

STATE OF TEXAS

§

May 19, 2014

COUNTY OF GRAYSON

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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 19, 2014.

MEMBERS PRESENT:

MAYOR CARY WACKER; DEPUTY MAYOR ROBERT
SOFTLY.
COUNCIL MEMBERS DAVIS, JOHNSON, PLYLER, SOFEY,
WATT.

MEMBERS ABSENT:

NONE.

CALL TO ORDER

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

CALL TO ORDER

APPROVE MINUTES

The Council reviewed the Minutes of the Called City Council (Budget Planning) Meeting of April 18, 2014 and the Regular City Council Meeting of May 5, 2014. Deputy Mayor Softly moved to approve the Minutes as presented; Second by Council Member Sofey. All present voted AYE.
MOTION CARRIED.

APPROVE MINUTES

INTRODUCTION AND PUBLIC HEARING OF ORDINANCES

Mayor Wacker introduced Ordinance 5816 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 12, ORDINANCE NO. 2280, SO AS TO INCLUDE CERTAIN PROPERTIES WITHIN THE R-2 (MULTI-FAMILY RESIDENTIAL) DISTRICT AND C-1 (RETAIL BUSINESS) DISTRICT IN THE 5600-5800 BLOCKS OF NORTH FM 1417 (HERITAGE PARKWAY) (GRAYSON COUNTY AIRPORT PARTNERS, REX GLENNING, OWNERS; TEAGUE NALL & PERKINS, CHRIS SCHMITT, REPRESENTATIVE; AND HELVEY & ASSOCIATES, INC., SURVEYORS); PROVIDING FOR A REPEALER.

ORD 5816
ZONE CHANGE
(5600-5800 BLOCKS
OF NORTH FM 1417)

Chris Schmitt, Principal, Teague, Nall & Perkins, said the property consists of 76 acres, located at the southwest corner of FM 691 and FM 1417. The Planning and Zoning Commission has approved the request. He was available for any questions that Council Members might have.

No other citizens appeared before the City Council to discuss Ordinance 5816.

Mayor Wacker introduced Ordinance 5817 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF

ORD 5817
ZONE CHANGE
(927 & 929 W. BIRGE)

SHERMAN, TEXAS, AMENDING SECTION 12, ORDINANCE NO. 2280, SO AS TO INCLUDE CERTAIN PROPERTIES WITHIN THE C-O (OFFICE) DISTRICT AT 927 AND 929 WEST BIRGE STREET (TX CREI CORPORATION, OWNERS; AND ANDY BEEGHLY, REPRESENTATIVE); PROVIDING FOR A REPEALER.

No citizens appeared before the City Council to discuss Ordinance 5817.

The Public Hearing was closed.

ADOPTION OF ORDINANCES

Ordinance 5816

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 12, ORDINANCE NO. 2280, SO AS TO INCLUDE CERTAIN PROPERTIES WITHIN THE R-2 (MULTI-FAMILY RESIDENTIAL) DISTRICT AND C-1 (RETAIL BUSINESS) DISTRICT IN THE 5600-5800 BLOCKS OF NORTH FM 1417 (HERITAGE PARKWAY) (GRAYSON COUNTY AIRPORT PARTNERS, REX GLENDENNING, OWNERS; TEAGUE NALL & PERKINS, CHRIS SCHMITT, REPRESENTATIVE; AND HELVEY & ASSOCIATES, INC., SURVEYORS); PROVIDING FOR A REPEALER.

**ORD 5816
ZONE CHANGE
(5600-5800 BLOCKS
OF NORTH FM 1417)**

Ordinance 5817

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**ORD 5817
ZONE CHANGE
(927 & 929 W. BIRGE)**

ACTION TAKEN.

Motion by Council Member Plyler to approve Ordinance Nos. 5816 and 5817, as presented. Second by Council Member Johnson.

VOTING AYE: Davis, Johnson, Plyler, Sofey, Softly, Watt.

VOTING NAY: None.

MOTION CARRIED.

CONSENT AGENDA

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

CONSENT AGENDA

RESOLUTIONS

RESOLUTION NO. 5856 – AUTHORIZING EXECUTION OF A DEVELOPER’S AGREEMENT WITH WEST CANYON CREEK ESTATES, LTD. FOR CONSTRUCTION OF PUBLIC FACILITIES IN THE WEST CANYON CREEK ESTATES, SECTION ONE, TO THE CITY OF SHERMAN

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF A

**RES 5856
DEVELOPER’S
AGREEMENT WITH
WEST CANYON
CREEK ESTATES**

DEVELOPER'S AGREEMENT WITH WEST CANYON CREEK ESTATES, LTD. FOR CONSTRUCTION OF PUBLIC FACILITIES IN THE WEST CANYON CREEK ESTATES, SECTION ONE, TO THE CITY OF SHERMAN.
CONSENT AGENDA.

