

STATE OF TEXAS §

August 3, 2020

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 3, 2020.

MEMBERS PRESENT: MAYOR DAVID PLYLER; DEPUTY MAYOR WILLIE STEELE.
COUNCIL MEMBERS HOLLAND, HOWETH, MELTON,
STEVENSON, TEAMANN.

MEMBERS ABSENT: NONE.

CALL TO ORDER

Mayor Plyler called the meeting to order at 5:00 p.m. The Pledge of Allegiance and Invocation were given by Mayor David Plyler.

CALL TO ORDER

APPROVE MINUTES

The Council reviewed the Minutes of the Regular City Council Meeting of July 20, 2020. Council Member Melton moved to approve the Minutes, as presented; Second by Council Member Howeth; All present voted AYE.
MOTION CARRIED.

APPROVE MINUTES

CITIZEN'S COMMENTS

There were no citizen's comments.

CITIZEN'S COMMENTS

Mayor Plyler introduced Ordinance No. 6308 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 8 OF THE CODE OF ORDINANCES, ENTITLED "OFFENSES AND NUISANCES", ARTICLE 8.08, ENTITLED "JUNKED VEHICLES", AT SECTIONS 8.08.001, 8.08.002, 8.08.003 AND 8.08.006; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER CLAUSE.

ORD 6308
JUNKED VEHICLES

Terrence Steele, Assistant City Manager, asked the Council to consider updating the Junk Vehicle Ordinance, which was adopted in 1991, and had minor changes in 2007.

The proposed changes would give "more teeth" in dealing with junk vehicles in Municipal Court. The current ordinance allows someone to have 13 junk vehicles.

The proposed ordinance would also "line up" with State law. In reviewing the ordinance, the staff reviewed similar ordinances from Denison, Addison, and Melissa, and those were stricter than the one staff is proposing. He said Sherman is taking "baby steps."

No citizens appeared before the City Council to discuss Ordinance No. 6308.

The Public Hearing was closed.

ADOPTION OF ORDINANCES

Ordinance 6308

**ORD 6308
JUNKED VEHICLES**

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Council Member Melton asked why “take baby steps” with the proposed ordinance and said this is the main telephone call she receives as a Council Member. Mr. Steele said the staff is ready to “take the leap” if the Council is ready to “take the heat.”

Deputy Mayor Steele asked for a summary of proposed changes, verifying that it would change from 13 cars allowed now to one allowed, if it was covered and behind a structure.

Chip Matthews, Neighborhood Services Superintendent, said he would like to take the same process on junk vehicles that they take on dilapidated houses. The process that is currently used has too many loopholes. If they get a good process and the rules are fair, it will allow for the process to be streamlined.

He introduced Caleb Green, a new employee that will be enforcing the junk vehicle ordinance on both commercial and residential property. He added that, if the Council adopted any stricter ordinance, they would have to adopt Chapter 3 of the International Property Maintenance Code, which is probably the strictest junk vehicle statute in the United States.

Council Member Melton asked what that code would entail. Mr. Matthews said it says that no inoperative or unlicensed vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

One exception is that a vehicle is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purpose.

Mr. Matthews said the City’s proposed ordinance is a “middle of the road” ordinance, and a good ordinance. It gives the citizen an opportunity to take care of their business before they end up in court. There is a \$500 civil penalty that can be placed on the property as a lien that the City will recover if the

COUNCIL MINUTES – JULY 20, 2020

property sells. There is also a \$2,000 fine that can be issued by the Municipal Court Judge. He said the abatement period is 10 days, instead of 30, 60, 90.

Council Member Howeth said the problem is the number, 13 vehicles allowed. Mr. Matthews said the proposed ordinance would allow one vehicle, behind a screening fence. The “screening fence” does not include shrubbery or a car cover. They can have one vehicle, and the area must be maintained. It can’t be under a carport and can’t be seen by anyone.

Mr. Hefton added that the “middle of the road” ordinance is significantly different from what the City currently has. It’s significantly different from a legislative standpoint and from the ability to prosecute. He asked the Council to at least, consider the proposed ordinance, or the stricter code that doesn’t allow anything.

Mayor Plyler cautioned about being too over-zealous at first, but agreed that 13 vehicles was too many.

Council Member Teamann asked how this ordinance would affect towing yards. Mr. Matthews said the proposed ordinance exempts salvage yards and towing lots. He said in the future, those lots will probably require screening anyway.

Council Member Teamann confirmed that it does not exempt car repair places now. They currently are allowed a percentage of storage behind a screened fence, based on the size of their building.

