

STATE OF TEXAS

§

July 19, 2010

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 July 19, 2010.

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

MEMBERS ABSENT: NONE.

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 Council Member Chip Adami.

CALL TO ORDER

APPROVE MINUTES

The Council reviewed the Minutes of the Called City Council Meeting (Budget Workshop) of June 17, 2010, and the Regular City Council Meeting of June 21, 2010. Council Member Smith moved to approve the Minutes as presented; Second by Council Member Wacker. All present voted AYE. MOTION CARRIED.

APPROVE MINUTES

INTRODUCTION AND PUBLIC HEARING OF ORDINANCES

Mayor Magers introduced Ordinance 5656 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, CLOSING AND ABANDONING THREE ALLEY SEGMENTS WITHIN THE MILDRED HEIGHTS ADDITION TO THE CITY OF SHERMAN, TEXAS, BOUNDED BY GRAND AVENUE, LUCKETT STREET, DUGAN STREET AND DORCHESTER STREET, PORTIONS OF SAID PROPERTY TO BE MAINTAINED AS A UTILITY EASEMENT; CONVEYING THE INTEREST IN SAID RIGHT-OF-WAY TO THE ABUTTING AND ADJACENT PROPERTY OWNER, AUSTIN COLLEGE.

ORD 5656
ABANDON ALLEY
SEGMENTS FOR
AUSTIN COLLEGE

No citizens appeared before the City Council to discuss Ordinance 5656.

Mayor Magers introduced Ordinance 5657 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-2 (MULTI-FAMILY RESIDENTIAL) DISTRICT IN THE 1100-1200 BLOCKS OF NORTH GRAND AVENUE AND THE 1100-1200 BLOCKS OF NORTH LUCKETT STREET; BLOCK 1 – BEING 1.68 ACRES IN THE CHARLES CARTER SURVEY, ABSTRACT NO. 220; BLOCK 2 – BEING ALL OF LOTS 1-4, BLOCK 3, MILDRED HEIGHTS ADDITION,

ORD 5657
ZONE CHANGE
(GRAND AVE. &
LUCKETT ST.)

CONTAINING 0.70 ACRES; BLOCK 3 – BEING ALL OF LOTS 6-8, BLOCK 3, MILDRED HEIGHTS ADDITION, CONTAINING 0.50 ACRES; BLOCK 4 – BEING ALL OF LOTS 4-7, BLOCK 6, MILDRED HEIGHTS ADDITION, CONTAINING 0.99 ACRES, FOR A TOTAL OF 3.87 ACRES (AUSTIN COLLEGE, OWNERS; HEIDI ELLIS, AUSTIN COLLEGE REPRESENTATIVE; TODD WILLIAMS, KANGAROO HOUSING INVESTORS, LLC, DEVELOPER / APPLICANT; MATTHEW CAIN, CAIN CONSULTING AND ENGINEERING SERVICES, ENGINEERS; ARCHITECTURE DEMAREST, ARCHITECT; AND SARTIN & ASSOCIATES, INC., SURVEYORS); PROVIDING FOR A REPEALER.

No citizens appeared before the City Council to discuss Ordinance 5657.

Mayor Magers introduced Ordinance 5658 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-2 (MULTI-FAMILY RESIDENTIAL) DISTRICT IN THE 900 BLOCKS OF EAST BROCKETT AND EAST PACIFIC STREETS AND THE 600 BLOCKS OF NORTH WILLOW AND NORTH PORTER STREETS, BEING 1.69 ACRES IN THE J.B. McANAI SURVEY, ABSTRACT NO. 763 (HUBERT McINTOSH AND AUSTIN COLLEGE, OWNERS; HEIDI ELLIS, AUSTIN COLLEGE REPRESENTATIVE; TODD WILLIAMS, KANGAROO HOUSING INVESTORS, LLC, DEVELOPER / APPLICANT; MATTHEW CAIN, CAIN CONSULTING AND ENGINEERING SERVICES, ENGINEERS; ARCHITECTURE DEMAREST, ARCHITECT; AND SARTIN & ASSOCIATES, INC., SURVEYORS); PROVIDING FOR A REPEALER.

