STATE OF TEXAS §

August 15, 2011

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 August 15, 2011.

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

MEMBERS ABSENT: **NONE.**

CALL TO ORDER — **CALL TO ORDER**

Mayor Magers called the meeting to order at 5:00 p.m. The Pledge of Allegiance and the Invocation were given by Deputy Mayor Willie Steele.

APPROVE MINUTES — **APPROVE MINUTES**

The Council reviewed the Minutes of the Regular City Council Meeting of August 1, 2011. Council Member Wacker moved to approve the Minutes as presented; Second by Council Member Softly. All present voted AYE.
MOTION CARRIED.

SECOND PUBLIC HEARING OF ORDINANCE

Mayor Magers called for the second public hearing on Ordinance 5705: — **ORD 5705 ANNUAL BUDGET**

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, 2011, AND ENDING SEPTEMBER 30, 2012; PROVIDING FOR A REPEALER.

No citizens appeared before the City Council to discuss Ordinance 5705.

INTRODUCTION AND PUBLIC HEARING OF ORDINANCES — **ORD 5709 REGULAR MUNICIPAL ELECTION**

Mayor Magers introduced Ordinance 5709 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 8TH DAY OF NOVEMBER, 2011, FOR THE PURPOSE OF ELECTING TWO (2) DISTRICT 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.

No citizens appeared before the City Council to discuss Ordinance 5709.

Mayor Magers introduced Ordinance 5710 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 8TH DAY OF NOVEMBER, 2011, FOR THE PURPOSE OF THE REAUTHORIZATION OF THE LOCAL SALES AND USE TAX AT THE RATE OF ONE-EIGHTH OF ONE PERCENT (1/8%) TO CONTINUE PROVIDING REVENUE FOR MAINTENANCE AND REPAIR OF MUNICIPAL STREETS; PROVIDING THAT SAID ELECTION BE HELD JOINTLY WITH THE COUNTY OF GRAYSON, TEXAS; DESIGNATING ELECTION PRECINCTS; APPOINTING ELECTION OFFICIALS; PROVIDING FOR NOTICE OF SAID ELECTION; PROVIDING FOR USE OF DIRECT RECORDING ELECTRONIC VOTING EQUIPMENT; PROVIDING FOR EARLY VOTING.

ORD 5710
SPECIAL ELECTION TO REAUTHORIZE SALES TAX FOR STREET MAINTENANCE

No citizens appeared before the City Council to discuss Ordinance 5710.

Mayor Magers introduced Ordinance 5711 and called for a public hearing:
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, PROVIDING FOR A PERMANENT "STOP" SIGN AT THE INTERSECTION OF RICHARDS STREET AND BLEDSOE STREET WITHIN THE CITY LIMITS OF THE CITY OF SHERMAN; PROVIDING FOR A PENALTY PROVISION; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

ORD 5711
STOP SIGN

No citizens appeared before the City Council to discuss Ordinance 5711.

Mayor Magers introduced Ordinance 5712 and called for a public hearing:
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 5 OF THE CODE OF ORDINANCES, ENTITLED "FIRE PREVENTION AND PROTECTION", AT ARTICLE 5.03, ENTITLED "FIRE PREVENTION CODE", TO DELETE SECTIONS 5.03.002 AND 5.03.003 IN THEIR ENTIRETY; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

ORD 5712
FIRE PREVENTION

Mayor Magers explained that Ordinance 5712 and 5713 would be read together because they were related to each other and should be considered together.

Mayor Magers introduced Ordinance 5713 and called for a public hearing:
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 3 OF THE CODE

ORD 5713
ADOPT NEW BUILDING CODES & 2009 INTERNATIONAL FIRE

OF ORDINANCES, ENTITLED "BUILDING REGULATIONS", AT ARTICLE 3.02, ENTITLED "BUILDING, LIFE SAFETY AND RESIDENTIAL CODES", ARTICLE 3.03, ENTITLED "ELECTRICAL CODE", ARTICLE 3.04, ENTITLED "GAS CODE", ARTICLE 3.05, ENTITLED "HEATING AND AIR-CONDITIONING CODE", AND ARTICLE 3.07, ENTITLED "PLUMBING CODE", TO ADOPT NEW BUILDING AND BUILDING REGULATIONS AND PROVIDE FOR LOCAL AMENDMENTS TO THE BUILDING CODES; ADDING "FIRE PREVENTION CODE" AT SECTION 3.02.002(C) TO ADOPT THE 2009 EDITION OF THE INTERNATIONAL FIRE CODE AND LOCAL AMENDMENTS; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

CODE

No citizens appeared before the City Council to discuss Ordinance 5712 or Ordinance 5713.

Mayor Magers introduced Ordinance 5714 and called for a public hearing:
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 14, EXHIBIT A OF THE CODE OF ORDINANCES, ENTITLED "GENERAL ZONING ORDINANCE", AT SECTION 7, ENTITLED "SUPPLEMENTAL DISTRICT REGULATIONS", SUBSECTION 14 (M), ENTITLED "BILLBOARDS"; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

ORD 5714 BILLBOARD REGULATIONS

<u>Jason Sofey, 1218 Preston Dr.</u>
Mr. Sofey said he is in favor of the proposed new ordinance, however there is one item that addresses what defines outbound traffic billboards. He understood the intent, but said he would like to see the Council consider allowing billboards in those locations, but to require them to be two-sided. This would be visible to outbound traffic as well as inbound traffic. Therefore, if the signs are allowed, require them to be double-sided signs.

No other citizens appeared before the City Council to discuss Ordinance 5714.

ACTION TAKEN.
Motion by Council Member Smith to remove Ordinance 5704 from table for consideration. Second by Council Member Adami.
VOTING AYE: Adami, Howeth, Smith, Softly, Steele, Wacker.
VOTING NAY: None.
MOTION CARRIED TO REMOVE FROM TABLE.