Council Member Howeth had two addresses she gave to Mr. Matthews with junk vehicles. She expressed her support of the proposed ordinance, saying it was a good start.

Mr. Matthews asked the Council to approve the proposed ordinance and said if it needs to be stricter after a couple of months of use, then it could be amended later.

Deputy Mayor Steele verified that the current ordinance is enforced by the Police Department and this ordinance would be enforced by the Environmental Code Department. Council Member Melton verified that no one would be grandfathered by the proposed ordinance.

Council Member Stevenson asked for an update in 90 days as to how the new ordinance was working.

ACTION TAKEN.

Motion by Council Member Stevenson to adopt Ordinance No. 6308, as presented. Second by Council Member Holland.

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

VOTING NAY: None.

MOTION CARRIED.

OTHER BUSINESS

**RECEIVE UPDATE FROM DEVELOPMENT SERVICES
DIRECTOR ROB RAE ON CHAPTER 3 OF THE CODE OF
ORDINANCES, ENTITLED “BUILDING REGULATIONS”**

**BUILDING
REGULATIONS**

Rob Rae, Director of Development Services, said at the Budget Work Session, Billy Hartsfield, Fire Marshall, requested to update the Fire Code. He said they have begun looking at the Building Code to update too.

Many builders have said they are having to meet newer code regulations in other cities and have requested to use the newer code in Sherman too.

Currently the City is using the 2009 International Building Codes for Residential, Building, Fuel/Gas, Mechanical, Plumbing, Energy Conservation, and Fire. The new Sherman High School is being built to the 2018 Code, instead of the 2009 Code.

The staff is currently reviewing the code changes from the 2009 to the 2018 Codes. Several code changes are being skipped with this update, so they are in the process of determining what changes were made during those years.

An outline of these changes should be presented to Council in September or October 2020. Final approval should be submitted in November 2020.

Council Member Melton said she was glad to see the City getting up to date.

REVIEW 2020-2021 DRAFT BUDGET

DRAFT BUDGET

Mary Lawrence, Director of Finance, presented a review of the 2020-2021 Draft Budget, which is about \$97 million. This is about \$2.2 million more than last year, due to additional personnel costs and capital expenses. The General, Utility and Solid Waste Funds are within target range, at 60 to 90 days.

As previously discussed, the distribution from the Texoma Area Solid Waste Authority is critical, especially to the operation of the General Fund in 2021, and is included in the budget. No increases in the tax rate, utility rate, or solid waste rate are planned. There are three new positions budgeted in the Utility Fund. A payment from the Marilee Special Utility District will be used for operations with the Marilee Water Projected funded from Greater Texoma Utility Authority debt.

She said the public hearing and the final vote on the draft budget will be at the August 17, 2020 Council Meeting.

**REVIEW NOTICE OF TAX RATES AS REQUIRED BY THE
TEXAS TAX CODE**

TAX RATES

Ms. Lawrence said the 86th Legislature made many changes to the Tax Code. One of those changes was the terminology used in the required notices to adopt the tax rate. The “no new

revenue rate” is what was formally called the “effective tax rate” and is a calculated rate that would provide the same amount of taxes as last year, on the same properties, using this year’s values. The “voter approval rate” was formally called the “rollback rate” and is a maintenance and operations rate, multiplied by either 3.5% or 8%, dependent on other criteria, plus the debt rate.

The wording for the notice of tax rates is provided on a form by the Texas Comptroller and the City cannot make any changes to the wording. The City staff is required to certify the rates and present them to the City Council. There is no action required at this time.

In May 2020, the City passed a resolution allowing the calculation of the voter approval rate using 8% instead of 3.5%, as was required by law. That was allowed this year because Sherman is located in an area that was declared a disaster.

Even if the City had used the 3.5% rate, they would have been below the rollback rate.

REVIEW OF THE DRAFT CAPITAL IMPROVEMENT PROGRAM (CIP) 2020-2025 AND SET A PUBLIC HEARING FOR MONDAY, AUGUST 17, 2020

DRAFT CIP

Ms. Lawrence presented an update on the Draft Capital Improvement Program for 2020-2025. The Charter requires that the five-year plan be updated annually. The first year of the plan is included in the budget, the other four years are informational, and assist staff as a planning tool.

Most of the first year projects are already funded. There are some projects that will require funding, and some utility projects will be funded through GTUA. The other projects are funded through general debt.

The CIP is not an authorization to award a contract. Each project will come to the City Council for approval and award of contract. It is merely a planning tool.

Mr. Hefton said the City Council does need to set the public hearing for August 17, 2020.

ACTION TAKEN.

