

STATE OF TEXAS §
COUNTY OF GRAYSON §

BE IT REMEMBERED THAT A Regular Meeting of the City Council of the City of Sherman, Grayson County, Texas was begun and held in the Council Chambers of City Hall on June 3, 2019.

MEMBERS PRESENT: MAYOR DAVID PLYLER; DEPUTY MAYOR SHAWN TEAMANN.
COUNCIL MEMBERS HOLLAND, HOWETH, MELTON, STEVENSON.

MEMBERS ABSENT: COUNCIL MEMBER STEELE.

CALL TO ORDER

Mayor Plyler called the meeting to order at 5:00 p.m. The Pledge of Allegiance and Invocation were given by Deputy Mayor Shawn Teamann.

APPROVE MINUTES

The Council reviewed the Minutes of the Called City Council (Budget Planning) Meeting of April 26, 2019 and of the Regular City Council Meeting of May 20, 2019. Council Member Howeth moved to approve the Minutes, as presented; Second by Council Member Holland; All present voted AYE. MOTION CARRIED.

SPECIAL PRESENTATION

PRESENTATION OF 2019 COMMUNITY CHAMPION AWARD

Mayor Plyler introduced William Meyers, Texoma Health Foundation Chairman, for the presentation of the 2019 Community Champion Award.

Mr. Meyers said the mission of the Texoma Health Foundation is to support the health and well-being of people in the Texoma Health Foundation community. They serve Grayson and Fannin Counties in Texas, and Bryan and Marshall Counties in Oklahoma.

He said in 2012, THF made mental health a priority and has increased their investment by researching the services and needs to improve the mental health and well-being of people in the THF community. They have increased funding of grants to mental health programs, developing endowments, and establishing prevention efforts.

The Behavioral Health Leadership Team was officially formed in 2017 to help erase the stigma and improve the quality of life for those facing mental illness.

The THF Community Champion Award was created to recognize outstanding leaders in Texoma who give above and beyond to create a better community for their residents. The award includes a \$1,000 charitable contribution that the

designee is allowed to donate to the organization of their choice that aligns with THF's mission, in their service area.

Police Chief Zach Flores and Grayson County Sheriff Tom Watt, volunteered to serve as co-chairmen for the Texoma Behavioral Health Leadership Team. Since that time, Chief Flores has continued to invest significant time and has demonstrated his compassion to helping improve the lives of their residents.

Mr. Meyers said Chief Flores is a leader, a motivator, a facilitator, and a change-maker, and is dedicated to improving the mental health of the communities. He added that the time and commitment from Chief Flores is appreciated.

He presented Chief Flores with the 2019 Community Champion Award. Chief Flores thanked Mr. Meyers and the THF, saying he was very proud of the Behavioral Leadership Team and what they have done. He thanked THF for being a partner with the Behavioral Leadership Team, and said together, they have proven they can get a lot of things done.

INTRODUCTION AND PUBLIC HEARING OF ORDINANCES

Mayor Plyler introduced Ordinance No. 6217 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 3 OF THE CODE OF ORDINANCES, ENTITLED "BUILDING REGULATIONS", ARTICLE 3.14, ENTITLED "PERMIT, DEVELOPMENT AND REGISTRATION FEES", AT SECTION 3.14.001, ENTITLED "BUILDING PERMITS"; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

ORD 6217
BUILDING PERMIT
FEES

Scott Shadden, Director of Development Services, said House Bill 852 was recently signed by the Governor, which prohibits cities from basing building permit fees on the cost of a proposed structure. There was no grace period for the change.

Sherman's ordinance was based on the cost, so the staff modified the ordinance to reflect this change in law. He said the City is now in compliance with State law and he expects no impact on the money collected.

No citizens appeared before the City Council to discuss Ordinance No. 6217.

The Public Hearing was closed.

ADOPTION OF ORDINANCES

Ordinance 6217

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 3 OF THE CODE OF ORDINANCES, ENTITLED "BUILDING REGULATIONS", ARTICLE 3.14, ENTITLED "PERMIT, DEVELOPMENT AND REGISTRATION FEES", AT SECTION 3.14.001, ENTITLED

ORD 6217
BUILDING PERMIT
FEES

“BUILDING PERMITS”; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

ACTION TAKEN.

Motion by Council Member Stevenson to approve Ordinance No. 6217, as presented. Second by Council Member Howeth.

VOTING AYE: Holland, Howeth, Melton, Stevenson, Teamann.

VOTING NAY: None.

MOTION CARRIED.