REQUEST TO ADVERTISE

STATE HIGHWAY 289 SEWERLINE "A"

The City Council approved the request to advertise for construction of the State Highway 289 Sewerline "A" project in far northwest Sherman. The current Capital Improvement Program contains a project to extend sewer to the intersection of State Highway 289 and U.S. Highway 82 in northwest Sherman.

The project will be funded in this year's CIP and through the Sherman Economic Development Corporation.
CONSENT AGENDA.

SOUTH SHERMAN RELIEF SEWER

The City Council approved a request to advertise for construction of the South Sherman Relief Sewer. The current CIP contains a project to replace a major trunk sewer in south Sherman immediately upstream from the Wastewater Treatment Plant.

The project will be funded in this year's CIP through bonds issued by the Greater Texoma Utility Authority on behalf of the City.
CONSENT AGENDA.

CHERRY PARK PUMP STATION REHABILITATION

The City Council approved a request to advertise for the Cherry Park Pump Station Rehabilitation project. The current CIP contains a project for the well rehabilitation, and pump and pipe replacement at the Cherry Park well site and pump station.

The project will be funded through the City's Utility Fund.
CONSENT AGENDA.

EASTSIDE OUTFALL RETURN SEWER

The City Council approved the request to advertise for bids for the construction of the Eastside Outfall Return Sewer in Southeast Sherman. The current CIP contains a project to replace an existing trunk sewer in Southeast Sherman.

The project will be funded in this year's CIP through bonds issued by GTUA on behalf of the City.
CONSENT AGENDA.

OTHER BUSINESS

RECEIVE POLICE CHIEF OTIS HENRY'S PRESENTATION ON TEXTING/DISTRACTED DRIVING

Otis Henry, Police Chief, explained that Council Member Watt had previously asked the staff to research the issue of

REQ TO ADVERTISE
SH 289
SEWERLINE "A"

SOUTH SHERMAN
RELIEF SEWER

CHERRY PARK
PUMP STATION
REHABILITATION

EASTSIDE OUTFALL
RETURN SEWER

TEXTING &
DISTRACTED
DRIVING

texting while driving. He introduced Patrol Commander, Lieutenant Stephen Dean, to present the research findings.

Lieutenant Dean said there are numerous studies on the issue of texting while driving, and he referenced three for his research. The National Highway Traffic Safety Administration Study of 2010 reported that driver distraction was the cause of 18% of all fatal crashes. Driver distraction encompasses many different things and is not just texting while driving.

The Texas A&M Transportation Institute Study of April 2013 concluded that driver response times while texting were significantly delayed, drivers were eleven times more likely to miss flashing lights, and were less able to safely maintain their position in the driving lane and their constant speed while texting.

The Virginia Tech Transportation Institute Study of 2009 said that drivers who text message while driving are 23 times more likely to be involved in a crash or near crash.

Lieutenant Dean said no studies suggest that texting while driving are a good idea. To date there are 41 states, excluding Texas, and at least 24 Texas municipalities, that have adopted bans on texting while driving. Most of the fine amounts range from \$200 to \$500.

In June 2011, House Bill 242, which addressed texting while driving, passed but was later vetoed by Governor Rick Perry. The issue came up again in 2013 under House Bill 63, which again passed the House and the Senate but has not been signed into law.

There are several laws in Texas that currently deal with texting and driving or distracted driving including drivers with learners permits are prohibited from using handheld cell phones in the first six months of driving, drivers under 18 are prohibited from using wireless communications devices, school bus operators are prohibited from using cell phones while driving if children are present, and all drivers are prohibited from using handheld devices in school crossing zones.

In Sherman, Ordinance 5618 prohibits the use of hand-held wireless communication devices in active school zones. Lieutenant Dean explained the exceptions to this ordinance.

In 2012, a Texas A&M University Study found that cell phone bans alone do not appear to have a dramatic impact on accidents and casualties, but texting while driving bans at least raise public awareness and may cause improved public safety.

To date, at least 28 Texas cities have passed ordinances prohibiting texting while driving. Denton and Farmers

Branch are the latest two cities to prohibit texting while driving.

Lieutenant Dean said, if the Council chooses to adopt an ordinance, the Police Department does have some recommendations for their consideration. They ask that the ordinance be kept consistent with the proposed state law, which limits the ban to texting or emailing while driving and imposes a fine of up to \$200.

The recommended exceptions are when making a telephone call only, obtaining emergency assistance, operating a GPS or navigation system, using a voice activated or hands-free device, use while the vehicle is stopped, or emergency service personnel in the course of their duty.

Council Member Watt said the research from the Virginia Tech Transportation Institute that concluded that drivers who text message while driving are 23 times more likely to be involved in a crash or near crash, was astounding. He would like the Council to move toward creating an ordinance that addresses the issues as proposed by Lieutenant Dean.

Council Member Plyler asked how an officer would know whether a person was texting or looking at the GPS for directions. Lieutenant Dean said El Paso and Amarillo have extended their ban to include all cell phone use, citing those enforcement issues. He added it would be difficult to determine whether or not they were texting.

Council Member Watt said in the event of a fatality crash, that would be a part of the investigation and the records would be subpoenaed.

