CITY OF SHERMAN
CITY COUNCIL REGULAR MEETING AGENDA
COUNCIL CHAMBERS OF THE CITY HALL
220 WEST MULBERRY STREET
SHERMAN, TEXAS
MONDAY, JUNE 6, 2011
5:00 P.M.

A.1 CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN

A.2 PLEDGE OF ALLEGIANCE

A.3 INVOCATION BY MAYOR BILL MAGERS

A.4 APPROVE MINUTES OF THE REGULAR CITY COUNCIL MEETING OF MAY 16, 2011

Public Hearing

B.1 INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5699
Providing for Permanent "No Parking" Signs Restricting Parking along the East and West Sides of the 600 Block of North Porter Street within the City Limits of the City of Sherman; Providing for a Penalty Provision

B.2 INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5700
Amending Section 8, Subsection (5)(a), Ordinance No. 2280, so as to Grant a Specific Use Permit to Allow a Marriott Courtyard Hotel in a C-1 (Retail Business) District/O-1 (75 & 82) Overlay District at 4344 Loy Lake Road, being Lot 2, Block 1, Ameristate Plaza (Ameristate Bank, Owner; Sher-Den Hospitality, LLC, Raj Patel, Prospective Buyer; Richard Humiston, Architect; and Dirk Thibodaux, Gray Rock Consulting, Landscape Architect); Providing that this Specific Use Permit Shall be Granted Subject to Certain Conditions; Providing a Penalty Not to Exceed $2,000.00

Close Public Hearing and Consider Adoption of Ordinances

B.3 ADOPTION OF ORDINANCES
Consider Adoption of Ordinance Numbers:
(a) 5699
(b) 5700

B.4 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

Resolutions

C.1 ** RESOLUTION NO. 5578*
Awarding a Bid to and Authorizing Execution of a Contract with R. K. Hall Construction Ltd. for the Travis Street HMAC Mill and Overlay Project

C.2 ** RESOLUTION NO. 5579*
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

Other Business

D.1 OTHER BUSINESS
Consider Declaring a Moratorium on Billboards in the City of Sherman; Consider the Appointment of an Advisory Committee to Review the Billboard Provisions of the General Zoning Ordinance

D.2 OTHER BUSINESS
Consider Calling a Special Meeting of the City Council for Tuesday, July 5, 2011, due to Conflict with a Federal Holiday

D.3 CITIZEN REQUESTS

D.4 MEDIA QUESTIONS

D.5 COUNCIL COMMENTS

Executive Session

E.1 EXECUTIVE SESSION
In Accordance with Chapter 551, Government Code, V.T.C.S. (Open Meetings Law), "The City Council Will Now Hold a Closed Executive Meeting Pursuant to the Provisions of the Open Meetings Law, Chapter 551, Government Code, Vernon's Texas Codes Annotated, in Accordance with the Authority Contained in the Following Sections"

Section 551.074 Personnel Matters

(a) Consider the Qualifications, Appointment and Removal of Members to Boards and Commissions:
   (i) Planning and Zoning Commission (3)
   (ii) Housing Authority Board (2)
   (iii) Civil Service Commission (2)

The Council reconvenes into General Session

F.1 OPEN MEETING

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

F.2 ADJOURNMENT

COUNCIL CALENDAR

SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager **Date:** 6-6-2011

Subject: Agenda Item No. A.1

CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN

The Honorable Bill Magers, Mayor

SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager **Date:** 6-6-2011

Subject: Agenda Item No. A.2

PLEDGE OF ALLEGIANCE

The Honorable Bill Magers, Mayor

SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager **Date:** 6-6-2011

Subject: Agenda Item No. A.3

INVOCATION BY MAYOR BILL MAGERS

SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager **Date:** 6-6-2011

Subject: Agenda Item No. A.4

APPROVE MINUTES
OF THE REGULAR CITY COUNCIL MEETING OF MAY 16, 2011

STATE OF TEXAS §

May 16, 2011

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 May 16, 2011.

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

MEMBERS ABSENT: **NONE.**

CALL TO ORDER — **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 Pam Howeth.

APPROVE MINUTES — **APPROVE MINUTES**

The Council reviewed the Minutes of the Regular City Council Meeting of April 18, 2011 and the Called City Council (Budget Planning) Meeting of April 21, 2011. Council Member Softly moved to approve the Minutes as presented; Second by Council Member Howeth. All present voted AYE. MOTION CARRIED.

INTRODUCTION AND PUBLIC HEARING OF ORDINANCES

Mayor Magers introduced Ordinance 5694 and called for a public hearing: — **ORD 5694 S.H. 289 SPEED LIMITS**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, ESTABLISHING MAXIMUM, REASONABLE AND PRUDENT RATES OF SPEED ON CERTAIN PORTIONS OF S.H. 289 IN THE CITY OF SHERMAN; FIXING PENALTIES FOR VIOLATION THEREOF; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

No citizens appeared before the City Council to discuss Ordinance 5694.

Mayor Magers introduced Ordinance 5695 and called for a public hearing: — **ORD 5695 ONCOR RATE INCREASE**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, APPROVING A NEGOTIATED RESOLUTION BETWEEN THE STEERING COMMITTEE OF CITIES SERVED BY ONCOR ("STEERING COMMITTEE") AND ONCOR ELECTRIC DELIVERY COMPANY LLC ("ONCOR" OR "COMPANY") REGARDING THE COMPANY'S APPLICATION TO INCREASE ELECTRIC RATES IN ALL CITIES EXERCISING ORIGINAL JURISDICTION; DECLARING EXISTING RATES TO BE UNREASONABLE; REQUIRING THE COMPANY TO REIMBURSE CITIES' REASONABLE RATEMAKING EXPENSES; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE

NEGOTIATED SETTLEMENT AND FINDING THE RATES TO BE SET BY THE ATTACHED TARIFFS TO BE JUST AND REASONABLE; APPROVING ONCOR'S PROOF OF REVENUES; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND THE STEERING COMMITTEE'S LEGAL COUNSEL.

No citizens appeared before the City Council to discuss Ordinance 5695.

Mayor Magers introduced Ordinance 5696 and called for a public hearing:

ORD 5696
SUP FOR AUTO REPAIR & TIRE SALES (2012 S. TRAVIS)

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 AUTOMOBILE REPAIR AND TIRE SALES AND SERVICE IN A C-2 (GENERAL COMMERCIAL) DISTRICT AT 2012 SOUTH TRAVIS STREET, BEING 1.023 ACRES IN THE PRESTON KITCHENS SURVEY, ABSTRACT NO. 667 (JOHN ABRAMS AND ESTATE OF HELEN ABRAMS, OWNERS; JORGE ONTERVES, APPLICANT; AND MARY ANN KAUFMAN, 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.

No citizens appeared before the City Council to discuss Ordinance 5696.

Mayor Magers introduced Ordinance 5697 and called for a public hearing:

ORD 5697
ZONE CHANGE FOR 4300 BLOCK OF U.S. HWY 75 NORTH

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 C-1 (RETAIL BUSINESS) DISTRICT IN THE 4300 BLOCK OF U.S. HIGHWAY 75 NORTH, BEING 6.588 ACRES IN THE W. BROWN AND B.A. RICKETTS SURVEY, ABSTRACT NO. 1553 AND THE T.J. SHANNON SURVEY, ABSTRACT NO. 1137, AND BEING LOTS 2, 3 AND PART OF LOT 1 OF THE PROPOSED WESTGATE HILL ADDITION (SAMUEL NECHAMKIN AND GARY HOGE, OWNERS; JASON SOFEY, SOFEY CONSTRUCTION AND DESIGN, LLC, REPRESENTATIVE; CHRIS SCHMITT, TEAGUE, NALL AND PERKINS, ENGINEER; DAVID BACA, ARCHITECT; AND UNDERWOOD DRAFTING AND SURVEYING, SURVEYORS); PROVIDING FOR A REPEALER.

No citizens appeared before the City Council to discuss Ordinance 5697.

Mayor Magers introduced Ordinance 5698 and called for a public hearing:

ORD 5698
SUP FOR BILLBOARD (4300 BLOCK OF U.S. HWY 75 NORTH)

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 C-2 (GENERAL COMMERCIAL) DISTRICT AND SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280, SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW A BILLBOARD IN A C-2 (GENERAL COMMERCIAL) DISTRICT AND O-1 (75 & 82) OVERLAY DISTRICT IN THE 4300 BLOCK OF U.S. HIGHWAY 75 NORTH, BEING 0.051 ACRES IN THE W. BROWN AND B.A. RICKETTS SURVEY, ABSTRACT NO 1553 AND THE T.J. SHANNON SURVEY, ABSTRACT NO. 1137, AND BEING PART OF LOT 1 OF THE PROPOSED WESTGATE HILL ADDITION (SAMUEL NECHAMKIN AND GARY HOGE, OWNERS; JASON SOFEY, SOFEY CONSTRUCTION AND DESIGN, LLC, REPRESENTATIVE; CHRIS SCHMITT, TEAGUE, NALL AND PERKINS, ENGINEER; DAVID BACA, ARCHITECT; AND UNDERWOOD DRAFTING AND SURVEYING, SURVEYORS); 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.

<u>Mike Wynne, 707 W. Washington</u>

Mr. Wynne appeared representing Ron Harmon, owner of property located to the south of the proposed billboard site. Mr. Harmon is opposed to the request for the Specific Use Permit for the billboard. He has no objections to any other part of the project.

Mr. Harmon objects to both the five foot setback as opposed to a 30 foot setback and to the billboard placement at this time. Mr. Wynne explained that Mr. Harmon doesn't necessarily object to the billboard, but he objects to a decision being made at this time and asks that any decision be tabled until further study.

During the Comprehensive Master Plan Study, one issue was the protection of the gateways to the community. Specifically there were some concerns about billboards.

Mr. Wynne urged the Council to see what is best for all the citizens, not just one land owner. He asked them to table the current request and study the issue. He added that there are new issues related to the changeable electronic billboards including safety issues and things such as duration of the message, transition time, brightness, and location.

He felt there should be a study concerning the safety issues and other issues such as building materials, color, content, the number, spacing, location, and other specific standards. He urged that this study be completed prior to approving any billboards in this area.

Deputy Mayor Steele asked where Mr. Harmon's property was located in relation to the request. Mr. Wynne said the property is immediately to the south of the subject property and is currently zoned residential, although he admitted that would probably not be the highest and best use of the property.

Deputy Mayor Steele clarified Mr. Wynne's objection. Mr. Wynne said Mr. Harmon objected to the location and the variance for the setback that would allow the billboard to be located five feet from his property line instead of the regular 30 feet.

Mr. Wynne said the bigger issue is that they would like to see the studies completed prior to any billboards being erected so they can be built with orderly guidelines. Mr. Wynne added that Mr. Harmon has no intention of putting up a billboard.

Mayor Magers said the City currently has an ordinance that would allow a billboard 1,000 feet away from another billboard. There are rules in effect today. Mr. Wynne said these rules were sufficient years ago, but he was not sure they would be sufficient for the electronic billboards today. He added that the northern gateway to Sherman should be protected as much as possible.

Council Member Smith verified that the requested variance would allow the billboard to be located five feet north of Mr. Harmon's property line as opposed to the 30 feet requirement for residential property.

<u>Jason Sofey, 1218 Preston</u>
Mr. Sofey appeared representing the property owner requesting the variance. He explained that they requested a variance for a five foot setback instead of a 30 foot setback because five foot is the requirement for commercial property. Mr. Harmon's property is zoned residential because when it was annexed, property was automatically annexed as residential. No one expects that the zoning will remain residential, so they requested the setback for a commercial zone.

Mr. Sofey added that the safety issues for signs are currently regulated by the Department of Transportation. There are rules in place in Sherman and they work.

Council Member Smith asked if the setback was left at 30 feet, would it adversely affect the development. Mr. Sofey said it would place the sign closer to the structure and some adjustment might have to be made, but he said it would not drastically affect the project.

They requested the five foot setback because they realized it would all be commercial property at some point.

No other citizens appeared before the City Council to discuss Ordinance 5698.

The Public Hearing was closed.

ADOPTION OF ORDINANCES

Ordinance 5694 — **ORD 5694**

S.H. 289 SPEED LIMITS

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, ESTABLISHING MAXIMUM, REASONABLE AND PRUDENT RATES OF SPEED ON CERTAIN PORTIONS OF S.H. 289 IN THE CITY OF SHERMAN; FIXING PENALTIES FOR VIOLATION THEREOF; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

ACTION TAKEN.

Motion by Council Member Adami to approve Ordinance No. 5694, as presented. Second by Council Member Wacker.

VOTING AYE: Adami, Howeth, Smith, Softly, Steele, Wacker.
VOTING NAY: None.
MOTION CARRIED.

Ordinance 5695 — **ORD 5695**

ONCOR RATE INCREASE

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, APPROVING A NEGOTIATED RESOLUTION BETWEEN THE STEERING COMMITTEE OF CITIES SERVED BY ONCOR ("STEERING COMMITTEE") AND ONCOR ELECTRIC DELIVERY COMPANY LLC ("ONCOR" OR "COMPANY") REGARDING THE COMPANY'S APPLICATION TO INCREASE ELECTRIC RATES IN ALL CITIES EXERCISING ORIGINAL JURISDICTION; DECLARING EXISTING RATES TO BE UNREASONABLE; REQUIRING THE COMPANY TO REIMBURSE CITIES' REASONABLE RATEMAKING EXPENSES; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT AND FINDING THE RATES TO BE SET BY THE ATTACHED TARIFFS TO BE JUST AND REASONABLE; APPROVING ONCOR'S PROOF OF REVENUES; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND THE STEERING COMMITTEE'S LEGAL COUNSEL.

Brandon Shelby, City Attorney, explained that in January 2011, Oncor filed to increase their rates by $353 million. In February the City adopted an ordinance opposing that increase. This rate represents a settlement between the Oncor Cities Steering Committee, of which Sherman is a member, and Oncor. The settlement is for a rate increase of $136.7 million, which is about 60% of the amount they requested.

Mayor Magers clarified that Sherman is a member of the Steering Committee and the current ordinance says that Sherman supports what the Committee has negotiated. Mr. Shelby said there are approximately 160 cities that are members of the Steering Committee.

ACTION TAKEN.

Motion by Council Member Adami to approve Ordinance No. 5695, as presented. Second by Council Member Smith.

VOTING AYE: Adami, Howeth, Smith, Softly, Steele, Wacker.
VOTING NAY: None.
MOTION CARRIED.

Ordinance 5696

ORD 5696
SUP FOR AUTO REPAIR & TIRE SALES (2012 S. TRAVIS)

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 AUTOMOBILE REPAIR AND TIRE SALES AND SERVICE IN A C-2 (GENERAL COMMERCIAL) DISTRICT AT 2012 SOUTH TRAVIS STREET, BEING 1.023 ACRES IN THE PRESTON KITCHENS SURVEY, ABSTRACT NO. 667 (JOHN ABRAMS AND ESTATE OF HELEN ABRAMS, OWNERS; JORGE ONTERVES, APPLICANT; AND MARY ANN KAUFMAN, 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.

