

STATE OF TEXAS

§

June 9, 2023

COUNTY OF GRAYSON

§

BE IT REMEMBERED THAT A Called 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 June 9, 2023.

MEMBERS PRESENT:

MAYOR DAVID PLYLER; DEPUTY MAYOR JOSH STEVENSON.
COUNCIL MEMBERS DOBBS, HOLLAND, HOWETH, MARROQUIN,
TEAMANN.

MEMBERS ABSENT:

NONE.

CALL TO ORDER

Mayor Plyler called the meeting to order at 11:00 a.m. The Pledge of Allegiance and Invocation were led by Council Member Shawn Teamann.

CALL TO ORDER

APPROVE MINUTES

The Council reviewed the Minutes of the Called City Council Meeting of April 20, 2023 (Budget Planning Meeting, the Regular City Council Meeting of May 15, 2023, the Called City Council Meeting of May 25, 2023 (CIP Update), and the Called City Council Meeting of May 25, 2023 (Main Street Walking Tour). Council Member Howeth moved to approve the Minutes, as presented; Second by Council Member Holland; All present voted AYE. MOTION CARRIED.

APPROVE MINUTES

CITIZEN'S COMMENTS

There were no citizen's comments.

CITIZEN'S COMMENTS

CONSENT AGENDA

Asterisked (*) items are considered to be routine and will be enacted in one motion without discussion unless a Council Member or a citizen requests a specific item be discussed and voted on separately.

CONSENT AGENDA

The Council reviewed the Consent Agenda. Deputy Mayor Stevenson moved to approve the Consent Agenda, as presented. Second by Council Member Teamann. All present voted AYE.

CONSENT AGENDA

Double Asterisked (**) items are considered to be routine and will be enacted in one motion, subject to Staff Review Letter, without discussion unless a Council Member or a citizen requests a specific item be discussed and voted on separately.

CONSENT AGENDA

The Council reviewed the Consent Agenda. Council Member Howeth moved to approve the Consent Agenda, as presented, subject to the Staff Review Letter. Second by Council Member Holland. All present voted AYE.

PUBLIC HEARING

FINAL STATEMENT/ACTION PLAN FOR PROGRAM YEAR 2023
COMMUNITY DEVELOPMENT BLOCK GRANT

COMMUNITY
DEVELOPMENT

Mary Lawrence, Director of Finance, said this is the annual public hearing and approval of the Community Development Block Grant. There is a companion Resolution 7083 later in the meeting, to adopt the plan.

BLOCK GRANT

This year the grant funding is about \$308,000. A portion is used for administration and public service, park improvements, and demolition.

The City also received about 15 applications for assistance and the City was able to fund all the agencies that applied.

No citizens appeared before the City Council to discuss the Final Statement/Action Plan for Program Year 2023 Community Development Block Grant.

Mayor Plyler introduced Ordinance No. 6598 and called for a public hearing:

ORD 6598
RENEWING
REINVESTMENT
ZONE #10 &
INCREASE CAP

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, RENEWING THE DESIGNATION OF THE RESIDENTIAL REINVESTMENT ZONE, NUMBER TEN (#10), CITY OF SHERMAN, TEXAS, FOR THE PURPOSE OF RESIDENTIAL TAX ABATEMENT AND RAISE THE ELIGIBILITY CAP OF THE RESIDENTIAL TAX ABATEMENT FOR THE RESIDENTIAL REINVESTMENT ZONE, NUMBER TEN (#10), CITY OF SHERMAN, TEXAS FROM \$100,000.00 TO \$150,000.00; PROVIDING FOR A PENALTY NOT TO EXCEED \$2,000.00; PROVIDING A REPEALING/SAVINGS CLAUSE, SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

Rob Rae, Director of Development Services, explained that this item was to update Tax Residential Reinvestment Zone #10. It is required to update every five years. It was updated two years ago, however, due to increased inflation and construction costs, the \$100,000 limit is pretty low, resulting in fewer applicants. Therefore, the staff is asking to increase the amount to \$150,000.

He said it was a goal of the Comprehensive Master Plan, to continue the Residential Tax Abatement Program.

No citizens appeared before the City Council to discuss Ordinance No. 6598.

The Public Hearing was closed.

Ordinance 6598

ORD 6598
RENEWING
REINVESTMENT
ZONE #10 &
INCREASE CAP

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, RENEWING THE DESIGNATION OF THE RESIDENTIAL REINVESTMENT ZONE, NUMBER TEN (#10), CITY OF SHERMAN, TEXAS, FOR THE PURPOSE OF RESIDENTIAL TAX ABATEMENT AND RAISE THE ELIGIBILITY CAP OF THE RESIDENTIAL TAX ABATEMENT FOR THE RESIDENTIAL REINVESTMENT ZONE, NUMBER TEN (#10), CITY OF SHERMAN, TEXAS FROM \$100,000.00 TO \$150,000.00; PROVIDING FOR A PENALTY NOT TO EXCEED \$2,000.00; PROVIDING A

REPEALING/SAVINGS CLAUSE, SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

ACTION TAKEN.

Motion by Council Member Teamann to adopt Ordinance No. 6598, as presented. Second by Deputy Mayor Stevenson.

VOTING AYE: Dobbs, Holland, Howeth, Marroquin, Stevenson, Teamann.

VOTING NAY: None.

MOTION CARRIED.