Mayor Magers introduced Ordinance 5704 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 AND

ORD 5704 SUP FOR BILLBOARD (5833 U.S. HWY 75 N)

SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280, SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW A BILLBOARD IN A C-2 (GENERAL COMMERCIAL) DISTRICT AND O-1 (75 & 82) OVERLAY DISTRICT AT 5833 U.S. HIGHWAY 75 NORTH, BEING 0.31 ACRES IN THE A.C. SMITH SURVEY, ABSTRACT NO. 1561 (TONY AND SALLY THOMASON, OWNERS; JASON SOFEY, SOFEY CONSTRUCTION AND DESIGN, LLC, REPRESENTATIVE; AND UNDERWOOD DRAFTING AND SURVEYING, 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.

Jason Sofey, 1218 Preston Dr.

Mr. Sofey said he provided packets to the City Council containing signatures from local businesses that are in support of the proposed billboard ordinance. There is also some information on safety studies pertaining to digital billboards.

He also said, if the Council approves the billboard, and would like to make specific stipulations that would require the owners to "tie-in" with local law enforcement, fire and County services, they would be willing to do that.

Kate Winsett, representing Paula Griffin, 2433 E. Blue Flame Rd.

Ms. Winsett said she represented her mother Paula Griffin and sister Karyn Dole. Mrs. Griffin lives at 2433 E. Blue Flame Road. She appeared in opposition to the proposed digital billboard currently under consideration.

She said the hill along U.S. Highway 75 that intersects with Blue Flame Road is one of the highest elevations in Grayson County. Between Loy Lake Road and F.M. 691, the northbound service road has three distinct hills and valleys. There is a stop sign at Fallon Drive, but no other impediments to speed until the street light at F.M. 691.

Ms. Winsett expressed her concern about the danger of traffic pulling out from Blue Flame Road onto the U.S. Highway 75 service road without a delay to allow for the service road traffic that is unseen. Vehicles on this service road also travel at a high rate of speed.

Traffic has increased on both the Highway 75 service road and on Blue Flame Road due to the completion of Texoma Medical Center at the intersection of F.M. 691. She felt this was the worst location to erect a digital illuminated billboard because it would add a distraction to oncoming traffic.

Ms. Winsett asked that, if the signage was approved, it would be accompanied with highway street lights along the service road between Fallon Drive and F.M. 691 to illuminate the roadway and the intersection with Blue Flame Road.

She felt the signs would also be a danger to southbound traffic on Highway 75 because they blind drivers at night and cause a distraction. She also expressed concern about the double-sided signs that would cause drivers to look across the highway to see the advertisements.

Ms. Winsett was also concerned about the visual appeal to the City and felt the large billboard would detract from the beauty of the area and could hamper development around the sign.

<u>Cynthia Zinn, 602 Talley</u>
Ms. Zinn is the daughter of Tony and Sally Thomason, owners of the property requesting the Specific Use Permit for the billboard. She has researched the use of digital billboards and their safety issues.

She referenced a study by the Virginia Tech Transportation Institute which says that normally drivers "glance" at a digital billboard and for the traffic risk to increase the glance would need to be longer than two seconds. The average driver glances at a billboard for less than one second. She added that therefore digital billboards have been found to be "traffic danger neutral."

Addressing the aesthetic question, Ms. Zinn said public opinion polls show that people prefer the digital billboards because they reduce the number of total billboards needed.

She said the sign would be setback from the road and should not be a problem with drivers pulling out from Blue Flame Road.

No other citizens appeared before the City Council to discuss Ordinance 5704.

ORD 5715 SUP FOR BILLBOARD (5520 U.S. HWY 75 N)

Mayor Magers introduced Ordinance 5715 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 AND SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280, SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW A BILLBOARD IN A C-2 (GENERAL COMMERCIAL) DISTRICT AND O-1 (75 & 82) OVERLAY DISTRICT AT 5520 U.S. HIGHWAY 75 NORTH, BEING 0.19 ACRES IN THE G.W. HOBSON SURVEY, ABSTRACT NO. 588 (LESTER TERRELL, OWNER; SARTIN & ASSOCIATES, 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.

No citizens appeared before the City Council to discuss Ordinance 5715.

ORD 5716 SUP FOR BILLBOARD (5930 U.S. HWY 75 N)

Mayor Magers introduced Ordinance 5716 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 AND SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280, SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW A BILLBOARD IN A C-2 (GENERAL COMMERCIAL) DISTRICT AND O-1 (75 & 82) OVERLAY DISTRICT AT 5930 U.S. HIGHWAY 75 NORTH, BEING 0.19 ACRES IN THE A.C. SMITH SURVEY, ABSTRACT NO. 1561 (LESTER TERRELL, OWNER; SARTIN & ASSOCIATES, 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.

No citizens appeared before the City Council to discuss Ordinance 5716.

ORD 5717 ZONE CHANGE (1109 E. LAMAR)

Mayor Magers introduced Ordinance 5717 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 R-1 (ONE FAMILY RESIDENTIAL) DISTRICT AT 1109 EAST LAMAR STREET (BOB SETTLE AND PATRICIA WITT SETTLE, OWNERS; NATHAN GRAY, NBS DRAFTING AND DESIGN, ARCHITECT); PROVIDING FOR A REPEALER.

No citizens appeared before the City Council to discuss Ordinance 5717.

The Public Hearing was closed.

ADOPTION OF ORDINANCES

ORD 5705 ANNUAL BUDGET

Ordinance 5705
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, 2011, AND ENDING SEPTEMBER 30, 2012; PROVIDING FOR A REPEALER.

Mayor Magers verified that nothing had changed since the last public hearing and that the budget assumes that the street sales tax will be approved in November 2011. Council Member Wacker emphasized that the street sales tax reauthorizes what is already being done.

Council Member Adami reminded citizens that a District 4 Council Member is still needed for the Election too.

Mayor Magers said the street sales tax passed by 74% four years ago and is revenue neutral for the City. The City

doesn't make any additional money in revenue, however it does allow them to keep the property taxes lower. This means about $1 million to Sherman residents.