ORD 5658
ZONE CHANGE
(BROCKETT, PACIFIC,
WILLOW, PORTER
STS.)

Mayor Magers verified with Scott Shadden, Director of Development Services, that the variance on the upcoming Planning and Zoning Commission agenda does not pertain to the current issue and is for property on Brockett Street.

Matthew Cain, Cain Consulting and Engineering Services,
6136 Frisco Square Blvd., Suite 400, Frisco, Texas

Mr. Cain appeared representing the request from Austin College for zone changes and right-of-way abandonment for their proposed student housing project. The right-of-way abandonment applies only to the Grand N Addition.

In addition to the recommendation and approvals received from the Planning and Zoning Commission, they have a Board of Adjustment hearing for the building height on the Brockett SW Addition. The current allowance is for 45 feet, but because of the Victorian style of the building, they are requesting a height of 52 or 57 feet. They are trying to match the Victorian style of homes in the surrounding neighborhood.

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Mr. Cain explained that the Brockett SW Addition is an apartment style building and consists of approximately 94 bedrooms comprised of 21 four-bedroom units and 5 two-bedroom units.

The Grand N Addition is a more residential theme styled development and consists of three separate units inside a building made to look like a matching façade, with a series of single four-bedroom units along the front on Grand Avenue and Luckett Streets.

Mr. Cain added that they are in agreement with the staff recommendations and feel this is a much needed addition to the College. Mayor Magers verified that the project will “take Roo Suites a little further west.”

No other citizens appeared before the City Council to discuss Ordinance 5658.

The Public Hearing was closed.

ADOPTION OF ORDINANCES

Ordinance 5656

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, CLOSING AND ABANDONING THREE ALLEY SEGMENTS WITHIN THE MILDRED HEIGHTS ADDITION TO THE CITY OF SHERMAN, TEXAS, BOUNDED BY GRAND AVENUE, LUCKETT STREET, DUGAN STREET AND DORCHESTER STREET, PORTIONS OF SAID PROPERTY TO BE MAINTAINED AS A UTILITY EASEMENT; CONVEYING THE INTEREST IN SAID RIGHT-OF-WAY TO THE ABUTTING AND ADJACENT PROPERTY OWNER, AUSTIN COLLEGE.

Ordinance 5657

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-2 (MULTI-FAMILY RESIDENTIAL) DISTRICT IN THE 1100-1200 BLOCKS OF NORTH GRAND AVENUE AND THE 1100-1200 BLOCKS OF NORTH LUCKETT STREET; BLOCK 1 – BEING 1.68 ACRES IN THE CHARLES CARTER SURVEY, ABSTRACT NO. 220; BLOCK 2 – BEING ALL OF LOTS 1-4, BLOCK 3, MILDRED HEIGHTS ADDITION, CONTAINING 0.70 ACRES; BLOCK 3 – BEING ALL OF LOTS 6-8, BLOCK 3, MILDRED HEIGHTS ADDITION, CONTAINING 0.50 ACRES; BLOCK 4 – BEING ALL OF LOTS 4-7, BLOCK 6, MILDRED HEIGHTS ADDITION, CONTAINING 0.99 ACRES, FOR A TOTAL OF 3.87 ACRES (AUSTIN COLLEGE, OWNERS; HEIDI ELLIS, AUSTIN COLLEGE REPRESENTATIVE; TODD WILLIAMS, KANGAROO HOUSING INVESTORS, LLC, DEVELOPER / APPLICANT; MATTHEW CAIN, CAIN CONSULTING AND ENGINEERING SERVICES, ENGINEERS; ARCHITECTURE DEMAREST, ARCHITECT; AND SARTIN & ASSOCIATES, INC., SURVEYORS); PROVIDING FOR A REPEALER.

CLOSE PUBLIC
HEARING

ORD 5656
ABANDON ALLEY
SEGMENTS FOR
AUSTIN COLLEGE

ORD 5657
ZONE CHANGE
(GRAND AVE. &
LUCKETT ST.)