RESOLUTION NO. 7080 - DETERMING A PUBLIC NECESSITY TO ACQUIRE BY EMINENT DOMAIN CERTAIN PROPERTY INTERESTS FOR PUBLIC USE, INCLUDING PERMANENT WATER EASEMENT AND TEMPORARY CONSTRUCTION EASEMENTS FOR THE CONSTRUCTION, EXPANSION, ACCESS, REPAIR AND MAINTENANCE OF PUBLIC WATER AND OTHER UTILITY IMPROVEMENTS CONSISTING OF TWO TRACTS OF LAND COMPRISING +/- 0.745 ACRES (PERMANENT WATER EASEMENT) AND A +/- 0.827 ACRES FOR A TEMPORARY CONSTRUCTION EASEMENT OWNED BY MEADOWLAKE10 INVESTMENTS LLC RECORDED UNDER DOCUMENT NO. 202200007640 OF THE OFFICIAL PUBLIC RECORDS OF GRAYSON COUNTY, TEXAS, WITHIN THE GEORGE R. REEVES SURVEY, ABSTRACT NO. 1020, GRAYSON COUNTY, TEXAS, AS DEEMED NECESSARY BY THE CITY MANAGER OR HIS DESIGNEE; GIVING NOTICE OF AN OFFICIAL DETERMINATION TO ACQUIRE THE PERMANENT WATER EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT FOR PUBLIC USE BY EMINENT DOMAIN FOR SUCH USES; AUTHORIZING THE CITY MANAGER OF THE CITY OF SHERMAN, TEXAS, TO ESTABLISH PROCEDURES FOR ACQUIRING THE EASEMENTS, OFFERING TO ACQUIRE THE EASEMENTS, VOLUNTARILY, FROM THE LANDOWNER THROUGH THE MAKING OF BONA FIDE OFFERS; APPROPRIATING FUNDS; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, DETERMING A PUBLIC NECESSITY TO ACQUIRE BY EMINENT DOMAIN CERTAIN PROPERTY INTEREST FOR PUBLIC USE, INCLUDING PERMANENT WATER EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT FOR THE CONSTRUCTION, EXPANSION, ACCESS, REPAIR AND MAINTENANCE OF PUBLIC WATER AND OTHER UTILITY IMPROVEMENTS, CONSISTING OF TWO TRACTS OF LAND COMPRISING OF +/- 0.745 ACRES (PERMANENT WATER EASEMENT) AND A +/- 0.827 ACRES FOR A TEMPORARY CONSTRUCTION EASEMENT OWNED BY MEADOWLAKE10 INVESTMENTS LLC RECORDED UNDER DOCUMENT NO. 202200007640 OF THE OFFICIAL PUBLIC RECORDS OF GRAYSON COUNTY, TEXAS, WITHIN THE GEORGE R. REEVES SURVEY, ABSTRACT NO. 1020, GRAYSON COUNTY, TEXAS, AS DEEMED NECESSARY BY THE CITY MANAGER OR HIS DESIGNEE; GIVING NOTICE OF AN OFFICIAL DETERMINATION TO ACQUIRE THE PERMANENT WATER EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT FOR PUBLIC USE BY EMINENT

RES 7080
EMINENT DOMAIN
FOR 36" WEST
SHERMAN WATER
MAIN PROJECT
(MEADOWLAKE 10
INVESTMENTS)

DOMAIN FOR SUCH USES; AUTHORIZING THE CITY MANAGER OF THE CITY OF SHERMAN, TEXAS, TO ESTABLISH PROCEDURES FOR ACQUIRING THE EASEMENTS, OFFERING TO ACQUIRE THE EASEMENTS, VOLUNTARILY, FROM THE LANDOWNER THROUGH THE MAKING OF BONA FIDE OFFERS; APPROPRIATING FUNDS; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.

Clint Philpott, Assistant City Manager, said Resolution 7080, 7081, and 7082 are all related to the West Sherman Water Main Project. They are presented to the City Council because the appraisals or counter offers came back over \$50,000.

Because of the timeliness of this project, the staff wanted to move forward with the process of eminent domain. This doesn't mean the staff won't stop trying to negotiate, but the process takes some time, and will only be used as a last resort to obtaining the easements. He said there maybe others that will also need to proceed with condemnation.

Council Member Teamann said the Council set a \$50,000 limit for the staff to negotiate on these types of projects. He said he understood that some of these properties have a higher value, and he appreciated the Council being able to review them.

He said some of these property owners have asked about the placement of the pipeline and how the property is valued. He asked for an explanation of the placement of the pipeline.

Mr. Philpott said an alignment study was completed with three different options and multiple locations. However, there are also existing gas lines, with an existing easement. Most easements that the City is requiring are along boundaries of properties, or along future rights-of-way.

In this case, because of the gas line easements, Mr. Philpott said it didn't make sense, from a development standpoint, to try and locate it adjacent to the easement. Locating them offset from the road would still allow development to occur.

North Texas Municipal Water District has an 80' easement that runs through Sherman. There are also plans for a 72" line with plans for another 84" line. That easement runs through subdivisions, through O'Hanlon Ranch, and through City parks. He said the staff hoped to have meetings with those property owners to explain the issues and to get a better price negotiated.

Mr. Hefton added that, the concept with all the alignments, is to consider existing roads, other easements, and find the "least, worse" route.

Council Member Teamann verified the width of the permanent easement. Mr. Philpott said the permanent easement is 45' and the second is a 50' temporary construction easement, that will

terminate in two years. The construction easement will give the contractor room to work and room for the materials.

He added that the 45' easement will remain and the 50' easement will go away. You can build a road or parking lot across the easement, but you can't put a structure on it. The property owner is also allowed to have a main extension off the line.

Council Member Teamann said, property owners don't like eminent domain, and he asked if these properties have been appraised. And are negotiations so far apart with value versus "the ask"?

Mr. Philpott said all the properties have been appraised and the property values established, which determines the offer. There is a range for counter offers, but there is a cost for legal fees for eminent domain. All this is considered in negotiations.