Mayor Magers said that he has known Jorge Onterves for several years and he was a tenant in a building previously owned by the Mayor.

Council Member Adami noted that one citizen had an objection to the proposed use of the property. Council Member Adami said there are two parts to Travis Street, one that curves and is on the west side of the property and one on the east side of the property that goes to the back of St. Mary's Cemetery.

He asked if the requestors would be willing to restrict their commercial entrance to Travis Street on the west, where the other commercial traffic is located, rather than the one on the east which is in the residential area.

<u>Mary Ann Kaufman, 354 Grigg Road, Sherman</u>
Ms. Kaufman spoke as a representative for the request, saying yes they would agree to keep that door closed, not have any parking on that side, and have traffic enter from the west side. They agreed to add that to the ordinance.

Council Member Adami added that the staff review letter states that there will be no parking on unpaved surfaces. He asked if any of the front area was paved or if they have plans to pave it. Ms. Kaufman confirmed that all storage will be inside the building. There is some partial pavement on the front side. Scott Shadden, Director of Development Services, said any areas they use for parking will need to be paved. There is some existing pavement that can be used.

Deputy Mayor Steele addressed the requirement for no outside parking or storage of dismantled vehicles, wrecks or

parts. He asked if that meant they would need to be inside the building or inside the fence. Mr. Shadden confirmed that those items would need to be inside the building. Ms. Kaufman said they also agreed to that requirement.

Council Member Adami said the property does look better than it previously did.

ACTION TAKEN.

Motion by Council Member Adami to approve Ordinance No. 5696, contingent upon the only commercial entrance being on Travis Street, west of the property. Second by Council Member Smith.

VOTING AYE: Adami, Howeth, Smith, Softly, Steele, Wacker.
VOTING NAY: None.
MOTION CARRIED.

Ordinance 5697

ORD 5697
ZONE CHANGE FOR 4300 BLOCK OF U.S. HWY 75 NORTH

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 C-1 (RETAIL BUSINESS) DISTRICT IN THE 4300 BLOCK OF U.S. HIGHWAY 75 NORTH, BEING 6.588 ACRES IN THE W. BROWN AND B.A. RICKETTS SURVEY, ABSTRACT NO. 1553 AND THE T.J. SHANNON SURVEY, ABSTRACT NO. 1137, AND BEING LOTS 2, 3 AND PART OF LOT 1 OF THE PROPOSED WESTGATE HILL ADDITION (SAMUEL NECHAMKIN AND GARY HOGE, OWNERS; JASON SOFEY, SOFEY CONSTRUCTION AND DESIGN, LLC, REPRESENTATIVE; CHRIS SCHMITT, TEAGUE, NALL AND PERKINS, ENGINEER; DAVID BACA, ARCHITECT; AND UNDERWOOD DRAFTING AND SURVEYING, SURVEYORS); PROVIDING FOR A REPEALER.

Mayor Magers verified that Ordinance 5697 is the zone change for the 4300 block of U.S. Hwy 75 North. He confirmed with Dr. Samuel Nechamkin, the property owner, that he had no plans to build a residential home on the property.

ACTION TAKEN.

Motion by Council Member Smith to approve Ordinance No. 5697, as presented. Second by Council Member Adami.

VOTING AYE: Adami, Howeth, Smith, Softly, Steele, Wacker.
VOTING NAY: None.
MOTION CARRIED.

Ordinance 5698

ORD 5698
SUP FOR BILLBOARD (4300 BLOCK OF U.S. HWY 75 NORTH)

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 C-2 (GENERAL COMMERCIAL) DISTRICT AND SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280, SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW A BILLBOARD IN A C-2 (GENERAL COMMERCIAL) DISTRICT

AND O-1 (75 & 82) OVERLAY DISTRICT IN THE 4300 BLOCK OF U.S. HIGHWAY 75 NORTH, BEING 0.051 ACRES IN THE W. BROWN AND B.A. RICKETTS SURVEY, ABSTRACT NO 1553 AND THE T.J. SHANNON SURVEY, ABSTRACT NO. 1137, AND BEING PART OF LOT 1 OF THE PROPOSED WESTGATE HILL ADDITION (SAMUEL NECHAMKIN AND GARY HOGE, OWNERS; JASON SOFEY, SOFEY CONSTRUCTION AND DESIGN, LLC, REPRESENTATIVE; CHRIS SCHMITT, TEAGUE, NALL AND PERKINS, ENGINEER; DAVID BACA, ARCHITECT; AND UNDERWOOD DRAFTING AND SURVEYING, SURVEYORS); 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.

Mayor Magers agreed with comments made by Mr. Wynne during the Public Hearing. Digital billboards are a new phenomenon. Recently the City of Dallas passed an ordinance limiting billboards to digital only and in return they are doing a "six for one swap out." He agreed that the City needs to review their ordinance.

He proposed that the next City Council Meeting include an agenda item to enact a 90 day moratorium while the issue is being studied. Mayor Magers said there are currently rules in place for the City of Sherman and this property owner has followed those rules. Any changes to the ordinance should be from this point forward.

He asked Mr. Shelby if there were any legal risks to not approving the current request. Mr. Shelby said any time you take away a property right, you put yourself at some risk for denying the property right to a citizen that has followed the proper steps.

Council Member Smith verified that Mr. Harmon's property is currently zoned residential and the setback requirement for residential property is 30 feet. Mr. Shadden said the variance was approved at the Planning and Zoning Board Meeting and is not an issue at this meeting. The Council is only considering the Specific Use Permit.

Council Member Wacker verified that they are asking for permission now, but at this time they have no specific plans to construct the billboard. Mr. Sofey said they are planning on building a billboard, but the economics of the project will determine whether or not it is digital. They have asked for everything the City requires and hope to build a digital billboard for the aesthetic value.

Mr. Sofey said Dr. Nechamkin owns a six-acre tract and with the City's current sign ordinance, he can legally put signs as large as the requested billboard, five foot closer and ten foot higher than they are requesting, on each individual parcel of land in that tract. By asking for a billboard they are going

five foot farther back and ten foot shorter, with the hope of using the digital billboard for other tenants within the development, as well as for offsite advertising. They do plan on moving forward with the development and the billboard immediately.

Council Member Howeth asked if they could compromise by moving the billboard back 15 feet instead of five feet. Mr. Sofey said that is possible, but the 30 feet would "press them." He added that their request was based on the Comprehensive Master Plan and the potential zoning of that property as commercial. Council Member Howeth asked if there would be a big impact to the development if the setback was 15 feet instead of five feet. Mr. Sofey said probably not at 15 feet.

Mayor Magers verified that the current zoning ordinance says there is a five foot setback on commercial property next to commercial property. He said the requestor assumed that at some point the adjoining property would be zoned commercial and requested the five foot setback.

Deputy Mayor Steele verified that Mr. Harmon didn't necessarily disagree with the billboard itself, just the setback. Mr. Sofey said the sign that is currently allowed would be more obstructive than the variance they are requesting.

Council Member Wacker recommended that a committee study the number of billboards that should be allowed along that part of Highway 75. The Overlay District has also been enacted to protect that area.

Council Member Adami verified that if the request was tabled tonight, the Council would not be bound by the outcome of the proposed study, since the request was made prior to the study. Mr. Shelby confirmed that this application was made under the current ordinance and would not be bound by any changes recommended by the study.

Council Member Adami said he agreed with some of the points made by Mr. Wynne and felt there should be a study. However, he wasn't sure it was relevant for this specific request.

Mr. Wynne confirmed that the setback was the only objection Mr. Harmon had, except he felt the study should be completed prior to granting permission for the Specific Use Permit, when guidelines were in place.

Mayor Magers said there are guidelines in place, however they don't deal specifically with the digital billboards. Mr. Wynne said Mr. Harmon is concerned with the aesthetics of the billboard.
Mr. Sofey said the Council had previously directed the Planning and Zoning Commission to look at sign ordinances

and billboards in preparation for the Comprehensive Master Plan study, and that was done. The consultants reviewed the broad scope of the ordinance and they made no recommendations for changes.

Council Member Adami asked if they planned to construct a nice billboard such as the one on Hwy 82. Mr. Sofey said it would be nicer than the one on Hwy 82 and will be below the maximum size allowed. The property owner has invested money in purchasing the property and will be investing a lot of money in the development and they want it to be the best possible. They would like to have the billboard double sided which will look better.

Mayor Magers confirmed that there are no requirements to construct a digital billboard. They could construct a regular billboard today and make it digital at some point in the future.

ACTION TAKEN.

Motion by Council Member Adami to approve Ordinance No. 5698, as presented. Second by Deputy Mayor Steele.

VOTING AYE: Adami, Howeth, Smith, Softly, Steele.
VOTING NAY: Wacker.
MOTION CARRIED.

Mayor Magers asked that an item be placed on the next City Council Agenda to consider a 90-day moratorium on billboards in the Overlay Districts on Heritage Parkway and on Sam Rayburn Freeway. He felt the City should consider allowing only digital billboards and should consider the size of signs on Heritage Parkway.

CONSENT AGENDA — **CONSENT AGENDA**

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

RESOLUTIONS

RESOLUTION NO. 5577 – AUTHORIZING EXECUTION OF AN AMENDMENT TO INTERLOCAL AGREEMENT FOR GRAYSON COUNTY MULTI-JURISDICTIONAL EMERGENCY NOTIFICATION SYSTEM — **RES 5577 GRAYSON COUNTY EMERGENCY NOTIFICATION SYSTEM**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN AMENDMENT TO INTERLOCAL AGREEMENT FOR GRAYSON COUNTY MULTI-JURISDICTIONAL EMERGENCY NOTIFICATION SYSTEM.

Jeff Jones, Fire Chief, said the City of Sherman has had CodeRED since 2006, and was the Reverse 911 call only. Beginning in 2008, Grayson County added CodeRED for the entire County, and added the weather warn system.

The County system was paid for from a Federal grant, and allowed the City of Sherman to join, at no cost for that system.

Originally the CodeRED system for the citizens of Sherman cost about $18,000. If the weather warn system was added to that today, the cost would be about $22,000.

This amendment is contingent on the City continuing cooperation with Grayson County to support their Emergency Management operation. The City pays Grayson County an annual fee of $20,000 toward that operation. Therefore the City is saving about $2,000 annually by joining with Grayson County's Emergency Management operation and getting CodeRED free.

Chief Jones said CodeRED is a valuable asset, both for weather warning and for lost children and adults. The amendment is approved annually.

Deputy Mayor Steele asked who made the decision on the CodeRED calls. Chief Jones explained that locally the Police Chief, Fire Chief, or one of the Assistant Emergency Management Coordinators would make the decision to launch a CodeRED notification for the City of Sherman.

The Emergency Management Coordinator in Denison or Grayson County, or any of the Mayors or City Managers could make a request for CodeRED activation. The entities share a number of minutes annually, so there are some strict criteria as to activation. There is an additional cost if that allotted number of minutes is exceeded.

Deputy Mayor Steele verified that Grayson County is responsible for deciding when the outlying cities receive a CodeRED call. Chief Jones added that a CodeRED notification can even be sent to a single neighborhood or street, or to the entire County, as needed.

ACTION TAKEN.

Motion by Council Member Wacker to approve Resolution No. 5577, as presented. Second by Council Member Softly.

VOTING AYE: Adami, Howeth, Smith, Softly, Steele, Wacker.
VOTING NAY: None.
MOTION CARRIED.

CHANGE ORDER
U.S. HWY 75 NORTH SEWER PROJECT

CHANGE ORDER NO. 2
U.S. HIGHWAY 75 NORTH SEWER IMPROVEMENTS, CONTRACT "B"; TRI-CON SERVICES, INC; $800.00 INCREASE

The City Council approved Change Order No. 2, which provides for additional soil stabilization for portions of the U.S. Highway 75 North Sewer Improvement Project. After recent heavy rainfall events, the need arose to stabilize additional steep slopes in areas disturbed by construction

activities, requiring an additional 320 square yards of finished grade stabilization.

The change order results in an increase of $800 to the original contract, for a final contract amount of $1,157,901.39.
CONSENT AGENDA.

OTHER BUSINESS

DOWNTOWN IMPROVEMENTS

RECEIVE DOWNTOWN SHERMAN PRESERVATION AND REVITALIZATION, INC.'S RESOLUTION COMMENDING THE SHERMAN CITY COUNCIL FOR THEIR COMMITMENT TO DOWNTOWN SHERMAN IMPROVEMENTS

Jared Tredway, Volunteer with Downtown Sherman Preservation and Revitalization, Inc., read a resolution commending the Sherman City Council and staff for their commitment to improvement in the Downtown area. He added that DSP&R wanted to express their gratitude for the City's ongoing commitment to proposed improvements.

He said they looked forward to continued cooperation between the City and DSP&R as they work toward their common goals of cultural vitality and economic success in the City's center. A vibrant and sustainable Downtown will make Sherman more attractive to future residents, businesses, and industries and lead to continued economic success.

Mayor Magers thanked Mr. Tredway for the comments adding a thank you to DSP&R for their hard work.

SEDCO UPDATE

RECEIVE QUARTERLY PROGRESS REPORT FROM SHERMAN ECONOMIC DEVELOMENT CORPORATION BOARD VICE CHAIRMAN JUSTON DOBBS AND VICE PRESIDENT FRANK GADEK

Todd Thompson, Chairman of the Sherman Economic Development Corporation, gave a quarterly progress report on the Board's activities from January through March 2011.

The last 90 days have been very eventful for SEDCO with many changes and a review of policies and procedures. Three projects were announced during the quarter. Sunny Delight had the Alpla deal for $10 million, which was the retention part of Sunny Delight. The agreement was for 10 to 15 jobs and did not include a tax abatement.

Another Sunny Delight deal was for $17 million. They actually spent over $25 million, but the agreement was an incentive on the capital investment that was shown on the tax roll. This was also a retention program for new tax dollars and did not include a tax abatement.

The third project was for GlobiTech. This was their third agreement and did not include a tax abatement.

Deputy Mayor Steele asked about the agreement with Grayson County for fiber optic installation for their new facility, which was previously the Sherman Independent School District Administration Building. Mr. Thompson said the fiber optics would enhance the Downtown area and would pull fiber optics from the Justice Center to the County's new building. The fiber optics will be useful for anyone located along that route and should help with job retention in the Downtown area.

Council Member Adami asked about a verbal commitment that SEDCO previously made to partner with the City for Downtown street improvements. He asked that SEDCO continue to review that possibility and see how they can participate. Mr. Thompson said $550,000 was earmarked in SEDCO's Work Plan for burying the utilities underground in the Downtown area. This project would clearly be an infrastructure project.

Mr. Thompson said after the City develops their plan, SEDCO would be happy to see where they can participate by working within the limits of their guidelines.