ACTION TAKEN.
Motion by Council Member Smith to approve Ordinance No. 5705, as presented. Second by Deputy Mayor Steele.
VOTING AYE: Adami, Howeth, Smith, Softly, Steele, Wacker.
VOTING NAY: None.
MOTION CARRIED.

Ordinance 5709 — **ORD 5709 REGULAR MUNICIPAL ELECTION**

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 8TH DAY OF NOVEMBER, 2011, FOR THE PURPOSE OF ELECTING TWO (2) DISTRICT 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.

ACTION TAKEN.
Motion by Council Member Adami to approve Ordinance No. 5709, as presented. Second by Council Member Wacker.
VOTING AYE: Adami, Howeth, Smith, Softly, Steele, Wacker.
VOTING NAY: None.
MOTION CARRIED.

Ordinance 5710 — **ORD 5710 SPECIAL ELECTION TO REAUTHORIZE SALES TAX FOR STREET MAINTENANCE**

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 8TH DAY OF NOVEMBER, 2011, FOR THE PURPOSE OF THE REAUTHORIZATION OF THE LOCAL SALES AND USE TAX AT THE RATE OF ONE-EIGHTH OF ONE PERCENT (1/8%) TO CONTINUE PROVIDING REVENUE FOR MAINTENANCE AND REPAIR OF MUNICIPAL STREETS; PROVIDING THAT SAID ELECTION BE HELD JOINTLY WITH THE COUNTY OF GRAYSON, TEXAS; DESIGNATING ELECTION PRECINCTS; APPOINTING ELECTION OFFICIALS; PROVIDING FOR NOTICE OF SAID ELECTION; PROVIDING FOR USE OF DIRECT RECORDING ELECTRONIC VOTING EQUIPMENT; PROVIDING FOR EARLY VOTING.

ACTION TAKEN.
Motion by Council Member Wacker to approve Ordinance No. 5710, as presented. Second by Council Member Adami.

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

Ordinance 5711 — **ORD 5711 STOP SIGN**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, PROVIDING FOR A PERMANENT "STOP" SIGN AT THE INTERSECTION OF RICHARDS STREET AND BLEDSOE STREET WITHIN THE CITY LIMITS OF THE CITY OF SHERMAN; PROVIDING FOR A PENALTY PROVISION; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

ACTION TAKEN.

Motion by Council Member Smith to approve Ordinance No. 5711, as presented. Second by Council Member Howeth.

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

Ordinance 5712 — **ORD 5712 FIRE PREVENTION**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 5 OF THE CODE OF ORDINANCES, ENTITLED "FIRE PREVENTION AND PROTECTION", AT ARTICLE 5.03, ENTITLED "FIRE PREVENTION CODE", TO DELETE SECTIONS 5.03.002 AND 5.03.003 IN THEIR ENTIRETY; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

Ordinance 5713 — **ORD 5713 ADOPT NEW BUILDING CODES & 2009 INTERNATIONAL FIRE CODE**

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 3.02, ENTITLED "BUILDING, LIFE SAFETY AND RESIDENTIAL CODES", ARTICLE 3.03, ENTITLED "ELECTRICAL CODE", ARTICLE 3.04, ENTITLED "GAS CODE", ARTICLE 3.05, ENTITLED "HEATING AND AIR-CONDITIONING CODE", AND ARTICLE 3.07, ENTITLED "PLUMBING CODE", TO ADOPT NEW BUILDING AND BUILDING REGULATIONS AND PROVIDE FOR LOCAL AMENDMENTS TO THE BUILDING CODES; ADDING "FIRE PREVENTION CODE" AT SECTION 3.02.002(C) TO ADOPT THE 2009 EDITION OF THE INTERNATIONAL FIRE CODE AND LOCAL AMENDMENTS; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

George Olson, City Manager, explained that the two ordinances will rearrange the Code of Ordinances and move the Fire Code into the section with the other building codes. It will better coordinate the various codes for citizens so they will all be located in the same place.

The ordinances will also adopt the updated codes from the 2006 volume to the 2009 volume. The City will maintain the same amendments to the codes.

In addition, the Fire Code will be moved into this same section so all the codes are in the same location and a new code dealing with existing structures will be added.

Scott Shadden, Director of Development Services, said the new code will be a downtown code for older buildings and will allow different restrictions when an older building is remodeled. The changes will allow for the protection of the public while still giving some leeway for developers in the requirements they must meet when remodeling an older building.

Mayor Magers confirmed that when an older building was renovated, the new code would make it easier for the renovations to comply with the City's code. Mr. Shadden said it would give the applicant more options on how the building can be renovated. The applicant could still adhere to the existing building code, but this new code would give them some leeway and still allow them to be in compliance.

Mayor Magers said this addition was prompted by a meeting with Downtown Sherman Preservation and Revitalization to encourage investments in downtown Sherman where the buildings might be 100 years old. The new code would make it more cost effective to renovate the older buildings downtown while still protecting the citizens.

ACTION TAKEN.

Motion by Deputy Mayor Steele to approve Ordinance Nos. 5712 and 5713, as presented. Second by Council Member Wacker.

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

Ordinance 5714 **ORD 5714 BILLBOARD REGULATIONS**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 14, EXHIBIT A OF THE CODE OF ORDINANCES, ENTITLED "GENERAL ZONING ORDINANCE", AT SECTION 7, ENTITLED "SUPPLEMENTAL DISTRICT REGULATIONS", SUBSECTION 14 (M), ENTITLED "BILLBOARDS"; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

<u>Chris Stokes, 2931 Texoma Drive, Denison</u>

Mr. Stokes appeared representing Lamar Advertising and distributed a handout to City Council Members concerning regulations contained in the proposed billboard ordinance.