CONSENT AGENDA

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

CONSENT AGENDA

RESOLUTIONS

RESOLUTION NO. 6487 – AUTHORIZING EXECUTION OF A DEVELOPMENT AGREEMENT WITH NICK & SONS CONSTRUCTION, LLC FOR THE CONSTRUCTION OF PUBLIC FACILITIES IN AMISTAD ESTATES, PHASE 1, AN 8.05-ACRE DEVELOPMENT OFF OF FRIENDSHIP ROAD, WEST OF F.M. 1417 (HERITAGE PARKWAY) IN THE CITY OF SHERMAN

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF A DEVELOPMENT AGREEMENT WITH NICK & SONS CONSTRUCTION, LLC FOR THE CONSTRUCTION OF PUBLIC FACILITIES IN AMISTAD ESTATES, PHASE 1, AN 8.05-ACRE DEVELOPMENT OFF OF FRIENDSHIP ROAD, WEST OF F.M. 1417 (HERITAGE PARKWAY) IN THE CITY OF SHERMAN.
CONSENT AGENDA.

**RES 6487
BUILDING PERMIT
FEES**

RESOLUTION NO. 6488 – AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH TEAGUE NALL & PERKINS, INC. FOR THE ENGINEERING DESIGN OF MOORE STREET FROM WEST TRAVIS STREET TO PARK AVENUE

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH TEAGUE NALL & PERKINS, INC. FOR THE ENGINEERING DESIGN OF MOORE STREET FROM WEST TRAVIS STREET TO PARK AVENUE.

**RES 6488
DESIGN OF
MOORE STREET**

Clint Philpott, Director of Engineering, said this contract with Teague, Nall & Perkins is to extend and improve Moore Street, from West Travis Street to Park Avenue. The plan is for four lanes and a median. It is expected that construction will be phased and only the west two lanes will be constructed until development in the area increases.

He said Teague Nall & Perkins was chosen because they did the on-site civil design for the new high school. This allows staff to make sure that all the coordination is done with the

school. The plan is to have the road constructed and open by the time school starts in August 2020.

ACTION TAKEN.

Motion by Council Member Stevenson to approve Resolution No. 6488, as presented. Second by Council Member Holland.

VOTING AYE: Holland, Howeth, Melton, Stevenson, Teamann.

VOTING NAY: None.

MOTION CARRIED.

OTHER BUSINESS

RECEIVE QUARTERLY REPORT ON THE SHERMAN CULTURAL DISTRICT

SHERMAN CULTURAL DISTRICT

Cary Wacker, Associate Vice President for Institutional Advancement & Director of the Center for Community & Regional Development at Austin College, presented a quarterly report from the Sherman Cultural District Advisory Council.

She introduced Ginger Nye, Director of the Austin College Center for Community & Regional Development; and Cultural District Board Members Sarah McRae, Sherman Tourism/Main Street Manager; and Terrence Steele, Assistant City Manager.

Since the last report, the Board has had several meetings with their committees and the Advisory Council to plan activities. The first Cultural Conversations Meeting was held in April 2019 with various organizations to discuss future art activities, planning for the future, and promoting the arts in the Cultural District.

Ms. Wacker said between March and May, 2019, they have had 64 arts-based events and opportunities, including multiple performances. She discussed upcoming events for the summer and said they are planning ahead for the 2019-2020 year.

She discussed the Focalpoint Project, a grant funded project with the National Endowment for the Arts, which is really moving forward this summer. Citizens can contribute their images of Sherman to the project. They will then decide how they want to display the art to enhance the Downtown Cultural District and the Main Street area.

They are also planning some summer photography workshops about how to compose images that will really convey a story about life in Sherman. They hope to have enough images collected by August 1, 2019 for the selection committee to choose images to become the inspiration for contemporary artists to display art downtown.

Upcoming events and projects include grant projects, Arts Fest activities, wayfinding signage to direct visitors to various art destinations, and the incorporation of public art into new infrastructure development.

RECEIVE UPDATE FROM ENGINEERING DIRECTOR CLINT PHILPOTT ON THE CITY'S STORMWATER UTILITY PROGRAM

**STORMWATER
UTILITY PROGRAM**

Robby Hefton, City Manager, said originally this presentation was going to be made at the Budget Workshop, however it was determined that there probably wouldn't be enough time. This report is to give an update on the progress being made with the Stormwater Utility Program.

Mr. Philpott said a Post Oak Creek Flood Study was completed in 2013 that identified 42 projects in the Post Oak Creek Watershed. Estimated cost of the projects was \$56.2 million.

In 2017, under the Utility Program, the City began work on the projects, including the acquisition of property on State Highway 56 and the application of a Severe Repetitive Loss Grant through the Federal Emergency Management Agency.

In 2017 the Stormwater Utility Fund was created and a fee was established. The first step was to provide a detailed study of the flood plain and to update the FEMA maps for a more accurate and detailed study.

The \$1 fee (equivalent residential unit) was started in December 2017, with smaller houses charged \$0.60 and larger houses charged \$1.80. The charges for commercial property are based on the square footage of the impervious area. In total, the fee generates about \$435,000 annually.