Mr. Thompson thanked the City Council for their patience during the past few months.

Mayor Magers said using the impact analysis was started three years ago, and includes a third-party economist reviewing the proposed deal and reporting on the return on investment so SEDCO can determine if it is a good deal or a bad deal.

He said he was often asked about the status of the project with Panda Energy. When they originally talked about coming to Sherman, the economic situation was different. They still had a multiple year option that they were utilizing for free. SEDCO approached them about paying a reasonable fee to retain the option, based on the difference that it would be sold to them for.

Mayor Magers said the biggest recent change is that while reviewing a project, SEDCO is looking at a return on taxpayer dollars.

He thanked Mr. Thompson for his leadership in SEDCO.

QUARTERLY INVESTMENT REPORTS

APPROVE QUARTERLY INVESTMENT REPORTS FOR PERIOD ENDING MARCH 31, 2011

The City Council approved the Quarterly Investment Reports for the period ending March 31, 2011. As of March 31, 2011, both the Operating Portfolio and the Debt Proceeds Portfolio were in compliance with applicable State laws and the City's internal Investment Policy.

The Operating Portfolio had a book value of about $23.1 million, up about $4.3 million from three months ago due to

property tax collections during the period. This portfolio is appropriately liquid, and its weighted-average maturity increased to about 230 days, up from 184 days last period, because of investment purchases during the quarter.

The portfolio yield of 0.67% for the quarter is higher than the benchmark yield of 0.17%. The portfolio value on the City's books is essentially equal to the market value of the overall portfolio.

The Debt Proceeds Portfolio balance decreased about $0.9 million due to payments made for construction projects during the period. The portfolio remains adequately liquid, with all of the funds available within one day. Its yield of 0.15% for the quarter is slightly lower than the benchmark yield of 0.17%. The portfolio value on the City's books is essentially equal to the market value of the overall portfolio.
CONSENT AGENDA.

SPECIAL CONSIDERATION
TO NOT REQUIRE
SIDEWALKS
(AUSTIN COLLEGE)
(REQUEST DIED FOR
LACK OF A MOTION)

SPECIAL CONSIDERATION TO ORDINANCE NO. 2684, SECTION 12 (F) TO NOT REQUIRE SIDEWALKS ON A PORTION OF THE PROJECT IN AN R-2 (MULTI-FAMILY RESIDENTIAL) DISTRICT / COLLEGE PARK OVERLAY DISTRICT; BEING LOT 1, BLOCK 1, BROCKETT SW ADDITION; AUSTIN COLLEGE, OWNERS; HEIDI ELLIS, AUSTIN COLLEGE REPRESENTATIVE; TODD WILLIAMS, KANGAROO HOUSING INVESTORS, LLC, DEVELOPER / APPLICANT; AND MATTHEW CAIN, CAIN CONSULTING AND ENGINEERING SERVICES, ENGINEERS (916 EAST BROCKETT STREET)
Council Member Wacker abstained from the discussion due to a conflict of interest.

Matthew Cain, Cain Consulting and Engineering Services, 6136 Frisco Square Blvd., Suite 400, Frisco, Texas
Mr. Cain appeared representing Austin College and Kangaroo Housing Investors in their request to not require sidewalks on a portion of their project in the College Park Overlay District.

They are requesting an exception to the sidewalk ordinance for the apartment building that is being constructed on Brockett Street. The student housing will feature 94 bedrooms and sits next to the existing power plant building.

The exception states lots adjacent to developed lots that have no sidewalk. In this area, the only sidewalks available are those along Brockett Street. There is one sidewalk in front of one house, but there is no connectivity.

Mayor Magers verified that they want sidewalks on Brockett Street and on the east side of the development which is Porter Street. Their main objective is to take students from the building and move them onto campus.

Mayor Magers asked why they were requesting a variance on the west side of the development, on Willow Street. The Austin College Master Plan eventually calls for that to be part of the campus.

Mr. Cain said they wanted to move students toward the campus and there is no development on the south side of the property. There are a couple of industrial buildings and the railroad track. He felt there would be a security issue of people entering the campus area from that direction and from an undeveloped area. Mr. Cain said they also didn't want the students walking into that area to "hang out."

Mayor Magers said the same argument could be made on the east side. Mr. Cain said a large recreation area will be located in that area and students will be going into that area. There is also an existing Austin College building where students can be seen on the east side for security purposes. There is no direct visibility on the west side. They would also like students to be able to enter the parking lot without going through the building.

Mayor Magers said the Austin College Master Plan calls for continued building out of the campus and he felt sidewalks would eventually be needed there. Mr. Cain said there is the potential for future development and Austin College has said they will build a sidewalk when there is a need for the sidewalk. They just don't feel it is the best need at this point in time, for this development. Mr. Shadden confirmed that the sidewalk could be constructed at a later date.

Council Member Howeth and Council Member Smith said they did not like the College's arguments. Council Member Howeth did not appreciate the fact that they did not want Austin College students associating with certain people in Sherman. College students are old enough to make the decision as to where they want to walk and don't need a sidewalk to direct them. There are other houses in the area that might also want to use the sidewalks.

She said she loved the development and Austin College has done tremendous work in that area. However, she felt they should finish the sidewalks too.

Mr. Cain said they did not want to alienate the neighbors, but they felt there was a security issue and said they needed to keep the students safe. Mayor Magers said that was an Austin College issue and not a City issue.

He added that the City's sidewalk ordinance is designed to build connectivity in the City. Pacific Street on the south side of the development goes nowhere and he understood not including sidewalks there. He felt the Brockett Street sidewalk should be connected on Willow Street. The College's Master Plan is to continue westward.

Council Member Softly also had a problem with no sidewalks on the west side to connect Brockett Street. The City has invested a lot of money on Brockett Street and it looks nice.

Mr. Cain said there is no connectivity on the south because there are no sidewalks. Mayor Magers reiterated that there are no sidewalks there today. Mr. Cain agreed adding that there is not a need for them today. He added that when the "green space" is built, there is full potential that the sidewalk will be connected to Brockett Street.

Council Member Smith asked if it cost so much to add the sidewalks and was it worth the delay of construction. He added that it is apparent that at some point there will be construction on the south side of the proposed building and sidewalks will be needed. Mr. Cain said the sidewalks would cost more than $2,500 but the money was not the point.

Mr. Cain said the project was designed to move the students to campus as quickly as possible. They also wanted to keep students off the Willow Street side because vehicles and trash trucks would be entering from that side. Mr. Cain recommended that the sidewalk be constructed when it was needed, not at this time.

Council Member Smith said the sidewalks should be added now because they are required by the ordinance. He asked what the City should tell other developers when they don't want to construct a sidewalk on their project.

Mayor Magers asked if anyone had an issue with not requiring the sidewalk along Pacific Street. The sidewalk along Pacific Street will never cross Willow Street because the home there has a variance and there is not enough room for a sidewalk.

Mayor Magers said the issue is whether the City Council would like to grant a variance for the sidewalk running north and south from Brockett Street to Pacific Street. Austin College is requesting a variance on the west side and the south side.

Council Member Adami addressed the Austin College Master Plan adding that he felt the sidewalk should be constructed on both sides. Deputy Mayor Steele felt it was okay not to construct a sidewalk on the west side, along Willow Street.

Council Member Softly said if there is not a sidewalk on the west side, students will walk in the street, where it is not safe.

Tim Millerick, Vice President of Student Affairs and Athletics at Austin College, said they considered all the options and felt their request was the best for the student's safety. There

will be about 94 to 98 cars in the parking lot and trash trucks twice weekly which will add a risk for the students.

Mayor Magers reiterated that the variance was for sidewalks on the west and the south sides of the proposed project. Mr. Shelby explained that in considering the request, the City Council can be more restrictive but not less restrictive. Mayor Magers said the issue on the table is whether or not to allow Austin College a variance on the sidewalk ordinance which would allow them not to construct a sidewalk on the west side and the south side of the project. An affirmative vote will allow them not to install sidewalks, and a negative vote will require them to install the sidewalks.

Council Member Adami said as a long time Sherman resident and as a City Council Member, he is very appreciative of everything that Austin College has done and the investment they have made over the last 10 or 15 years. But the City has an ordinance in place for a reason, to allow connectivity within the community. For this reason he is not in favor of granting the variance.

Council Member Smith said he is a proud graduate of Austin College but he is against the variance.

Mr. Millerick said he felt the City Council was being naïve about the true meaning of the connectivity and the safety issues they will be creating.

Mayor Magers asked for a motion. No motion was made so the request died for lack of a motion. Mr. Shelby clarified that no motion is the same as a no vote.
REQUEST DIED.

Council Member Wacker reminded everyone of her abstention.

APPROVE FINAL PLAT WESTGATE HILL ADDITION (4300 BLOCK OF U.S. HWY 75 NORTH)

FINAL PLAT APPROVAL OF WESTGATE HILL ADDITION; BEING 6.6367 ACRES IN THE W. BROWN AND B.A. RICKETTS SURVEY, ABSTRACT NO. 1553 AND THE T.J. SHANNON SURVEY, ABSTRACT NO. 1137; SAMUEL NECHAMKIN AND GARY HOGE, OWNERS; JASON SOFEY, SOFEY CONSTRUCTION AND DESIGN, LLC, REPRESENTATIVE; CHRIS SCHMITT, TEAGUE, NALL AND PERKINS, ENGINEER; DAVID BACA, ARCHITECT; AND UNDERWOOD DRAFTING AND SURVEYING, SURVEYORS (4300 BLOCK OF U.S. HIGHWAY 75 NORTH)
The City Council approved the Final Plat of Westgate Hill Addition, located in the 4300 block of U.S. Highway 75 North, north of Sherman Town Center. The owner would like to plat the 6.6367 acres into three lots for commercial development.

The Planning and Zoning Commission recommended approval of the Final Plat.
CONSENT AGENDA.

REPLAT APPROVAL OF LOTS 1-7, BLOCK 1, FAIRVIEW PARK PATIO HOMES, PHASE ONE; BEING 1.252 ACRES IN THE J.B. McANAIR SURVEY, ABSTRACT NO. 763; SHREETEJAS, INC., OWNER; DEREK HUMPHREYS, REPRESENTATIVE; AND DELTA LAND SURVEYING, SURVEYORS (1400-1500 BLOCKS OF PARK PLACE)

APPROVE REPLAT FAIRVIEW PARK PATIO HOMES (1400-1500 BLOCKS OF PARK PLACE)

The City Council approved the Replat of Lots 1 through 7, Block 1, in Fairview Park Patio Homes, Phase One, located in the 1400 to 1500 blocks of Park Place.

The property consists of 1.242 acres and was platted and granted a Specific Use Permit to allow patio homes in 1999. The owner would like to replat the property into four lots for multi-family development.

The Planning and Zoning Commission recommended approval of the Replat.
CONSENT AGENDA.

REPLAT APPROVAL OF SHERMAN CROSSING ADDITION, A REPLAT OF A PORTION OF LOT 1, BLOCK 1, SHERMAN SHOPPING CENTER ADDITION; BEING 8.633 ACRES IN THE J.B. McANAIR SURVEY, ABSTRACT NO. 763; 75-82 SHERMAN CROSSING, LTD, OWNERS; DAVID WALLENSTEIN, REPRESENTATIVE; AND UNDERWOOD DRAFTING AND SURVEYING, SURVEYOR (3200 BLOCK OF U.S. HIGHWAY 75 NORTH)

APPROVE REPLAT SHERMAN CROSSING ADDITION (3200 BLOCK OF U.S. HWY 75 NORTH)

The City Council approved the Replat of Sherman Crossing Addition, which is a Replat of a portion of Lot 1, Block 1, Sherman Shopping Center Addition, located in the 3200 block of U.S. Highway 75 North.

The owners of this 8.633 acre site, on the northeast corner of Highway 75 and 82, are proposing the division of a portion of one lot into two lots for the purpose of development.

The Planning and Zoning Commission recommended approval of the Replat.
CONSENT AGENDA.

CITIZENS REQUESTS

CONDITION OF BASEBALL FIELD AT VETERANS PARK

CONDITION OF BASEBALL FIELD AT VETERANS PARK

Art Olson, 1004 Western Hills Drive, said there were about 150 visitors in Sherman last week for the baseball game between Sherman and Waxahachie, as well as scouts looking at a Sherman player. There was also 150 to 200 residents supporting Sherman.

He commended Parks and Recreation and the City employees that groomed that field. One of the scouts from Detroit also commented on the field saying it was one of the best fields he has seen this year.

MEDIA QUESTIONS

MEDIA QUESTIONS

There were no media questions.

APPOINT/REMOVE OR CONSIDER QUALIFICATIONS TO BOARDS AND COMMISSIONS:

PARKS AND RECREATION ADVISORY BOARD (2) — **PARKS & RECREATION BOARD**

ACTION TAKEN.

Motion by Council Member Adami to appoint Jason Howard and Lauren Alexis Bolin to the Parks and Recreation Advisory Board for a term from May 17, 2011 to May 17, 2013. Second by Council Member Smith.

VOTING AYE: Adami, Howeth, Smith, Softly, Steele, Wacker.
VOTING NAY: None.
MOTION CARRIED.

COUNCIL AUDIT COMMITTEE (3) — **COUNCIL AUDIT COMMITTEE**

Council Members extended the Council Audit Committee terms of Joe Smith, Chip Adami and Cary Wacker to November 2011, to coincide with Council terms. A Charter Amendment Election moved the date for the Regular Municipal Election to November and appointments to this Board are normally made after the new Council Members take office.
CONSENT AGENDA.

INVESTMENT COMMITTEE (2) — **INVESTMENT COMMITTEE**

Council Members extended the Investment Committee terms of Willie Steele and Robert Softly to November 2011, to coincide with Council terms. A Charter Amendment Election moved the date for the Regular Municipal Election to November and appointments to this Board are normally made after the new Council Members take office.
CONSENT AGENDA.

TAX REINVESTMENT COMMITTEE (2) — **TAX REINVESTMENT COMMITTEE**

Council Members extended the Tax Reinvestment Committee terms of Joe Smith and Chip Adami to November 2011, to coincide with Council terms. A Charter Amendment Election moved the date for the Regular Municipal Election to November and appointments to this Board are normally made after the new Council Members take office.
CONSENT AGENDA.

TAX INCREMENT FINANCING BOARD #1 (3) — **TAX INCREMENT FINANCING BOARD #1**

Council Members extended the Tax Increment Financing Board #1 terms of Bill Magers, Willie Steele, and Chip Adami to November 2011, to coincide with Council terms. A Charter Amendment Election moved the date for the Regular Municipal Election to November and appointments to this Board are normally made after the new Council Members take office.
CONSENT AGENDA.

TAX INCREMENT FINANCING BOARD #2 (3) — **TAX INCREMENT FINANCING BOARD #2**

Council Members extended the Tax Increment Financing Board #2 terms of Bill Magers, Willie Steele, and Chip Adami to November 2011, to coincide with Council terms. A Charter Amendment Election moved the date for the Regular Municipal Election to November and appointments to this

Board are normally made after the new Council Members take office.
CONSENT AGENDA.