He asked the Council to consider two-sided billboards and allowing larger signs. Three hundred square feet (10'x30') is

not an industry standard. A standard sign would be 10'6"x36', which is about six foot larger. Industry standards are important to local businesses that advertise on billboards because they work with larger companies and receive advertising in these larger size vinyls. The standard sizes are 12'x24', 10'6"x36', or 14'x48'. According to Mr. Stokes, the 10'x30's are not a standard size and it is therefore more expensive to produce the vinyl.

He said most people would probably not notice the difference between a 10'x30' and a 10'6"x36', which would add 72 square feet or almost 25% extra to the size of the sign.

Mr. Stokes said they agree with the new spacing, which means less billboards. More billboards are considered non-conforming which means when land use changes and billboards are removed, they can't be replaced. There is a larger setback. Over time the City will see fewer billboards.

When spaces become available, Mr. Stokes asked that Council Members consider a larger, two-sided sign.

Mayor Magers verified that the specifications contained in the proposed ordinance came from the committee. Digital billboards are new and he said the safety issue is the number one concern of the Council. The proposed ordinance includes issues such as brightness and timing, which were safety driven.

He said in the original proposal that was modified by the Planning and Zoning Commission, the "push" was for an in-bound sign only. Mayor Magers felt it was important to support local businesses and minimize billboards that take people somewhere else.

He asked the Council to consider adding verbiage that says all billboards shall have one face that faces inbound traffic. For example, a billboard on the north side of Sherman, in the northbound lane as drivers are leaving Sherman, would require that a second side be added to the billboard for drivers entering Sherman. Therefore if there is an outbound billboard, as defined by the committee, then it must also have an inbound sign.

Deputy Mayor Steele said the verbiage made more sense when only single-sided billboards were being considered. The proposed ordinance now allows for two-sided billboards.

Council Member Smith said the ordinance now says that billboards "may" have one sign face. He felt the ordinance should require all signs to be two-sided. Council Members discussed whether or not two-sided signs should be required or an outbound billboard must also have an inbound sign.

Council Member Smith felt all billboards should be double-sided for aesthetics. Deputy Mayor Steele said the ordinance requires that if it is not a double-sided sign, then it must be boxed in. Council Member Wacker felt there should be an option. Advertising on the outbound side doesn't benefit anyone in Sherman.

Mr. Sofey suggested that in lieu of saying you can't have a double-sided sign in that area defined as an outbound area, you might say that if one is allowed in those areas, then a sign is also required on the inbound side. Some billboards only have one side because of the topography.

Council Member Smith felt that outbound signs do affect Sherman advertisers. Mayor Magers felt local businesses would more often be advertised on an inbound sign.

Mayor Magers reiterated that the discussions concerned requiring two-sided signs only and requiring a double-sided sign on outbound signs.

Brandon Shelby, City Attorney, said both these options would be changes to the proposed ordinance and would require an amendment to the ordinance presented.

Council Member Howeth verified that requiring two-sided billboards could affect the cost of the billboard for those owning them, but would not necessarily affect the individual advertisers.

ACTION TAKEN.

Motion by Council Member Smith to amend Ordinance No. 5714 to require two-sided billboards. Second by Council Member Adami.

VOTING AYE: Adami, Smith, Softly.
VOTING NAY: Magers, Howeth, Steele, Wacker.
MOTION FAILED.

ACTION TAKEN.

Motion by Council Member Smith to amend Ordinance No. 5714 to require that all billboards shall have one face visible to inbound traffic, as defined by the ordinance. Second by Deputy Mayor Steele.

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

ACTION TAKEN.

Motion by Deputy Mayor Steele to approve Ordinance No. 5714, as amended. Second by Council Member Wacker.

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

Ordinance 5704

ORD 5704
SUP FOR
BILLBOARD
(5833 U.S. HWY 75 N)

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 AND SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280, SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW A BILLBOARD IN A C-2 (GENERAL COMMERCIAL) DISTRICT AND O-1 (75 & 82) OVERLAY DISTRICT AT 5833 U.S. HIGHWAY 75 NORTH, BEING 0.31 ACRES IN THE A.C. SMITH SURVEY, ABSTRACT NO. 1561 (TONY AND SALLY THOMASON, OWNERS; JASON SOFEY, SOFEY CONSTRUCTION AND DESIGN, LLC, REPRESENTATIVE; AND UNDERWOOD DRAFTING AND SURVEYING, 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.

Mayor Magers said the next three agenda items deal with the specific placement of billboards. These items are Specific Use Permits which gives the Council discretion over what they will or will not approve.

The distance of these proposed signs would not comply with the new ordinance, however he said he would support approval of these ordinances if they mirror the new ordinance with the exception of the distance requirement.

Mayor Magers verified that the access road at U.S. Highway 75 is governed by the Texas Department of Transportation as for the safety concerns that were expressed. Mr. Olson said safety items such as speeding, signage, and lighting will be shared with TxDOT.

Mayor Magers reiterated that the safety concerns of this ordinance were a big consideration for the City Council and the committee. Because this is a property rights issue, Mayor Magers said the Council tries to find the middle ground.

Council Member Adami asked what new requirements would not be met by the proposed sign. Mr. Sofey said they do comply with the spacing based on the time frame of when the application was made. They are willing to comply with the new ordinance concerning setbacks and elimination. As for safety, they are required to apply with TxDOT and comply with their safety requirements as well.

Deputy Mayor Steele verified that if Mr. Sofey's request is approved, then Mr. Terrell's requests would also be required to include the 2,000 foot exception.

Council Member Smith asked Mr. Terrell if he was willing to comply with the requirements of the new ordinance with the exception of the distance requirement.

Lester Terrell, 1820 W. Terrell Road
Mr. Terrell said he was willing to comply with the new requirements with the exception of the distance requirement. He said his signs are 2,100 feet apart. He said he supports the ordinance, which will potentially allow five signs in the two mile stretch of frontage. Four of those signs will be inbound and the other will be outbound and inbound.

Deputy Mayor Steele clarified that the old ordinance was 1,500 feet liner and the new ordinance is 2,000 feet radial, which is more restrictive.

