JANUARY						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

FEBRUARY						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29

MARCH						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

APRIL						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

MAY						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

JUNE						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

JULY						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

AUGUST						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

SEPTEMBER						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

OCTOBER						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

NOVEMBER						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

DECEMBER						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

1/20/2020	Martin Luther King, Jr. Day/Called City Council Meeting on 1/21/2020
2/12/2020	Called Council Meeting - Training Session for Council Members
3/30/2020	Called Council Meeting - Intro and PH of Ordinance No. 6288, Extending Declaration of Public Health Disaster Indefinitely and Other Matters related to COVID-19
4/6/2020	City Council Meeting - Cancelled
6/25/2020	Called Budget Workshop in the Municipal Ballroom - Rescheduled
6/26/2020	Called Budget Workshop in the Municipal Ballroom - Rescheduled
9/7/2020	Labor Day/Called City Council Meeting on 9/8/2020

9/11/2020	Called Joint Meeting of City Council and SEDCO Board in the Sherman Municipal Ballroom