

COUNCIL MINUTES – AUGUST 16, 2021

55.7' in the Blalock Industrial Park/Blalock Commercial Overlay District, being Lot 26, Block 2 of the Replat of Sherman Crossroads, Phase II, Lots 25, 26 & 27, Block 2, a Replat of Sherman Crossroads, Phase II, Lot 6, Block 2; PAGA LTD, Owner; BWG, Architect; and KRG Civil Engineers, Inc., Civil Engineer (3260 South U.S. Highway 75),” from the Consent Agenda for consideration in its regular order of business. The item concerns the Blalock Industrial Park, and must be formally considered by the City Council.

The Council reviewed the Consent Agenda, with the exception of Item I-5, which will be considered in its regular order of business. Council Member Teamann moved to approve the Consent Agenda, subject to the Staff Review Letter, as presented. Second by Council Member Stevenson. All present voted AYE.

PUBLIC HEARING

CAPITAL IMPROVEMENT PROGRAM 2021-2026

Mary Lawrence, Director of Finance, said this Capital Improvement Program incorporates the changes made during the CIP Workshop. The first year is the only year that’s funded, as part of the FY 2022 Operating Budget.

After the public hearing, the Council will be asked to approve the CIP, later in the meeting, by resolution.

No citizens appeared before the City Council to discuss the Public Hearing on the Capital Improvement Program for 2021-2026.

Mayor Plyler introduced Ordinance No. 6401 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, PROVIDING FOR THE APPROPRIATION OF FUNDS FOR OPERATING AND CAPITAL EXPENDITURES FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2021, AND ENDING SEPTEMBER 30, 2022; PROVIDING FOR A REPEALER.

Ms. Lawrence said this was the final step to adopt the FY 2022 Budget. The Budget is unchanged from the one that was presented for public hearing at the last Council Meeting. It includes appropriations of about \$125.1 million, which is an increase from last year, mostly due to \$40 million in capital expenditures. A separate vote will be held later in the meeting for the adoption of the Budget.

No citizens appeared before the City Council to discuss Ordinance No. 6401.

Mayor Plyler introduced Ordinance No. 6402 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 2021; DISTRIBUTING THE SAME AMONG THE VARIOUS FUNDS; PROVIDING FOR A PENALTY AND INTEREST

**PUBLIC HEARING
CAPITAL
IMPROVEMENT
PROGRAM**

**ORD 6401
ANNUAL BUDGET**

**ORD 6402
AD VALOREM TAXES**

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FOR FAILURE TO PAY THE TAXES LEVIED WITHIN THE TIME PROVIDED BY LAW; PROVIDING FOR A LIEN ON ALL REAL AND PERSONAL PROPERTY TO SECURE PAYMENT OF TAXES DUE THEREON; PROVIDING A PENALTY CLAUSE, SAVINGS/ REPEALING CLAUSE, SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

Ms. Lawrence said this ordinance would adopt the ad valorem tax rate for FY 2022. The rate of \$0.489 is unchanged from last year. The tax rate is broken down into two components, the debt rate which is about \$0.18, and the operating rate, which is almost \$0.31. A separate vote will be held later in the meeting on the adoption of the tax rate.

No citizens appeared before the City Council to discuss Ordinance No. 6402.

Mayor Plyler introduced Ordinance No. 6403 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, ORDERING AN ELECTION OF THE QUALIFIED VOTERS OF THE CITY OF SHERMAN, TEXAS, ON THE 2ND DAY OF NOVEMBER, 2021, FOR THE PURPOSE OF ELECTING A MAYOR AND TWO (2) AT-LARGE CITY COUNCIL MEMBERS FOR SAID CITY; PROVIDING THAT SAID ELECTION SHALL BE HELD JOINTLY WITH GRAYSON COUNTY, TEXAS; DESIGNATING ELECTION PRECINCTS; APPOINTING ELECTION OFFICIALS; PROVIDING FOR NOTICE OF SAID ELECTION; PROVIDING FOR THE USE OF DIRECT RECORDING ELECTRONIC VOTING EQUIPMENT; PROVIDING FOR EARLY VOTING.

**ORD 6403
REGULAR
MUNICIPAL
ELECTION**

Linda Ashby, City Clerk, said this ordinance meets the State requirement for calling the Election for November 2, 2021.