Motion by Deputy Mayor Steele to set a Public Hearing for August 17, 2020, to consider the Capital Improvement Program for 2020-2025, as presented. Second by Council Member Stevenson.

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

VOTING NAY: None.

MOTION CARRIED.

MEDIA QUESTIONS

There were no media questions.

MEDIA QUESTIONS

APPOINT/REMOVE OR CONSIDER QUALIFICATIONS TO
BOARDS AND COMMISSIONS
LIBRARY BOARD (1)

LIBRARY BOARD

ACTION TAKEN.

Motion by Council Member Melton to appoint Judith Sloan to the Library Board, to fill an unexpired term from August 4, 2020 to November 7, 2020, as presented. Second by Council Member Howeth.

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

VOTING NAY: None.

MOTION CARRIED.

COUNCIL COMMENTS
EXECUTIVE SESSION

EXECUTIVE SESSION

Council Member Stevenson asked that the Council hold the Executive Session in the Council Chambers instead of moving to Mr. Hefton's office.

DRAFT BUDGET

DRAFT BUDGET

Council Member Teamann thanked Ms. Lawrence, Mr. Hefton, the Finance Department, and the City staff, for bringing back the draft budget so many times this year.

NEW FIRE TRUCK

NEW FIRE TRUCK

Council Member Howeth said the City's new fire truck was on display in front of City Hall. She encouraged everyone to look at it as they left the meeting.

UPDATE OF OLD ORDINANCES

UPDATE OF
OLD ORDINANCES

Council Member Melton said she was thankful that we have employees that want to update old ordinances and bring things up to code, to work with employees, and to make Sherman a better place. It's exciting to have new people come in and look at things that the staff doesn't always think about.

DRAFT BUDGET

DRAFT BUDGET

Council Member Melton thanked Ms. Lawrence for taking time to go over the draft budget with her prior to the Council Meeting.

ANNOUNCEMENTS

ANNOUNCEMENTS

Mayor Plyler announced the following:

- Thanked the Tourism Department for a very successful Hot Summer Nights and Lights on the Lake series this year.
- Coffee With the Mayor will be held on August 7, 2020, at 8:00 a.m., at Knight Furniture. The event will celebrate the retirement of one of the K9 officers and will introduce the new Sherman Independent School District's Athletic Director.
- Sherman Arts Fest will be held September 19, 2020. Contact the Tourism Department to reserve booth space.

- The Sherman Chamber of Commerce's Annual Legislative Luncheon will be held on October 9, 2020, at Austin College. Citizens can visit with legislative leaders about State and Local politics.

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

EXECUTIVE SESSION

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

- SECTION 551.071 -- CONSULTATION WITH CITY ATTORNEY CONCERNING PENDING OR CONTEMPLATED LITIGATION
- SECTION 551.071 -- CONSULT WITH THE CITY ATTORNEY ON A MATTER IN WHICH THE DUTY OF THE ATTORNEY TO THE GOVERNMENTAL BODY UNDER THE TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT OF THE STATE BAR OF TEXAS CLEARLY CONFLICTS WITH THIS CHAPTER
- SECTION 551.074 -- PERSONNEL MATTERS:
DELIBERATE THE APPOINTMENT, EMPLOYMENT, EVALUATION, REASSIGNMENT, DUTIES, DISCIPLINE, OR DISMISSAL OF A PUBLIC OFFICER OR EMPLOYEE
- CONSIDER THE QUALIFICATIONS, APPOINTMENT AND REMOVAL OF MEMBERS TO BOARDS AND COMMISSIONS:
PLANNING AND ZONING COMMISSION (1)
- SECTION 551.087 -- DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS:
DELIBERATE REGARDING COMMERCIAL OR FINANCIAL INFORMATION THAT THE CITY HAS RECEIVED FROM A BUSINESS PROSPECT AND DELIBERATE ANY OFFERS OR INCENTIVES TO THE BUSINESS PROSPECT

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On Motion duly made and carried, the Open Meeting recessed and reconvened in Executive Session at 5:24 p.m.

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

OPEN MEETING

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

CONSIDER THE QUALIFICATIONS, APPOINTMENT AND REMOVAL OF MEMBERS TO BOARDS AND COMMISSIONS: PLANNING AND ZONING COMMISSION (1)
ACTION TAKEN.

Motion by Deputy Mayor Steele to appoint Glenn Whitaker to the Planning and Zoning Commission, for a term from August 4, 2020 to August 4, 2023. Second by Council Member Stevenson.

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

VOTING NAY: None.

MOTION CARRIED.

ADJOURNMENT

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

OPEN MEETING

PLANNING &
ZONING COMMISSION

ADJOURNMENT

MAYOR

CITY CLERK