STATE OF TEXAS §

July 15, 2013

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 15, 2013.

MEMBERS PRESENT: MAYOR CARY WACKER; DEPUTY MAYOR PAM HOWETH. COUNCIL MEMBERS JOHNSON, PLYLER, SMITH, SOFEY, SOFTLY.

MEMBERS ABSENT: NONE.

CALL TO ORDER

CALL TO ORDER

Mayor Wacker called the meeting to order at 5:00 p.m. The Pledge of Allegiance and the Invocation were given by Council Member Robert Softly.

Mayor Wacker wished Deputy Mayor Howeth a happy birthday and said George Olson, City Manager, also recently celebrated his birthday.

APPROVE MINUTES

APPROVE MINUTES

The Council reviewed the Minutes of the Regular City Council Meeting of June 17, 2013 and the Called City Council Meeting (Budget Workshop) of June 19, 2013. Council Member Smith moved to approve the Minutes as presented; Second by Council Member Softly. All present voted AYE.
MOTION CARRIED.

INTRODUCTION AND PUBLIC HEARING OF ORDINANCES

ORD 5780
JOINT AIRPORT
ZONING BOARD

Mayor Wacker introduced Ordinance 5780 and called for a public hearing:
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, CREATING A JOINT AIRPORT ZONING BOARD AND INVESTING SUCH JOINT AIRPORT ZONING BOARD WITH THE POWERS SUCH BOARDS ARE AUTHORIZED TO EXERCISE UNDER THE PROVISIONS OF THE AIRPORT ZONING ACT, TEXAS LOCAL GOVERNMENT CODE, §241.001, ET. SEQ.; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

Phil Roether, Chairman, Airport Zoning Commission
Mike Shahan, Director, North Texas Regional Airport
Mr. Roether said in 2006 the Airport hired a consultant group to design a business plan, which included a SWOT analysis, to determine the strengths, weaknesses, opportunities, and threats.

It was determined that the number one threat faced by the Airport was encroachment. This encroachment destroys the viability and the opportunities for economic benefits to the region. The recommendations were to take action to protect the Airport from this encroachment.

Additional consulting work was done with the Council as well as Kaufman and Associates and the FAA, to determine the proper zoning. The law allows zoning to take place up to five miles off the ends of the runways and up to a mile to the sides of the runways.

As a result of work with the noise levels and safety, that area has been shrunk considerably and today there is no property within the City limits of Sherman that exists within that area, however the ETJ does fall into that area.

Therefore, Mr. Roether said they would like to establish a Joint Airport Zoning Board which would be responsible for establishing zoning around the Airport. Mr. Roether told the Council that the zoning would be enforced by the community that actually has jurisdiction over the property. Any requests would go through the same zoning process that they currently go through today. Any appeals going far enough would be heard by the judicial system.

Mr. Roether said Grayson County, and the Cities of Pottsboro and Denison have nominated their members to the Joint Airport Zoning Board. He asked if Sherman would also like to participate on the Board to establish zoning in this part of Sherman's ETJ.

Council Member Smith asked what type of encroachment Mr. Roether was talking about. Mr. Roether said it mainly deals with density. Things like schools, apartment buildings or other high density development wouldn't be built off the end of the runways. Also, development where noise levels would be an issue should not be built there. Height would also not be compatible, such as a communications tower. He added that the restrictions don't tell you what you can build, they tell you what you can't build, and it mainly includes density and population.

Mayor Wacker said additional questions would be allowed when the item is considered by Council Members.

No other citizens appeared before the City Council to discuss Ordinance 5780.

ORD 5781
ZONE CHANGE
(817 N. TRAVIS)

Mayor Wacker introduced Ordinance 5781 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 817 NORTH TRAVIS STREET (MWWF LLC, OWNERS; AND BARRY FONTAINE, REPRESENTATIVE); PROVIDING FOR A REPEALER.

<u>Barry Fontaine, 7171 Dripping Springs Road, Denison, Texas</u>
Mr. Fontaine was available to answer any questions the Council might have on his request.

No other citizens appeared before the City Council to discuss Ordinance 5781.