TAX INCREMENT FINANCING BOARD #3 (3)

TAX INCREMENT FINANCING BOARD #3

Council Members extended the Tax Increment Financing Board #3 terms of Bill Magers, Willie Steele, and Chip Adami to November 2011, to coincide with Council terms. A Charter Amendment Election moved the date for the Regular Municipal Election to November and appointments to this Board are normally made after the new Council Members take office.
CONSENT AGENDA.

COUNCIL COMMENTS
OPPORTUNITY TO DISCUSS ISSUES

OPPORTUNITY TO DISCUSS ISSUES

Deputy Mayor Steele said meetings allow the Council Members and citizens to discuss issues. They don't always agree. Everyone acted professional tonight and no one got upset even though it didn't go their way.

After traveling to other countries, it is nice to see that Americans have the right to gather in a professional manner and argue issues.

UPCOMING COMMUNITY EVENTS

UPCOMING COMMUNITY EVENTS

Council Member Wacker said this is a busy time of year with all the commencement ceremonies and special events coming up. She wished everyone a happy and safe Memorial Day weekend.

She also looked forward to kicking off community events such as Hot Summer Nights.

CODERED WEATHER WARNING SYSTEM

CODERED WEATHER WARNING SYSTEM

Council Member Softly told Fire Chief Jeff Jones to "keep the CodeRED coming."

CODERED WEATHER WARNING SYSTEM

CODERED WEATHER WARNING SYSTEM

Council Member Howeth said everyone appreciates the CodeRED weather warning system. It alerted everyone to a problem and kept everyone safe. She said the citizens appreciate the City's efforts.

AT THE COUNCIL MEETING

AT THE COUNCIL MEETING

Mayor Magers said if you look at the issues on tonight's City Council Meeting, they stopped electric companies from "gouging" the citizens, helped a small business open with certain restrictions, did the right thing with a property owner in following the rules, and had a discussion with a major employer in the community that is expanding.

He said this is the way that democracy and the local government should work and he is proud of the way the Sherman City Council handles business.

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 551.074 — **PERSONNEL MATTERS CONSIDER THE QUALIFICATION, APPOINTMENT AND REMOVAL OF MEMBERS TO BOARDS AND COMMISSIONS: HISTORICAL PRESERVATION BOARD (2)**

PLANNING AND ZONING COMMISSION (2)

Council Members decided that an Executive Session was not needed.

APPOINT/REMOVE OR CONSIDER QUALIFICATIONS TO BOARDS AND COMMISSIONS: — **HISTORICAL PRESERVATION BOARD & PLANNING & ZONING COMMISSION**

HISTORICAL PRESERVATION BOARD (2)

PLANNING AND ZONING COMMISSION (2)

ACTION TAKEN.

Motion by Council Member Wacker to reappoint David Plyler, to the Historical Preservation Board for a term from April 29, 2011 to April 29, 2015, and to reappoint Brad Morgan, to the Planning and Zoning Commission for a term from May 6, 2011 to May 6, 2014. Second by Deputy Mayor Steele.

VOTING AYE: Adami, Howeth, Smith, Softly, Steele, Wacker.
VOTING NAY: None.
MOTION CARRIED.

ADJOURNMENT — **ADJOURNMENT**

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

MAYOR

CITY CLERK

SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager **Date:** 6-6-2011

Subject: Agenda Item No. B.1

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5699
Providing for Permanent "No Parking" Signs Restricting Parking along the East and West Sides of the 600 Block of North Porter Street within the City Limits of the City of Sherman; Providing for a Penalty Provision

Issue
To consider introducing, seeking public input, and adopting an ordinance concerning the establishment of parking restrictions along the east and west sides of the 600 block of North Porter Street

Background
Austin College contacted City staff by an e-mail dated April 6, 2011, requesting that parking restrictions be placed on the east and west sides of the 600 block of North Porter Street. Austin College is concerned that, with the new housing construction ongoing at Brockett and Porter, a future traffic problem could exist. Austin College's physical plant is located on the east side of the 600 block of North Porter Street. The physical plant receives daily delivery vans and trucks at this location. There are also times when 18-wheel delivery trucks deliver items which require the use of a fork lift for unloading and loading. On-street parking would further contribute to the congestion caused by these deliveries. Off-street parking will be supplied for all of the housing units constructed. City staff has evaluated this request and agrees that the east and west sides can have parking restrictions. The parking restrictions will be on the east and west sides between East Pacific Street and East Brockett Street.

Origination
Austin College and Public Works Department

Financial Consideration
The Street Department is estimated to incur a cost of approximately $400.00 for labor and materials to install four "No Parking" signs.

Staff Recommendation
Adopt the proposed ordinance to provide for the restricted parking along the east and west sides of the 600 block of North Porter Street.

Alternatives
The Council could reject the proposed ordinance.

Attachments
Ordinance No. 5699
Request from Austin College dated April 6, 2011
Exhibit "A" (Location Map)

Prepared by:
Don Keene, Exec. Director - Planning & Public Works

Approved by:
George Olson, City Manager

ORDINANCE NO. 5699

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, PROVIDING FOR PERMANENT "NO PARKING" SIGNS RESTRICTING PARKING ALONG THE EAST AND WEST SIDES OF THE 600 BLOCK OF NORTH PORTER STREET WITHIN THE CITY LIMITS OF THE CITY OF SHERMAN; PROVIDING FOR A PENALTY PROVISION; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS:

SECTION 1. That, from and after the passage of this ordinance, permanent "NO PARKING" signs will be erected within the corporate limits of the City of Sherman and parking is prohibited in the following locations:

Along the east side and west side of the 600 block of North Porter Street, as illustrated on the attached Exhibit "A".

SECTION 2. That the Executive Director of Planning and Public Works is directed to designate this action by the appropriate markings and signs.

SECTION 3. That, from and after the erection of the "NO PARKING" signs herein authorized, it shall be unlawful for any motorist to park a vehicle in such area designated as a "NO PARKING" zone, as provided in Sec. 12.04.020 of the Code of Ordinances of the City of Sherman, Texas. Violators of this ordinance shall be subject to fine as provided in Section 1.01.009 of the Code of Ordinances of the City of Sherman, Texas.

SECTION 4. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 5. That the provisions of this ordinance are severable and the invalidity of any word, phrase or part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

SECTION 6. That it is hereby officially found and determined that the meetings at which this ordinance was introduced and passed were open to the public and that public notice of the time, place and purpose of said meetings were given all as required by law.

INTRODUCED on this the _____ day of _____, 2011.

ADOPTED on this the _____ day of _____, 2011.

EFFECTIVE DATE on this the _____ day of _____, 2011.

CITY OF SHERMAN, TEXAS

BY: _____
BILL MAGERS, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM
AND CONTENT:

BY: _____
BRANDON S. SHELBY,
CITY ATTORNEY

Taylor, Scott

From: John Jennings [JJennings@austincollege.edu]
Sent: Wednesday, April 06, 2011 8:45 AM
To: Taylor, Scott
Cc: Heidi B. Ellis
Subject: Porter Street

Scott, as we look at the new housing construction across from my office here at 603 Porter it is becoming more evident of a future problem that could exist in terms of parking. The college's shipping/receiving is located in this building and we daily have delivery vans and trucks arriving. We will have at times 18 wheel delivery form freight haulers and a utilize fork lift for unloading and at times loading. Given the close proximity of having to back into the delivery area and also a truck setting for the fork lift to maneuver it is very congested at times.

I feel we need to have the 600 block of Porter designated as no parking for when the new housing opens up. Can you direct me in the process required to have this done?

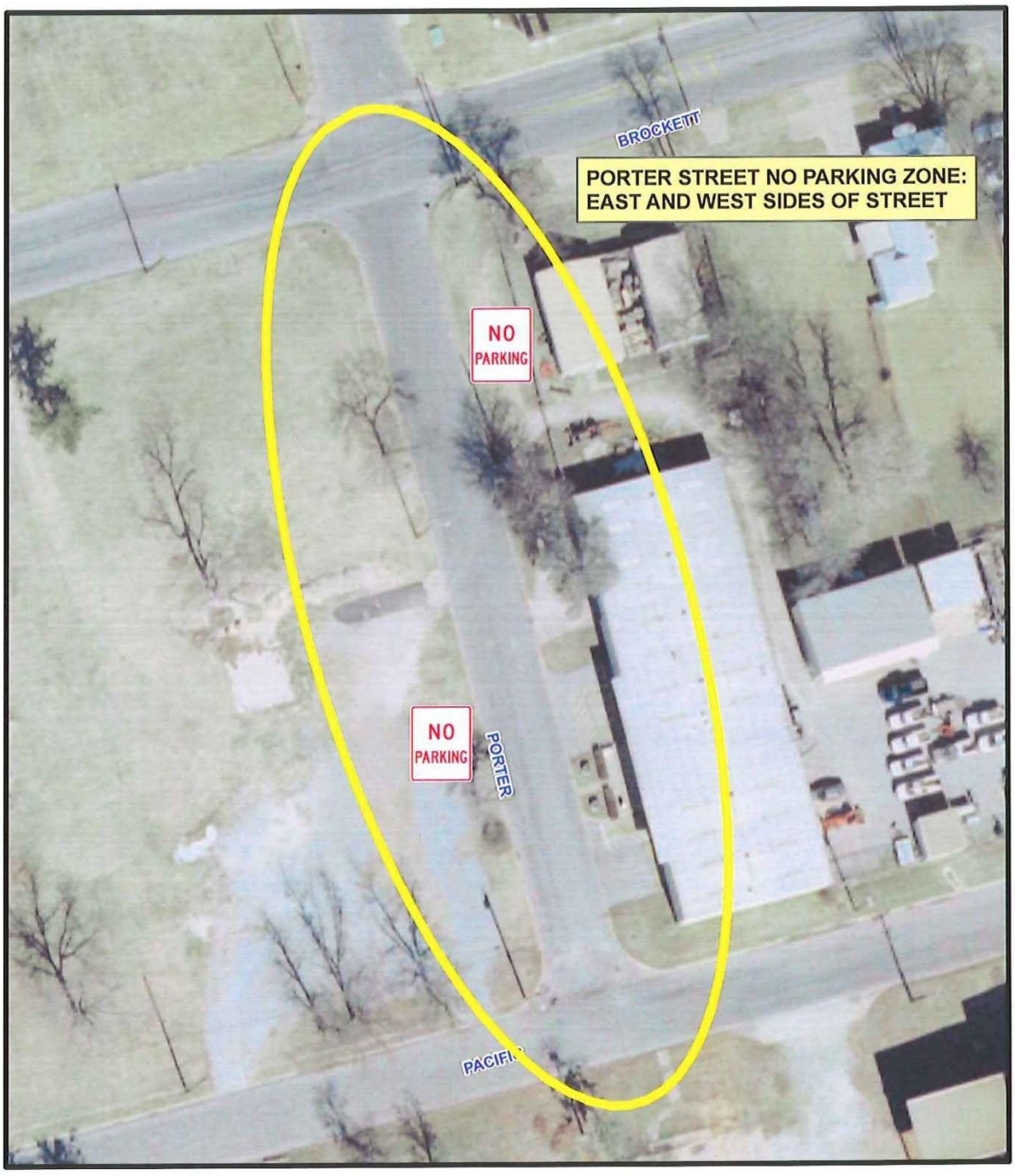
One other quick item I am meeting tomorrow with Oncor could you check on status of the letter for removal of the street lights on Richards.

Thanks
John

John Jennings
Director of Physical Plant

Austin College | Physical Plant Operations
900 North Grand Avenue, Suite 6M | Sherman, Texas 75090
Phone 903.813.2410 | Fax 903.813.2407
austincollege.edu

Exhibit "A"



City of Sherman, Texas
Engineering Department

NO PARKING ZONES

PORTER STREET

N

SCALE: 1" = 50 FT

SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager **Date:** 6-6-2011

Subject: Agenda Item No. B.2

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5700
Amending Section 8, Subsection (5)(a), Ordinance No. 2280, so as to Grant a Specific Use Permit to Allow a Marriott Courtyard Hotel in a C-1 (Retail Business) District/O-1 (75 & 82) Overlay District at 4344 Loy Lake Road, being Lot 2, Block 1, Ameristate Plaza (Ameristate Bank, Owner; Sher-Den Hospitality, LLC, Raj Patel, Prospective Buyer; Richard Humiston, Architect; and Dirk Thibodaux, Gray Rock Consulting, Landscape Architect); Providing that this Specific Use Permit Shall be Granted Subject to Certain Conditions; Providing a Penalty Not to Exceed $2,000.00

Issue
To consider the request of Ameristate Bank (Owner), Sher-Den Hospitality, LLC, Raj Patel (Prospective Buyer), Richard Humiston (Architect) and Dirk Thibodaux, Gray Rock Consulting (Landscape Architect) concerning the property located at 4344 Loy Lake Road, being Lot 2, Block 1, Ameristate Plaza, to allow a Marriott Courtyard Hotel in a C-1 (Retail Business) District/O-1 (75 & 82) Overlay District

Background
The property is located at 4344 Loy Lake Road, north of the Sherman Town Center. The prospective buyer is proposing a five-story, 62' high, 127-room Marriott Courtyard Hotel on the lot; adequate parking spaces will be provided. The Central Freight property to the south and west is zoned an R-1 (One Family Residential) District.

Origination
Ameristate Bank (Owner), Sher-Den Hospitality, LLC, Raj Patel (Prospective Buyer), Richard Humiston (Architect), and Dirk Thibodaux, Gray Rock Consulting (Landscape Architect)

Board Recommendation
At the May 17, 2011 regular meeting, the Planning and Zoning Board voted 8/0 to recommend to the City Council that the Specific Use Permit be approved subject to the Staff Review Letter.