Mr. Philpott said instead of tackling the \$56 million project list \$200,000 at a time, the City decided to issue debt to fund the stormwater CIP projects. In 2018, \$3.9 million in debt was issued to fund larger projects and to acquire property as needed. The annual debt service on that \$3.9 million is about \$262,000 annually. Two employees were also hired to handle stormwater cleanup.

Mr. Philpott said money was still available from the debt issued in 2018. To date, about \$1.1 million has been spent.

He discussed property acquisition, with most being along Post Oak Creek. These include the Severe Repetitive Loss properties through FEMA, Regency Drive, the mobile home park on Houston and Lamar Streets, a home on Lamberth Road, and one on Houston Street.

To date, the City has spent \$1.1 million to remove the structures for \$2.2 million in property value. Through FEMA, he said the City was able to purchase the property at a really good rate.

The property at 1600 West Lamar Street is adjacent to City park property. A parking lot and a granite trail was installed, and they will add some bridges to tie it into the park system.

The City also hired Halff & Associates to review the FEMA Flood Plain Maps for an update. It was completed in December

2018 and the City is waiting on FEMA to publish the updated maps. He showed examples of how the maps were changed for the update and how they were made more accurate

The study covers 33 square miles, the majority of the City limits, including the East Fork of Post Oak Creek, Sand Creek, and Post Oak Creek Main Stem. Mr. Philpott said the maps for the area south of town will probably also need to be updated.

Another part of the study was to analyze where they felt detention ponds would be beneficial. They determined that a pond south of Fairview Park would cost \$20 million and would only reduce the flood plain by two feet, effecting 27 properties on the fringe of the flood plain. It was determined that property acquisition was a better solution.

A detention pond on West Sand Creek would cost \$83 million and reduce the flood plain by 7.5 feet, effecting 130 properties. The pond would be about ten times larger than Baker Park. This would be a long range project, paid for by grant funding.

Mr. Philpott said if you can't reduce the flood plain, the other alternative is to increase the bridge crossings. One project is the South Travis Street Bridge, which is very narrow. The City qualified for a Federal Highway Funds Grant to replace the bridge, which is about 20 foot wide and located by the Old Camelot Apartments. Through the grant, the City's portion will only be 10%, and construction is expected to start in late 2020.

Another project is for erosion control on the Center Street Bridge over Post Oak Creek. The engineering design is estimated to cost about \$175,000 and the design work should start this summer.

The City also hired two full-time employees earlier this year for the Stormwater Crew. Their goal is to clean out ditches; bridge crossing clean-ups after storms; minor culvert repair; and larger projects in-house, supplemented by the Street Department personnel. Major projects will continue to be bid out for construction.

Mr. Philpott said the other big project that is being funded with the debt issuance for 2018 is the Lamberth Road Crossing, between US Hwy 75 and Travis Street. One of the houses that was torn down was part of the Severe Repetitive Loss Program.

The pipe is an existing 10 foot diameter pipe, and based on the analysis, four 12' x 12' box culverts are needed to handle a 100-year event. The project would also raise the road about four feet, and would include purchasing one of the homes on the north side of the road. Construction is expected to cost between \$1.5 million and \$1.7 million.

Money left after the Lamberth Road Project will be used for smaller projects to help improve the flood plain. The City will

continue to focus on acquisition. Every property purchased has been voluntary and not through condemnation. The City is also continuing to partner with developers to increase regional detention and its effectiveness. They will also continue to look for grant funding opportunities for bridge improvements, and use the City crew to maintain stormwater infrastructure.

Ronald Aycock, 220 E. Houston

Mr. Aycock said the staff is showing maps to dig holes to catch water and buying houses to spread water out, but he has seen nothing about cleaning vegetation out of creeks to move water out of town.

Mayor Plyler said the City hired two additional employees to help with creek cleaning. He said no work has been done on creeks at Houston and Lamar Streets, Archer Drive, or in South Sherman, to help the water flow quicker.

Council Member Holland said work on the creeks at Center Street has begun. Mr. Philpott added that one problem is that many creeks in Sherman are privately owned and the City doesn't normally clean private property.

Council Member Howeth addressed the impact citizens can have when mowing their grass and blowing clippings into the street. When it rains, those clippings are carried into the drainage system and clog it up. Trash also can be pushed into the drains and cause blockage.

Deputy Mayor Teamann said developers are also required to install drainage for their subdivisions, and he asked if that was having the impact that the City hoped.

Mr. Philpott said the idea on the detention pond is to not increase the flow directly downstream of the development. As development continues, these small ponds won't have a significant impact on flooding downstream. The City continues to look at larger detention ponds in the developing areas.

Council Member Melton said some of the detention, retention ponds are grass only, and she expressed concern about them holding mosquitos and snakes. She asked who was responsible for maintaining these ponds.