Mayor Wacker introduced Ordinance 5782 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 812 AND 814 NORTH WALNUT STREET (MWWF LLC, OWNERS; AND BARRY FONTAINE, REPRESENTATIVE); PROVIDING FOR A REPEALER.

ORD 5782
ZONE CHANGE
(812 & 814 N. WALNUT)

No citizens appeared before the City Council to discuss Ordinance 5782.

The Public Hearing was closed.

Ordinance 5780
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, CREATING A JOINT AIRPORT ZONING BOARD AND INVESTING SUCH JOINT AIRPORT ZONING BOARD WITH THE POWERS SUCH BOARDS ARE AUTHORIZED TO EXERCISE UNDER THE PROVISIONS OF THE AIRPORT ZONING ACT, TEXAS LOCAL GOVERNMENT CODE, §241.001, ET. SEQ.; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

ORD 5780
JOINT AIRPORT
ZONING BOARD
(TABLED)

Council Member Smith verified that Sherman has about 3,100 acres in the ETJ, that would be governed by the Joint Airport Zoning Board. Mr. Roether said Pottsboro has very little of the land in their City limits, and Denison has most of the land in the ETJ to the north.

Council Member Smith verified that each City on the Board would have two members and Grayson County would have three members, with a total of nine Board Members. The Board itself will decide on a Chairman.

Mr. Roether said the purpose of the Joint Airport Zoning Board is to establish the criteria and get it in place as law. After that, the Board basically becomes inactive as far as hearing cases.

Council Member Smith asked if it was the Joint Airport Zoning Board that would determine the zoning for Sherman's ETJ, Denison's ETJ and inside their City limits, and whatever property Pottsboro has. Mr. Roether said the criteria would be the same for all the property. There is a core area just off the ends of the runway that would be zoned at one level and the zoning would go down as you move farther away from the Airport.

Council Member Smith reiterated that Sherman would have two voices out of nine to determine what happens in their 3,100 acres of ETJ. Mr. Roether confirmed that is correct.

Council Member Plyler referenced the Local Government Code, section 241, which says the Airport zoning regulations must provide for the administration enforcement of the regulations by an administrative agency. Section 241.020 says that Airport zoning regulations may require that a permit be obtained before a new structure is constructed or an existing structure is substantially changed. He said it appears that it is establishing a new building authority on the Airport site.

Mr. Shahan said the organization was set up where, if the request is in the City limits of Sherman, Denison, or Pottsboro, it would be heard by their Planning and Zoning Board. If the request was not approved, it would be appealed to their City Council. He said there is no creation of a new Zoning Board. Each City would use their existing Zoning Board.

Council Member Plyler read Section 241.902 which said "if an airport compatible land use zoning regulation conflicts with any other regulation applicable to the same area, the airport compatible land use zoning regulation controls." Mr. Roether said that is correct.

Council Member Plyler asked why it would then come back to Sherman's Planning and Zoning Commission. Mr. Roether reiterated that, ultimately an appeal could go to the judicial system. Council Member Plyler verified that there are no administrative agency permits issued. Mr. Roether said the administration would all go through the existing organization for each City or for the County.

Council Member Plyler also addressed Section 241.014 which states that the Joint Airport Zoning Board "must consist of two members appointed by each of the political subdivisions." He asked why Grayson County has three members. Mr. Shahan said they spoke with the attorney and it was allowed, so that's how it was set-up.

Deputy Mayor Howeth questioned why acreage didn't matter and the City of Sherman only got two representatives. Mr. Roether said one of the County representatives is a Sherman resident. Mr. Shahan said the County has the majority of property in the unincorporated ETJs.

Mayor Wacker tried to clarify that the regulations had not been developed yet, but Mr. Shahan said they do have a draft. He added that the Board will vote and take it to a public hearing.

Council Member Plyler verified that the copy the City Council currently has is the State statue and not a draft of the proposed regulations. Council Member Smith said he did not have enough information to make a decision. He added that he didn't know if the City Council opts out of the Airport Zoning Board, if that Board would still decide what to

do with Sherman's property. He also said he would like to see a draft of the regulations.

Mr. Olson said the staff would get some information before the item is placed on the agenda again.