Ordinance 5658

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-2 (MULTI-FAMILY RESIDENTIAL) DISTRICT IN THE 900 BLOCKS OF EAST BROCKETT AND EAST PACIFIC STREETS AND THE 600 BLOCKS OF NORTH WILLOW AND NORTH PORTER STREETS, BEING 1.69 ACRES IN THE J.B. McANAIR SURVEY, ABSTRACT NO. 763 (HUBERT McINTOSH AND AUSTIN COLLEGE, OWNERS; HEIDI ELLIS, AUSTIN COLLEGE REPRESENTATIVE; TODD WILLIAMS, KANGAROO HOUSING INVESTORS, LLC, DEVELOPER / APPLICANT; MATTHEW CAIN, CAIN CONSULTING AND ENGINEERING SERVICES, ENGINEERS; ARCHITECTURE DEMAREST, ARCHITECT; AND SARTIN & ASSOCIATES, INC., SURVEYORS); PROVIDING FOR A REPEALER.

ORD 5658

ZONE CHANGE
(BROCKETT, PACIFIC,
WILLOW, PORTER
STS.)

RESOLUTION NO. 5503 – AUTHORIZING EXECUTION OF A DEED WITHOUT WARRANTY TO AUSTIN COLLEGE FOR THE CONVEYANCE OF THREE ALLEY SEGMENTS WITHIN THE MILDRED HEIGHTS ADDITION TO THE CITY OF SHERMAN, TEXAS, BOUNDED BY GRAND AVENUE, LUCKETT STREET, DUGAN STREET AND DORCHESTER STREET, PORTIONS OF SAID PROPERTY TO BE MAINTAINED AS A UTILITY EASEMENT

RES 5503

CONVEY ALLEY
SEGMENTS TO
AUSTIN COLLEGE
(MILDRED HEIGHTS
ADDITION)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF A DEED WITHOUT WARRANTY TO AUSTIN COLLEGE FOR THE CONVEYANCE OF THREE ALLEY SEGMENTS WITHIN THE MILDRED HEIGHTS ADDITION TO THE CITY OF SHERMAN, TEXAS, BOUNDED BY GRAND AVENUE, LUCKETT STREET, DUGAN STREET AND DORCHESTER STREET, PORTIONS OF SAID PROPERTY TO BE MAINTAINED AS A UTILITY EASEMENT.

Deputy Mayor Steele asked what the view would be on Willow Street. Mr. Cain said there will be an open courtyard with a gazebo and an entrance for parking on Willow Street. The building fronts on Brockett Street.

Council Member Adami asked to include Resolution No. 5503 in the motion to approve the ordinances. The resolution authorizes execution of a deed without warranty to Austin College for the conveyance of the three alley segments,

ACTION TAKEN.

Motion by Council Member Adami to approve Ordinance Nos. 5656, 5657, and 5658 and Resolution No. 5503, as presented. Second by Deputy Mayor Steele.

VOTING AYE: Adami, Howeth, Smith, Softly, Steele.

VOTING NAY: None.

ABSTAIN: Wacker.

MOTION CARRIED.

CONSENT AGENDA

The Council reviewed the Consent Agenda. Council Member

CONSENT AGENDA

Wacker moved to approve the Consent Agenda, as presented. Second by Council Member Softly. All present voted AYE.

RESOLUTIONS

RESOLUTION NO. 5504 – RELATING TO GREATER TEXOMA UTILITY AUTHORITY CONTRACT REVENUE BONDS, SERIES 2010 (LAKE TEXOMA WATER STORAGE PROJECT); APPROVING THE ISSUANCE THEREOF AND THE PROJECT BEING FINANCED BY THE AUTHORITY TO ACQUIRE, DEVELOP AND UTILIZE SURFACE WATER RIGHTS AND WATER STORAGE FACILITIES IN LAKE TEXOMA FOR USE BY THE CITY

**RES 5504
LAKE TEXOMA
WATER STORAGE**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, RELATING TO GREATER TEXOMA UTILITY AUTHORITY CONTRACT REVENUE BONDS, SERIES 2010 (LAKE TEXOMA WATER STORAGE PROJECT); APPROVING THE ISSUANCE THEREOF AND THE PROJECT BEING FINANCED BY THE AUTHORITY TO ACQUIRE, DEVELOP AND UTILIZE SURFACE WATER RIGHTS AND WATER STORAGE FACILITIES IN LAKE TEXOMA FOR USE BY THE CITY.