Council Member Teamann reiterated that he doesn't like eminent domain, but did understand the need to negotiate over \$50,000. He encouraged staff to work through a negotiation with property owners, over the \$50,000, but to not use eminent domain.

Ryan Pittman, City Attorney, asked for a public hearing to see if anyone wanted to speak on the Resolution authorizing eminent domain, prior to a motion being made.

No citizens wanted to speak on any of the three Resolutions authorizing eminent domain.

ACTION TAKEN.

Motion by Council Member Teamann that the City Council of the City of Sherman authorize the use of the power of eminent domain to acquire two tracts of land comprising +/- 0.745 acres and a +/- 0.827 acres, as described in Exhibit A to the Resolution, for a permanent water easement and temporary construction easement, as presented. Second by Deputy Mayor Stevenson.

VOTING AYE: Dobbs, Holland, Howeth, Marroquin, Stevenson, Teamann.

VOTING NAY: None.

MOTION CARRIED.

RESOLUTION NO. 7081 - DETERMINING A PUBLIC NECESSITY TO ACQUIRE BY EMINENT DOMAIN CERTAIN PROPERTY INTERESTS FOR PUBLIC USE, INCLUDING PERMANENT WATER EASEMENT AND TEMPORARY CONSTRUCTION EASEMENTS FOR THE CONSTRUCTION, EXPANSION, ACCESS, REPAIR AND MAINTENANCE OF PUBLIC WATER AND OTHER UTILITY IMPROVEMENTS CONSISTING OF TWO TRACTS OF LAND COMPRISING +/- 1.369 ACRES (PERMANENT WATER EASEMENT) AND A +/- 1.521 ACRES FOR A TEMPORARY CONSTRUCTION EASEMENT OWNED BY WENBAO WONG AND LINGHUA KONG RECORDED UNDER DOCUMENT NO. 202100017914 OF THE OFFICIAL PUBLIC RECORDS OF GRAYSON COUNTY, TEXAS, WITHIN THE GEORGE R. REEVES SURVEY, ABSTRACT NO. 1020, GRAYSON COUNTY, TEXAS, AS DEEMED NECESSARY BY THE

RES 7081
EMINENT DOMAIN
FOR 36" WEST
SHERMAN WATER
MAIN PROJECT
(WENBAO WONG &
LINGHUA KONG)

CITY MANAGER OR HIS DESIGNEE; GIVING NOTICE OF AN OFFICIAL DETERMINATION TO ACQUIRE THE PERMANENT WATER EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT FOR PUBLIC USE BY EMINENT DOMAIN FOR SUCH USES; AUTHORIZING THE CITY MANAGER OF THE CITY OF SHERMAN, TEXAS, TO ESTABLISH PROCEDURES FOR ACQUIRING THE EASEMENTS, OFFERING TO ACQUIRE THE EASEMENTS, VOLUNTARILY, FROM THE LANDOWNER THROUGH THE MAKING OF BONA FIDE OFFERS; APPROPRIATING FUNDS; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, DETERMINING A PUBLIC NECESSITY TO ACQUIRE BY EMINENT DOMAIN CERTAIN PROPERTY INTEREST FOR PUBLIC USE, INCLUDING PERMANENT WATER EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT FOR THE CONSTRUCTION, EXPANSION, ACCESS, REPAIR AND MAINTENANCE OF PUBLIC WATER AND OTHER UTILITY IMPROVEMENTS, CONSISTING OF TWO TRACTS OF LAND COMPRISING OF +/- 1.369 ACRES (PERMANENT WATER EASEMENT) AND A +/- 1.521 ACRES FOR A TEMPORARY CONSTRUCTION EASEMENT OWNED BY WENBAO WONG AND LINGHUA KONG RECORDED UNDER DOCUMENT NO. 202100017914 OF THE OFFICIAL PUBLIC RECORDS OF GRAYSON COUNTY, TEXAS, WITHIN THE GEORGE R. REEVES SURVEY, ABSTRACT NO. 1020, GRAYSON COUNTY, TEXAS, AS DEEMED NECESSARY BY THE CITY MANAGER OR HIS DESIGNEE; GIVING NOTICE OF AN OFFICIAL DETERMINATION TO ACQUIRE THE PERMANENT WATER EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT FOR PUBLIC USE BY EMINENT DOMAIN FOR SUCH USES; AUTHORIZING THE CITY MANAGER OF THE CITY OF SHERMAN, TEXAS, TO ESTABLISH PROCEDURES FOR ACQUIRING THE EASEMENT, OFFERING TO ACQUIRE THE EASEMENTS, VOLUNTARILY, FROM THE LANDOWNER THROUGH THE MAKING OF BONA FIDE OFFERS; APPROPRIATING FUNDS; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Philpott said this is the second request for eminent domain.

ACTION TAKEN.

Motion by Deputy Mayor Stevenson that the City Council of the City of Sherman authorize the use of the power of eminent domain to acquire two tracts of land comprising +/- 1.369 acres and a +/- 1.529 acres, as described in Exhibit A to the resolution, for a permanent water easement and temporary construction easement, as presented. Second by Council Member Howeth.

VOTING AYE: Dobbs, Holland, Howeth, Marroquin, Stevenson, Teamann.

VOTING NAY: None.

MOTION CARRIED.