Attachments
Ordinance No. 5700, Location Map, Photograph, Site Plan, P&Z Communication Form, and Staff Review Letter

Prepared by:
Scott Shadden, Development Services Director

Approved by:
George Olson, City Manager

ORDINANCE NO. 5700

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 MARRIOTT COURTYARD HOTEL IN A C-1 (RETAIL BUSINESS) DISTRICT/O-1 (75 & 82) OVERLAY DISTRICT AT 4344 LOY LAKE ROAD, BEING LOT 2, BLOCK 1, AMERISTATE PLAZA (AMERISTATE BANK , OWNER; SHER-DEN HOSPITALITY, LLC, RAJ PATEL, PROSPECTIVE BUYER; RICHARD HUMISTON, ARCHITECT; AND DIRK THIBODAUX, GRAY ROCK CONSULTING, LANDSCAPE ARCHITECT); PROVIDING FOR A REPEALER; PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED $2,000.00; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the City Planning and Zoning Commission and the City Council, in accordance with the state law and the ordinances of the City of Sherman, have given the required notices and have held the required public hearings regarding this Specific Use Permit; and

WHEREAS, the City Council finds that this use will complement or be compatible with the surrounding uses and community facilities; contribute to, enhance, or promote the welfare of the area of request and adjacent properties; not be detrimental to the public health, safety, or general welfare; and conform in all other respects to all applicable zoning regulations and standards; and

WHEREAS, the City Council finds that it is in the public interest to grant this specific use permit, subject to certain conditions;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS;

SECTION 1. That, from and after the passage of this ordinance, Ameristate Bank (Owner), Sher-Den Hospitality, LLC, Raj Patel (Prospective Buyer), Richard Humiston (Architect), and Dirk Thibodaux, Gray Rock Consulting (Landscape Architect) are granted a Specific Use Permit to allow a Marriott Courtyard Hotel in a C-1 (Retail Business) District/O-1 (75 & 82) Overlay District at 4344 Loy lake Road, and that Section 8, Subsection (5)(a), Ordinance No. 2280 is hereby amended so as to hereafter include the following described property:

BEING Lot 2, Block 1, Ameristate Plaza

SECTION 2. That this specific use permit is granted on the following conditions:

Zoning:

1. All aspects of the C-1 (Retail Business) District, the O-1 (75 & 82) Overlay District, the sign ordinance and the Commercial Tree and Landscaping Ordinance must be followed.
2. One freestanding sign is allowed per development lot unless an exception is granted.
3. Parking is permitted on paved surfaces only; a parking space is considered to be 9'x20'.
4. A minimum six (6') foot screening device is required adjacent to any residentially zoned property.
5. All aspects of the 2006 ICC Fire Codes must be followed. If the proposed building is 30 feet in height or greater, then a 26 foot wide fire lane is required; it shall be located within a minimum 15 feet and a maximum 30 feet from the building, and shall be positioned parallel to one entire side of the building.
6. Any other changes made to the site plan prior to the final fulfillment of the conditions of the staff review, must be considered minor by the staff, as to not require resubmission to the Planning and Zoning Commission.

Engineering:

7. A utility plan and system demands for water and sewer shall be submitted to the City of Sherman Engineering Department for review and approval. Utility improvements may be required to serve the site.
8. A drainage and grading plan shall be submitted to the City of Sherman Engineering Department for review and approval.
9. Detention in accordance with City criteria is required.
10. Retaining walls shall not be placed within the Drainage and Utility Easements.
11. The location of trash receptors shall be reviewed for approval by the Assistant Director of Engineering and Public Works.
12. Drive approaches and sidewalks shall be in accordance with TxDOT and the City of Sherman standards.

Fire:

13. Landscape must not reduce fire lane width or height requirement. Note landscape shown on parking island on north drive. Minimum clear height is 14' unobstructed. Tree must not obstruct turning radius along fire lane.

SECTION 3. That this ordinance shall not become effective until entered upon the official zoning map as provided in Section 8, Subsection (5)(a), Ordinance No. 2280.

SECTION 4. That a person who violates a provision of this ordinance, upon conviction, is punishable by a fine not to exceed $2,000.00.

SECTION 5. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 6. That it is hereby officially found and determined that the meetings at which this ordinance was introduced and passed were open to the public and that public notice of the time, place and purpose of said meetings were given all as required by law.

INTRODUCED on this the _____ day of _____, 2011.

ADOPTED on this the _____ day of _____, 2011.

EFFECTIVE DATE on this the _____ day of _____, 2011.

CITY OF SHERMAN, TEXAS

BY: _____
BILL MAGERS, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

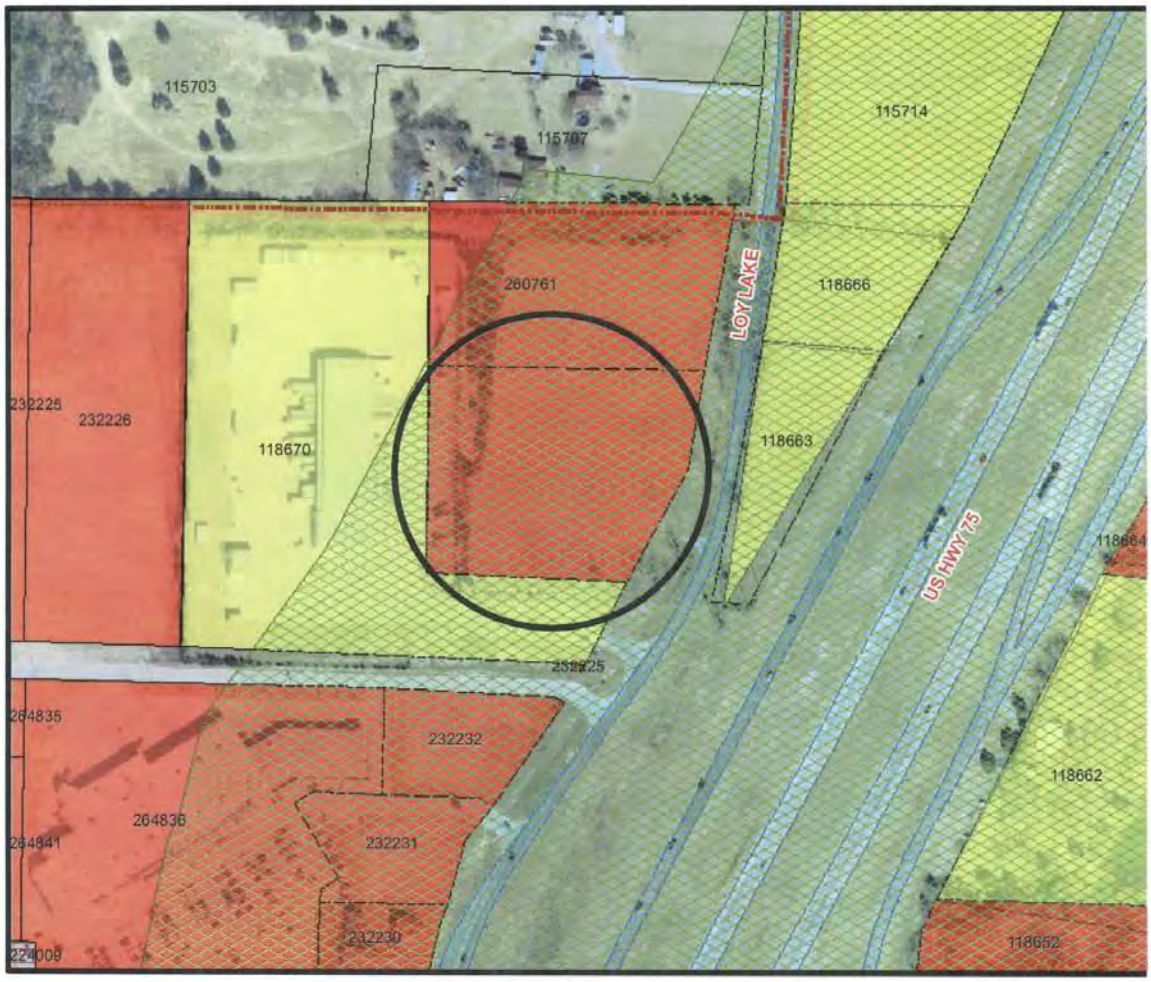
APPROVED AS TO FORM
AND CONTENT:

BY: _____
BRANDON S. SHELBY,
CITY ATTORNEY

4344 Loy Lake Road

City of Sherman, Texas
Developmental Services Department

1 inch = 258 feet



Zoning - 4344 Loy Lake Rd.

Legend

- C L SHERMAN CITY LIMITS
- O 1 HIGHWAY 75 & 82 OVERLAY DISTRICT
- O 1.1 FM 1417 OVERLAY DISTRICT
- O 1.2 SAM RAYBURN FREEWAY OVERLAY DISTRICT
- C B D DOWNTOWN BUSINESS DISTRICT
- C P O COLLEGE PARK OVERLAY DISTRICT
- Blaylock Commercial District
- A & C ARTS & CULTURAL OVERLAY DISTRICT
- CO Office District
- R-A Single Family Agricultural District
- SF-1 Single Family Residential District
- R-1 One Family Residential District
- R-2 Multi-Family Residential District
- C-1 Retail Business District
- C-2 General Commercial District
- M-1 Light Manufacturing District
- M-1.5 Medium Manufacturing District
- M-2 Heavy Manufacturing District
- MH Manufacturing Housing Distgrict
- BIP Blalock Industrial Park
- City Limits
- City Limits Exception

City of Sherman, Texas
Developmental Services Department

1 inch = 258 feet

4344 Loy Lake Rd.

GRAY ROCK CONSULTING, INC.
Civil Engineering and Landscape Architecture
5208 Village Parkway, Suite 10
Rogers, AR 72758
479-268-6099 phone
800-887-7685 fax

April 21, 2011

Attn.: Patsy Reeves
City of Sherman
220 W. Mulberry
Sherman, Texas 75091
(903) 892-7229

RE: Site Plan Review
Lot 2 Ameristate Plaza
Marriott Courtyard

Ms Reeves,

Please accept this letter to serve as our application for the above referenced submittal. We wish to be placed on the May 17th Planning Commission meeting.

The owner is proposing to build a 5 story, 62' high, 127 room Marriott Courtyard. He wants to split the lot in the future, but not at this time. My site plan shows the proposed lot split line and acreages of the two lots for informational purposes only.

With this submittal, he is requesting a 12' rear building setback variance (we have 28' as opposed to the 40' required), a height exception, and the allowance for a hotel on the site. Marriott Courtyard is a very attractive hotel with a large amount of landscaping which includes the heavily landscaped courtyard in the rear.

Enclosed please find the required 25 sets of the Site Plan, the Landscape Plan, and Elevations along with the signed application and the fees.

If you have any questions, please give me a call.

Sincerely,

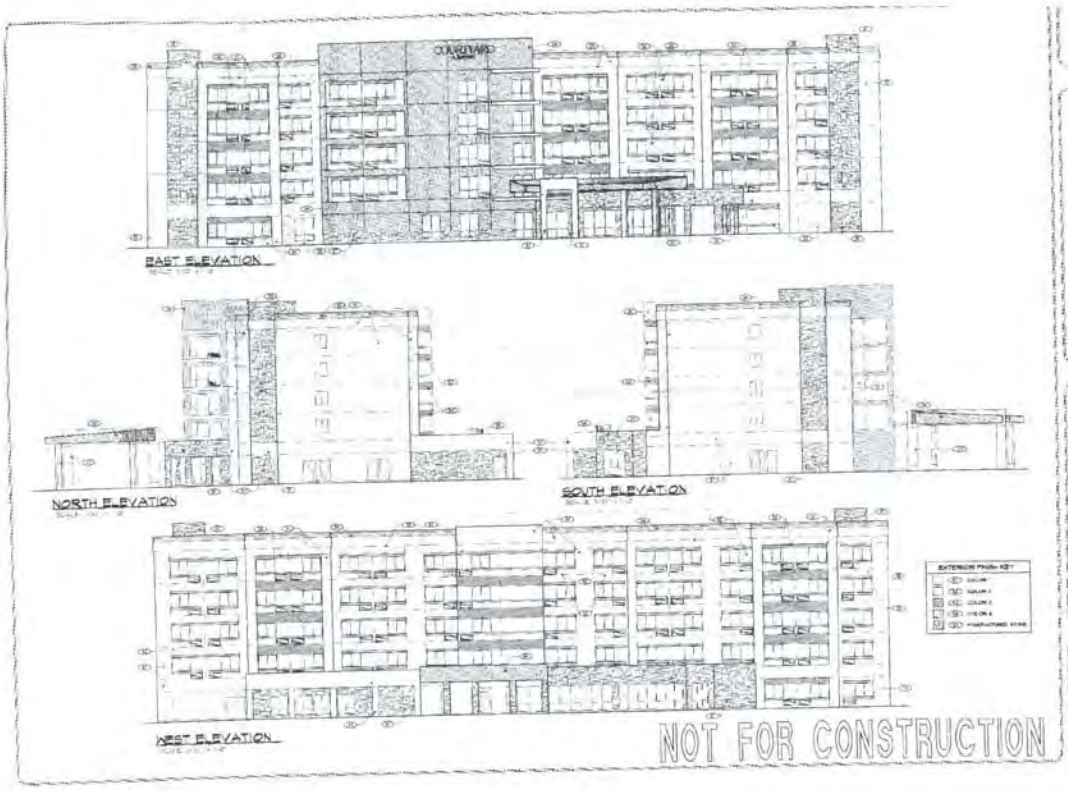
M. Dirk Thibodaux
Landscape Architect
Project Manager

RICHARD HUMISTON
ARCHITECT

PROPOSED
COURTYARD by MARRIOTT
SHERMAN
TEXAS

SITE PLAN

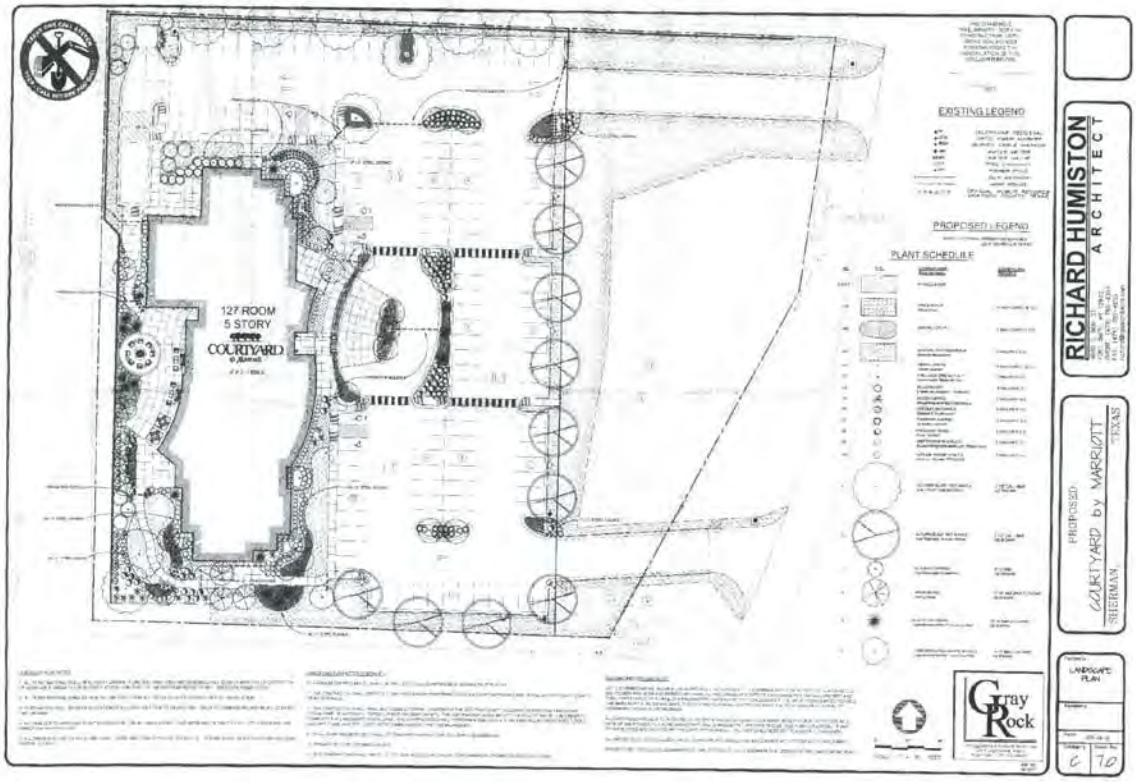
C 30



Richard Humiston ARCHITECT

MARRIOTT COURTYARD

A200


127 ROOM
5 STORY
COURTYARD
EXISTING LEGEND
PROPOSED LEGEND
PLANT SCHEDULE
RICHARD HUMISTON
ARCHITECT
PROPOSED:
COURTYARD by MARRIOTT
SHERMAN
TEXAS
LANDSCAPE PLAN
C
Gray Rock

AGENDA ITEM #5

City of Sherman

Planning and Zoning Commission
Board of Adjustments

Agenda Communication Form

May 17, 2011

Lawrence Davis, Chairman

Jim Jacobs, Vice Chairman	**Brad Morgan, Commissioner**
Vacant, Commissioner	**David Plyler, Commissioner**
Ron Barton, Commissioner	**Darren Tankersley, Commissioner**
Don Hicks, Commissioner	**Richard Barber, Commissioner**

4344 Loy Lake Road
Being Lot 2, Block 1, Ameristate Plaza
Variances, SUP & Site Plan

Requested Action/Proposed Use:

Board of Adjustments

(a) Variance to allow a five (5) story, 62' tall hotel in lieu of the 45 foot, three (3) story permitted in a C-1 (Retail Business) District/O-1 (75 & 82) Overlay District.