ACTION TAKEN.

Motion by Council Member Smith to approve Ordinance No. 5704, contingent upon compliance with the new standards except for the distance requirement. Second by Deputy Mayor Steele.

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

Ordinance 5715 — **ORD 5715 SUP FOR BILLBOARD (5520 U.S. HWY 75 N)**

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 AND SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280, SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW A BILLBOARD IN A C-2 (GENERAL COMMERCIAL) DISTRICT AND O-1 (75 & 82) OVERLAY DISTRICT AT 5520 U.S. HIGHWAY 75 NORTH, BEING 0.19 ACRES IN THE G.W. HOBSON SURVEY, ABSTRACT NO. 588 (LESTER TERRELL, OWNER; SARTIN & ASSOCIATES, 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.

Ordinance 5716 — **ORD 5716 SUP FOR BILLBOARD (5930 U.S. HWY 75 N)**

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 AND SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280, SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW A BILLBOARD IN A C-2 (GENERAL COMMERCIAL) DISTRICT AND O-1 (75 & 82) OVERLAY DISTRICT AT 5930 U.S. HIGHWAY 75 NORTH, BEING 0.19 ACRES IN THE A.C. SMITH SURVEY, ABSTRACT NO. 1561 (LESTER TERRELL, OWNER; SARTIN & ASSOCIATES, 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.

Council Member Adami clarified that if a sign is not erected on the property within a one year period, then the requestor would have to apply under the new ordinance. He verified that Mr. Terrell was aware of that requirement.

ACTION TAKEN.

Motion by Deputy Mayor Steele to approve Ordinance Nos. 5715 and 5716, contingent upon compliance with the new standards except for the distance requirement. Second by Council Member Smith.

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

Ordinance 5717 **ORD 5717**

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 R-1 (ONE FAMILY RESIDENTIAL) DISTRICT AT 1109 EAST LAMAR STREET (BOB SETTLE AND PATRICIA WITT SETTLE, OWNERS; NATHAN GRAY, NBS DRAFTING AND DESIGN, ARCHITECT); PROVIDING FOR A REPEALER. **ZONE CHANGE (1109 E. LAMAR)**

Mr. Olson said the house is currently an existing non-conforming house in a C-1 district and they want to tear the house down and construct a new one.

ACTION TAKEN.

Motion by Council Member Wacker to approve Ordinance No. 5717, as presented. Second by Council Member Howeth.

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

<u>CONSENT AGENDA</u> **CONSENT AGENDA**

The Council reviewed the Consent Agenda. Mayor Magers announced that the developer had requested that Item C-7 entitled "Resolution No. 5604 – Authorizing the Execution of an Encroachment License Agreement with The Quintin Little Company, Inc. for a Pipeline Crossing into a 20' Drainage and Utility Easement and within a 30' Private Drive Easement in the Crescent Oaks Plaza" be removed from the Agenda until further notice. He also removed Item D-4 entitled "Consider Request of United Way of Grayson County to Temporarily Close Certain Streets for the 'United Way Hustle for Health' on Saturday, August 27, 2011" from the Consent Agenda for consideration in its regular order of business.

Council Member Adami moved to approve the Consent Agenda, with the exception of Item C-7 which was removed from the Agenda and Item D-4 which will be considered in its

regular order of business. Second by Council Member Smith. All present voted AYE.

RESOLUTIONS

RESOLUTION NO. 5598 – AUTHORIZING EXECUTION OF A JOINT ELECTION AGREEMENT WITH GRAYSON COUNTY, TEXAS, TO HOLD A JOINT ELECTION ON NOVEMBER 8, 2011

RES 5598 JOINT ELECTION AGREEMENT

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 8, 2011.

Mayor Magers said holding a joint Election with Grayson County would ensure a higher turnout and would save the citizens of Sherman at least $30,000.

Mayor Magers introduced Grayson County Commissioner Jackie Crisp and asked him about any work underway on the western part of Sherman's City limits.

Commissioner Crisp said Washington Avenue is tying into the City limits, and they are resealing the extended part, and widening 21 feet all the way to S.H. 289. The project should be completed Thursday, August 18, 2011. Dr. Jimmy Harrell gave the property needed to widen the road near the railroad tracks and straighten the curve.

ACTION TAKEN.

Motion by Council Member Wacker to approve Resolution No. 5598, as presented. Second by Council Member Adami.

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

RESOLUTION NO. 5599 – AUTHORIZING EXECUTION OF AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF SHERMAN AND GRAYSON COUNTY, TEXAS ESTABLISHING AN INTER-JURISDICTIONAL EMERGENCY MANAGEMENT PROGRAM

RES 5599 INTER-JURISDICTIONAL EMERGENCY MANAGEMENT PROGRAM

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF SHERMAN AND GRAYSON COUNTY, TEXAS, ESTABLISHING AN INTER-JURISDICTIONAL EMERGENCY MANAGEMENT PROGRAM.
CONSENT AGENDA.

RESOLUTION NO. 5600 – APPOINTING AND AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH PATTILLO, BROWN & HILL, L.L.P. TO PERFORM THE FISCAL YEAR 2011 AUDIT

RES 5600 ANNUAL AUDIT

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, APPOINTING AND AUTHORIZING THE

EXECUTION OF AN AGREEMENT WITH PATTILLO, BROWN & HILL, L.L.P. TO PERFORM THE FISCAL YEAR 2011 AUDIT. CONSENT AGENDA.

RES 5601 WATER TREATMENT PLANT 2ND FEED

RESOLUTION NO. 5601 – FINDING AND DETERMINING A PUBLIC PURPOSE AND PUBLIC NECESSITY EXISTS FOR CONSTRUCTION OF CITY PROJECT "WATER TREATMENT PLANT 2ND FEED"; 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

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 CITY PROJECT "WATER TREATMENT PLANT 2ND FEED"; 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.