RESOLUTION NO. 7082 - DETERMING A PUBLIC NECESSITY TO ACQUIRE BY EMINENT DOMAIN CERTAIN PROPERTY INTERESTS FOR PUBLIC USE, INCLUDING PERMANENT WATER EASEMENT AND TEMPORARY CONSTRUCTION EASEMENTS FOR THE CONSTRUCTION, EXPANSION, ACCESS, REPAIR AND MAINTENANCE OF PUBLIC WATER AND OTHER UTILITY IMPROVEMENTS CONSISTING OF TWO TRACTS OF LAND COMPRISING +/- 1.913 ACRES (PERMANENT WATER EASEMENT) AND A +/- 1.710 ACRES FOR A TEMPORARY CONSTRUCTION EASEMENT OWNED BY CASE ROAD LLC RECORDED UNDER DOCUMENT NO. 202100003861 OF THE OFFICIAL PUBLIC RECORDS OF GRAYSON COUNTY, TEXAS, WITHIN THE ELIJAH N. DEEVER SURVEY, ABSTRACT NO. 358, GRAYSON COUNTY, TEXAS, AS DEEMED NECESSARY BY THE CITY MANAGER OR HIS DESIGNEE; GIVING NOTICE OF AN OFFICIAL DETERMINATION TO ACQUIRE THE PERMANENT WATER EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT FOR PUBLIC USE BY EMINENT DOMAIN FOR SUCH USES; AUTHORIZING THE CITY MANAGER OF THE CITY OF SHERMAN, TEXAS, TO ESTABLISH PROCEDURES FOR ACQUIRING THE EASEMENTS, OFFERING TO ACQUIRE THE EASEMENTS, VOLUNTARILY, FROM THE LANDOWNER THROUGH THE MAKING OF BONA FIDE OFFERS; APPROPRIATING FUNDS; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, DETERMING A PUBLIC NECESSITY TO ACQUIRE BY EMINENT DOMAIN CERTAIN PROPERTY INTEREST FOR PUBLIC USE, INCLUDING PERMANENT WATER EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT FOR THE CONSTRUCTION, EXPANSION, ACCESS, REPAIR AND MAINTENANCE OF PUBLIC WATER AND OTHER UTILITY IMPROVEMENTS, CONSISTING OF TWO TRACTS OF LAND COMPRISING OF +/- 1.913 ACRES (PERMANENT WATER EASEMENT) AND A +/- 1.710 ACRES FOR A TEMPORARY CONSTRUCTION EASEMENT OWNED BY CASE ROAD LLC RECORDED UNDER DOCUMENT NO. 202100003861 OF THE OFFICIAL PUBLIC RECORDS OF GRAYSON COUNTY, TEXAS, WITHIN THE ELIJAH N. DEEVER SURVEY, ABSTRACT NO. 358, GRAYSON COUNTY, TEXAS, AS DEEMED NECESSARY BY THE CITY MANAGER OR HIS DESIGNEE; GIVING NOTICE OF AN OFFICIAL DETERMINATION TO ACQUIRE THE PERMANENT WATER EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT FOR PUBLIC USE BY EMINENT DOMAIN FOR SUCH USES; AUTHORIZING THE CITY MANAGER OF THE CITY OF SHERMAN, TEXAS, TO ESTABLISH PROCEDURES FOR ACQUIRING THE EASEMENTS, OFFERING TO ACQUIRE THE EASEMENTS, VOLUNTARILY, FROM THE LANDOWNER THROUGH THE MAKING OF BONA FIDE OFFERS; APPROPRIATING FUNDS; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.

Council Member Dobbs agreed that no one likes eminent domain, but he encouraged communication by the staff.

RES 7082
EMINENT DOMAIN
FOR 36" WEST
SHERMAN WATER
MAIN PROJECT
(CASE ROAD LLC)

ACTION TAKEN.

Motion by Council Member Dobbs that the City Council of the City of Sherman authorize the use of the power of eminent domain to acquire two tracts of land comprising +/- 1.913 acres and a +/- 1.710 acres, as described in Exhibit A to the resolution, for a permanent water easement and temporary construction easement, as presented. Second by Deputy Mayor Stevenson.

VOTING AYE: Dobbs, Holland, Howeth, Marroquin, Stevenson, Teamann.

VOTING NAY: None.

MOTION CARRIED.

RESOLUTION NO. 7083 - AUTHORIZING PUBLICATION OF THE PROPOSED FINAL STATEMENT/ACTION PLAN FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT FOR PROGRAM YEAR 2023; AUTHORIZING SUBMISSION OF THE BLOCK GRANT APPLICATION; AUTHORIZING EXECUTION OF CERTIFICATIONS OF COMPLIANCE IN CONNECTION WITH THE ADMINISTRATION AND CONDUCT OF THE COMMUNITY DEVELOPMENT PROGRAM FOR PROGRAM YEAR 2023

RES 7083
COMMUNITY
DEVELOPMENT
BLOCK GRANT

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS AUTHORIZING PUBLICATION OF THE PROPOSED FINAL STATEMENT/ACTION PLAN FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT FOR PROGRAM YEAR 2023; AUTHORIZING SUBMISSION OF THE BLOCK GRANT APPLICATION; AUTHORIZING EXECUTION OF CERTIFICATIONS OF COMPLIANCE IN CONNECTION WITH THE ADMINISTRATION AND CONDUCT OF THE COMMUNITY DEVELOPMENT PROGRAM FOR PROGRAM YEAR 2023.

Council Member Howeth said the Community Development Block Grant money continues to drop each year. She asked what makes the decision for less funding.

Ms. Lawrence said there is a formula that determines funding for cities, and it is determined by the Federal government.

ACTION TAKEN.

Motion by Council Member Howeth to approve Resolution No. 7083, as presented. Second by Deputy Mayor Stevenson.

VOTING AYE: Dobbs, Holland, Howeth, Marroquin, Stevenson, Teamann.