Mr. Philpott said the developer or whoever owns the pond itself is responsible for upkeep and maintenance. The developer may have sold it to a management company who would be responsible. The City's Code Enforcement Office can help make sure it's maintained.

Mr. Hefton said the staff is not proposing any changes to the stormwater fees at the upcoming Budget Workshop.

CONSIDER CHANGING THE LOCATION OF THE CITY COUNCIL'S BUDGET WORKSHOP CALLED FOR JUNE 13-14, 2019

**BUDGET WORKSHOP
LOCATION**

Mr. Hefton said the staff is proposing to have the Budget Workshop at the meeting room at the new Schulman's Movie Bowl Grill. They have a nice facility with good audio-visual capabilities. He felt it was a good representation of the development and partnering that the City has done with other developers.

He said the staff is still planning on a one day event, but have both June 13 and 14, 2019 booked for the Workshop. Since the Council has previously set the location of the Budget Workshop, they need to consider moving the location to the new facility.

ACTION TAKEN.

Motion by Council Member Howeth to approve changing the location of the Budget Workshop, scheduled for June 13-14, 2019, to Schulman's Movie Bowl Grill, to show support to the new business, as presented. Second by Council Member Teamann.

VOTING AYE: Holland, Howeth, Melton, Stevenson, Teamann.

VOTING NAY: None.

MOTION CARRIED.

CONSIDER REQUEST OF THE 2019 NEIGHBORHOOD RECREATION COMMITTEE TO TEMPORARILY CLOSE CERTAIN STREETS FOR THE ANNUAL "JUNETEENTH CELEBRATION" ON SATURDAY, JUNE 15, 2019

**CLOSE STREETS
JUNETEENTH
CELEBRATION
(JUNE 15, 2019)**

The City Council approved the request of the Neighborhood Recreation Committee to temporarily close certain streets for the annual Juneteenth Celebration on June 15, 2019.

The event will be held at Lucy Kidd-Key Park and they will close the streets around the Municipal Building. Labor and equipment to drop off and pick up barricades and solid waste containers will be required. The Building Maintenance staff will also assist with electrical and water connections for vendor booths and amusement activities.

CONSENT AGENDA.

CITIZENS REQUESTS

There were no citizen's requests.

CITIZENS REQUESTS

MEDIA QUESTIONS

There were no media questions.

MEDIA QUESTIONS

COUNCIL COMMENTS

SCHULMAN'S MOVIE BOWL GRILL

Deputy Mayor Teamann said he attended the ribbon cutting event for Schulman's Movie Bowl Grill and it was very exciting for the City of Sherman. A lot of work went into making that happen in Sherman.

**SCHULMAN'S MOVIE
BOWL GRILL**

ANIMAL SERVICES MANAGER

Mayor Plyler introduced Ty Coleman, the new Animal Services Manager, for the City of Sherman, and welcomed him to Sherman.

**ANIMAL SERVICES
MANAGER**

ANNOUNCEMENTS

Mayor Plyler announced the following:

- Hot Summer Nights kicks off on June 6, 2019, with Flock of Seagulls.
- Coffee With the Mayor will be held on June 7, 2019 at 8:00 a.m., at the Sherman Museum. Country music star Jason Allen will join the event.
- The Sherman Community Players will present West Side Story, at Kidd-Key Auditorium, opening June 14, 2019. The event will feature a live symphony.
- The Annual Juneteenth Celebration will be held on the Municipal Lawn on June 15, 2019.

ANNOUNCEMENTS

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

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.

EXECUTIVE SESSION

SECTION 551.071 -- CONSULTATION WITH CITY ATTORNEY CONCERNING PENDING OR CONTEMPLATED LITIGATION

SECTION 551.071 -- CONSULT WITH THE CITY ATTORNEY ON A MATTER IN WHICH THE DUTY OF THE ATTORNEY TO THE GOVERNMENTAL BODY UNDER THE TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT OF THE STATE BAR OF TEXAS CLEARLY CONFLICTS WITH THIS CHAPTER

SECTION 551.087 -- DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS: DELIBERATE REGARDING COMMERCIAL OR FINANCIAL INFORMATION THAT THE CITY HAS RECEIVED FROM A BUSINESS PROSPECT AND DELIBERATE ANY OFFERS OR INCENTIVES TO THE BUSINESS PROSPECT

COUNCIL MINUTES – JUNE 3, 2019

On Motion duly made and carried, the Open Meeting recessed and reconvened in Executive Session at 5:58 p.m.

On Motion duly made and carried, the Executive Session recessed at 6:29 p.m. and reconvened in Open Meeting.

OPEN MEETING

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

OPEN MEETING

ADJOURNMENT

On Motion duly made and carried, the meeting adjourned at 6:30 p.m.

ADJOURNMENT

MAYOR

CITY CLERK