

STATE OF TEXAS

§

June 7, 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 June 7, 2010.

MEMBERS PRESENT:

MAYOR BILL MAGERS; DEPUTY MAYOR JOE SMITH.
COUNCIL MEMBERS ADAMI, SOFTLY, STEELE, WACKER.

MEMBERS ABSENT:

COUNCIL MEMBER HOWETH.

CALL TO ORDER

Mayor Magers called the meeting to order at 5:01 p.m. The Pledge of Allegiance and the Invocation were given by Council Member Joe Smith.

CALL TO ORDER

APPROVE MINUTES

The Council reviewed the Minutes of the Called City Council (Budget Planning) Meeting of April 30, 2010 and the Regular City Council Meeting of May 17, 2010. Council Member Wacker moved to approve the Minutes as presented; Second by Council Member Adami. All present voted AYE.
MOTION CARRIED.

APPROVE MINUTES

PUBLIC HEARING

FINAL STATEMENT / ACTION PLAN FOR PROGRAM YEAR 2010 COMMUNITY DEVELOPMENT BLOCK GRANT

Each year, the City of Sherman receives an entitlement grant or Community Development Block Grant, from the U.S. Department of Housing and Urban Development. The City is required to prepare and submit an annual Action Plan, which is a description of the activities that will be undertaken during the coming year to address the needs of the City's low to moderate income citizens.

No citizens appeared before the City Council to discuss the Final Statement/Action Plan for Program Year 2010 Community Development Block Grant.

COMMUNITY
DEVELOPMENT
BLOCK GRANT

INTRODUCTION AND PUBLIC HEARING OF ORDINANCES

Mayor Magers introduced Ordinance 5651 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, PROVIDING FOR PERMANENT "NO PARKING" SIGNS RESTRICTING PARKING ALONG THE NORTH AND SOUTH SIDES OF STATE HIGHWAY 56, FROM HERITAGE PARKWAY (F.M. 1417) TO SWAN RIDGE DRIVE, WITHIN THE CITY LIMITS OF THE CITY OF SHERMAN; PROVIDING FOR REPEALER. PROVIDING FOR SEVERABILITY.

ORD 5651
NO PARKING SIGNS
(S.H. 56)

No citizens appeared before the City Council to discuss Ordinance 5651.

Mayor Magers introduced Ordinance 5652 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280, SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW A SINGLE FACED DIGITAL BILLBOARD IN A C-2 (GENERAL COMMERCIAL) DISTRICT AND O-1 (75 & 82) OVERLAY DISTRICT AT 310 U.S. HIGHWAY 82 WEST, BEING 1.56 ACRES IN THE J.B. McANAIR SURVEY, ABSTRACT NO. 763 (WAYNE McCARLEY, OWNER; RICKY BATES, NEON SIGNS AND DESIGNS, REPRESENTATIVE); PROVIDING FOR A REPEALER; PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED \$2,000.

ORD 5652
SUP FOR DIGITAL
BILLBOARD
(310 HWY 82 WEST)

No citizens appeared before the City Council to discuss Ordinance 5652.

Mayor Magers introduced Ordinance 5653 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280, SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW AN ADDITION TO THE EXISTING CHURCH FOR AN EDUCATION BUILDING IN AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT AT 220 WEST TAYLOR STREET, BEING LOTS 1-10, BLOCK 1, NORTHWOOD HEIGHTS ADDITION (FAIRVIEW BAPTIST CHURCH, OWNERS; DAVID KIGHT, REPRESENTATIVE; AND DAVID BACA, DAVID BACA STUDIO, ARCHITECT); PROVIDING FOR A REPEALER; PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED \$2,000.

ORD 5653
SUP FOR CHURCH
EDUCATION BLDG.
(220 W. TAYLOR)

No citizens appeared before the City Council to discuss Ordinance 5653.