VOTING NAY: None.

MOTION CARRIED.

RESOLUTION NO. 7084 - AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH LYNN VESSELS CONSTRUCTION, LLC BASED ON AN INVITATION TO BID FOR THE HICKORY HILL OFFSITE WATER AND SANITARY SEWER IMPROVEMENTS

RES 7084
HICKORY HILL
OFFSITE WATER

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH LYNN VESSELS CONSTRUCTION, LLC, BASED ON AN INVITATION TO BID FOR

& SANITARY SEWER
IMPROVEMENTS

THE HICKORY HILL OFFSITE WATER & SANITARY SEWER IMPROVEMENTS.

Tom Pruitt, Utility Engineer, said they recently opened bids for the Hickory Hill Offsite Water and Sanitary Sewer Improvements, and had seven responsive bidders, three of which were very close. Lynn Vessels Construction was the low bidder at \$2.7 million. The developer will also pay a portion of the contract amount.

Mr. Philpott said the Master Development Agreement establishes the terms of who will pay for what for the project. Initially, the developer would put all the money in at the beginning.

Things have changed and an updated Master Development Agreement will be presented for the Council's consideration at the June 26, 2023 Council Meeting. This update will clarify the responsibilities of each party for this infrastructure project. The intent was to help speed up the utility needs of the single-family for rent development and the multi-family development.

Council Member Teamann said there was a \$300,000 contingency for change orders in the budget, and asked if the contractor knew there would only be \$300,000 allowed for change orders on this project.

ACTION TAKEN.

Motion by Council Member Teamann to approve Resolution No. 7084, as presented. Second by Deputy Mayor Stevenson.

VOTING AYE: Dobbs, Holland, Howeth, Marroquin, Stevenson, Teamann.

VOTING NAY: None.

MOTION CARRIED.

RESOLUTION NO. 7085 - DECLARING THE CITY OF SHERMAN'S ELIGIBILITY AND INTENTION TO PARTICIPATE IN A RESIDENTIAL TAX ABATEMENT PROGRAM TO PROMOTE DEVELOPMENT/ REDEVELOPMENT IN CERTAIN AREAS OF THE CITY; ESTABLISHING GUIDELINES AND CRITERIA

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, DECLARING THE CITY OF SHERMAN'S ELIGIBILITY AND INTENTION TO PARTICIPATE IN A RESIDENTIAL TAX ABATEMENT PROGRAM TO PROMOTE DEVELOPMENT/ REDEVELOPMENT IN CERTAIN AREAS OF THE CITY; ESTABLISHING GUIDELINES AND CRITERIA.

RES 7085
RESIDENTIAL TAX
ABATEMENT
GUIDELINES &
CRITERIA

Rob Rae, Director of Development Services, said this was a companion item to Ordinance 6598, that was approved earlier, and is the Resolution for the Residential Tax Abatement, and must be renewed every two years.

ACTION TAKEN.

Motion by Council Member Dobbs to approve Resolution No. 7085, as presented. Second by Council Member Stevenson.

VOTING AYE: Dobbs, Holland, Howeth, Marroquin, Stevenson, Teamann.
VOTING NAY: None.
MOTION CARRIED.

RESOLUTION NO. 7086 - AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH HALFF ASSOCIATES, INC. FOR THE UPDATE OF THE CITY OF SHERMAN'S SUBDIVISION ORDINANCE AND TO CREATE A DEVELOPMENT PROCESS GUIDE

RES 7086
SUBDIVISION ORD
UPDATE &
DEVELOPMENT
PROCESS GUIDE

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH HALFF ASSOCIATES, INC. FOR THE UPDATE OF THE CITY OF SHERMAN'S SUBDIVISION ORDINANCE AND THE CREATION OF A DEVELOPMENT PROCESS GUIDE.

Mr. Rae said the Subdivision Ordinance has needed updating for some time, but they really don't have time to do it in-house. With all the development currently going on in Sherman, it really needs to be done.

They have received a proposal of \$85,000 from Halff Associates to perform the update to the Subdivision Ordinance and to create a Development Process Guide for the City. The ordinance update would begin in June 2023 with a target completion date of December 2023, and the Development Process Guide would begin in June 2023 with a target completion date of September 2023.

The Development Process Guide would provide direction to developers about the City's process for getting their developments approved.

Mr. Rae said the Subdivision Ordinance regulates parcels and properties and guides the regulations for platting property, and outlines the process.

ACTION TAKEN.

Motion by Deputy Mayor Stevenson to approve Resolution No. 7086, as presented. Second by Council Member Dobbs.
VOTING AYE: Dobbs, Holland, Howeth, Marroquin, Stevenson, Teamann.
VOTING NAY: None.
MOTION CARRIED.

RESOLUTION NO. 7087 - AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH HUITT-ZOLLARS, INC. FOR THE DESIGN OF TRAIL LIGHTING AND RESTROOMS AT PECAN GROVE EAST PARK

RES 7087
PECAN GROVE EAST
PARK TRAIL LIGHTING
& RESTROOMS

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH HUITT-ZOLLARS, INC. FOR THE DESIGN OF TRAIL LIGHTING AND RESTROOMS AT PECAN GROVE EAST PARK.
CONSENT AGENDA.

RESOLUTION NO. 7088 - AUTHORIZING THE EXECUTION OF A CONTRACT WITH HUNTER KNEPSHIELD OF TEXAS, INC. FOR THE PURCHASE AND INSTALLATION OF A SHELTER AT THE WESTHILL CEMETERY THROUGH THE BUYBOARD PURCHASING COOPERATIVE

RES 7088
WEST HILL
CEMETERY
SHELTER

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF A CONTRACT WITH HUNTER KNEPSHIELD OF TEXAS, INC. FOR THE PURCHASE AND INSTALLATION OF A SHELTER AT THE WESTHILL CEMETERY THROUGH THE BUYBOARD PURCHASING COOPERATIVE.