ACTION TAKEN.
Motion by Council Member Smith to table Ordinance No. 5780. Second by Council Member Sofey.
VOTING AYE: Howeth, Johnson, Plyler, Smith, Sofey, Softly.
VOTING NAY: None.
MOTION CARRIED TO TABLE.

ORD 5781
ZONE CHANGE
(817 N. TRAVIS)

Ordinance 5781
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 817 NORTH TRAVIS STREET (MWWF LLC, OWNERS; AND BARRY FONTAINE, REPRESENTATIVE); PROVIDING FOR A REPEALER.

ORD 5782
ZONE CHANGE
(812 & 814 N. WALNUT)

Ordinance 5782
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 812 AND 814 NORTH WALNUT STREET (MWWF LLC, OWNERS; AND BARRY FONTAINE, REPRESENTATIVE); PROVIDING FOR A REPEALER.

Council Member Smith said he owned property next door to one of the requests and would be abstaining.

ACTION TAKEN.
Motion by Council Member Sofey to approve Ordinance Nos. 5781 and 5782, as presented. Second by Deputy Mayor Howeth.
VOTING AYE: Howeth, Johnson, Plyler, Sofey, Softly.
VOTING NAY: None.
ABSTAIN: Smith.
MOTION CARRIED.

CONSENT AGENDA

CONSENT AGENDA
The Council reviewed the Consent Agenda. Deputy Mayor Howeth moved to approve the Consent Agenda, as presented. Second by Council Member Plyler. All present voted AYE.

RESOLUTIONS

RES 5780
ENCROACHMENT FOR
OIL FLOWLINE
(CANYON GROVE RD)

RESOLUTION NO. 5780 – AUTHORIZING EXECUTION OF AN ENCROACHMENT EASEMENT TO XTO ENERGY, INC. FOR THE CONSTRUCTION OF A 4.5" OIL FLOWLINE IN THE STREET RIGHT OF WAY OF CANYON GROVE ROAD WITHIN THE CITY OF SHERMAN
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF

SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN ENCROACHMENT EASEMENT TO XTO ENERGY, INC. FOR THE CONSTRUCTION OF A 4.5" OIL FLOWLINE IN THE STREET RIGHT OF WAY OF CANYON GROVE ROAD WITHIN THE CITY OF SHERMAN.
CONSENT AGENDA.

RES 5781 ENCROACHMENT FOR GAS LINE (CRESCENT OAKS PLAZA ADDITION)

RESOLUTION NO. 5781 – AUTHORIZING EXECUTION OF AN ENCROACHMENT EASEMENT TO THE QUINTIN LITTLE COMPANY, INC. FOR THE CONSTRUCTION OF A 4" POLY GAS GATHERING LINE ENCASED IN STEEL CONDUIT WITHIN A 20' DRAINAGE AND UTILITY EASEMENT ON LOT 4, BLOCK 1 OF THE CRESCENT OAKS PLAZA ADDITION TO THE CITY OF SHERMAN
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN ENCROACHMENT EASEMENT TO THE QUINTIN LITTLE COMPANY, INC. FOR THE CONSTRUCTION OF A 4" POLY GAS GATHERING LINE ENCASED IN STEEL CONDUIT WITHIN A 20' DRAINAGE AND UTILITY EASEMENT ON LOT 4, BLOCK 1 OF THE CRESCENT OAKS PLAZA ADDITION TO THE CITY OF SHERMAN.
CONSENT AGENDA.

RES 5782 ENCROACHMENT FOR SIDEWALK (1729 N. HIGHLAND)

RESOLUTION NO. 5782 – AUTHORIZING EXECUTION OF AN ENCROACHMENT EASEMENT TO RONALD LYNN FRANKLIN FOR THE CONSTRUCTION OF A SIDEWALK WITHIN THE STREET RIGHT-OF-WAY ON LOT 3, BLOCK 1, NORTHWEST HEIGHTS 3RD ADDITION, WITHIN THE CITY OF SHERMAN (1729 N. HIGHLAND AVENUE)
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN ENCROACHMENT EASEMENT TO RONALD LYNN FRANKLIN FOR THE CONSTRUCTION OF A SIDEWALK WITHIN THE STREET RIGHT-OF-WAY ON LOT 3, BLOCK 1, NORTHWEST HEIGHTS 3RD ADDITION, WITHIN THE CITY OF SHERMAN (1729 N. HIGHLAND AVENUE).
CONSENT AGENDA.