Mayor Magers introduced Ordinance 5654 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280, SO AS TO GRANT AN AMENDMENT TO THE SPECIFIC USE PERMIT AND SITE PLAN TO ALLOW A HOSPITAL IN A C-1 (RETAIL BUSINESS) DISTRICT AT 3601 AND 3603 NORTH CALAIS DRIVE, BEING LOT 6R, BLOCK 1 OF THE REPLAT OF LOTS 6 AND 7, BLOCK 1, HERITAGE PARK ADDITION, PHASE 2 (GRAYSON COUNTY PHYSICIAN'S PROPERTY, LLC, OWNERS; HERITAGE PARK SURGICAL HOSPITAL, TENANT; AND DAVID VILBIG, VILBIG & ASSOCIATES, ENGINEERS); PROVIDING FOR A REPEALER; PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED \$2,000.

ORD 5654
SUP FOR HOSPITAL
(3601 & 3603 N.
CALAIS)

No citizens appeared before the City Council to discuss Ordinance 5654.

The Public Hearing was closed.

ADOPTION OF ORDINANCES

Ordinance 5651

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, PROVIDING FOR PERMANENT “NO PARKING” SIGNS RESTRICTING PARKING ALONG THE NORTH AND SOUTH SIDES OF STATE HIGHWAY 56, FROM HERITAGE PARKWAY (F.M. 1417) TO SWAN RIDGE DRIVE, WITHIN THE CITY LIMITS OF THE CITY OF SHERMAN; PROVIDING FOR REPEALER. PROVIDING FOR SEVERABILITY.

ORD 5651
NO PARKING SIGNS
(S.H. 56)

Ordinance 5653

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280, SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW AN ADDITION TO THE EXISTING CHURCH FOR AN EDUCATION BUILDING IN AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT AT 220 WEST TAYLOR STREET, BEING LOTS 1-10, BLOCK 1, NORTHWOOD HEIGHTS ADDITION (FAIRVIEW BAPTIST CHURCH, OWNERS; DAVID KIGHT, REPRESENTATIVE; AND DAVID BACA, DAVID BACA STUDIO, ARCHITECT); PROVIDING FOR A REPEALER; PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED \$2,000.

ORD 5653
SUP FOR CHURCH
EDUCATION BLDG.
(220 W. TAYLOR)

Council Member Adami asked what materials were being proposed for the building. Scott Shadden, Director of Development Services, said it will be a masonry building and will match the existing building. They will also be constructing on-sight retention of the water.

Deputy Mayor Steele confirmed that the water retention was required but the masonry was not required.

Ordinance 5654

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280, SO AS TO GRANT AN AMENDMENT TO THE SPECIFIC USE PERMIT AND SITE PLAN TO ALLOW A HOSPITAL IN A C-1 (RETAIL BUSINESS) DISTRICT AT 3601 AND 3603 NORTH CALAIS DRIVE, BEING LOT 6R, BLOCK 1 OF THE REPLAT OF LOTS 6 AND 7, BLOCK 1, HERITAGE PARK ADDITION, PHASE 2 (GRAYSON COUNTY PHYSICIAN’S PROPERTY, LLC, OWNERS; HERITAGE PARK SURGICAL HOSPITAL, TENANT; AND DAVID VILBIG, VILBIG & ASSOCIATES, ENGINEERS); PROVIDING FOR A REPEALER; PROVIDING THAT THIS

ORD 5654
SUP FOR HOSPITAL
(3601 & 3603 N.
CALAIS)

SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED \$2,000.

ACTION TAKEN.

Motion by Council Member Adami to approve Ordinance Nos. 5651, 5653, and 5654, as presented.

Second by Council Member Smith.

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

VOTING NAY: None.

MOTION CARRIED.

Ordinance 5652

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280, SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW A SINGLE FACED DIGITAL BILLBOARD IN A C-2 (GENERAL COMMERCIAL) DISTRICT AND O-1 (75 & 82) OVERLAY DISTRICT AT 310 U.S. HIGHWAY 82 WEST, BEING 1.56 ACRES IN THE J.B. McANAIR SURVEY, ABSTRACT NO. 763 (WAYNE McCARLEY, OWNER; RICKY BATES, NEON SIGNS AND DESIGNS, REPRESENTATIVE); PROVIDING FOR A REPEALER; PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED \$2,000.