No citizens appeared before the City Council to discuss Ordinance No. 6403.

Mayor Plyler introduced Ordinance No. 6404 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, RE-APPOINTING A PRESIDING MUNICIPAL COURT OF RECORD JUDGE AND AN ALTERNATE MUNICIPAL COURT OF RECORD JUDGE FOR THE CITY OF SHERMAN, GRAYSON COUNTY, TEXAS.

**ORD 6404
MUNICIPAL COURT
OF RECORD
JUDGE**

Ms. Lawrence said every two years, in odd numbered years, the City is required to appoint a Municipal Court Judge. The staff is asking to reappoint Scott Smith as the Presiding Judge, and Holly Fox as the Alternate Judge.

Judge Smith presides over the Criminal Court proceedings, and Judge Fox presides over Civil Court proceedings, such as substandard structures.

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No citizens appeared before the City Council to discuss Ordinance No. 6404.

Mayor Plyler introduced Ordinance No. 6405 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 3 OF THE CODE OF ORDINANCES, ENTITLED “BUILDING REGULATIONS”, AT ARTICLE 3.06, ENTITLED “HOUSING CODE”, DIVISION 2, ENTITLED “DANGEROUS BUILDINGS”, AT SECTION, 3.06.015, ENTITLED “ORDER TO ABATE”; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING A REPEALER CLAUSE, A SEVERABILITY CLAUSE AND A PENALTY CLAUSE; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00.

**ORD 6405
HOUSE DEMOLITION
PROCESS**

Chip Matthews, Neighborhood Services Superintendent, said this was a revision to the current ordinance to correct a “weak point” in the ordinance that created a “legal loophole.”

No citizens appeared before the City Council to discuss Ordinance No. 6405.

Mayor Plyler introduced Ordinance No. 6406 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 PROPERTY WITHIN THE R-1 (ONE-FAMILY RESIDENTIAL) DISTRICT, LOCATED AT 813 EAST PECAN STREET, BEING 0.122 ACRES IN THE J.B. McANAIR SURVEY, ABSTRACT NO. 763, ALSO BEING A PART OF LOT 6 AND LOT 7, BLOCK 14, OF CHAFFIN’S FIRST ADDITION (DHESI INVESTMENTS, LLC, OWNER; AND HELVEY-WAGNER SURVEYING, INC., SURVEYOR); PROVIDING A PENALTY NOT TO EXCEED \$2,000.00; PROVIDING A REPEALING/SAVINGS CLAUSE, SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

**ORD 6406
ZONE CHANGE TO
RESIDENTIAL
(813 E. PECAN)**

Rob Rae, Director of Development Services, said this ordinance rezoned the property from C-1 to R-1, to allow the applicant to construct a single-family residence on the lot.

The Planning and Zoning Commission recommended approval of the zone change.

No citizens appeared before the City Council to discuss Ordinance No. 6406.

Mayor Plyler introduced Ordinance No. 6407 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 10 OF THE CODE OF ORDINANCES, CITY OF SHERMAN, TEXAS, ENTITLED “SUBDIVISION REGULATION”, ARTICLE 10.05, ENTITLED “SUBDIVISION ORDINANCE”, AT EXHIBIT A, ENTITLED “SUBDIVISION ORDINANCE” AND CHAPTER 14 OF THE CODE OF ORDINANCES, CITY OF SHERMAN, TEXAS, ENTITLED

**ORD 6407
SITE PLAN &
SUBDIVISION
PLATTING PROCESS**

“ZONING ORDINANCE”, ARTICLE 14.04, ENTITLED “GENERAL ZONING ORDINANCE”, AT EXHIBIT A, ENTITLED “GENERAL ZONING ORDINANCE”, PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; MODIFYING CERTAIN REGULATIONS RELATING TO THE DEVELOPMENT APPLICATION AND PROCESSING PROCEDURES FOR PLATTING AND SITE PLAN APPROVAL; PROVIDING A REPEALING CLAUSE, A SEVERABILITY CLAUSE AND A PENALTY CLAUSE; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00.

Mr. Rae said this ordinance amends two chapters in the Code of Ordinances, the Subdivision Ordinance and the Zoning Ordinance, as a result of HB 3167, otherwise known as the “shock clock” ordinance.