Mark Gibson, Director of Engineering and Public Works, said currently there is one feed from the Water Treatment Plant into Sherman which comes down F.M. 1417. The staff is proposing to construct a second feed that would run east from the Water Treatment Plant to U.S. Hwy 75 on the eastern most limits and also connect into Travis Street near the apartment complexes.

This will provide two and a half feeds into Sherman so the community is not dependent on one feed. It will provide some redundancy and help on the overall water supply situation.

ACTION TAKEN.

Motion by Council Member Howeth to approve Resolution No. 5601, as presented. Second by Council Member Wacker.

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

RES 5602 WWTP DIGESTER IMPROVEMENTS

RESOLUTION NO. 5602 – ACCEPTING THE CONTRACT WITH ASSOCIATED CONSTRUCTION PARTNERS, LTD. AS COMPLETE FOR THE WASTEWATER TREATMENT PLANT DIGESTER IMPROVEMENTS

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, ACCEPTING THE CONTRACT WITH ASSOCIATED CONSTRUCTION PARTNERS, LTD. AS

COMPLETE FOR THE WASTEWATER TREATMENT PLANT DIGESTER IMPROVEMENTS.
CONSENT AGENDA.

RESOLUTION NO. 5603 – AUTHORIZING EXECUTION OF AN AGREEMENT WITH KIGHT FAMILY, LP #1 FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 1325 EAST JONES STREET

RES 5603 RESIDENTIAL TAX ABATEMENT (1325 E. JONES)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN AGREEMENT WITH KIGHT FAMILY, LP #1 FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 1325 EAST JONES STREET.
CONSENT AGENDA.

RESOLUTION NO. 5604 – AUTHORIZING THE EXECUTION OF AN ENCROACHMENT LICENSE AGREEMENT WITH THE QUINTIN LITTLE COMPANY, INC. FOR A PIPELINE CROSSING INTO A 20' DRAINAGE AND UTILITY EASEMENT AND WITHIN A 30' PRIVATE DRIVE EASEMENT IN THE CRESCENT OAKS PLAZA

RES 5604 PIPELINE CROSSING (CRESCENT OAKS PLAZA) (REMOVED FROM THE AGENDA)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE EXECUTION OF AN ENCROACHMENT LICENSE AGREEMENT WITH THE QUINTIN LITTLE COMPANY, INC. FOR A PIPELINE CROSSING INTO A 20' DRAINAGE AND UTILITY EASEMENT AND WITHIN A 30' PRIVATE DRIVE EASEMENT IN THE CRESCENT OAKS PLAZA.

Mayor Magers announced that Resolution No. 5604 had been removed from the Agenda at the request of the developer.

REQUEST TO ADVERTISE IMPROVEMENTS TO THE WATER TREATMENT PLANT BASINS AND PIPING

REQ TO ADVERTISE WATER TREATMENT PLANT

The City Council approved a request to advertise for bids for the improvements to the Water Treatment Plant Basins and Piping project. The City's 2011-2012 Capital Improvement Program includes a project to improve the basins and piping at the Plant.

The North Texas Municipal Water District is proposing to close the pipeline from the Lake Texoma pump station in November to replace portions of the pipeline so that the newly installed high capacity pumps may be utilized. During the time the pipeline is out of service, it is proposed to reline the interior of the flocculation / sedimentation basins and some associated piping at the Water Treatment Plant.
CONSENT AGENDA.

OTHER BUSINESS

CONSIDER APPROVAL OF THE ANNEXATION SCHEDULING PLAN FOR THE ANNEXATION OF APPROXIMATELY ONE

ANNEXATION SCHEDULE

THOUSAND FEET (1,000') ON BOTH SIDES OF U.S. HIGHWAY 82 AND S.H. 289; AND DIRECTING THE DEPARTMENT OF ENGINEERING SERVICES TO DEVELOP A SERVICE PLAN FOR THE AREA TO BE ANNEXED UPON APPROVAL OF THE ANNEXATION SCHEDULING PLAN

(U.S. HWY 82 & S.H. 289)

Mayor Magers said the City is trying to control the gateways. Currently the City has a limited amount of right-of-way and as that part of the community grows, the City wants to be able to control the gateways.

Mr. Shelby said the scheduling plan includes one additional Called Council Meeting on October 24, 2011.

ACTION TAKEN.

Motion by Council Member Adami to approve the Annexation Schedule for approximately 1,000' on both sides of U.S. Highway 82 and S.H. 289 and to schedule a Called City Council Meeting for October 24, 2011 to consider adoption of the Annexation Ordinance, as presented. Second by Council Member Smith.

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

RECEIVE PRESENTATION FROM FIRE CHIEF J.J. JONES ON THE IMPROVEMENT TO THE CITY OF SHERMAN'S ISO PUBLIC PROTECTION CLASSIFICATION

ISO RATING

Jeff Jones, Fire Chief, said insurance companies rely on the Insurance Service Office, ISO rating to establish appropriate fire insurance premiums within a community. The rates range from one, which is a superior rating, to a 10, which is basically unprotected.

The system evaluates not only the Fire Department, but how alarms are handled, the water supply, the ability of a City to provide services, and a City's record keeping, training and personnel.

In 2006, the City hired a consultant to determine what their protection class would be if they were graded at that time. The consultant determined that if the City had been reviewed at that time, they would probably drop to an ISO rating of four, which would result in a rate increase for property insurance. Sherman received an ISO rating of three in 2001.

Last week the Insurance Service Office notified the City that based on their recent survey that began in May, they are recommending a property protection class of two. For the average homeowner, this designation could mean a reduction in their property and homeowner's insurance of 2% and could result in 8% for commercial insurance.

Chief Jones said of the 2,474 cities that are graded by ISO, there are 121 cities with a property protection class of two. He added that moving from a class three to a class four was a lot of work, but a little money.

Council Member Steele verified that cities are normally rated every eight to 10 years, unless requested by the City. Council Member Adami verified that the rating will take effect for renewals after September 1, 2011.