RES 5783 ROOF & GUTTER REPAIRS FOR KIDD-KEY & MUNICIPAL BLDG

RESOLUTION NO. 5783 -- AUTHORIZING EXECUTION OF A CONTRACT WITH GARLAND/DBS, INC. FOR ROOF AND GUTTER REPAIRS TO THE KIDD-KEY AUDITORIUM/ MUNICIPAL BUILDING THROUGH THE U.S. COMMUNITIES GOVERNMENT PURCHASING ALLIANCE
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF A CONTRACT WITH GARLAND/DBS, INC. FOR ROOF AND GUTTER REPAIRS TO THE KIDD-KEY AUDITORIUM/ MUNICIPAL BUILDING THROUGH THE U.S. COMMUNITIES GOVERNMENT PURCHASING ALLIANCE.
CONSENT AGENDA.

RES 5784 BAR SCREEN REPLACEMENT

RESOLUTION NO. 5784 – APPROVING THE GREATER TEXOMA UTILITY AUTHORITY'S INTENTION TO CONTRACT WITH JERRY PAUL HIGGINS, LTD. FOR INSTALLATION OF THE EAST BAR SCREEN REPLACEMENT EQUIPMENT AT

THE WASTEWATER TREATMENT PLANT
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 INSTALLATION OF THE EAST BAR SCREEN REPLACEMENT EQUIPMENT AT THE WASTEWATER TREATMENT PLANT.
CONSENT AGENDA.

PAYMENT APPROVAL RECONSTRUCTION OF U.S. HWY 75 FRONTAGE ROAD AT LOY LAKE RD

PAYMENT APPROVAL
STATE OF TEXAS, ACTING BY AND THROUGH THE TEXAS DEPARTMENT OF TRANSPORTATION; ADVANCE FUNDING FOR VOLUNTARY LOCAL GOVERNMENT CONTRIBUTIONS TO TRANSPORTATION IMPROVEMENT PROJECTS WITH NO REQUIRED MATCH (RECONSTRUCTION OF THE NORTHBOUND FRONTAGE ROAD OF US 75 AT LOY LAKE); $1,300,000.00
Mayor Wacker said the project is moving forward on schedule and should begin in September.

The payment approval is for payment of $1,300,000 to the Texas Department of Transportation for the reconstruction of the northbound Frontage Road of U.S. Hwy 75 at Loy Lake Road. The project is through TxDOT under their Advance Funding for Voluntary Local Government Contributions to Transportation Improvement Projects and does not require a City match. Funds are anticipated to be placed in escrow by the developer.

ACTION TAKEN.
> **Motion by Deputy Mayor Howeth to approve payment of $1,300,000 to the Texas Department of Transportation under an Advance Funding Agreement, for the reconstruction of the northbound Frontage Road of U.S. Hwy 75 at Loy Lake Road, as presented. Second by Council Member Softly.**

VOTING AYE: Howeth, Johnson, Plyler, Smith, Sofey, Softly.
VOTING NAY: None.
MOTION CARRIED.

SEDCO QUARTERLY REPORT

OTHER BUSINESS
RECEIVE QUARTERLY PROGRESS REPORT FROM SHERMAN ECONOMIC DEVELOPMENT CORPORATION BOARD CHAIRMAN DEAN GILBERT, JR. AND SEDCO PRESIDENT SCOTT CONNELL
Scott Connell, President, Sherman Economic Development Corporation, presented their Quarterly Progress Report.

Mr. Connell said SEDCO has had a successful quarter. New projects include Texas Turbines, with 27 new high-paying jobs, with an $81,000 incentive; Texas Instruments had two projects, the Warehouse Project with a $300 million investment over the next five years, and the Modernization Project with $18 million in new equipment and a $950,000 incentive over the next couple of years; 903 Brewers, the first entrepreneurship project that SEDCO has done, with

two jobs and $125,000 investment, and a $7,500 promotional agreement to reimburse them for promotion of the project; and Tyson Fresh Meats, as a State Enterprise Zone Project, with an $11 million investment and 75 jobs, $460,000 incentive.