ORD 5652
SUP FOR DIGITAL
BILLBOARD
(310 HWY 82 WEST)

Mayor Magers said normally he did not support a billboard ordinance, however this billboard is an electronic billboard, just west of Travis Street on Highway 82 West, between two commercial buildings, on already existing commercial property. He added that the local businesses also support the request, including the hotels and motels on Highway 75.

With the sales tax initiative several years ago, the City of Sherman has put an emphasis on retail sales. It's important to support those retailers, especially the hotel and motels that provide taxes that are used for the Downtown initiatives and cultural centers.

Mayor Magers added that one of the buildings on the property was constructed prior to the designation of the Overlay District and it is an older metal building. One of the contingencies of the Ordinance is that the building will be brought up to code standards and will get a masonry front.

Ricky Bates, 103 E. Crawford, Denison

Mr. Bates appeared representing Neon Signs and Designs. He was approached about locating a computer billboard on Highway 82 West. Mr. Bates said the first billboard on the south side of Highway 82 is seven and a half miles outside of Sherman.

The digital billboard is unique because it can display multiple messages on one face instead of having several different billboards.

COUNCIL MINUTES – JUNE 7, 2010

Mr. Bates offered to use the billboard, free of charge, to help the Tourism Department promote Sherman and for the various Parks and Recreation activities.

He added that the billboard could also be used for birthday and anniversary greetings and for Amber Alerts. It will not be used for videos but will only rotate “stills.” Mr. Bates proposed to run 10 to 15 clients on each board and reiterated its versatile use.

Deputy Mayor Steele asked what exceptions to the Overlay District were requested from the Planning and Zoning Commission. Mr. Bates said the exception was that the building must be upgraded. Deputy Mayor Steele asked if that included both buildings. The second building only has one side that is masonry instead of three sides. Mr. Shadden said since it is all on one lot, it would include the upgrade of both buildings.

Council Member Wacker added that there is a variance on the setback and the type of sign. Mr. Shadden said the Board of Adjustment has already granted the variance for the setback and all the City Council needs to consider is the Specific Use Permit.

The size of the sign face exceeds the requirements. Mr. Shadden explained that a billboard can have a 300 foot face area and the Overlay District requires it to have 25 foot plus the height of the structure for a setback, and that’s the variance that was granted.

Council Member Smith verified that the Planning and Zoning Commission approved the request. Council Member Adami verified that both buildings would be brought up to code and would have three masonry sides. Mr. Bates said he understood the upgrade only included the metal building that was sitting next to the sign.

Deputy Mayor Steele said both buildings are on the same property. Mr. Shadden said the ordinance would require that both buildings are upgraded. Deputy Mayor Steele verified that both buildings will have masonry on three sides. He wanted to be sure the owner understands that the buildings must be upgraded before the sign permit is issued and the billboard is constructed.

Deputy Mayor Steele said there is also a requirement for the billboard to be a minimum of 30 feet from any residential zoned property. Mr. Shadden said if the front setback variance wasn’t granted, it would be too close to the residential property.

Council Member Wacker verified that the sign will be a single-faced sign for the east bound side of the highway. She asked what the back of the sign would look like. Mr. Bates said the back would have a permanent regular

COUNCIL MINUTES – JUNE 7, 2010

billboard, but will not be digital. Mr. Shadden said the Planning and Zoning recommendation was a one-sided, digital billboard. Mayor Magers said they probably want to cover the back side but with something other than a billboard. Mr. Shadden said the Specific Use Permit could be conditional and any specifications could be included.

Deputy Mayor Steele said he hoped the City would preserve the Highway 82 corridor from billboards, but then it would be a “good trade off” to get an upgrade on the existing metal buildings so they would meet the Overlay District standards.

Council Member Adami agreed that the only reason he would vote for the billboard was to upgrade the buildings to meet the Overlay District standards. Ordinarily he did not feel that a billboard would meet the criteria for acceptable development. However, under this set of circumstances, it is a good trade off.

Mr. Bates confirmed that only the two sides would need to be upgraded to masonry on the one building that already has a masonry front. Council Member Adami reiterated that upgrade of the buildings must be done prior to the construction of the billboard.

ACTION TAKEN.

Motion by Council Member Smith to approve Ordinance No. 5652, including a solid, light colored finished back to the sign and the requirement that the two buildings on the property be brought up to Overlay District standards. Second by Council Member Softly.