House Bill 3167 became effective September 1, 2019, but the City hasn’t needed to react to it until recently. Recently a Plat was submitted after the deadline, but prior to the 30-day requirement. The staff had to determine if it would be automatically approved and sent to Council, or if it had to be denied.

Mr. Rae said he met with Ryan Pittman, City Attorney, and they made needed changes in the ordinance, to be able to react to that requirement.

No citizens appeared before the City Council to discuss Ordinance No. 6407.

The Public Hearing was closed.

OTHER BUSINESS

PROVIDING FOR THE RATIFICATION OF THE PROPERTY TAX INCREASE

RATIFICATION OF PROPERTY TAX INCREASE

Ms. Lawrence said the Local Government Code requires a separate vote to ratify the Budget, if the Budget will raise more property tax revenue than the prior year. This agenda item will accomplish that. A motion and a record vote are needed.

ACTION TAKEN.

Motion by Deputy Mayor Holland to adopt Ordinance No. 6402, saying that the property tax rate be increased by the adoption of a tax rate of \$0.489 per \$100, which is effectively a 6.2% increase in the tax rate. Second by Council Member Stevenson.

Mr. Pittman clarified that the motion was to ratify the property tax rate in Agenda Item E-1. There was confusion about the exact wording that was required for the vote. Mr. Pittman said this item does not require specific language in the motion, but the motion could be to “ratify the property tax increase.”

ACTION TAKEN.

Motion by Council Member Stevenson to ratify the property tax increase, as presented. Second by Council Member Melton.

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

VOTING NAY: None.

MOTION CARRIED.

ADOPTION OF ORDINANCES

Ordinance 6401

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, PROVIDING FOR THE APPROPRIATION OF FUNDS FOR OPERATING AND CAPITAL EXPENDITURES FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2021, AND ENDING SEPTEMBER 30, 2022; PROVIDING FOR A REPEALER.

**ORD 6401
ANNUAL BUDGET**

ACTION TAKEN.

Motion by Council Member Steele to adopt Ordinance No. 6401, as presented. Second by Council Member Stevenson.

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

VOTING NAY: Teamann.

MOTION CARRIED.

Ordinance 6402

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 2021; 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 LIEN OF ALL REAL AND PERSONAL PROPERTY TO SECURE PAYMENT OF TAXES DUE THEREON; PROVIDING A PENALTY CLAUSE, SAVINGS/ REPEALING CLAUSE, SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

**ORD 6402
AD VALOREM TAXES**

ACTION TAKEN.

Motion by Deputy Mayor Holland to adopt Ordinance No. 6402, saying that the property tax rate be increased by the adoption of a tax rate of \$0.489 per \$100, which is effectively a 6.2% increase in the tax rate. Second by Council Member Stevenson.

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

VOTING NAY: None.

MOTION CARRIED.

Ordinance 6403

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, ORDERING AN ELECTION OF THE QUALIFIED VOTERS OF THE CITY OF SHERMAN, TEXAS, ON THE 2ND DAY OF NOVEMBER, 2021, FOR THE PURPOSE OF ELECTING A MAYOR AND TWO (2) AT-LARGE CITY COUNCIL MEMBERS FOR SAID CITY; PROVIDING THAT SAID ELECTION SHALL BE HELD JOINTLY WITH GRAYSON COUNTY, TEXAS; DESIGNATING ELECTION PRECINCTS; APPOINTING ELECTION OFFICIALS; PROVIDING FOR NOTICE OF SAID ELECTION; PROVIDING FOR THE USE OF DIRECT RECORDING

**ORD 6403
REGULAR
MUNICIPAL
ELECTION**

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ELECTRONIC VOTING EQUIPMENT; PROVIDING FOR EARLY VOTING.

Ordinance 6404

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, RE-APPOINTING A PRESIDING MUNICIPAL COURT OF RECORD JUDGE AND AN ALTERNATE MUNICIPAL COURT OF RECORD JUDGE FOR THE CITY OF SHERMAN, GRAYSON COUNTY, TEXAS.

ORD 6404
MUNICIPAL COURT
OF RECORD
JUDGE

Ordinance 6405

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 3 OF THE CODE OF ORDINANCES, ENTITLED "BUILDING REGULATIONS", AT ARTICLE 3.06, ENTITLED "HOUSING CODE", DIVISION 2, ENTITLED "DANGEROUS BUILDINGS", AT SECTION , 3.06.015, ENTITLED "ORDER TO ABATE"; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING A REPEALER CLAUSE, A SEVERABILITY CLAUSE AND A PENALTY CLAUSE; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00.