Jerry Chapman, General Manager, Greater Texoma Utility Authority, ask the Council's approval of an ordinance for the sale of bonds to the Texas Water Development Board. The City has previously agreed to participate in the acquisition and storage of water in Lake Texoma.

There are 13 participating retail water suppliers involved in the acquisition of 50,000 acre feet. The City requested about 10,800 acre feet of this allotment.

The actual interest rate on the bonds is 1.89%. If approved, the bond sale should be complete by August 5, 2010. Mayor Magers commended Mr. Chapman on a job well done. He also confirmed that all water had been spoken for.

ACTION TAKEN.

Motion by Council Member Wacker to approve Resolution No. 5504, as presented. Second by Council Member Howeth.

VOTING AYE: Adami, Howeth, Smith, Softly, Steele, Wacker.

VOTING NAY: None.

MOTION CARRIED.

RESOLUTION NO. 5505 – APPROVING THE GREATER TEXOMA UTILITY AUTHORITY'S INTENTION TO CONTRACT WITH JERRY PAUL HIGGINS, LTD. FOR SHERMAN WASTEWATER TREATMENT PLANT PEAK FLOW STORAGE IMPROVEMENTS, PHASE I

**RES 5505
WWTP PEAK FLOW
STORAGE
IMPROVEMENTS**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, APPROVING THE GREATER TEXOMA UTILITY AUTHORITY'S INTENTION TO CONTRACT WITH JERRY PAUL HIGGINS, LTD. FOR SHERMAN WASTEWATER

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TREATMENT PLANT PEAK FLOW STORAGE
IMPROVEMENTS, PHASE I.
CONSENT AGENDA.

RESOLUTION NO. 5506 – AUTHORIZING EXECUTION OF A DEVELOPMENT AGREEMENT WITH GRAYSON COUNTY PHYSICIANS PROPERTY, LLC FOR THE CONSTRUCTION OF PUBLIC FACILITIES IN THE HERITAGE PARK ADDITION, PHASE 2 TO THE CITY OF SHERMAN

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF A DEVELOPMENT AGREEMENT WITH GRAYSON COUNTY PHYSICIANS PROPERTY, LLC FOR THE CONSTRUCTION OF PUBLIC FACILITIES IN THE HERITAGE PARK ADDITION, PHASE 2 TO THE CITY OF SHERMAN.
CONSENT AGENDA.

RES 5506
HERITAGE PARK
DEVELOPERS
AGREEMENT

RESOLUTION NO. 5507 – AUTHORIZING EXECUTION OF AN ENCROACHMENT EASEMENT TO FRANK PURDOM FOR THE CONSTRUCTION OF AN ATTACHED GARAGE IN THE UTILITY EASEMENT AT 2108 JONI CIRCLE

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN ENCROACHMENT EASEMENT TO FRANK PURDOM FOR THE CONSTRUCTION OF AN ATTACHED GARAGE IN THE UTILITY EASEMENT AT 2108 JONI CIRCLE.
CONSENT AGENDA.

RES 5507
CONSTRUCTION
EASEMENT
(2108 JONI CIRCLE)

RESOLUTION NO. 5508 – ABANDONING A TWENTY FOOT (20') CITY UTILITY AND DRAINAGE EASEMENT LOCATED THROUGH LOTS 11-14, BLOCK D OF THE NORTH HAVEN ADDITION AND DESCRIBED IN VOLUME 2046, PAGE 729 OF THE REAL PROPERTY RECORDS OF GRAYSON COUNTY, TEXAS

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, ABANDONING A TWENTY FOOT (20') CITY UTILITY AND DRAINAGE EASEMENT LOCATED THROUGH LOTS 11-14, BLOCK D OF THE NORTH HAVEN ADDITION AND DESCRIBED IN VOLUME 2046, PAGE 729 OF THE REAL PROPERTY RECORDS OF GRAYSON COUNTY, TEXAS.
CONSENT AGENDA.