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

VOTING NAY: None.

MOTION CARRIED.

CONSENT AGENDA

The Council reviewed the Consent Agenda. Council Member Wacker asked that Item C-2 entitled “Resolution 5495 – Authorizing Publication of the Proposed Final Statement/Action Plan for the Community Development Block Grant for Fiscal Year 2010; Authorizing Submission of the Block Grant Application; Authorizing Execution of Certain Assurances of Compliance in Connection with the Administration and Conduct of the Community Development Program for Fiscal Year 2010” be removed from the Consent Agenda for discussion in its regular order of business.

Council Member Adami moved to approve the Consent Agenda, with the exception of Item C-2, which will be discussed in its regular order of business. Second by Council Member Wacker. All present voted AYE.

RESOLUTIONS

RESOLUTION NO. 5494 – RENEWING GUIDELINES AND CRITERIA FOR THE CITY OF SHERMAN'S INDUSTRIAL TAX ABATEMENT PROGRAM TO PROMOTE DEVELOPMENT /

CONSENT AGENDA

**RES 5494
INDUSTRIAL TAX
ABATEMENT**

REDEVELOPMENT IN CERTAIN AREAS OF THE CITY

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, RENEWING GUIDELINES AND CRITERIA FOR THE CITY OF SHERMAN'S INDUSTRIAL TAX ABATEMENT PROGRAM TO PROMOTE DEVELOPMENT / REDEVELOPMENT IN CERTAIN AREAS OF THE CITY. CONSENT AGENDA.

PROGRAM

RESOLUTION NO. 5495 – AUTHORIZING PUBLICATION OF THE PROPOSED FINAL STATEMENT / ACTION PLAN FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT FOR FISCAL YEAR 2010; AUTHORIZING SUBMISSION OF THE BLOCK GRANT APPLICATION; AUTHORIZING EXECUTION OF CERTAIN ASSURANCES OF COMPLIANCE IN CONNECTION WITH THE ADMINISTRATION AND CONDUCT OF THE COMMUNITY DEVELOPMENT PROGRAM FOR FISCAL YEAR 2010

RES 5495
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 FISCAL YEAR 2010; AUTHORIZING SUBMISSION OF THE BLOCK GRANT APPLICATION; AUTHORIZING EXECUTION OF CERTAIN ASSURANCES OF COMPLIANCE IN CONNECTION WITH THE ADMINISTRATION AND CONDUCT OF THE COMMUNITY DEVELOPMENT PROGRAM FOR FISCAL YEAR 2010.

Council Member Wacker felt it was important to know this federal money is being reinvested in the community for low to moderate income citizens with housing needs. It's a good program and the City of Sherman is receiving more money this year than in the past five years.

George Olson, City Manager, said Sherman is receiving about \$25,000 more this year than in the past. The money is used to help a lot of low to moderate income citizens through various programs such as the housing rehabilitation program.

ACTION TAKEN.

Motion by Council Member Wacker to approve Resolution No. 5495, as presented. Second by Council Member Smith.

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

VOTING NAY: None.

MOTION CARRIED.

RESOLUTION NO. 5496 – AUTHORIZING CONTINUED PARTICIPATION WITH THE STEERING COMMITTEE OF CITIES SERVED BY ONCOR; AUTHORIZING THE PAYMENT OF TEN CENTS (\$0.10) PER CAPITA TO THE STEERING COMMITTEE TO FUND REGULATORY AND RELATED ACTIVITIES RELATED TO ONCOR ELECTRIC DELIVERY COMPANY LLC

RES 5496
CITIES ELECTRIC
STEERING
COMMITTEE

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF

SHERMAN, TEXAS, AUTHORIZING CONTINUED PARTICIPATION WITH THE STEERING COMMITTEE OF CITIES SERVED BY ONCOR; AUTHORIZING THE PAYMENT OF TEN CENTS (\$0.10) PER CAPITA TO THE STEERING COMMITTEE TO FUND REGULATORY AND RELATED ACTIVITIES RELATED TO ONCOR ELECTRIC DELIVERY COMPANY LLC.

CONSENT AGENDA.