ORD 6405
HOUSE DEMOLITION
PROCESS

Ordinance 6406

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 12, ORDINANCE NO. 2280, SO AS TO INCLUDE CERTAIN PROPERTY WITHIN THE R-1 (ONE-FAMILY RESIDENTIAL) DISTRICT, LOCATED AT 813 EAST PECAN STREET, BEING 0.122 ACRES IN THE J.B. McANAIR SURVEY, ABSTRACT NO. 763, ALSO BEING A PART OF LOT 6 AND LOT 7, BLOCK 14, OF CHAFFIN'S FIRST ADDITION (DHESI INVESTMENTS, LLC, OWNER; AND HELVEY-WAGNER SURVEYING, INC., SURVEYOR); PROVIDING A PENALTY NOT TO EXCEED \$2,000.00; PROVIDING A REPEALING/SAVINGS CLAUSE, SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

ORD 6406
ZONE CHANGE TO
RESIDENTIAL
(813 E. PECAN)

Ordinance 6407

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 10 OF THE CODE OF ORDINANCES, CITY OF SHERMAN, TEXAS, ENTITLED "SUBDIVISION REGULATION", ARTICLE 10.05, ENTITLED "SUBDIVISION ORDINANCE", AT EXHIBIT A, ENTITLED "SUBDIVISION ORDINANCE" AND CHAPTER 14 OF THE CODE OF ORDINANCES, CITY OF SHERMAN, TEXAS, ENTITLED "ZONING ORDINANCE", ARTICLE 14.04, ENTITLED "GENERAL ZONING ORDINANCE", AT EXHIBIT A, ENTITLED "GENERAL ZONING ORDINANCE", PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; MODIFYING CERTAIN REGULATIONS RELATING TO THE DEVELOPMENT APPLICATION AND PROCESSING PROCEDURES FOR PLATTING AND SITE PLAN APPROVAL; PROVIDING A REPEALING CLAUSE, A SEVERABILITY CLAUSE AND A PENALTY CLAUSE; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00.

ORD 6407
SITE PLAN &
SUBDIVISION
PLATTING PROCESS

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ACTION TAKEN.

Motion by Council Member Howeth to adopt Ordinance Nos. 6403, 6404, 6405, 6406, and 6407, as presented. Second by Council Member Melton.

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

VOTING NAY: None.

MOTION CARRIED.

RESOLUTION NO. 6764 – APPROVING AND ADOPTING A FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM FOR THE CITY OF SHERMAN, TEXAS

**RES 6764
ANNUAL CIP**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, APPROVING AND ADOPTING A FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM FOR THE CITY OF SHERMAN, TEXAS.

Ms. Lawrence said this vote would adopt the Capital Improvement Program. The public hearing was held earlier in the meeting.

ACTION TAKEN.

Motion by Council Member Steele to adopt Resolution No. 6764, as presented. Second by Council Member Melton.

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

VOTING NAY: None.

MOTION CARRIED.

RESOLUTION NO. 6765 – AUTHORIZING EXECUTION OF AN AGREEMENT WITH SHERMAN FEDERAL COURTHOUSE SQUARE, LLC UNDER THE CITY OF SHERMAN'S CENTRAL DISTRICT HISTORIC BUILDING RESTORATION AND IMPROVEMENT GRANT PROGRAM FOR IMPROVEMENTS TO 300 NORTH TRAVIS STREET

**RES 6765
CBD HISTORIC
BUILDING
RESTORATION GRANT
(300 N. TRAVIS)**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN AGREEMENT WITH SHERMAN FEDERAL COURTHOUSE SQUARE, LLC UNDER THE CITY OF SHERMAN'S CENTRAL BUSINESS DISTRICT HISTORIC BUILDING RESTORATION AND IMPROVEMENT GRANT PROGRAM FOR IMPROVEMENTS TO 300 NORTH TRAVIS STREET.

Terrence Steele, Assistant City Manager, said the City Council annually approves money for the Façade Grant for Downtown Sherman. The applicant is requesting between \$24,000 and \$25,000 for an ADA compliant elevator for the facility at 300 North Travis Street.