Mr. Connell said SEDCO is legally limited on how a retail business can be assisted, however they are creating a framework where they are benefiting not just the project, but a larger picture issue.

Brookshire Grocery Company's project is for 80 jobs, full and part-time, and an $8 million investment. The agreement is to reimburse for water and sewer infrastructure, up to $160,000, which is 2% of the project cost.

He said they have had a great year with the existing industry with these employers reinvesting and hiring in the market. The Texas Instruments project is $330,585,000 in investment, 111 new jobs, and 1,669 retained jobs. Retained jobs are the numbers that the company has committed to in their agreement, to retain.

Mr. Connell said in the targeted industries there are four companies, Eco Green Recycling, Texas Turbines, 903 Brewers, and Brookshire Grocery, with a capital investment of $8,125,000 and 174 new jobs.

He thanked these companies for their commitment and investment in the community.

SEDCO has continued to invest in website tools and marketing efforts that allow the kind of activity that they are seeing now. They also have websites that list real estate properties and market data. He felt these websites include a lot of good information and are great marketing tools for SEDCO and for other brokers. Mr. Connell said SEDCO has responded to 53 active client requests for proposals.

SEDCO will continue to reinvest in their assets and will make sure Progress Park continues to be a great place to invest. The Master Plan is also underway to outline various investments such as road improvements and utility improvements. They are also looking at new marketing materials to show how companies can establish themselves in the properties.

SEDCO has worked with the City to look at effluent reuse systems that could expand the water capacity to serve the industries.

Mr. Connell thanked the City Council and staff for working with them, saying it was a partnership.

Mayor Wacker said the Council is very pleased about the activity. There have been some "tough" budget years and

when these expansions come on the tax rolls it will be critical for the City successfully moving forward.

Dean Gilbert, Jr., SEDCO Chairman, said Sherman is very lucky to have Mr. Connell. Whenever a project comes around and it is being considered, we can rest assured that he has Sherman's "hat in the ring." He has responded to many requests for proposals and Mr. Gilbert said the Board is excited to see Texas Instruments and Tyson make substantial investments.

GRAYSON COUNTY VOTING CENTERS

RECEIVE PRESENTATION FROM GRAYSON COUNTY CLERK WILMA BUSH ON PROPOSED GRAYSON COUNTY VOTING CENTERS

Wilma Bush, Grayson County Clerk, said in 2006 Congress passed the Help America Vote Act which introduced electronic voting. The two main requirements are that each polling site must have an ADA compliant voting machine and a real-time Statewide Voter Registration List.

The Election Code outlines the requirements for Vote Centers, which is Grayson County's next step in the project. Because of population, Grayson County is required to have five Early Voting sites. A Vote Center will allow a voter to vote on Election Day at any of the Vote Centers in Grayson County instead of voting at their precinct specific polling place. This is already being done for Early Voting.

Since Grayson County has met both requirements, with electronic voting machines and the electronic poll books, and has formed an advisory committee and held a public hearing, they are ready to move forward with Vote Centers.

Deana Patterson, Grayson County Elections Clerk, briefed the City Council on Vote Centers, adding that the proposal will be submitted to the Texas Secretary of State's Office and should be approved by the end of August 2013. They have developed an extensive communication plan to make sure that every Grayson County voter is aware of the change to Vote Centers, if it is approved.

Vote Centers already exist in numerous counties throughout Texas and make it very convenient for voters to go to any site that is open on Election Day.

Ms. Patterson said they visited all current polling sites and all potential Vote Centers and some additional potential sites. They reviewed familiarity to voters, ease of access, and space requirements. It was important that each site accommodate both large and small Elections. The sites selected are centrally located and will accommodate all Grayson County voters in all parts of the County.