RES 5508
ABANDON DRAINAGE
EASEMENT
(NORTH HAVEN
ADDITION)

RESOLUTION NO. 5509 – AUTHORIZING THE FILING AND ACCEPTANCE OF A GRANT APPLICATION WITH THE TEXOMA COUNCIL OF GOVERNMENTS (TCOG), IN COOPERATION WITH THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ), FOR A FISCAL YEAR 2010-2011 REGIONAL SOLID WASTE GRANT; AUTHORIZING THE EXECUTIVE DIRECTOR OF PLANNING AND PUBLIC WORKS TO ACT ON BEHALF OF THE CITY OF SHERMAN IN ALL MATTERS RELATED TO THE APPLICATION; PLEDGING THAT, IF A GRANT IS RECEIVED, THE CITY OF SHERMAN WILL COMPLY WITH THE GRANT REQUIREMENTS OF TCOG, TCEQ, AND THE STATE OF TEXAS

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF

RES 5509
REGIONAL SOLID
WASTE GRANT

SHERMAN, TEXAS, AUTHORIZING THE FILING AND ACCEPTANCE OF A GRANT APPLICATION WITH THE TEXOMA COUNCIL OF GOVERNMENTS (TCOG), IN COOPERATION WITH THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ), FOR A FISCAL YEAR 2010-2011 REGIONAL SOLID WASTE GRANT; AUTHORIZING THE EXECUTIVE DIRECTOR OF PLANNING AND PUBLIC WORKS TO ACT ON BEHALF OF THE CITY OF SHERMAN IN ALL MATTERS RELATED TO THE APPLICATION; PLEDGING THAT, IF A GRANT IS RECEIVED, THE CITY OF SHERMAN WILL COMPLY WITH THE GRANT REQUIREMENTS OF TCOG, TCEQ, AND THE STATE OF TEXAS.
CONSENT AGENDA.

Mayor Magers asked for clarification on Resolution 5509. George Olson, City Manager, explained that the City is applying for a grant from the Texoma Council of Governments and the Texas Commission on Environmental Quality, for a regional solid waste grant. The project will put recycling containers in the parks and at special events.

Mayor Magers confirmed that there is absolutely no cost to the City of Sherman and no matching funds required. The total project would cost approximately \$16,000, and the City must oversee it for about one year.

CHANGE ORDER NO. 1
BRENTS STREET SEWER REPLACEMENT; DICKERSON
CONSTRUCTION CO., INC.; \$18,084.50, DECREASE

The City Council approved Change Order No. 1, which is a final reconciliatory change order to adjust the final project quantities for the Brents Street Sewer Replacement Project. The change order results in a decrease of \$18,084.50 to the original contract amount, yielding a final contract price of \$27,885.

CONSENT AGENDA.

CHANGE ORDER
BRENTS ST. SEWER
REPLACEMENT

OTHER BUSINESS
RECEIVE QUARTERLY PROGRESS REPORT FROM
SHERMAN ECONOMIC DEVELOPMENT CORPORATION
BOARD VICE CHAIRMAN RAD RICHARDSON AND SEDCO
PRESIDENT JOHN BOSWELL

John Boswell, President of the Sherman Economic Development Corporation, presented the quarterly progress report on the Board's activities. Rad Richardson, Vice Chairman of SEDCO, was scheduled to present the report, but was unable to attend the meeting due to an illness in his family.

QUARTERLY REPORT
FROM SEDCO

Over the past quarter, Mr. Boswell said, the SEDCO Board has met twice and their primary focus has been on existing businesses. The new prospect leads have been slow so they are making sure they aren't getting any "leakage" out of the existing businesses.

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The marketing activities have been expanded over the past quarter and a new promotional piece has been created to show Sherman's attributes and to promote Progress Industrial Park I.

Mr. Boswell said Frank Gadek, Vice President of SEDCO, is currently attending a trade show in Chicago trying to develop additional leads. SEDCO is concentrating on outreach and marketing.

Mayor Magers asked SEDCO to find industries that are water users and bring them to Sherman. The community has plenty of water and would like to concentrate on additional water sales. Mr. Boswell said they are very aggressive now and when the economy turns around and businesses start to expand, they will be in a position to capture the growth that is out there.