(b) Variance to allow a 28' rear setback and a 37' side setback in lieu of 100' (twice the height of the building or a maximum 100') required from residentially zoned property in a C-1 (Retail Business) District/O-1 (75 & 82) Overlay District.

Planning and Zoning Commission

Specific Use Permit and site plan approval to allow a Marriott Courtyard Hotel in a C-1 (Retail Business) District/O-1 (75 & 82) Overlay District.

Background:

The property is located at 4344 Loy Lake Road; north of Sherman Town Center. The prospective buyer is proposing a five story, 62' high, 127-room Marriott Courtyard Hotel on the lot; adequate parking spaces will be provided. The Central Freight property to the south and west is zoned an R-1 (One Family Residential) District.

Adjacent Zoning:

C-1 (Retail Business) District and R-1 (One Family Residential) District

Origination:

Ameristate Bank (Owner) and Sher-Den Hospitality, LLC, Raj Patel (Prospective Buyer), Richard Humiston (Architect) and Dirk Thibodaux, Gray Rock Consulting (Landscape Architect)

Master Plan Designation:

Auto Urban Commercial – Requires more land for parking than building floor area. Automobiles and parking are the most prominent features. Parking lots reduce building density and prevent any possibility of creating an enclosed space.

Attachments:

Location map, Photographs, Site Plan, Staff Review Letter

Prepared by:
Patsy Reeves,
Developmental Services Secretary

Approved by:
Scott Shadden,
Director of Developmental Services

SHERMAN

STAFF REVIEW LETTER
(AMENDMENT)

May 13, 2011

AmeriState Bank
PO Box 718
Atoka, OK 74525-0718

Sher-Den Hospitality, LLC
Raj Patel
118 N. 7th Avenue
Durant, OK 74701

Gray Rock Consulting
Dirk Thibodaux
5208 Village Parkway, Ste. 10
Rogers, AR 72758

Richard Humiston Architect
4600 S. 96th St.
Ft. Smith, AR 72903

Dear Applicants,

The request for approval of the Specific Use Permit and site plan approval to allow a Marriott Courtyard Hotel in a C-1 (Retail Business) District/O-1 (75 & 82) Overlay District for the property located at 4344 Loy Lake Road has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, May 17, 2011 at 5:00 P.M., in the City Council Chambers, City Hall at 220 W. Mulberry.

City staff has reviewed your request with regards to engineering and development guidelines and finds the following items need to be addressed:

Zoning:

1. All aspects of the C-1 (Retail Business) District, the O-1 (75 & 82) Overlay District, the sign ordinance and the Commercial Tree and Landscaping Ordinance must be followed.
2. One freestanding sign is allowed per development lot unless an exception is granted.
3. Parking is permitted on paved surfaces only; a parking space is considered to be 9'x20'.
4. A minimum six (6') foot screening device is required adjacent to any residentially zoned property.
5. All aspects of the 2006 ICC Fire Codes must be followed. If the proposed building is 30 feet in height or greater, then a 26 foot wide fire lane is required; it shall be located within a minimum 15 feet and a maximum 30 feet from the building, and shall be positioned parallel to one entire side of the building.
6. Any other changes made to the site plan prior to the final fulfillment of the conditions of the staff review, must be considered minor by the staff, as to not require resubmission to the Planning and Zoning Commission.

Engineering:

7. A utility plan and system demands for water and sewer shall be submitted to the City of Sherman Engineering Department for review and approval. Utility improvements may be required to serve the site.
8. A drainage and grading plan shall be submitted to the City of Sherman Engineering Department for review and approval.
9. Detention in accordance with City criteria is required.
10. Retaining walls shall not be placed within the Drainage and Utility Easements.
11. The location of trash receptors shall be reviewed for approval by the Assistant Director of Engineering and Public Works.
12. Drive approaches and sidewalks shall be in accordance with TxDOT and the City of Sherman standards.
13. **Escrow funds in the amount of $48,460.91 are required to construct one-half of Loy Lake Road to a 37' foot wide street.**

Fire:

14. Landscape must not reduce fire lane width or height requirement. Note landscape shown on parking island on north drive. Minimum clear height is 14' unobstructed. Tree must not obstruct turning radius along fire lane.

It is the policy of this Board not to consider a request unless it has representation. You are hereby notified to be present, either in person or by a legally authorized representative to present your case on the date and time stated above.

Respectfully,

Scott Shadden

Scott Shadden
Secretary, Planning and Zoning Board and Board of Adjustment

cc: George Olson, City Manager
Mark Gibson, Director Utilities & Engineering Services
Brandon Shelby, City Attorney
Lisa Whitfield, Engineering & Development Coordinator
Nathan Huffman, Fire Marshal
Scott Taylor, Assistant Director of Public Works
Don Keene, Exec. Dir. of Planning & Public Works

SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager **Date:** 6-6-2011

Subject: Agenda Item No. B.3

ADOPTION OF ORDINANCES
Consider Adoption of Ordinance Numbers: 5699 and 5700

B.1 INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5699
Providing for Permanent "No Parking" Signs Restricting Parking along the East and West Sides of the 600 Block of North Porter Street within the City Limits of the City of Sherman; Providing for a Penalty Provision

B.2 INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5700
Amending Section 8, Subsection (5)(a), Ordinance No. 2280, so as to Grant a Specific Use Permit to Allow a Marriott Courtyard Hotel in a C-1 (Retail Business) District/O-1 (75 & 82) Overlay District at 4344 Loy Lake Road, being Lot 2, Block 1, Ameristate Plaza (Ameristate Bank, Owner; Sher-Den Hospitality, LLC, Raj Patel, Prospective Buyer; Richard Humiston, Architect; and Dirk Thibodaux, Gray Rock Consulting, Landscape Architect); Providing that this Specific Use Permit Shall be Granted Subject to Certain Conditions; Providing a Penalty Not to Exceed $2,000.00

SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager **Date:** 6-6-2011

Subject: Agenda Item No. B.4

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

C.1 **** RESOLUTION NO. 5578***

Awarding a Bid to and Authorizing Execution of a Contract with R. K. Hall Construction Ltd. for the Travis Street HMAC Mill and Overlay Project

C.2 **** RESOLUTION NO. 5579***

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

SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager **Date:** 6-6-2011

Subject: Agenda Item No. C.1

**** RESOLUTION NO. 5578***
Awarding a Bid to and Authorizing Execution of a Contract with R. K. Hall Construction Ltd. for the Travis Street HMAC Mill and Overlay Project

Issue
Award of bid to R. K. Hall Construction Ltd. for the Travis Street HMAC (Hot Mix Asphaltic Concrete) Mill and Overlay Project

Background
The 2009-2010 Capital Improvement Program (CIP) budget included a project to improve the driving surface of Travis Street by milling and overlaying a section from Washington Street to Jones Street. This mill and overlay will be coordinated with downtown streetscape improvements approved by the City Council. Two bids were received for this project with R. K. Hall Construction Ltd. being the low bidder with a bid of $119,488.00.

Origination
Department of Public Works

Financial Consideration
Funds to mill and overlay this section of Travis Street are available in the current General CIP budget.

Staff Recommendation
Award of the bid to R. K. Hall Construction Ltd. for the Travis Street Mill and Overlay Project

Alternatives
Those as may be recommended by the City Council

Attachments
Resolution No. 5578
Consultant Recommendation Letter
Bid Tab
Aerial Map

Prepared by:
Don Keene, Exec. Director - Planning/Public Works

Approved by:
George Olson, City Manager

RESOLUTION NO. 5578

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH R. K. HALL CONSTRUCTION LTD. FOR THE TRAVIS STREET HMAC MILL AND OVERLAY PROJECT; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS:

SECTION 1. That R. K. Hall Construction Ltd. of Denison, Texas, is hereby awarded the bid in the total amount of One Hundred Nineteen Thousand Four Hundred Eighty-Eight Dollars and No Cents ($119,488.00), for the Travis Street HMAC Mill and Overlay Project; and that the City Manager be and is hereby authorized and directed, subject to all contract documents being properly completed and approved as to form and content by the City Attorney, to execute a contract with R. K. Hall Construction Ltd. for the Travis Street HMAC Mill and Overlay Project, in accordance with all contract documents attached hereto and made a part hereof for all purposes.

SECTION 2. That it is hereby officially found and determined that the meeting at which this resolution is passed is open to the public as required by law and that public notice of the time, place, and purpose of said meeting was given as required.

PASSED AND APPROVED on this the _____ day of _____, 2011.

CITY OF SHERMAN, TEXAS

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

BY: _____
BILL MAGERS, MAYOR

APPROVED AS TO FORM AND CONTENT:

BY: _____
BRANDON S. SHELBY, CITY ATTORNEY

TEAGUE NALL AND PERKINS

Civil Engineering Surveying Landscape Architecture Planning

May 25, 2011

Mr. Scott Taylor P.E.
Assistant Director of Engineering and Public Works
City of Sherman
P. O. Box 1106
Sherman, TX 75090

RE: TRAVIS STREET HMAC MILL AND OVERLAY
Contract Recommendation
TNP Job No: SHN 10159

Dear Mr. Taylor,

On Tuesday, May 24th, 2011, at 2:00 p.m, bids were received at the City of Sherman Public Works Department for the Travis Street HMAC Mill and Overlay project. Please note the attached Bid Tabulation Report. The low bidder was R. K. Hall Construction Ltd. with a base bid of $119,488.00.

After checking their references, we recommend that the City of Sherman award a contract in the amount of $119,488.00 to R. K. Hall Construction Ltd.

Thank you for the opportunity to work with the City of Sherman on this project and please do not hesitate to call if you need any additional information.

Sincerely,

TEAGUE NALL AND PERKINS INC.

Chris Schmitt, P.E.

Attachment: Bid Tab
Cc: TNP file

200 North Travis Street, Suite 500 • Sherman, Texas 75090 • 903.870.1089 phone • 903.893.0152 fax
www.tnp-online.com

TEAGUE NALL AND PERKINS

Civil Engineering | Surveying | Landscape Architecture | Planning

TRAVIS STREET HMAC MILL AND OVERLAY
Project No. SHN10159
City of Sherman
BID TABULATION REPORT

				BIDDERS			
	Engineer's Estimate =	**$120,000.00**		**RK Hall Construction Ltd.**		**JRJ Paving LP**	
	BID OPENING DATE:	**5/24/2011**					
	BID OPENING TIME:	**2:00 PM**					
ITEM NO.	DESCRIPTION OF ITEMS	QUANTITY	UNIT	UNIT COST	TOTAL	UNIT COST	TOTAL
1	Mobilization	1.00	LS	$3,000.00	$3,000.00	$9,455.44	$9,455.44
2	Milling Existing Asphalt Pavement	9,836.00	SY	$2.00	$19,672.00	$2.45	$24,098.20
3	2" Type 'D' Asphalt Overlay	1,082.00	TON	$78.00	$84,396.00	$69.41	$75,101.62
4	Remove & Replace Existing Curb	314.00	LF	$30.00	$9,420.00	$31.72	$9,960.08
5	Traffic Control	1.00	LS	$3,000.00	$3,000.00	$1,512.00	$1,512.00
	TOTALS:				**$119,488.00**		**$120,127.34**

TRAVIS STREET IMPROVEMENT PROJECT

City of Sherman, Texas
Engineering Department

0 65 130 260
Feet

SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager **Date:** 6-6-2011

Subject: Agenda Item No. C.2

**** RESOLUTION NO. 5579***

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

Issue

This resolution authorizes the continued participation with the Oncor Cities Steering Committee and authorizes the payment of the Committee's annual assessment.

Background

The City of Sherman is one of 148 member cities to comprise the Steering Committee of Cities Served by Oncor (formerly TXU). The Steering Committee has been the primary public interest advocate for electric utility regulation matters. The work undertaken by the Steering Committee has saved cities and ratepayers millions of dollars in unreasonable charges. The City has received approximately $487,000.00 to date in additional payments from Oncor due to the Committee's efforts; and, with the successful negotiated resolution of Oncor's 2011 Rate Case, the 5% franchise fee factor has been reestablished. The City will receive a lump sum retrospective franchise fee payment in July 2011 and increased recurring revenue from the increase in the franchise fee factor. With the approval of this participation fee, the Steering Committee will have authority to act for members, with each member retaining the ability to opt out of any proposed rate case action.

Origination

Mr. Jay Doegey, Chair of the Steering Committee of Cities Served by Oncor Electric Delivery

Financial Consideration

A participation fee of ten cents ($0.10) per capita, based upon the City of Sherman's population figures reflected in the latest TML Directory of City Officials (38,521), is required totaling $3,852.10. Funds are available in the current budget to cover this cost.

Staff Recommendation

The staff recommends approval of this resolution and authorization of the required payment.

Alternatives

The City Council could deny this resolution.

Attachments

Steering Committee Chair Memorandum dated May 20, 2011; Resolution No. 5579; Staff Report on Assessment Resolution for Steering Committee of Cities Served by Oncor; List of Steering Committee Cities (148)

Prepared by:
Robby Hefton, Assistant City Manager/CFO

Approved by:
George Olson, City Manager

MEMORANDUM

TO: Steering Committee of Cities Served by Oncor Electric Delivery

FROM: Jay Doegey, Chair

DATE: May 20, 2011

RE: **Action Needed – 2011 Membership Assessment Invoice**

Enclosed please find the 2011 Steering Committee of Cities Served by Oncor ("Steering Committee") membership assessment invoice and draft resolution. These items are discussed below. We ask that your city please take action on the membership assessment as soon as possible.