REQUEST TO CLOSE STREETS (UNITED WAY)

CONSIDER REQUEST OF UNITED WAY OF GRAYSON COUNTY TO TEMPORARILY CLOSE CERTAIN STREETS FOR THE "UNITED WAY HUSTLE FOR HEALTH" ON SATURDAY, AUGUST 27, 2011

Mayor Magers removed Item D-4 from the Consent Agenda for consideration in its regular order of business.

Patrick Rowland, 100 Sara Circle, Pottsboro

Mr. Rowland is the Campaign Chairman for this year's United Way Drive. Last year the United Way Kick-Off featured a 10k, 5k, and 1k fun run that was a huge success, with over 200 race participants and over 500 in attendance.

This year United Way would like to hold the "United Way Hustle for Health" on Saturday, August 27, 2011 in the downtown area. He requested that the City provide traffic support and cones to be placed along the course. The event will be sponsored by Cigna.

ACTION TAKEN.

Motion by Council Member Wacker to approve the request of United Way of Grayson County to temporarily close certain streets for the "United Way Hustle for Health" on August 27, 2011, as presented. Second by Council Member Softly.

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

REQUEST TO CLOSE STREETS (HISPANIC HERITAGE FESTIVAL)

CONSIDER REQUEST OF THE HISPANIC HERITAGE COUNCIL OF SHERMAN TO TEMPORARILY CLOSE CERTAIN STREETS, SUSPEND PARKING TIME LIMITS, AND USE CERTAIN CITY FACILITIES AND SERVICES FOR THE ANNUAL HISPANIC HERITAGE FESTIVAL ON SATURDAY, SEPTEMBER 10, 2011

The City Council approved the request of the Hispanic Heritage Council of Sherman to close certain streets, suspend parking limits, and use certain City facilities and services for the Annual Hispanic Heritage Festival on September 10, 2011. The event will be held on the Municipal Building Grounds and in the Ballroom.

The request includes street closures around the Municipal Building, a dumpster, trash carts, barricades, and may require traffic control assistance.
CONSENT AGENDA.

REQUEST TO CLOSE STREETS (ARTS FESTIVAL)

CONSIDER REQUEST OF THE SHERMAN ARTS FESTIVAL COMMITTEE TO TEMPORARILY CLOSE CERTAIN STREETS, SUSPEND PARKING TIME LIMITS, AND USE CERTAIN CITY

FACILITIES AND SERVICES FOR THE 29TH ANNUAL SHERMAN ARTS FESTIVAL ON SATURDAY, SEPTEMBER 17, 2011

The City Council approved the request of the Sherman Arts Festival Committee to close certain streets, suspend parking time limits, and use certain City facilities and services for the 29th Annual Sherman Arts Festival on September 17, 2011. The event will be held on the Municipal Building Grounds, in the Ballroom and in Kidd-Key Auditorium.

The request includes barricades and street closures around the Municipal Building, trash pickup, trashcans and dumpsters, access to tables and chairs, and street sweeping on designated streets. The event may also require traffic control assistance from the City.
CONSENT AGENDA.

CONSIDER REQUEST OF THE SHERMAN INDEPENDENT SCHOOL DISTRICT AND THE SHERMAN HIGH SCHOOL STUDENT COUNCIL TO TEMPORARILY CLOSE CERTAIN STREETS FOR THE 2011 SHERMAN HIGH SCHOOL HOMECOMING PARADE ON MONDAY, SEPTEMBER 19, 2011

REQUEST TO CLOSE STREETS (HOMECOMING PARADE)

The City Council approved the request of the Sherman Independent School District and the Sherman High School Student Council to close certain streets in the downtown area for the 2011 Sherman High School Homecoming Parade on September 19, 2011.

The parade will require traffic control assistance, barricades, and emergency medical support from the City.
CONSENT AGENDA.

CONSIDER SCHEDULING A JOINT MEETING OF THE CITY COUNCIL AND THE SHERMAN ECONOMIC DEVELOPMENT CORPORATION BOARD OF DIRECTORS FOR 12:00 NOON ON THURSDAY, SEPTEMBER 22, 2011, TO REVIEW AND APPROVE SEDCO'S ANNUAL BUDGET AND WORK PLAN

SCHEDULE JOINT MEETING WITH SEDCO

Council Members discussed setting a Called Meeting with the Sherman Economic Development Corporation Board of Directors to discuss their annual budget and work plan.

ACTION TAKEN.

Motion by Council Member Wacker to schedule a Joint Meeting of the City Council and the Sherman Economic Development Corporation Board of Directors for September 22, 2011 at 12:00 noon to review and approve SEDCO's Annual Budget and Work Plan, as presented. Second by Deputy Mayor Steele.

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

SITE PLAN APPROVAL FOR GK TRI-TEXAS, LLC, OWNER; CONSOLIDATED CONTAINER, TENANT; ROY FERGUSON, EAGLE GROUP, LTD, ENGINEERS; UNDER ORDINANCE NO.

APPROVAL OF SITE PLAN FOR CONSOLIDATED

2252, ARTICLE IV, SECTION 410(2)(J) FOR AN ADDITIONAL SILO FOR PRODUCT STORAGE IN THE BLALOCK INDUSTRIAL PARK DISTRICT AT 4201 U.S. HIGHWAY 75 SOUTH

CONTAINER (4201 U.S. HWY 75 S)

The City Council approved the Site Plan for GK TRI-TEXAS, LLC and Consolidated Container for an additional silo for product storage in the Blalock Industrial Park at 4201 U.S. Highway 75 South. The silo would be located at the back of the present building.