CONSENT AGENDA.

RESOLUTION NO. 7089 - AUTHORIZING THE PURCHASE OF TRAFFIC CONTROL EQUIPMENT FOR THE CROSSWALK AT E. BROCKETT FROM CONSOLIDATED TRAFFIC CONTROLS, INC. THROUGH H-GAC

RES 7089
TRAFFIC CONTROL
AT E. BROCKETT
CROSSWALK

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE PURCHASE OF TRAFFIC CONTROL EQUIPMENT FOR THE CROSSWALK AT E BROCKETT FROM CONSOLIDATED TRAFFIC CONTROLS, INC. THROUGH H-GAC.

CONSENT AGENDA.

RESOLUTION NO. 7090 - AUTHORIZING THE PURCHASE OF TRAFFIC CONTROL EQUIPMENT FOR THE CROSSWALK AT N. GRANT AVE. FROM CONSOLIDATED TRAFFIC CONTROLS, INC. THROUGH H-GAC

RES 7090
TRAFFIC CONTROL
AT N. GRANT
CROSSWALK

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE PURCHASE OF TRAFFIC CONTROL EQUIPMENT FOR THE CROSSWALK AT N GRAND AVE FROM CONSOLIDATED TRAFFIC CONTROLS, INC. THROUGH H-GAC.

CONSENT AGENDA.

REQUEST TO ADVERTISE

REQUEST TO ADVERTISE FOR A NEW LIFE AND DISABILITY BENEFITS INSURED CARRIER FOR THE CITY OF SHERMAN

REQUEST TO ADV
EMPLOYEE LIFE
& DISABILITY
BENEFITS

The City Council approved the request to advertise for a new Life and Disability Benefit Carrier for the City's employees. The City is a self-funded municipality, with a brokerage firm, Lockton Companies, LLC, to coordinate all employee benefits. UNUM is expiring and will no longer provide a rate guarantee for these benefits.

CONSENT AGENDA.

PURCHASE OF TWO NEW VEHICLES FOR THE SHERMAN POLICE DEPARTMENT

POLICE DEPT.
VEHICLES

The City Council approved the request to advertise for the purchase of two new vehicles for the CID Division of the Police Department.

On October 17, 2022, Council approved Resolution 6976, for the purchase of two vehicles from Silsbee Ford, Inc, through the TIPS purchasing cooperative. Silsbee Ford has informed the Police

Department, that they were unable to obtain the vehicles, and the related purchase order has been voided.
CONSENT AGENDA.

CHANGE ORDER NO. 2

MOORE STREET FROM WEST TRAVIS STREET TO HERITAGE PARKWAY PROJECT; LYNN VESSELS CONSTRUCTION, LLC.; \$114,650.89 INCREASE

CHANGE ORDER
MOORE STREET

Mr. Philpott said this change order is also a final change order for this project. They have paved everything to FM 1417, but there was a gas line that had to be relocated. The City's 20" water line was also found to be in the way, and they looked at a couple of options to remedy that.

Based on lead time and cost, it was determined that the best option was to encase the water line with steel encasement. Since the project was so close to completion, the staff went ahead and reconciled the project to close it out. This change order deals with encasing the water line and closing out the project.

Cost for the additional work and the reconciliatory close out, resulted in a net increase of \$114,650.89 for the project. Mr. Hefton added that the scope change had to be done, and was at the City's request. It came about after the project was underway.

ACTION TAKEN.

Motion by Deputy Mayor Stevenson to approve Change Order No. 2, to Lynn Vessels Construction, LLC, for a \$114,650.89 increase for the Moore Street, from West Travis Street to Heritage Parkway project, as presented. Second by Council Member Howeth.

VOTING AYE: Dobbs, Holland, Howeth, Marroquin, Stevenson, Teamann.

VOTING NAY: None.

MOTION CARRIED.

OTHER BUSINESS

CONSIDER CANCELCATION OF THE JUNE 19, 2023 REGULAR CITY COUNCIL MEETING AND ADD CALLED CITY COUNCIL MEETING ON MONDAY, JUNE 26, 2023

CANCEL JUNE 19,
2023 COUNCIL MTG
& SCHEDULE
CALLED MTG FOR
JUNE 26, 2023

Mr. Hefton said the staff is proposing to combine the scheduled June 19, 2023 meeting with the Called Meeting of June 26, 2023, instead of having meetings on two Mondays in a row. There are some items from the June 5, 2023 Council Meeting that, by law could not be considered until the June 26 Meeting.

ACTION TAKEN.

Motion by Council Member Holland to cancel the June 19, 2023 Regular City Council Meeting, and add a Called City Council Meeting on June 26, 2023, as presented. Second by Council Member Howeth.

VOTING AYE: Dobbs, Holland, Howeth, Marroquin, Stevenson, Teamann.

VOTING NAY: None.

MOTION CARRIED.

FINAL PLAT OF SHERMAN CROSSROADS COMMERCIAL ADDITION, CONSISTING OF 1.00 ACRE IN THE PRESTON KITCHEN SURVEY, ABSTRACT NO. 667, AND IS CURRENTLY LOCATED IN THE BLALOCK INDUSTRIAL PARK/BLALOCK COMMERCIAL OVERLAY DISTRICT/PD (PLANNED DEVELOPMENT); WILLIAM HARKINSON, SHERMAN CROSSROADS, LTD, OWNER, QUIDDITY, LAND SURVEYOR (3600 BLOCK CROSSROADS BOULEVARD)

APPROVE FINAL PLAT
SHERMAN
CROSSROADS
COMMERCIAL
ADDITION
(3600 BLOCK
CROSSROADS BLVD)

The City Council approved the Final Plat of Sherman Crossroads Commercial Addition, a 1-acre tract, located in the 3600 block of Crossroads Boulevard, and the Blalock Industrial Park/Blalock Commercial Overlay District/PD (Planned Development). The owner would like to plat the property into one lot for commercial development.