Although the Steering Committee does not require that your city take action by resolution to approve the assessment, some members have requested a resolution authorizing payment of the 2011 membership assessment. Payment of the membership assessment fee shall be deemed to be agreement with the terms of the Steering Committee participation agreement.

Forward the membership assessment fee and, if applicable, the signed resolution to Jay Doegey, Chair, Oncor Cities Steering Committee, c/o City Attorney's Office, Mail Stop 63-0300, P.O. Box 90231, Arlington, Texas 76004-3231. Checks should be made payable to: *Oncor Cities Steering Committee*. If you have any questions, please feel free to contact me at (817/459-6878) or Thomas Brocato (tbrocato@lglawfirm.com, 512/322-5857).

Accomplishments This Year

In January 2011, Oncor Electric Delivery Company filed a request for a rate increase of $353 million. The Steering Committee, through its consultants and attorneys, were able to negotiate a settlement that decreased the size of the request by over 60%. In addition, the Steering Committee had been successful in persuading a state district court to reverse a PUC ruling in the 2008 Oncor rate case that disapproved of a 5% increase in the franchise fee factor that the Steering Committee had negotiated with Oncor in 2005. The 2011 Oncor rate case settlement reestablishes the 5% franchise fee factor and also provides for a retrospective payment of those franchise fees back to the date of the PUC's order in the 2008 Oncor rate case. As a result of the Steering Committee's efforts cities will receive a lump sum retrospective franchise fee payment in July 2011 and increased recurring revenue from the increase in the franchise fee factor. A memorandum on this settlement and calculation of this franchise fee benefit was sent to each Steering Committee member earlier this month.

In addition, the Steering Committee has been an outspoken and effective advocate for the interests of cities and consumers on electric energy issues before the Texas Legislature during the current session which included the sunset review of the Public Utility commission and ERCOT. In February 2011, the Steering Committee in cooperation with the Texas Coalition for Affordable Power released a special report entitled *The Story of ERCOT: The Grid Operator, Market & Prices Under Texas Electric Deregulation*, which one Texas legislator called the most informative document on ERCOT and the elect4ric market he has read. The report can be found on www.RechargeTexas.com.

Membership Assessment Invoice and Resolution

The Steering Committee is the most active consumer group advocating the interests of cities and residential and small commercial customers within the cities to keep electric transmission and distribution (i.e. wires) rates reasonable. Steering Committee activities protect the authority of municipalities over the regulated wires service and rates charged by Oncor Electric Delivery Company LLC.

The work undertaken by the Steering Committee saves cities and ratepayers millions of dollars in unreasonable charges. In order to continue to be an effective voice before the Public Utility Commission, ERCOT, the Legislature, and in the courts, the Steering Committee must have your support. The membership assessment is deposited in an account which funds Steering Committee activities. We anticipate continued busy activity for electric utility matters. Based upon the population-based assessment protocol previously adopted by the Steering Committee, the assessment for 2011 is a per capita fee of $0.10 based upon the population figures for each city shown in the latest TML Directory of City Officials. The enclosed invoice represents your city's assessment amount.

To assist you in the assessment process, we have attached several documents to this memorandum for your use:

- Model resolution approving the 2011 assessment (optional, provided for those cities that have requested a resolution to authorize payment)
- Model staff report supporting the resolution
- List of Steering Committee members.

The model resolution, model staff report and list of Steering Committee members will also be provided electronically in a communication sent by the Steering Committee's counsel, Geoffrey Gay and Thomas Brocato.

RESOLUTION NO. 5579

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; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the City of Sherman is a regulatory authority under the Public Utility Regulatory Act (PURA) and has exclusive original jurisdiction over the rates and services of Oncor Electric Delivery Company LLC ("Oncor") within the municipal boundaries of the city; and

WHEREAS, the Steering Committee of Cities Served by Oncor ("Steering Committee") has historically intervened in Oncor (formerly known as TXU) rate proceedings and electric utility related rulemakings to protect the interests of municipalities and electric customers residing within municipal boundaries; and

WHEREAS, the Steering Committee is participating in Public Utility Commission dockets and projects, as well as court proceedings, affecting transmission and distribution utility rates; and

WHEREAS, the City is a member of the Steering Committee of Cities Served by Oncor; and

WHEREAS, in order for the Steering Committee to continue its participation in these activities which affects the provision of electric utility service and the rates to be charged, it must assess its members for such costs;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS:

SECTION 1. That the City is authorized to continue its membership with the Steering Committee of Cities Served by Oncor to protect the interests of the City of Sherman and to protect the interests of the customers of Oncor Electric Delivery Company LLC residing and conducting business within the City limits.

SECTION 2. That the City is further authorized to pay its assessment to the Steering Committee in the amount of ten cents ($0.10) per capita based on the population figures for the City shown in the latest TML Directory of City Officials.

SECTION 3. That a copy of this Resolution and the assessment payment check made payable to "Oncor Cities Steering Committee" shall be sent to:

Mr. Jay Doegey, Chair
Oncor Cities Steering Committee
c/o City Attorney's Office
Mail Stop 63-0300
P. O. Box 90231
Arlington, Texas 76004-3231.

SECTION 4. That it is hereby officially found and determined that the meeting at which this resolution is passed is open to the public and that public notice of the time, place, and purpose of said meeting was given as required by law.

PASSED AND APPROVED on this the _____ day of _____, 2011.

CITY OF SHERMAN, TEXAS

BY: _____
BILL MAGERS, MAYOR

ATTEST:

BY: _____
LINDA ASHBY,
CITY CLERK

APPROVED AS TO FORM
AND CONTENT:

BY: _____
BRANDON S. SHELBY,
CITY ATTORNEY

STAFF REPORT ON ASSESSMENT RESOLUTION
FOR STEERING COMMITTEE OF CITIES SERVED BY ONCOR

Purpose of the Resolution

The City of Sherman is a member of a 148-member city coalition known as the Steering Committee of Cities Served by Oncor. The resolution approves the assessment of a ten cent ($0.10) *per capita* fee to fund the activities of the Steering Committee.

Why this Resolution is Necessary

The Steering Committee undertakes activities on behalf of municipalities for which it needs funding support from its members. Municipalities have original jurisdiction over the electric transmission and distribution rates and services within the city. The Steering Committee has been in existence since the late 1980s. It took on a formal structure in the early 1990s when cities served by TXU (since renamed as Oncor Electric Delivery Company) gave up their statutory right to rate case expense reimbursement in exchange for higher franchise fee payments. Empowered by city resolutions and funded by *per capita* assessments, the Steering Committee has been the primary public interest advocate before the Public Utility Commission, the Courts, and the Legislature on electric utility regulation matters for nearly two decades.

The Steering Committee is actively involved in rate cases, appeals, rulemakings, and legislative efforts impacting the rates charged by Oncor Electric Delivery Company within the City. It has recently analyzed and negotiated the settlement of the 2011 Oncor rate case. Steering Committee representation is also strong at ERCOT. It is possible that additional efforts will be necessary on new issues that arise during the year, and it is important that the Steering Committee be able to fund its participation on behalf of its member cities. A per capita assessment has historically been used, and is a fair method for the members to bear the burdens associated with the benefits received from that membership.

Explanation of "Be It Resolved" Paragraphs

1. The City is currently a member of the Steering Committee; this paragraph authorizes the continuation of the City's membership.

2. This paragraph authorizes payment of the City's assessment to the Steering Committee in the amount of ten cents ($0.10) per capita, based on the population figure for the City as shown in the latest TML Directory of City Officials.

3. This paragraph requires notification to the Chair of the Steering Committee, Jay Doegey, that the City has adopted the Resolution.

Payment of Assessment

A copy of the resolution should be mailed with payment of the fee to Jay Doegey, Chair, Oncor Cities Steering Committee, c/o City Attorney's Office, Mail Stop 63-0300, P. O. Box 90231, Arlington, Texas 76004-3231. Checks should be made payable to: *Oncor Cities Steering Committee.*

STEERING COMMITTEE CITIES (148)

Addison
Allen
Alvarado
Andrews
Anna
Archer City
Argyle
Arlington
Bedford
Bellmead
Belton
Benbrook
Beverly Hills
Big Spring
Breckenridge
Bridgeport
Brownwood
Buffalo
Burkburnett
Burleson
Caddo Mills
Cameron
Canton
Carrollton
Cedar Hill
Celina
Centerville
Cleburne
Coahoma
Colleyville
Collinsville
Comanche
Commerce
Coppell
Copperas Cove
Corinth
Crowley
Dallas
Dalworthington Gardens
DeLeon
De Soto
Denison
Duncanville
Early
Eastland
Edgecliff Village
Euless
Everman
Fairview
Farmers Branch
Fate
Flower Mound
Forest Hill
Fort Worth
Frisco
Frost
Gainesville
Garland
Glenn Heights
Grand Prairie
Granger
Grapevine
Gunter
Haltom City
Harker Heights
Henrietta
Hewitt
Highland Park
Honey Grove
Howe
Hurst
Hutto
Iowa Park
Irving
Jolly
Josephine
Justin
Kaufman
Keller
Kerens
Killeen
Krum
Lake Worth
Lakeside
Lamesa
Lancaster
Lewisville
Lindale
Little Elm
Little River Academy
Malakoff
Mansfield
McKinney
Mesquite
Midland
Midlothian
Murchison
Murphy
Nacogdoches
New Chapel Hill
North Richland Hills
Oak Leaf
Oak Point
Odessa
O'Donnell
Ovilla
Palestine
Pantego
Paris
Plano
Pottsboro
Prosper
Ranger
Rhome
Richardson
Richland Hills
River Oaks
Roanoke
Robinson
Rockwall
Rosser
Rowlett
Sachse
Saginaw
Seagoville
Sherman
Snyder
Southlake
Springtown
Stephenville
Sulphur Springs
Sunnyvale
Sweetwater
Temple
Terrell
The Colony
Trophy Club
Tyler
University Park
Venus
Waco
Watauga
Waxahachie
White Settlement
Wichita Falls
Willow Park
Woodway
Wylie

SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager **Date:** 6-6-2011

Subject: Agenda Item No. D.1

OTHER BUSINESS
Consider Declaring a Moratorium on Billboards in the City of Sherman;
Consider the Appointment of an Advisory Committee to Review the Billboard Provisions of the General Zoning Ordinance

Issue
Consider declaring a 90-day moratorium on new billboards in the City of Sherman and the Mayor's appointment of an advisory committee to review the billboard and sign regulations

Background
During the City Council's May 16th regular meeting, the Mayor asked the staff to place an item on the next Council meeting agenda to consider a 90-day moratorium on billboards and to appoint an advisory committee to review the current billboard and sign regulations for possible revisions.

Origination
Mayor Bill Magers

Financial Consideration
This agenda item has no financial impact.

Staff Recommendation
While the committee studies the sign regulations, the City Council has the option to declare **by motion and order** a 90-day moratorium on billboards.

Mayor's Advisory Committee Appointments
The Mayor will appoint the advisory committee.

Alternatives
None recommended

Attachments
General Zoning Ordinance Sign and Billboard Provisions

Prepared and Approved by:
George Olson, City Manager

Chapter 14, Exhibit A: General Zoning Ordinance, Sec. 7, "Supplementary district regulations and exceptions", paragraph (14):

(14) *Signs:*

(a) *Purpose*. The purpose of this section [subsection] is to promote health, safety, comfort, convenience, and general welfare of the citizens; to allow growth which conforms to a comprehensive plan of the city; to provide uniform sign standards which promote a positive city image reflecting order, harmony, and pride and thereby strengthening the economic stability of Sherman's business, cultural and residential areas. Objectives to be pursued in applying specific standards are as follows:

1. To identify individual business, residential, and public uses without creating confusion, unsightliness, or visual obscurity of adjacent businesses.

2. To assure that all signs in terms of size, height, and location are properly related to the overall adjacent land use.

3. To assure that off-premises advertising is compatible with adjacent land uses.

(b) *General provisions.*

1. All signs shall pertain to the identification of the primary uses and/or primary services provided or primary products sold on the premises, except for billboards, auxiliary, governmental, or community service signs as provided.

2. All signs, where applicable, shall meet the standards of the City Building Code.

3. Except as herein provided, no person or business firm, acting either as principal or agent, shall erect any sign or sign structure until a sign permit for such work has been issued by the building official to a bonded contractor or the owner or occupant of the premises where the work is to be done. No permit shall be required for nonilluminated signs otherwise permitted in sections [subsections] (g)1, (g)2, (k), or (1).

4. Not more than two sides of a sign structure may be used for display except pylon signs especially designed for more than two side viewing.

5. No sign, sign structure, or sign support shall project over any property line, except that a sign placed flat against the wall of a building, which is on the property line may project eighteen (18) inches over the public property line.

6. Trees, rocks, bridges, fences, windmill towers and dilapidated buildings shall not be used as sign supports.

7. All business locations shall be identified by a street address sign which is clearly visible from the street.

8. Signs with flashing, blinking or traveling lights shall have lightbulbs which do not exceed sixty (60) watts each. Such lightbulbs shall be frosted.

9. In the event that more than one sign-related definition applies to a nonprohibited proposed sign, resulting in conflicting regulations thereon, the sign applicant may choose the definition that is to apply, with qualification that any regulations related to that definition must be adopted. Where the proposed sign is of a type that is prohibited, it shall remain prohibited notwithstanding that it may also come within the definition of an approved type of sign.

(c) *Prohibited sign. The following signs shall be prohibited in all districts*:

1. Any signs and supports, other than those signs and supports required by governmental authority, or for which a street use license has been issued, which are located on the public right-of-way, including on public streets, alleys, and parkways. This section [subsection] shall not apply to signs on commercial vehicles or commercial trailers lawfully operated or parked in such areas, except that this exception shall not otherwise be used to legitimate the use of advertising vehicles and trailers prohibited in section (3)1 [subsection (e)1] following.

2. Any signs which resemble an official traffic sign or signal or which bear the words “Stop,” “Go Slow,” “Caution,” “Danger,” “Warning,” or similar words.

3. Signs which, by reason of their size, location, movement, content, coloring, or manner of illumination, may be confused with or construed as a traffic control sign, signal or device, or the light of an emergency or road equipment vehicle, or which hide from [view] any traffic or street sign or signal or device.

4. Any sign which emits sound, odor or visible matter which serves as a distraction to persons within the public right-of-way.

5. Any sign, billboard or outdoor advertising, as that term is defined in V.T.C.A., the Alcoholic Beverage Code, Section 108.51, which advertises an alcoholic beverage or the manufacture, sale or distribution of an alcoholic beverage.