CHANGE ORDER NO. 1
BROCKETT STREET IMPROVEMENT PROJECT; VESSELS
CONSTRUCTION, A DIVISION OF VESCOR, INC.;
\$217,598.43, DECREASE

Council Member Adami asked about the Change Order. Mr. Olson said the decrease is from a materials cost reduction. Council Member Adami verified that the City saved the taxpayers over \$200,000.

The City Council approved Change Order No. 1, which is a final reconciliatory change order to adjust the final contract amount for the Brockett Street, Travis Street to Grand Avenue, Improvement Project.

The project is now complete and was funded through the Capital Improvement Program budget. The change order results in a \$217,598.43 decrease in the total contract amount, bringing the final contract price to \$1,249,748.30.

CONSENT AGENDA.

OTHER BUSINESS
CONSIDER CALLING A SPECIAL MEETING OF THE CITY
COUNCIL FOR TUESDAY, JULY 6, 2010, DUE TO CONFLICT
WITH A FEDERAL HOLIDAY

The City Council called a Special Meeting of the City Council for Tuesday, July 6, 2010, due to a conflict with a Federal Holiday, Independence Day.

CONSENT AGENDA.

REPLAT APPROVAL OF THE REPLAT OF THE REPLAT OF
LOTS 6 AND 7, BLOCK 1, HERITAGE PARK ADDITION,
PHASE TWO; GRAYSON COUNTY PHYSICIAN'S PROPERTY,
LLC, OWNERS, AND SARTIN AND ASSOCIATES, INC.,
SURVEYORS (3601 AND 3603 NORTH CALAIS DRIVE)

The City Council approved the Replat of the Replat of the Replat of Lots 6 and 7, Block 1, Heritage Park Addition, Phase Two, which is located at 3601 and 3603 North Calais Drive. The owner would like to replat one tract into two lots for commercial development. The Planning and Zoning Commission recommended approval of the Replat.

CONSENT AGENDA.

CHANGE ORDER
BROCKETT STREET
IMPROVEMENTS

SET CALLED CITY
COUNCIL MEETING

APPROVE REPLAT
(HERITAGE PARK
ADDITION, PHASE 2)

CITIZENS REQUESTS

BROCKETT STREET IMPROVEMENT PROJECT

David Cortinas, Executive Director, United Way of Grayson County, thanked the City Council for the improvements to Brockett Street. The street is absolutely beautiful.

**BROCKETT STREET
IMPROVEMENT
PROJECT**

United Way of Grayson County will hold their kick-off on August 28, 2010, and they will incorporate a one mile fun run, a 5K race, and a 10K race. They expect 500 runners for the event, which will take place from Brockett Street to Grand Avenue, and back to the Court House.

He again thanked the City Council for the improvements to Brockett Street, saying it is a project of which everyone can be proud.

MEDIA QUESTIONS

There were no media questions.

MEDIA QUESTIONS

COUNCIL COMMENTS

SHERMAN AD IN TEXAS TOWN & CITY

Deputy Mayor Steele said he saw an ad for Sherman in the April 2010 edition of Texas Town & City magazine. The ad was very nice and he recognized April Patterson, Tourism Director, for her efforts.

**SHERMAN AD IN
TEXAS TOWN & CITY**

HOT SUMMER NIGHTS

Council Member Wacker said there was a great start to the Hot Summer Nights season last week and there was a great crowd. It will be a fun summer

**HOT SUMMER
NIGHTS**

BATTLE OF THE BADGES BLOOD DRIVE

Mayor Magers confirmed that the recent Battle of the Badges Blood Drive raised 228 pints of blood. The Police Department won the challenge by 4 pints this year.

**BATTLE OF THE
BADGES BLOOD
DRIVE**

HAPPY ANNIVERSARY TO ELAINE AND ART OLSON

Mayor Magers recognized City Manager George Olson's mom and dad, Elaine and Art Olson, on their 50th wedding anniversary. He congratulated them and wished them well.

**HAPPY ANNIVERSARY
TO ELAINE & ART
OLSON**

ADJOURNMENT

On Motion duly made and carried, the meeting adjourned at 5:31 p.m.

ADJOURNMENT

MAYOR

CITY CLERK