Voter turnout varies greatly with the items that are on the ballot, from heavily voted Presidential Elections to small turn-outs for the Amendment Elections. In the 2012

Presidential Election, over 42,000 Grayson County voters cast their ballot and of that amount, 24,000 voted during Early Voting. Five Early Voting sites were open during the Election. Ms. Patterson felt that trend would continue because of the convenience and the availability of voting sites.

She added that several technical requirements have been addressed for the Vote Centers including Mobile Hotspot Internet Access for wireless access for real-time voter verification. These Mobile Hotspots have already been used for Early Voting for a number of years. Ms. Patterson said they are also expanding on staff for these Vote Centers.

The recommendation that was approved by the Commissioner's Court was to establish 22 Vote Centers in Grayson County. There are currently 36 polling locations. There will be five sites in Sherman, four sites in Denison, and 13 rural sites.

Council Member Smith verified that he would be able to vote at any of the Vote Centers in Grayson County during Early Voting or on Election Day. Mayor Wacker verified that five locations would be open during Early Voting, located in Sherman, Denison, Whitesboro, Van Alstyne, and Pottsboro. The 22 Vote Centers will be open on Election Day and any Grayson County voter can vote at any site.

Mayor Wacker asked if five sites would be adequate for Sherman with the trend of more people voting and the fact that they could vote at any site. Ms. Patterson listed the Vote Centers saying they were in convenient locations and could accommodate a large number of voting machines. She addressed the larger parking lots and better ADA compliance of the new sites.

Deputy Mayor Howeth asked if, once approved by the Secretary of State's Office, the sites would remain Vote Centers. She was concerned about changes in the Vote Centers for future Elections, which might confuse citizens. Ms. Patterson said they hoped to establish the utmost stability, however that would not preclude some changes as necessary. Ms. Bush said they also planned to establish signage at each Vote Center so it would be clearly marked for voters.

Ms. Bush said the proposal will be submitted to the Secretary of State's Office and they should notify the County whether or not they are approved by the end of August. If approved, it will be implemented for the November Election. Once a successful Election is held with Vote Centers, the County will not be required to ask for approval again.

Mayor Wacker reminded citizens that the next City Council Election will be held on November 5, 2013. Candidate filing

begins on Saturday, July 27 and continues through Monday, August 26. More information is available from the City Clerk's Office.

<u>CONSIDER APPROVAL OF THE ANNEXATION SCHEDULING PLAN FOR ADOPTION OF 63.757 ACRES OF LAND AT THE SOUTHWEST CORNER OF F.M. 1417 (HERITAGE PARKWAY) AND F.M. 691; 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>

APPROVE ANNEXATION SCHEDULE (FM 1417 & FM 691)

Mayor Wacker said the City has received a request for annexation and the Council should consider approval of the annexation schedule. The property being considered is 63.757 acres located at the Southwest Corner of F.M. 1417 and F.M. 691.

Mr. Olson said the annexation schedule will set the required public hearings for August 5, August 19, and September 9, 2013.

ACTION TAKEN.

> **Motion by Council Member Smith to approve the Annexation Scheduling Plan for the annexation of 63.757 acres of land located at the Southwest Corner of F.M. 1417 and F.M. 691, and to set public hearings for August 5, 2013; August 19, 2013; and September 9, 2013, as presented. Second by Deputy Mayor Howeth.**

VOTING AYE: Howeth, Johnson, Plyler, Smith, Sofey, Softly.
VOTING NAY: None.
MOTION CARRIED.

<u>REVIEW 2013-2014 DRAFT BUDGET</u>

DRAFT BUDGET

Mayor Wacker read the following statement: "This budget will raise more total property taxes than last year's budget by $524,000 and 7.3%, and of that amount $134,000 is revenue to be raised from new property to be added to the roll this year."

Robby Hefton, Assistant City Manager/CFO, explained that the Charter requires that a draft budget be submitted to the City Council within 50 days of the new fiscal year. The draft budget includes everything that was discussed at the Budget Workshop. It leaves staffing levels at the current level of 408, and it implements all of the requested changes in fees and fines, including those for utility rates and taxes.

The total budget is about $59.6 million, which is a little lower than last year, due to capital spending. For 2014, it also maintains the fund balances at the targeted level of 70 to 80 days.