Even though an elevator is not part of the façade, the grant can be used for this purpose.

Council Member Melton clarified that this is the money that was allocated for this fiscal year, which is about to end, and there is no one else requesting a grant. Mr. Steele said, with the award

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of this grant, another grant of \$25,000 would still be budgeted for the current fiscal year.

Council Member Steele asked if the designation of “façade” should be removed from the ordinance in the future. He thought the intent of the grant was for the “exterior” beautification.

Mr. Steele said when the ordinance was originally approved, he understood that, since the downtown buildings were older, ADA compliant improvements were left in the ordinance. He said it was up to the City Council if they wanted to remove that wording.

Council Member Steele said he wasn’t against this grant, but maybe it should be called an “Improvement Grant” in the future, instead of a “Façade Grant.”

ACTION TAKEN.

Motion by Council Member Melton to adopt Resolution No. 6765, as presented. Second by Council Member Steele.

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

VOTING NAY: None.

MOTION CARRIED.

RESOLUTION NO. 6766 – AUTHORIZING EXECUTION OF A PROFESSIONAL ENGINEERING SERVICES AGREEMENT WITH D&S ENGINEERING LABS, LLC FOR CONSTRUCTION MATERIALS TESTING SERVICES FOR BEL-AIR VILLAGE PHASE 1, BEL-AIR BOULEVARD PHASE 1, AND LEGACY WATER LINE PHASE 1

**RES 6766
BEL-AIR VILLAGE,
PHASE 1**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF A PROFESSIONAL ENGINEERING SERVICES AGREEMENT WITH D&S ENGINEERING LABS, LLC FOR CONSTRUCTION MATERIALS TESTING SERVICES FOR BEL-AIR VILLAGE PHASE I, BEL-AIR BOULEVARD PHASE I AND LEGACY WATER LINE PHASE I.

Clint Philpott, Assistant City Manager, said every development that involves public infrastructure requires an inspection, which is typically done administratively. This project is over the \$50,000 contract level. The Bel-Air Development is about three times larger than the typical development.

This contract is for \$93,000, and the City will use a third party for the inspection. The cost will be funded by the 4% testing/inspection/review fee that is collected for each subdivision. On Friday, they delivered a check to the City for \$246,000, to help supplement the cost of staff time, and any third-party requirements to ensure that they build the public infrastructure up to City standards.

ACTION TAKEN.

Motion by Council Member Stevenson to adopt Resolution No. 6766, as presented. Second by Council Member Howeth.

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

VOTING NAY: None.

MOTION CARRIED.

RESOLUTION NO. 6767 – AUTHORIZING EXECUTION OF A JOINT ELECTION AGREEMENT WITH GRAYSON COUNTY, TEXAS, TO HOLD A JOINT ELECTION ON NOVEMBER 2, 2021

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF A JOINT ELECTION AGREEMENT WITH GRAYSON COUNTY, TEXAS, TO HOLD A JOINT ELECTION ON NOVEMBER 2, 2021.

CONSENT AGENDA.

RES 6767
JOINT ELECTION
AGREEMENT

OTHER BUSINESS

CONSIDER SCHEDULING A JOINT MEETING OF THE CITY COUNCIL AND THE SHERMAN INDEPENDENT SCHOOL DISTRICT BOARD OF TRUSTEES FOR MONDAY, OCTOBER 25, 2021 AT 12:00 P.M. FOR A STRATEGIC PLANNING SESSION

Mr. Philpott explained that Robby Hefton, City Manager, and Dr. David Hicks, Sherman Independent School District Superintendent, felt that, with all the development that was going on in Sherman, it was important to have a joint meeting. Typically, the two entities meet together annually, but it is especially important with everything that's currently going on.

JOINT MTG
WITH SISD

The staff is proposing a joint meeting on Monday, October 25, 2021, and the staff of both entities will develop an agenda for discussion.

ACTION TAKEN.

Motion by Council Member Howeth to schedule a Joint Meeting of the City Council and the Sherman Independent School District Board of Trustees for Monday, October 25, 2021, at 12:00 p.m., as presented. Second by Council Member Melton.

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

VOTING NAY: None.

MOTION CARRIED.