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

SITE PLAN APPROVAL FOR GLOBITECH INC., OWNERS; JEFF WATSON, REPRESENTATIVE; CHRIS SCHMITT, TEAGUE, NALL & PERKINS, ENGINEERS; AND POPE ASSOCIATES, INC., ARCHITECTS; UNDER ORDINANCE NO. 2252, ARTICLE IV, SECTION 410(2)(J) FOR PHASE III, AN EXPANSION TO THE EXISTING BUILDING AND GAS ROOM IN THE BLALOCK INDUSTRIAL PARK DISTRICT AT 200 F.M. 1417 WEST

APPROVAL OF SITE PLAN FOR GLOBITECH (200 F.M. 1417 W)

The City Council approved the Site Plan for GlobiTech Inc. for Phase III, an expansion to the existing building and gas room in the Blalock Industrial Park at 200 F.M. 1417 West. Phase III includes a 36,071 square foot expansion to the existing building and a 570 square foot gas room.

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

AUTHORIZING EMERGENCY REPAIRS TO THE DORCHESTER 10 TRINITY WATER WELL

WELL REPAIRS

The City Council approved emergency repairs to the Dorchester 10 Trinity Water Well. The well failed and requires immediate replacement since it is one of the primary wells that provides water to the Cities of Sherman and Dorchester, and to the Marilee Special Utility District in Gunter.

With the existing drought conditions and the future North Texas Municipal Water District repairs to the Lake Texoma pipeline, which will shut down the Water Treatment Plant, it is imperative that the well be repaired as quickly as possible to maintain the City's groundwater supply capability.

The cost to replace the pump will be $168,756 and it is also proposed to lower the pump 100 feet into the aquifer at a cost of $20,000.
CONSENT AGENDA.

CITIZENS REQUESTS

CITIZENS REQUESTS

There were no citizen's requests.

MEDIA QUESTIONS

MEDIA QUESTIONS

There were no media questions.

COUNCIL COMMENTS

SCHOLARSHIP BANQUET FOR NAACP AND MINISTERIAL ALLIANCE

SCHOLARSHIP BANQUET FOR NAACP & MINISTERIAL ALLIANCE

Council Member Softly thanked the City and the citizens that recently participated in the Scholarship Banquet through the NAACP and the Sherman Interdenominational Ministerial Alliance. The event was very successful.

FESTIVAL SEASON IN SHERMAN

FESTIVAL SEASON IN SHERMAN

Council Member Wacker said festival season has kicked-off in Sherman with a bicycle rally this past weekend and all the upcoming festivals.

SALES TAX FOR STREET MAINTENANCE ELECTION

SALES TAX FOR STREET MAINT. ELECTION

Council Member Adami reminded citizens that the Sales Tax Initiative is critical to maintain and continue the road improvements that have been made in the past couple of years. The Council lowered property taxes 20% in 2007 when the initial Sales Tax for Streets was approved and he said it was critical that citizens vote for the Sales Tax Initiative again.

SALES TAX FOR STREET MAINTENANCE ELECTION

SALES TAX FOR STREET MAINT. ELECTION

Council Member Smith said the Council promised that certain roads would be repaired during the vote for the initial Sales Tax for Streets and those roads, as well as additional roads were repaired or rebuilt. He reiterated that the Council will do what they say.

He added that the Sales Tax works well for Sherman citizens because it puts the onus on visitors who come to Sherman for the services instead of residents that pay property taxes.

BOND RATING AND ISO RATING

BOND RATING & ISO RATING

Mayor Magers said Robby Hefton, Assistant City Manager/CFO, and the Finance Department received many accolades when the City received their AA bond rating and now the ISO rating goes hand-in-hand with that bond rating.

Times are tough but the City staff is working to move the City forward and he thanked them on behalf of the City Council.

TRANSPORTATION SUMMIT MEETING

TRANSPORTATION SUMMIT MEETING

Mayor Magers said he recently attended a Transportation Summit in Irving and there are several initiatives being made in Texas for certain highway corridors, including the I-30 corridor, the 287 corridor, and the I-75 corridor. There will be an opportunity to raise the level of U.S. Highway 75, not to Interstate, but to a high-visibility, high-impact level that will get Sherman "on the map" for federal dollars.

This will be an opportunity for Sherman as a City to be "out-front" on this issue. Collin County and several of their

cities, including McKinney are in support of this initiative. He urged the City Council to take a leadership role in this opportunity to enhance transportation in Sherman.

EXECUTIVE SESSION

EXECUTIVE SESSION – IN ACCORDANCE WITH CHAPTER 551, GOVT. CODE, V.T.C.S., (OPEN MEETINGS LAW)

THE CITY COUNCIL WILL NOW HOLD AN EXECUTIVE SESSION PURSUANT TO THE PROVISIONS OF THE OPEN MEETINGS LAW, CHAPTER 551, GOVERNMENT CODE, VERNONS TEXAS CODES ANNOTATED, IN ACCORDANCE WITH THE AUTHORITY CONTAINED IN THE FOLLOWING SECTIONS.

SECTION 551.074	**PERSONNEL MATTERS CONSIDER THE QUALIFICATION, APPOINTMENT AND REMOVAL OF MEMBERS TO BOARDS AND COMMISSIONS: SHERMAN ECONOMIC DEVELOPMENT CORPORATION BOARD OF DIRECTORS (1)**

On Motion duly made and carried, the Open Meeting recessed and reconvened in Executive Session at 6:13 p.m.

On Motion duly made and carried, the Executive Session recessed at 6:17 p.m. and reconvened in Open Meeting.

OPEN MEETING

OPEN MEETING

Reconvene into Open Meeting and take action, if any, on items discussed in Executive Session.

APPOINT/REMOVE OR CONSIDER QUALIFICATIONS TO BOARDS AND COMMISSIONS:

SHERMAN ECONOMIC DEVELOPMENT CORPORATION BOARD OF DIRECTORS (1)

SEDCO BOARD OF DIRECTORS

ACTION TAKEN.

Motion by Council Member Adami to appoint Chris Pendergrass, to the Sherman Economic Development Corporation Board of Directors to fill an unexpired term from August 16, 2011 to October 1, 2012. Second by Council Member Wacker.

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

ADJOURNMENT **ADJOURNMENT**

On Motion duly made and carried, the meeting adjourned at 6:18 p.m.

MAYOR

CITY CLERK