Mr. Hefton proposed that the staff bring the draft budget back in ordinance form at the next couple of City Council

Meetings for consideration. The actual schedule for meetings for the budget and tax rate will be discussed in the next agenda item.

PROPOSED TAX RATE SET PUBLIC HEARINGS

<u>DISCUSSION OF THE PROPOSED TAX RATE FOR FISCAL YEAR 2013-2014 AND SCHEDULING PUBLIC HEARINGS FOR THE BUDGET AND PROPOSED TAX RATE</u>

Mayor Wacker said the introduction and first public hearing of the budget ordinance will be held on August 5, 2013; the second public hearing and adoption of the budget ordinance and the introduction and first public hearing on the tax rate ordinance will be held on August 19, 2013; the second public hearing on the tax rate ordinance will be held on September 3, 2013; and the adoption of the tax rate ordinance will be September 16, 2013.

She thanked the Council and staff for an excellent Budget Workshop, adding there was a lot of hard work and a lot accomplished to keep the City going for the next year.

ACTION TAKEN.

> Motion by Council Member Plyler to propose a tax rate of thirty-three and one-half cents per hundred valuation for the upcoming budget year and to set public hearings on this proposal, as presented. Second by Deputy Mayor Howeth.

VOTING AYE: Howeth, Johnson, Plyler, Smith, Sofey, Softly.
VOTING NAY: None.
MOTION CARRIED.

CLOSE STREETS FOR UNITED WAY HUSTLE FOR HEALTH

<u>CONSIDER REQUEST OF UNITED WAY OF GRAYSON COUNTY TO TEMPORARILY CLOSE CERTAIN STREETS FOR THE "UNITED WAY HUSTLE FOR HEALTH" ON SATURDAY, AUGUST 24, 2013</u>

The City Council approved the request of United Way of Grayson County to temporarily close certain streets for the "United Way Hustle for Health" on August 24, 2013. The event will require traffic control assistance, barricades, and cones.
CONSENT AGENDA.

APPROVE REPLAT MOZELE PLAZA

<u>REPLAT APPROVAL OF MOZELE PLAZA, A REPLAT OF MOZELE PLAZA AND PART OF LOT 4, BLOCK 22 OF THE B.H. MOORE HEIRS ADDITION</u>

The City Council approved the Replat of Mozele Plaza, a Replat of Mozele Plaza and part of Lot 4, Block 22 of the B.H. Moore Heirs Addition. The property is located at 1205 S. Sam Rayburn Freeway and 1202 S. Austin Street, between Middleton and Dulin Streets. The owner would like to replat the property into one lot for commercial development.

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

CITIZENS REQUESTS

PROPOSALS FOR PROPERTY

PROPOSALS FOR PROPERTY (604 S. SAM RAYBURN)

Adnan Knaish, 604 S. Sam Rayburn, said he came to Sherman last year and purchased the property listed above. He is trying to do something with the property and has "hit a brick wall" every time. He has presented several proposals to the staff.

Mr. Knaish said it is an existing building, but the meter has been removed. He spoke with the electric company and they have no objection. The power line comes two feet from the building to the lighted billboard that is located on the property. There are also two businesses located next door to his property.

He explained that he is trying to "do anything" with the property and all he gets from the City is "no." The building has been there since approximately 1967. Mr. Knaish said he wants to do something with the building.

Council Member Smith verified that the property is located in the floodplain. Mr. Knaish said it flooded in 2007 and the owner did not rehabilitate it at that time.

He added that there are several businesses next to the property including a billboard with an electric meter, which is located on his property. He said as a minimum, he would like to get service to the existing building, and would like to have a business in the building.

Mayor Wacker directed Mr. Knaish back to the City staff to work within the framework of the ordinance and floodplain controls in that area. She added that if there is anything they can do, she is sure they will.

Mr. Knaish said he has tried working with the staff and they say no. He was asked to do a plan, and they would not look at it.

Mayor Wacker asked him to continue to work with the staff for any further discussion needed.

MEDIA QUESTIONS

MEDIA QUESTIONS

There were no media questions.