SITE PLAN APPROVAL AND EXCEPTION UNDER ORDINANCE NO. 2252, ARTICLE IV, SECTION 410 (2)(A), (2)(G)(I), (2)(J), AND SECTION 510 TO ALLOW A SHERMAN POLICE DEPARTMENT HEADQUARTERS WITH AN 85' SETBACK IN LIEU OF THE REQUIRED 100' REQUIRED FROM ANY ROAD, STREET OR ARTERIAL HIGHWAY IN THE BLALOCK INDUSTRIAL PARK, BEING 10 ACRES IN THE ELIZABETH JONES SURVEY, ABSTRACT NO. 62 (2600 WEST TRAVIS STREET)

Mr. Rae said the City's Code of Ordinances requires that any Site Plan in the Blalock Industrial District be approved by the City Council. They are also requesting an Exception for an 85' setback in lieu of the required 100' setback.

APPROVE SITE PLAN
POLICE DEPT.
(2600 W. TRAVIS)

The Planning and Zoning Commission recommended approval of the Site Plan and the Exception.

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ACTION TAKEN.

Motion by Council Member Stevenson to approve the Site Plan and Exception for the Sherman Police Department Headquarters, to be located in the Blalock Industrial Park, at 2600 West Travis Street, subject to the Staff Review Letter.

Second by Council Member Howeth.

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

VOTING NAY: None.

MOTION CARRIED.

SITE PLAN APPROVAL, EXCEPTION AND VARIANCE UNDER ORDINANCE NO. 2252 ARTICLE IV, SECTION 410 (2)(A), (2)(G)(L), (2)(J), AND SECTION 510 TO ALLOW 903 BREWERS RESTAURANT, BREWERY, WAREHOUSE, GRAIN SILOS AND OUTDOOR PATIO WITH A 57' SETBACK FROM THE EAST PROPERTY LINE IN LIEU OF THE REQUIRED 100' REQUIRED FROM ANY ROAD, STREET OR ARTERIAL HIGHWAY IN THE BLALOCK INDUSTRIAL PARK/O-1.1 (FM HIGHWAY 1417) OVERLAY DISTRICT, BEING LOT 1, BLOCK 2, NORTHGATE BUSINESS PARK PHASE 1; SHERMAN ECONOMIC DEVELOPMENT CORPORATION, OWNER; 903 BREWERS, PROPOSED TENANT; AND ASHLEY JOHNSON, METHOD ARCHITECTURE, ARCHITECT/REPRESENTATIVE (3232 NORTHGATE DRIVE)

**APPROVE SITE PLAN
(3232 NORTHGATE)**

Mr. Rae said this is the Site Plan and an Exception for 903 Brewers, located in the Blalock Industrial District. They are wanting to build a warehouse, brewery, and restaurant.

He said the staff is working with them on platting the property, and dedicating a portion along FM 1417 for Texas Department of Transportation right-of-way. The site includes about 5.11 acres on the corner of Northgate Drive and FM 1417.

The Planning and Zoning Commission recommended approval of the Site Plan, Exception, and Variance.

ACTION TAKEN.

Motion by Council Member Stevenson to approve the Site Plan, Exception, and Variance, for 903 Brewers Restaurant, Brewery, Warehouse, Grain Silos, and Outdoor Patio, to be located in the Blalock Industrial Park, at 3232 Northgate Drive, subject to the Staff Review Letter. Second by Council Member Teamann.

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

VOTING NAY: Steele.

MOTION CARRIED.

CONSIDER CALLING A SPECIAL MEETING OF THE CITY COUNCIL FOR TUESDAY, SEPTEMBER 7, 2021, DUE TO CONFLICT WITH A FEDERAL HOLIDAY

**SET CALLED MTG
(SEPT. 7, 2021)**

The City Council called a Special Council Meeting for Tuesday, September 7, 2021, due to the conflict with a Federal Holiday. The normal Council Meeting falls on the first Monday of the month, and Monday, September 6, 2021 is Labor Day.

The City Charter states that in case of a holiday, the regular meeting shall be held on Tuesday immediately following the holiday.

CONSENT AGENDA.