The Planning and Zoning Commission recommended approval of the Final Plat, subject to the Staff Review Letter.
CONSENT AGENDA, SUBJECT TO THE STAFF REVIEW LETTER.

REPLAT OF SHERMAN CROSSROADS, PHASE IV, LOTS 28, 29, 30, & 31, BLOCK 2, CONSISTING OF 5.65 ACRES IN THE PRESTON KITCHEN SURVEY, ABSTRACT NO. 667, AND BEING LOT 6R, BLOCK 2, OF SHERMAN CROSSROADS, PHASE II, AND IS CURRENTLY ZONED PD (PLANNED DEVELOPMENT)/BLALOCK INDUSTRIAL PARK/BLALOCK COMMERCIAL OVERLAY DISTRICT; SHERMAN CROSSROADS, LTD, OWNER; AND A&W SURVEYORS, SURVEYOR (3320-3550 BLOCK CROSSROADS BOULEVARD)

APPROVE REPLAT
SHERMAN
CROSSROADS,
PHASE IV
(3320-3550 BLOCK
CROSSROADS BLVD)

The City Council approved the Replat of Sherman Crossroads, Phase IV, a 5.65-acre tract, located in the 3320 to 3550 blocks of Crossroads Boulevard. The property is currently zoned PD (Planned Development)/Blalock Industrial Park/Blalock Commercial Overlay District. The owner would like to plat the property into four lots for commercial development.

The Planning and Zoning Commission recommended approval of the Replat, subject to the Staff Review Letter.
CONSENT AGENDA, SUBJECT TO THE STAFF REVIEW LETTER.

FINAL PLAT OF 1411 EAST CHAFFIN ADDITION, CONSISTING OF 0.273 ACRES IN THE G/B/ PILANT SURVEY, ABSTRACT NO. 963, AND IS CURRENTLY ZONED R-6 (SINGLE FAMILY RESIDENTIAL) DISTRICT; JAMES AND LEAH HARRISON, OWNER AND PRESTON TRAIL LAND SURVEYING, SURVEYOR (1411 EAST CHAFFIN STREET)

APPROVE FINAL PLAT
1411 EAST CHAFFIN
ADDITION
(1411 E. CHAFFIN)

The City Council approved the Final Plat of the 1411 East Chaffin Addition, a 0.273-acre tract, located at 1411 East Chaffin Street. The property is currently zoned R-6 (Single Family Residential) District. The owner would like to plat the property into one lot for residential development.

The Planning and Zoning Commission recommended approval of the Final Plat, subject to the Staff Review Letter.
CONSENT AGENDA, SUBJECT TO THE STAFF REVIEW LETTER.

PUBLIC HEARING AND REPLAT OF MONTANO ADDITION, CONSISTING OF 0.173 ACRES, BEING A PART OF LOT 3 AND LOT 4, BLOCK 5 OF THE EPSTEINS ADDITION, AND IS CURRENTLY ZONED R-6 (SINGLE FAMILY RESIDENTIAL) DISTRICT; JAVIER MONTANO, JDM BUILDERZ, LLC, OWNER AND CALEB JONES, UNDERWOOD DRAFTING & SURVEYING, INC., SURVEYOR (921 SOUTH WILLOW STREET)

APPROVE REPLAT
MONTANO ADDITION
(921 S. WILLOW ST)

The City Council approved the Replat of Montano Addition, a 0.173-acre tract of land, located at 921 South Willow Street. The property is currently zoned R-6 (Single Family Residential) District. The owner would like to plat the property into one lot for residential development.

The Planning and Zoning Commission recommended approval of the Replat, subject to the Staff Review Letter.
CONSENT AGENDA, SUBJECT TO THE STAFF REVIEW LETTER.

REPLAT OF LOT 14 PARKVIEW ADDITION, BEING A REPLAT OF LOT 14 AND THE ADJACENT 15' ALLEY, IN THE PARKVIEW ADDITION, CONSISTING OF 0.311 ACRES, BEING A PART OF THE J.B. McANAIR SURVEY, ABSTRACT NO. 763, AND IS CURRENTLY ZONED R-6 (SINGLE FAMILY RESIDENTIAL) DISTRICT; DAVID BACA AND LUIS HERNANDEZ, OWNERS AND COPLEY LAND SURVEYING, SURVEYOR (211 AND 215 NORTH RICKETTS STREET)

APPROVE REPLAT
PARKVIEW ADDITION
(211 & 215 N.
RICKETTS ST)

The City Council approved the Replat of Lot 14 Parkview Addition and the adjacent 15' alley, a 0.311-acre tract, located at 211 and 215 North Ricketts Street. The property is currently zoned R-6 (Single Family Residential) District. The owners would like to plat the property into two lots for residential development.

The Planning and Zoning Commission recommended approval of the Replat, subject to the Staff Review Letter.
CONSENT AGENDA, SUBJECT TO THE STAFF REVIEW LETTER.