Council Member Adami asked that during the report next quarter, SEDCO outline the specific things done to attract large water users and to sell the water. Mayor Magers added that he would like to see a plan to accomplish this, and to target industries that need water. Council Member Wacker reiterated she would like to see a list of industries targeted.

FINAL PLAT APPROVAL OF GRAND N ADDITION, BEING PART OF A REPLAT OF BLOCKS 3 & 6, MILDRED HEIGHTS ADDITION; AUSTIN COLLEGE, OWNERS; HEIDI ELLIS, AUSTIN COLLEGE REPRESENTATIVE; TODD WILLIAMS, KANGAROO HOUSING INVESTORS, LLC, DEVELOPER / APPLICANT; MATTHEW CAIN, CAIN CONSULTING AND ENGINEERING SERVICES, ENGINEERS; ARCHITECTURE DEMAREST, ARCHITECT; AND SARTIN & ASSOCIATES, INC., SURVEYORS (1100-1200 BLOCKS OF NORTH GRAND AVENUE AND 1100-1200 BLOCKS OF NORTH LUCKETT STREET)

The City Council considered the approval of the Final Plat of the Grand N Addition, which is a replat of Blocks 3 and 6 of the Mildred Heights Addition, located in the 1100 to 1200 blocks of North Grand Avenue and 1100 to 1200 blocks of North Lockett Street.

Austin College, owner of the property, would like to plat the property into four lots for construction of 22 cottage style homes for student housing. The Planning and Zoning Commission recommended approval of the Final Plat.

FINAL PLAT APPROVAL OF BROCKETT SW ADDITION; HUBERT McINTOSH AND AUSTIN COLLEGE, OWNERS; HEIDI ELLIS, AUSTIN COLLEGE REPRESENTATIVE; TODD WILLIAMS, KANGAROO HOUSING INVESTORS, LLC, DEVELOPER / APPLICANT; MATTHEW CAIN, CAIN CONSULTING AND ENGINEERING SERVICES, ENGINEERS; ARCHITECTURE DEMAREST, ARCHITECT; AND SARTIN & ASSOCIATES, INC., SURVEYORS (900 BLOCKS OF EAST BROCKETT AND EAST PACIFIC STREETS AND 600 BLOCKS

APPROVE FINAL PLAT
GRAND N ADDITION
(GRAND AVE. &
LUCKETT ST.)

APPROVE FINAL PLAT
BROCKETT SW
ADDITION
(BROCKETT, PACIFIC,
WILLOW, PORTER
STS.)

OF NORTH WILLOW AND NORTH PORTER STREETS)

The City Council considered the approval of the Final Plat of the Brockett SW Addition, which is located in the 900 blocks of East Brockett and East Pacific Streets and the 600 blocks of North Willow and North Porter Streets.

Hubert McIntosh and Austin College, owners of the property, would like to plat the property into one lot for construction of a 94 bed, three-story student apartment building. The Planning and Zoning Commission recommended approval of the Final Plat.

ACTION TAKEN.

Motion by Deputy Mayor Steele to approve the Final Plat of the Grand N Addition, located in the 1100-1200 blocks of N. Grand and 1100-1200 blocks of N. Lockett Streets and the Final Plat of the Brockett SW Addition, located in the 900 blocks of E. Brockett and E. Pacific Streets and the 600 blocks of N. Willow and N. Porter Streets, as presented. Second by Council Member Howeth.

VOTING AYE: Adami, Howeth, Smith, Softly, Steele.

VOTING NAY: None.

ABSTAIN: Wacker.

MOTION CARRIED.

FINAL PLAN APPROVAL OF CRESCENT OAKS PLAZA; ET JOINT VENTURE, OWNERS; AND SARTIN AND ASSOCIATES, INC., SURVEYORS (1600-1700 BLOCKS OF U.S. HIGHWAY 75 NORTH)

The City Council approved the Final Plat of Crescent Oaks Plaza, located in the 1600 to 1700 blocks of U.S. Highway 75 North, between Texoma Parkway and Taylor Street. The owners would like to plat the property into four lots for commercial development. The Planning and Zoning Commission recommended approval of the Final Plat.