(d) *Abandoned or damaged signs.*

1. All abandoned signs and their supports shall be removed within ninety (90) days from the date of abandonment. All damaged signs shall be repaired or removed within ninety (90) days. The zoning officer shall have the authority to grant a time extension not exceeding an additional ninety (90) days from an abandoned, non-damaged sign.

2. All advertising signs shall be removed within ninety (90) days of closing or moving of a business. Faces of signs may be painted or blanked in lieu of removal.

3. Should the responsible party or parties, after due notice, fail to correct a violation of this section, the zoning official shall cause such signs and their supports to be demolished and removed.

(e) *Parking of advertising vehicles.*

l. No person shall park an advertising vehicle or trailer on a public right-of-way, on public property, or on private property so as to be visible from a public right-of-way.

(f) *Nonconforming sign abatement*.

1. The following signs and/or advertising items shall become nonconforming on the effective date of this ordinance.

2. Any sign which is affixed to sign supports prohibited in section [subsection] (b)6.

3. Banners, pennants, searchlights, twirling signs, sandwich or “A” frame signs, sidewalk or curb signs, balloon or other gas filled objects.

4. Any signs which resemble an official traffic sign or signal or which bear the words “Stop”, “Caution”, “Go Slow”, “Danger”, “Warning” or similar words.

5. Signs which, by reason of their size, location, movement, content, coloring or manner of illumination may be confused with or construed as a traffic control sign, signal, or device, or the light of an emergency or road equipment vehicle, or which hide from view any traffic or street sign or signal or device.

6. Any sign which emits sound, odor or visible matter, which serves as a distraction to persons within the public right-of-way.

7. Any signs and their supports in violation of section [subsection] (c)1 are hereby deemed to be in trespass on public property and shall be immediately removed by the owner or his agent. If the owner fails to remove such signs, the owner shall be in violation of this ordinance and may be cited as such. If the owner is not known, the city administration shall cause the signs and supports to be removed.

8. The manner of notice where required by this ordinance shall be by regular mail. Refusal of mail, which has been properly addressed and posted, shall not void the notice. Publication may be used when the addressee or his whereabouts are unknown and said publication shall be done in the same manner as prescribed in Vernon's Annotated Civil Statutes for service of process by publication. Notice by publication shall be deemed sufficient regardless of its effect as actual notice.

With the exception of signs made of paper or cardboard and their supports which may be disposed of immediately, removed signs and supports shall be stored a period not to exceed fourteen (14) days beginning the first day of effective notice, whether actual or constructive. A storage charge of five dollars ($5.00) per day will be levied beginning the fourth day of that fourteen (14) day period. Before the expiration of the storage period, the owner of the sign and supports may reclaim his property upon payment of any storage charges and the cost of removal. If said sign and support have not been reclaimed by the expiration of the storage period, they may be disposed of in the manner hereafter provided. If the sign and supports are not capable of being sold, they may be discarded, but if sold, the proceeds therefrom shall be first applied to the storage charge and removal charge, then to the general fund of the city.

9. All signs which are in violation of the provisions of this ordinance shall become nonconforming. Such signs may be maintained, repaired and may be continued so long as their nonconformity is not increased. Nonconforming signs shall not be enlarged in area or increased in height. No nonconforming sign shall be continued when abandoned. Abandonment means when a business vacates a premises. The new business's sign shall comply with this ordinance as a new sign.

(g) *The following signs shall be permitted in the R-1 District*.

l. One (1) sign not exceeding one and one-half (1½) square feet in area, indicating only the name and address of the occupant, for each residential unit.

2. One (1) unlighted sign not exceeding sixteen (16) square feet in area on each development lot pertaining to the prospective sale or rental of the property on which it is located.

3. *Conditional uses*. Sign requirements for all conditional uses shall be set by the zoning board of adjustment, and in no case shall the requirements exceed the requirements for that use or similar type uses in the district in which the use is ordinarily permitted.

(h) *The following signs shall be permitted in the R-2 District*.

1. Primary identification signs, each having an area not exceeding ten (10) percent of the area of one (1) wall or five (5) percent of the area of two (2) walls, where applicable, or fifty (50) square feet, whichever is less.

2. Informational type signs, each not exceeding ten (10) square feet in an [sic] area per building.

3. All signs shall be placed flat against the wall of a building and shall not project above the parapet wall or side wall of the building.

4. All signs, except for the informational signs, shall identify the development by name and address only. Signs may be back lighted, indirect lighted, internal lighted or lighted by spots.

(i) *Freestanding signs*.

1. One (1) freestanding sign for each freestanding building, not to exceed one (1) freestanding sign per development lot, except as provided in section [subsection] (h)4 shall be permitted only as indicated below.

2. C-1, C-2, M-l, M-1.5, and M-2 Districts with frontage on a thoroughfare.

3. *Area*. The area of a freestanding sign shall not exceed three hundred (300) square feet.

4. *Height*. Sign height shall not exceed fifty (50) feet above the centerline of the thoroughfare, access road or facing street.

5. Signs at commercial locations that are not on a highway or major thoroughfare may have a maximum height of twelve (12) feet and a maximum face area of thirty-two (32) square feet.

6. *Nonconforming signs*. Where a lawful sign exists at the effective date of adoption or amendment of this ordinance that could not be erected under the terms of this ordinance, as amended, such sign may be continued so long as it remains otherwise lawful, subject to the following provisions:

a. No such sign may be enlarged or altered in any way which increases its nonconformity; and

b. Should such sign be moved for any reason for any distance whatever, it shall thereafter conform to the regulations as set forth in (i)1. through 5. above.

7. Temporary banners may be placed on existing conforming freestanding signs. Total face are of the existing sign and the banner combined shall not exceed three hundred (300) square feet. Banners shall be securely fastened at all times to the structure.

(j) *Roof signs*. Roof signs on a building shall not be more than fifty (50) feet in height, measured from ground level of the building. No roof signs, regardless of height, may rotate more than six (6) revolutions per minute.

(k) *Governmental signs*. Governmental signs not exceeding thirty-two (32) square feet in area and not exceeding ten (10) feet in height, shall be permitted. Such standards shall not apply where state or federal regulations are in conflict with these standards.

(l) *Community service signs*. Any community service signs for seasonal celebration shall have no size limitation if placed in or on windows. Any community service signs, not of a seasonal celebration nature, shall be placed in or on windows and shall have a combined area not exceeding ten (10) percent of the area of all the windows on the same wall. Such sign area shall not be counted against permitted wall sign area.

(m) *Billboards (Poster panels or bulletins, multi-prism signs, or painted or printed bulletins)*. Outdoor advertising signs of this type shall be permitted in the C-2, M-1, M-1.5, and M-2 Districts with a Specific Use Permit and subject to the following conditions:

1. Billboards shall be constructed to meet the construction standards of the International Building Code.

2. Billboards located in a C-2 District shall be a minimum of thirty (30) feet from any residentially zoned property line.

3. The maximum area of any billboard located in a C-2 District shall be three hundred (300) square feet.

4. The maximum area of any billboard located in the M-1, M-1.5, or M-2 Districts shall be three hundred (300) square feet.

5. There shall be a minimum separation of one thousand (1,000) feet between all billboards on the same side of a street, highway, or expressway.

6. Billboards shall have a setback of not less than twenty-five (25) feet, or (2) [sic] the greatest setback of all the front buildings on the lot on which the

billboard is located, or if none, then that of the lots contiguous to the lot upon which the billboard is located. Setbacks from side lines shall be not less than three (3) feet.

7. Billboards shall have a maximum height of forty (40) feet above the center of the facing street, access road, or thoroughfare. Provided, however, no billboard sign shall be higher than seventy-five (75) feet measured from its base.

8. All lighting of billboards shall be so shielded as not to produce intensive or excessive light or glare on adjacent property.

9. Billboards shall not be permitted within the Central Business District as designated on the official zoning map.

(n) *Wall Signs*.

1. The maximum area of any wall sign shall be three hundred (300) square feet. In no case, shall a wall sign exceed 20% of any single wall.

2. Temporary banners may be placed on existing buildings. Total area of the banner and existing sign shall not exceed three hundred (300) square feet. Banners shall be securely fastened at all times flat against the structure.

(o) *Central Business District*. On-premises signs in the Central Business District shall not exceed the height of the building on the lot. No pole signs shall be allowed in the Central Business District. When a sign is erected or placed before a permit is obtained, the permit fee shall be double.

(p) *Political signs*.

(1) It is the intent of this section to provide minimum regulations regarding the posting, maintenance and removal of political signs. Political signs are permitted in all zoning districts, subject to the restrictive provisions of this section. Although political signs are temporary signs, temporary sign permits do not have to be obtained. The provisions of this section do not apply to billboards [which are subject to Section 7(m)] or to political signs inside of a building, even if visible outside the building.

(2) For the limited purposes of this section, a political sign is a temporary sign announcing, supporting or opposing a candidate or issue in connection with any national, state or local election.

(3) Political signs are prohibited on all public property (real and personal), which shall include, but not be limited to, public right-of-way, buildings, fences surrounding public property, sidewalks, crosswalks, curbs, curbstones, fences, walls, playground equipment and/or facilities, street lamp posts, traffic light

poles, guy lines, horizontal struts, City barricades, hydrants, trees, shrubs, tree stakes or guards, railroad trestles, poles for electric light or power or telephone or telegraph or trolley wire or upon any fixture of the fire alarm or police telegraph system, bridges, drinking fountains, street signs or traffic signs, planter strips and in City facilities such as parks, City Hall, library, fire stations, and corporation yards.

(4) Political signs may be placed on private property with the consent of the property owner (or person entitled to possession) or their authorized agent, subject to the following:

(i) Political signs shall not be placed in a manner that creates a hazardous condition to or obstructs either vehicular or pedestrian traffic, or obstructs or restricts safe visibility of a vehicle driver or pedestrian.

(ii) Political signs located on corner lots at street intersections shall not be over three (3) feet high if located within fifteen (15) feet from the lot corner at the street intersection and extending fifteen (15) feet in all directions, except if placed upon the signage portion of a lawful billboard or lawful business sign.

(iii) Except for lawful billboards and the political signs described in paragraph (ii) hereinabove, no political sign shall exceed a total of thirty-six (36) square feet, be more than eight (8) feet in height, be illuminated, or have any moving elements.

(iv) Political signs shall be removed within ten (10) days after the election. In the event that the election is a primary election, or similar preliminary election, the successful candidates for the later election, including a run-off election, may leave their signs in place to be removed within ten (10) days after the general or run-off election.

(v) Should a political sign be erected in a manner or location in violation of this ordinance or exceed the size limitations or be permitted to remain longer then [than] the time period provided for herein, the City may, either at the expense of the advertised candidate or at the expense of the property owner, or both, immediately cause such signs to be removed. If a candidate is to be charged a removal fee, the City shall provide the candidate three (3) days prior notice before removal by the City.

Editor's note–Ordinance 5165, sec. 2, adopted 9/2/03, enacted a fee schedule for removal of political signs, which is on file in the office of the city clerk.

SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager **Date:** 6-6-2011

Subject: Agenda Item No. D.2

OTHER BUSINESS
Consider Calling a Special Meeting of the City Council for Tuesday, July 5, 2011, due to Conflict with a Federal Holiday

Issue
To consider calling a special meeting of the City Council for 5:00 p.m. on Tuesday, July 5, 2011, to make up for the first regular meeting in July, which falls on the Federal Holiday, Independence Day.

Background
The City Charter provides that City Council regular meetings shall fall "on the first and third Mondays of each month, excluding holidays, at its discretion." The regular date for the Council's first meeting in July is Monday, July 4th, a Federal Holiday to celebrate Independence Day. This day is an officially recognized holiday for City of Sherman employees and is traditionally respected by not holding regular City Council meetings on this Federal Holiday. While the Charter provision does not require the City Council to meet on a Federal Holiday, neither does it establish a make up date, which would be done by a motion and order with a 72-hour public notice.

Origination
City Manager's Office

Financial Consideration
There is no financial impact to be considered.

Staff Recommendation
It is recommended that the City Council call a special City Council meeting for 5:00 p.m. on Tuesday, July 5th.

Alternatives
As the City Charter does not require the City Council to make up a regular meeting which falls on a Federal Holiday, the Council could elect to skip this meeting.

Attachments
None

Prepared and Approved by:
George Olson, City Manager

SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager **Date:** 6-6-2011

Subject: Agenda Item No. D.3

CITIZEN REQUESTS

The Honorable Bill Magers, Mayor

SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager **Date:** 6-6-2011

Subject: Agenda Item No. D.4

MEDIA QUESTIONS

The Honorable Bill Magers, Mayor

SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager **Date:** 6-6-2011

Subject: Agenda Item No. D.5

COUNCIL COMMENTS

The Honorable Bill Magers, Mayor

SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager **Date:** 6-6-2011

Subject: Agenda Item No. E.1

EXECUTIVE SESSION

In Accordance with Chapter 551, Government Code, V.T.C.S. (Open Meetings Law), "The City Council Will Now Hold a Closed Executive Meeting Pursuant to the Provisions of the Open Meetings Law, Chapter 551, Government Code, Vernon's Texas Codes Annotated, in Accordance with the Authority Contained in the Following Sections"

Section 551.074 Personnel Matters

(a) Consider the Qualifications, Appointment and Removal of Members to Boards and Commissions:

(i) Planning and Zoning Commission (3)

(ii) Housing Authority Board (2)

(iii) Civil Service Commission (2)

The Honorable Bill Magers, Mayor

SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager **Date:** 6-6-2011

Subject: Agenda Item No. F.1

OPEN MEETING

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

The Honorable Bill Magers, Mayor

SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager **Date:** 6-6-2011

Subject: Agenda Item No. F.2

ADJOURNMENT

The Honorable Bill Magers, Mayor

SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager **Date:** 6-6-2011

Subject: Agenda Item No. N/A

COUNCIL CALENDAR

2011

CITY COUNCIL MEETINGS

JANUARY

Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

FEBRUARY

Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28					

MARCH

Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2	3	4	5
6	7	8	9	19	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

APRIL

Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

MAY

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

JUNE

Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

JULY

Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

AUGUST

Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

SEPTEMBER

Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

OCTOBER

Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

NOVEMBER

Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

DECEMBER

Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

01/03/11 - January 3rd Council meeting cancelled
01/17/11 - M.L.K., Jr. Birthday / Regular Council Meeting
02/21/11 - Washington's Birthday / Regular Council Meeting
03/03/11 - 12 Noon Long-Term Planning Meeting
03/28//11 - 12 Noon Called Meeting for PH & Adoption of Ord. # (Annexation of 23.065 acres south of Dripping Springs Road and west of Cedar Park Village)
04/21/11 - 12 Noon Budget Planning Meeting in Council Chambers
05/02/11 - City Council Meeting Cancelled
06/17/11 - 8:00 AM Budget Workshop in Council Chambers

07/04/11 - Independence Day - Called Council Meeting on 07/05/11
09/05/11 - Labor Day / Called Council Meeting on 09/06/11