SITE PLAN APPROVAL AND VARIANCE UNDER ORDINANCE NO. 2252 ARTICLE IV SECTION 410 (2)(J) AND (2)(G)(2) AND ORDINANCE NO. 2280, SECTION 6.13.7, SUBSECTION (7) FOR A DOMINO'S PIZZA WITH DRIVE THRU WITH A 26' SETBACK FROM THE SOUTH PROPERTY LINE IN LIEU OF THE REQUIRED 55.7' IN THE BLALOCK INDUSTRIAL PARK/BLALOCK COMMERCIAL OVERLAY DISTRICT, BEING LOT 26, BLOCK 2 OF THE REPLAT OF SHERMAN CROSSROADS, PHASE II, LOTS 25, 26 & 27, BLOCK 2, A REPLAT OF SHERMAN CROSSROADS, PHASE II, LOT 6, BLOCK 2; PAGA LTD, OWNER; BWG, ARCHITECT; AND KRG CIVIL ENGINEERS, INC., CIVIL ENGINEER (3260 SOUTH U.S. HIGHWAY 75)

**APPROVE SITE PLAN
(3260 S. US HWY 75)**

Mayor Plyler removed Item I-5 from the Consent Agenda for consideration in its regular order of business. This item concerns the Blalock Industrial Park and must be considered specifically by the City Council.

Mr. Rae said this Site Plan and Variance are also in the Blalock Industrial Park and require specific approval by the City Council.

The Planning and Zoning Commission recommended approval of the Site Plan and Variance.

Council Member Howeth asked if this setback was consistent with the other setbacks in that area. Mr. Rae said all of the other restaurants in the area have received the same setbacks, not necessarily the same distance, but the same south-side setback. He verified that it will look consistent.

Council Member Stevenson verified that everything in this area is technically in the Blalock Industrial District, and will need to be approved by the City Council. Mr. Rae said the Blalock Ordinance states that anything that locates there must be approved by the City Council.

Council Member Melton said maybe it's time to change that requirement, and asked how many more lots are in that district.

Jeff Harkinson, President, Harkinson Investment Corporation, discussed property available in the Crossroads Development, including two possible strip centers. He said the problem with the setbacks is for restaurants that have a drive-thru. He felt there would probably be a few more variances for setbacks, but not a lot more.

ACTION TAKEN.

Motion by Council Member Stevenson to approve the Site Plan and Variance for Domino's Pizza with Drive Thru, to be located in the Blalock Industrial Park/Blalock Commercial Overlay District, at 3260 South U.S. Highway 75, subject to the Staff Review Letter. Second by Council Member Howeth.

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

VOTING NAY: None.

MOTION CARRIED.

REPLAT APPROVAL OF A PART OF LOTS 6 AND 7, BLOCK 14 OF THE CHAFFIN'S FIRST ADDITION, BEING 0.122 ACRES IN THE J.B. McANAIR SURVEY, ABSTRACT NO. 763, ALSO BEING A PART OF LOT 6 AND LOT 7, BLOCK 14, OF CHAFFIN'S FIRST ADDITION; DHESI INVESTMENTS, LLC, OWNERS; AND HELVEY-WAGNER SURVEYING, INC., SURVEYOR (813 EAST PECAN STREET)

APPROVE REPLAT
(813 E. PECAN)

The City Council approved the Replat of a part of Lots 6 and 7, Block 14, of the Chaffin's First Addition, located at 813 East Pecan Street.

The 0.122 acre tract is zoned a C-1 (Retail Business) District, and the owner would like to Replat the property into one 59.93' wide lot in lieu of the required 60' for residential development. They are also requesting a zone change from a C-1 (Retail Business) District to an R-1(One-Family Residential) District.

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

CONSENT AGENDA, SUBJECT TO STAFF REVIEW LETTER.

FINAL PLAT APPROVAL OF SHERMAN PD ON WEST TRAVIS ADDITION, BEING 10 ACRES IN THE ELIZABETH JONES SURVEY, ABSTRACT NO. 625; CITY OF SHERMAN, OWNER; JONATHAN HAKE, P.E., CROSS ENGINEERING CONSULTANTS, CIVIL ENGINEER/REPRESENTATIVE; HIDELL ASSOCIATES, ARCHITECTS; AND UNDERWOOD DRAFTING AND SURVEYING, SURVEYOR (2600 WEST TRAVIS STREET)

APPROVE FINAL PLAT
(2600 W. TRAVIS)

The City Council approved the Final Plat of the Sherman PD on West Travis Addition, located at 2600 West Travis Street. The 10 acre tract is located in the Blalock Industrial Park and is owned by the City of Sherman.