APPOINT/REMOVE OR CONSIDER QUALIFICATIONS TO BOARDS AND COMMISSIONS

KEEP SHERMAN BEAUTIFUL COMMISSION (6)

KEEP SHERMAN BEAUTIFUL COMMISSION

Council Members considered an application for appointment to the Keep Sherman Beautiful Commission.

SUBSTANDARD STRUCTURE COMMISSION (5)

SUBSTANDARD STRUCTURE COMMISSION

Council Members considered an application for appointment to the proposed Substandard Structure Commission.

ACTION TAKEN.

Motion by Council Member Smith to appoint Michael Deen to the Keep Sherman Beautiful Commission for a term beginning and ending when the entire board is appointed, and to appoint Jared Tredway to the Substandard Structure Commission for a term beginning and ending with a period to be determined, pending passage by the City Council, of the Substandard Structure Ordinance. Second by Council Member Softly.

VOTING AYE: Howeth, Johnson, Plyler, Smith, Sofey, Softly.
VOTING NAY: None.
MOTION CARRIED.

COUNCIL COMMENTS

LIGHTS ON THE LAKE — **LIGHTS ON THE LAKE**

Council Member Plyler thanked the City staff for their hard work with Lights on the Lake. He said it was a great event this year.

SHERMAN ECONOMIC DEVELOPMENT CORPORATION — **SEDCO**

Council Member Plyler and Council Member Johnson congratulated great quarter, adding that they are doing a great job. SEDCO for their

HAPPY BIRTHDAY — **HAPPY BIRTHDAY**

Council Member Plyler also wished Deputy Mayor Howeth and Mr. Olson a happy birthday.

ANNOUNCEMENTS — **ANNOUNCEMENTS**

Mayor Wacker announced the following:

- **The Sherman Police Department is still taking applications for entry level patrol officers.**
- **Dino Days continues at the Sherman Museum.**
- **There are also two Hot Summer Nights concerts left in the season.**
- **The United Way Campaign “kicks off” on August 24, 2013, with the “Hustle for Health.” She said she and the Mayor of Denison are co-chairing the campaign this year and appreciated the efforts of the Grayson County community.**

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: **RECEIVE THE CITY ATTORNEY'S BRIEFING ON PENDING LITIGATION**
SECTION 551.074	**PERSONNEL MATTERS** **CONSIDER THE QUALIFICATIONS, APPOINTMENT AND REMOVAL OF MEMBERS TO BOARDS AND COMMISSIONS:** **RED RIVER GROUNDWATER CONSERVATION DISTRICT BOARD OF DIRECTORS (1)**
SECTION 551.087	**DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS** **DELIBERATE REGARDING COMMERCIAL OR FINANCIAL INFORMATION THAT THE CITY HAS RECEIVED FROM BUSINESS PROSPECTS AND DELIBERATE ANY OFFERS OR INCENTIVES TO THE BUSINESS PROSPECTS, INCLUDING THE FOLLOWING:** **PROJECT LIGHTNING**

On Motion duly made and carried, the Open Meeting recessed and reconvened in Executive Session at 6:01 p.m.

On Motion duly made and carried, the Executive Session recessed at 6:34 p.m. and reconvened in Open Meeting.

OPEN MEETING

<u>OPEN MEETING</u>
Reconvene into Open Meeting and take action, if any, on items discussed in Executive Session.

Council Member Smith did not return to Regular Session.

RED RIVER GROUNDWATER CONSERVATION DISTRICT BOARD OF DIRECTORS

<u>RED RIVER GROUNDWATER CONSERVATION DISTRICT BOARD OF DIRECTORS (1)</u>
ACTION TAKEN.

> **Motion by Council Member Johnson to reappoint David Gattis to the Red River Groundwater Conservation District Board of Directors for a term from August 31, 2013 to August 31, 2017. Second by Council Member Plyler.**

VOTING AYE: Howeth, Johnson, Plyler, Sofey, Softly.
VOTING NAY: None.
MOTION CARRIED.

ADJOURNMENT
On Motion duly made and carried, the meeting adjourned at 6:36 p.m.

ADJOURNMENT

MAYOR

CITY CLERK