CONSENT AGENDA.

APPROVE FINAL PLAT
CRESCENT OAKS
PLAZA
(HWY 75 NORTH)

CITIZENS REQUESTS

WEST LAMBERTH ROAD SEWER ISSUE

Mayor Magers verified that many citizens in the audience were in attendance to talk about the recent sewer issue at Carriage Estates. He explained that normally non-Sherman citizens don't attend City Council Meetings.

WEST LAMBERTH
ROAD SEWER ISSUE

He allocated 10 minutes for public comments from those attending. He also explained that in the public comment section, the Council cannot comment, deliberate, or vote. They can ask factual questions and clarify issues, but cannot engage in dialogue.

Mayor Magers briefed the City Council on a meeting he attended on June 17, 2010 between residents of Carriage Estates and the TCEQ. During the meeting, three possible outcomes were discussed: residents could install septic tanks; residents could obtain a packing unit, which is a self-contained water and sewer unit; or they could approach the

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City of Sherman for sewer service. At the meeting, Jerry White, Grayson County Director of Planning, indicated the County would be flexible with those residents wanting to install septic tanks.

At the meeting they also discussed an engineering study which was estimated to cost between \$10,000 and \$25,000, which would help the City make an informed decision about the condition of the system.

Mayor Magers spoke at the meeting as the Mayor, but not for the City Council, saying that the residents live outside the City limits and are not City of Sherman residents. By definition, this is a County issue and he encouraged the residents to contact the Grayson County Judge. At this time that has not yet occurred.

Mayor Magers said he also told the residents that he felt the issue was “a tar baby” and is a mess and no one knows what it entails. He wanted to make sure that everyone understood that he was not prepared to ask the Sherman taxpayers to pay “one dime” of a bill for someone that lives outside the City of Sherman.

On July 6, 2010, Mr. Olson responded to a request by Carriage Estates resident Randy Kinnison for the issue to be placed on the City Council's Agenda. He read a portion of the letter saying that the “holder of a Certificate of Convenience and Necessity (CCN) does have an obligation to provide sewer service within the boundaries of the certified area, pursuant to appropriately adopted terms and conditions” which includes the engineering study to determine exactly what the conditions are.

The letter also stated that the residents would need to consider some type of method to collect monthly fees from homeowners for the sewer service, since the City does not serve this area with water.

When the homeowners group has a preliminary engineering report, the letter states that the City would be able to discuss the costs of service and determine if an agreement for services can be reached.

Mayor Magers said the City Council is sensitive to the homeowners' situation and will listen to Mr. Kinnison's comments. He asked if the residents had retained an engineering firm. Mr. Kinnison said they have not. Mayor Magers asked if the group has had any more discussions about the logistics of tying onto the City's system. Mr. Kinnison said they have not. Mayor Magers asked if the homeowners association was active. Mr. Kinnison said they are not. Mayor Magers asked Mr. Kinnison for whom he was speaking. Mr. Kinnison said he was representing “the communities of West Lamberth in the City of Sherman.” It is not just a Carriage Estates problem.

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Mayor Magers questioned whether or not these residents were citizens of Sherman. Mr. Kinnison admitted that they were not inside the City limits of Sherman.

Randy Kinnison, 203 Montclair

Mr. Kinnison appeared representing the West Lamberth communities and not just Carriage Estates. Residents effected include the homes on the north side of Lamberth Road, the Carriage Estates community, the homes on Lamberth Road, and three homes at the north end of Norwood.

He addressed the recent abandonment of the sewer system that serves these approximately 130 to 140 homes. On April 29, 2010 the State received a letter from the developer, owner and operator, that he was abandoning the system, effective May 1, 2010. As a result, Mr. Kinnison said the residents, the City, and the County have all been “left holding the bag.”

A meeting was held with residents, TCEQ officials, Grayson County officials, and City of Sherman officials to consider possible solutions. During the meeting, it was determined that the City holds a CCN for sewer service in the area in question. Also, the State was unaware of the operation of the current system and should have been informed by Grayson County. As of 2000, the State no longer allows leach field systems and has assigned the system an emergency status.