They would like to plat the property into one lot to construct a new Police Department Headquarters.

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

CONSENT AGENDA, SUBJECT TO STAFF REVIEW LETTER.

REPLAT APPROVAL OF THE SOUTH 25 FT. OF LOT 6 AND THE NORTH 25 FT. OF LOT 7, BLOCK 2, W.D. FITCH ADDITION; DEVIN SQUERI, OWNER; AND HELVEY-WAGNER SURVEYING, INC., SURVEYOR (1008 SOUTH THROCKMORTON STREET)

APPROVE REPLAT
(1008 S.
THROCKMORTON)

The City Council approved the Replat of the south 25 feet of Lot 6 and the north 25 feet of Lot 7, Block 2, W.D. Fitch Addition, located at 1008 South Throckmorton Street.

The property is zoned an R-1 (One-Family Residential) District and the owner would like to replat it into one lot for a single-family residential dwelling. They are also requesting an

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exception to allow a 50' wide lot in lieu of the required 60' for a residential dwelling.

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

CONSENT AGENDA, SUBJECT TO STAFF REVIEW LETTER.

REPLAT APPROVAL OF LOT 6 AND THE EAST ONE-HALF OF LOT 7, J.P. GEREN'S ADDITION, BEING 0.238 ACRES IN THE G.B. PILANT SURVEY, ABSTRACT NO. 963 DEVIN SQUERI, OWNER; AND HELVEY-WAGNER SURVEYING, INC., SURVEYOR (1108 EAST LAMAR STREET)

**APPROVE REPLAT
(1108 E. LAMAR)**

The City Council approved the Replat of Lot 6, and the east one-half of Lot 7, J.P. Geren's Addition, located at 1108 East Lamar Street.

The 0.238 acre tract is zoned an R-1 (One-Family Residential) District, and the owner would like to Replat it into one lot for residential development.

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

CONSENT AGENDA, SUBJECT TO STAFF REVIEW LETTER.

REPLAT APPROVAL OF LOT 7 & NORTH 14.25 FEET OF LOT 6, BLOCK 1, HALL & JONES ADDITION, BEING 0.206 ACRES IN THE J.B. McANAIR SURVEY ABSTRACT NO. 763, ALSO BEING ALL OF LOT 7 AND THE NORTH 14.25 FEET OF LOT 6, BLOCK 1, HALL & JONES ADDITION, HAMBRICK TRIPLE H INVESTMENT GROUP, LLC, OWNER; AND HELVEY-WAGNER SURVEYING, INC., SURVEYOR (825 NORTH EAST STREET)

**APPROVE REPLAT
(825 N. EAST)**

The City Council approved the Replat of Lot 7 and North 14.25 feet of Lot 6, Block 1, Hall & Jones Addition, located at 825 North East Street.

The 0.206 acre tract is zoned an R-1 (One-Family Residential) District and located in the College Park Overlay District. The owner would like to Replat one lot and a portion of another lot into one lot for residential development.

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

CONSENT AGENDA, SUBJECT TO STAFF REVIEW LETTER.

MEDIA QUESTIONS

There were no media questions.

MEDIA QUESTIONS

COUNCIL COMMENTS

There were no Council comments.

COUNCIL COMMENTS

ANNOUNCEMENTS

Mayor Plyler announced the following:

- The 40th Annual Sherman Arts Fest will be held on September 18, 2021, on the Municipal Building Grounds.

ANNOUNCEMENTS

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- The Sherman Celtic Festival will be held on September 25 and 26, 2021, at Pecan Grove Park. The event will include Highland Games, a bagpipe competition, live music on two stages, a Viking Village, and much more.
- The Sherman Chamber of Commerce will hold their Annual Legislative Luncheon on October 2, 2021, at Austin College. Tickets are available at ShermanChamber.US.

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.

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 THE 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

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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) PRESENTATION FROM IVY GROUP ON THE SHERMAN
HOSPITAL PROJECT
(B) DISCUSS ECONOMIC DEVELOPMENT PROSPECTS

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 5:32 p.m.

On Motion duly made and carried, the Executive Session
recessed at 6:34 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

ADJOURNMENT

On Motion duly made and carried, the meeting adjourned at
6:35 p.m.

ADJOURNMENT

MAYOR

CITY CLERK