FINAL PLAT OF CONCORD VILLAGE ADDITION, CONSISTING OF 3.648 ACRES IN THE J.B. McANAIR SURVEY, ABSTRACT NO. 763; RAY JEAN HANKEY, TRUSTEE, OWNER; UNDERWOOD DRAFTING & SURVEYING, SURVEYOR (820 NORTH SAM RAYBURN FREEWAY)

APPROVE FINAL PLAT
CONCORD VILLAGE
ADDITION
(820 N. SAM RAYBURN
FRWY)

The City Council approved the Final Plat of Concord Village Addition, a 3.648-acre tract, located at 820 North Sam Rayburn Freeway. The owner would like to plat the property into one lot for multi-family development.

The Planning and Zoning Commission recommended approval of the Final Plat, subject to the Staff Review Letter.
CONSENT AGENDA, SUBJECT TO THE STAFF REVIEW LETTER.

COUNCIL COMMENTS

HOT SUMMER NIGHTS

Council Member Howeth said Hot Summer Nights has begun for the season, and both concerts held so far have been fun. She said attendance has been good.

HOT SUMMER NIGHTS

HOT SUMMER NIGHTS

Council Member Teamann said he thought attendance at Hot Summer Nights was up because of the “Back to the Future” commercial the Mayor did.

HOT SUMMER NIGHTS

ANNOUNCEMENTS

Mayor Plyler announced the following:

ANNOUNCEMENTS

- There have been two great Hot Summer Nights concerts so far this season. Tommy DeCarlo, lead singer for Boston will be here on June 15, 2023, and the Josh Abbott Band will be here on June 22, 2023. Concerts start at 7:00 p.m., and are held in Kidd-Key Park.
- Downtown Sherman’s newest business, Ash and Barrell, will have a ribbon cutting on June 13, 2023, at 11:00 a.m.
- Monday Madness will be held at the Municipal Building on Monday mornings at 10:00 a.m. The event is sponsored by the Public Library and Parks and Recreation. Shows are free and for the whole family.

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

EXECUTIVE SESSION

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

TEX. GOV’T CODE § 551.071 --

SEEKING THE ADVICE OF ITS ATTORNEY ABOUT PENDING OR CONTEMPLATED LITIGATION, SETTLEMENT OFFERS OR ANY MATTER IN WHICH THE DUTY OF THE ATTORNEY TO THE CITY COUNCIL UNDER THE TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT OF THE STATE BAR OF TEXAS CLEARLY CONFLICTS WITH THE TEXAS OPEN MEETINGS ACT

- (A) Receive legal advice regarding the possible expansion of the Grayson County Jail

TEX. GOV’T CODE § 551.072 --

DELIBERATING THE PURCHASE, EXCHANGE, LEASE OR VALUE OF REAL PROPERTY IF DELIBERATION IN AN OPEN MEETING WOULD HAVE A DETRIMENTAL EFFECT ON THE POSITION OF THE CITY IN NEGOTIATIONS WITH A THIRD PERSON

TEX. GOV’T CODE § 551.073 --

DELIBERATING A NEGOTIATED CONTRACT FOR A PROSPECTIVE GIFT OR DONATION TO THE CITY IF DELIBERATION IN AN OPEN MEETING WOULD HAVE A

DETRIMENTAL EFFECT ON THE POSITION OF THE CITY IN
NEGOTIATIONS WITH A THIRD PERSON

TEX. GOV'T CODE § 551.074 --

DELIBERATING THE APPOINTMENT, EMPLOYMENT,
EVALUATION, REASSIGNMENT, DUTIES, DISCIPLINE OR
DISMISSAL OF A PUBLIC OFFICER OR EMPLOYEE; OR TO HEAR
A COMPLAINT OR CHARGE AGAINST AN OFFICER OR
EMPLOYEE UNLESS THE OFFICER OR EMPLOYEE WHO IS THE
SUBJECT OF THE DELIBERATION OR HEARING REQUESTS A
PUBLIC HEARING

TEX. GOV'T CODE § 551.076 --

DELIBERATING THE DEPLOYMENT, OR SPECIFIC OCCASIONS
FOR IMPLEMENTATION, OF SECURITY PERSONNEL OR DEVICES
OR A SECURITY AUDIT

TEX. GOV'T CODE § 551.087 --

DISCUSSING OR DELIBERATING COMMERCIAL OR FINANCIAL
INFORMATION THAT THE CITY HAS RECEIVED FROM A
BUSINESS PROSPECT THAT THE CITY SEEKS TO HAVE LOCATE,
STAY OR EXPAND IN OR NEAR THE CITY AND WITH WHICH THE
CITY IS CONDUCTING ECONOMIC DEVELOPMENT
NEGOTIATIONS; OR DELIBERATING THE OFFER OF A FINANCIAL
OR OTHER INCENTIVE TO A BUSINESS PROSPECT

(A) Hospital Project

(B) Downtown Incentives

TEXAS GOV'T CODE § 551.089 --

DELIBERATING SECURITY ASSESSMENTS OR DEPLOYMENTS
RELATING TO INFORMATION RESOURCES TECHNOLOGY,
NETWORK SECURITY INFORMATION, OR THE DEPLOYMENT OR
SPECIFIC OCCASIONS FOR IMPLEMENTATION OF SECURITY
PERSONNEL, CRITICAL INFRASTRUCTURE OR SECURITY
DEVICES

On Motion duly made and carried, the Open Meeting recessed and
reconvened in Executive Session at 11:34 a.m.

On Motion duly made and carried, the Executive Session recessed
at 1:00 p.m. and reconvened in Open Meeting.

OPEN MEETING

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

OPEN MEETING

COUNCIL MINUTES – JUNE 9, 2023

ADJOURNMENT

On Motion duly made and carried, the meeting adjourned at 1:02 p.m.



MAYOR


CITY CLERK

ADJOURNMENT