Mr. Kinnison said through the CCN, residents must request that the City of Sherman help and look at providing the sewer service through the CCN process. He added this is an emergency situation because the system is not being maintained, monitored, or overseen. If the system overflows or shuts down, the sewage will enter Sand Creek, which flows through Sherman.

To prevent this from happening, Mr. Kinnison said an emergency solution is needed, then they would like to work with the City on an interim plan and a long-term plan.

Council Member Adami asked what cooperation Mr. Kinnison was asking for from the City. Mr. Kinnison said they don't have any experience at operating or maintaining a sewer system and they have no engineering or funds. The homeowners association has been inactive for many years and has not been collecting fees. He added that they need to work with an expert, such as the City.

Mayor Magers confirmed with Mark Gibson, Director of Engineering and Public Works, that the City has no experts with knowledge of how to operate a leach field system.

Mr. Kinnison said normally leach field systems are only used for between five and ten homes, not 140 such as this system. He said the residents are asking the City for help during the

interim and during an emergency. They are having difficulty getting anyone to work on or even touch the system because it is a liability. They would like to be a part of the City on all services possible including water, sewer, and annexation.

Council Member Adami asked if they had received the response from Mr. Olson that was mentioned earlier. Did they understand the spirit of cooperation from the City and realize that there is a connection to the City that must be reached with the system. He asked if they wanted the City to step in and provide sewer service to all citizens whether or not they currently have a septic system.

Mr. Kinnison said he did understand that there was a sense of cooperation with the City, however they need to find out where the limit is and how much cooperation the City can offer. Up to now they have been told that the total cost of the system would be on the residents of these communities. He said this would be over \$1 million on a new sewer system. He felt that the residents would want to have a new water system too, but the sewer is a more pressing issue.

Council Member Adami asked if everyone was in the same predicament, because without a homeowners association, it was hard to tell. Mr. Kinnison said everyone is in the same predicament.

Council Member Smith asked for clarification because he understood there were some residents that did not wish to have a City sewer system. Mr. Kinnison admitted that some residents are on stand alone systems and do not need City sewer. He added that it is hard to say who has a stand alone system because Grayson County's records are not correct. There are no plats or drawings for reference.

Mr. Kinnison said the homeowners association does have a meeting scheduled for July 26, 2010 to try and reorganize and determine what can be done to raise funds to put something in place.

Mayor Magers reiterated that the residents need an engineering study and once the homeowners group has a preliminary engineering study, the City will discuss the cost of services and see if an agreement can be worked out. Mr. Kinnison reiterated that this is an emergency situation now.

WEST LAMBERTH ROAD SEWER ISSUE

Mark Deans, 427 Norwood, said he considers himself to be a resident of Sherman. As the area grows, it will eventually be considered a part of the City of Sherman. He did not want to become an island in that area of growth.

**WEST LAMBERTH
ROAD SEWER ISSUE**

Carriage Estates doesn't have an active homeowners association because the homes there are already built. They

COUNCIL MINUTES – JULY 19, 2010

do have an architectural review committee that reviews new construction to make sure things stay consistent. No dues are currently being paid.

In the 1970's, there was documentation about when the owner / operator ultimately decided he could turn it over to the community. The community did not recognize that this situation existed. Within a two or three day span, they were notified of this decision and are now trying to deal with the situation.

The homeowners association does not know how to manage and operate a sewer system, and since the City of Sherman holds the CCN for the area, they would ultimately have to approve the system anyway.

MEDIA QUESTIONS

There were no media questions.

COUNCIL COMMENTS

WEST LAMBERTH ROAD SEWER ISSUE

Mayor Magers said the City Council has empathy for the residents on West Lamberth Road that are dealing with the sewer issue. He felt that once the residents take the first step and get the facts as to what the situation is, then the Council can be more specific about what the City can and can't do. However, until that first step is taken, there is not enough information to make a decision.

ADJOURNMENT

On Motion duly made and carried, the meeting adjourned at 5:49 p.m.

MEDIA QUESTIONS

WEST LAMBERTH
ROAD SEWER ISSUE

ADJOURNMENT

MAYOR

CITY CLERK