Council Member Davis asked what probable cause an officer would have to stop someone for texting if they just saw them driving down the street. Lieutenant Dean said the officer would notice their driving behavior and many times if asked, the driver admits they were texting.

Council Member Davis said if an officer suspects someone was texting, how would they prove it. Lieutenant Dean said it would be on a case-by-case basis and many times through communication with the driver. In the case of an accident, the records can be subpoenaed.

Council Member Plyler asked if a person was seen weaving while texting, and is stopped, wouldn't that be covered under the current distracted driving ordinance. Lieutenant Dean said it would depend on the circumstances but it could be covered under other violations such as failing to maintain a single lane, reckless driving, or several others.

Mayor Wacker said this was good information and the Council would take it under consideration to determine what

they want to do. The main message is for citizens to have safe driving habits with no distracted driving of any kind.

Council Member Davis asked what the Texas A&M University Study of 2012 meant when it said “cell phone bans (alone) do not appear to have a dramatic impact on accidents and casualties”. Lieutenant Dean explained that this was a statewide study done on the 41 states that regulate texting while driving and was specifically for texting. Council Member Davis asked about an educational campaign to increase awareness about the problem.

Council Member Watt said he asked for this report because of a lack of action at the State level. All cell carriers and the Texas Department of Transportation both have major campaigns to encourage people not to text and drive. He added that most people are law-abiding and would not text and drive if there was a law prohibiting it.

Council Member Davis was concerned about citizens being caught up in the criminal justice end of it and not being guilty of texting, but using the phone or GIS. Council Member Sofey asked if the Council was considering this to generate fines or for public safety. He said it's dangerous, and the City is aiming for the safety of citizens, not to generate fines.

Mayor Wacker said having more information is good and the Council can now consider what needs to be done. She also wanted to heighten awareness in the community and encourage citizens to be responsible drivers.

Council Member Watt clarified what looking into what they need to do means. Mayor Wacker said there are some unanswered questions on standardization of the ordinance and the Council needs to look at language that should be used if they move forward.

FINAL PLAT APPROVAL OF PEBBLEBROOK SOUTH, PHASE II, BEING 8.663 ACRES IN THE ELIZABETH JONES SURVEY, ABSTRACT NO. 625; WALT DeRONDE, OWNER; GREG EDWARDS ENGINEERING SERVICES, ENGINEER; AND COX LAND SURVEYING COMPANY, SURVEYORS (2200-2300 BLOCKS OF PEGGEY'S COVE, 2200-2300 BLOCKS OF SOUTHRIDGE LANE, AND 3400-3500 BLOCKS OF DARTMOUTH LANE)

APPROVE FINAL PLAT
PEBBLEBROOK
SOUTH, PHASE II

The City Council approved the Final Plat of Pebblebrook South, Phase II, which is 8.663 acres located in the 2200 to 2300 blocks of Peggey's Cove, the 2200 to 2300 blocks of Southridge Lane, and the 3400 to 3500 blocks of Dartmouth Lane.

Pebblebrook is a subdivision off of FM 1417 South, which is also Heritage Parkway. The owner would like to plat the property into 46 lots for residential development. The

COUNCIL MINUTES – MAY 19, 2014

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

CITIZENS REQUESTS

There were no citizen's requests.

MEDIA QUESTIONS

TEXTING AND DRIVING

Nate Strauch, Herald Democrat Reporter, asked if the staff would be bringing back an ordinance for texting and driving.

Mayor Wacker said the Council has not directed the staff to do so yet. She said there were some unanswered questions about language and how the ordinance would work in terms of enforcement that need to be resolved first.

Mr. Strauch reiterated that the Texas A&M Study from 2012 said there was no causality between the number of accidents and the number of fatalities and whether or not they had a texting ban in place.

COUNCIL COMMENTS

INTERURBAN FILM FESTIVAL

Council Member Plyler thanked everyone that helped organize the Interurban Film Festival. It was a good thing for the City and he said unique activities will always be welcome.

ORDINANCE NOS. 5816 AND 5817

Council Member Sofey said Ordinance 5817 concerned a piece of property that had set vacant for a long time and he was glad that a good use was found for it. He also felt Ordinance 5816 was "looking to be progressive" in the northwest area of Sherman.

DEATH OF EUGENE "STRETCH" LUND

Council Member Sofey said Eugene "Stretch" Lund was a fixture around Sherman for many years and he acknowledged his recent death.

DEATH OF EUGENE "STRETCH" LUND

Council Member Watt also recognized Mr. Lund saying he didn't always agree with him, but he represented Sherman well and always had the community's best interest at heart. He asked for prayers for the Lund family as they move forward.

DEATH OF EUGENE "STRETCH" LUND

Mayor Wacker agreed saying Mr. Lund was a great community servant and he will be missed. His contributions were appreciated.

ANNOUNCEMENTS

Mayor Wacker announced the following:

- The Splash is set to open on Saturday, May 24, 2014,

CITIZENS REQUESTS

TEXTING AND DRIVING

INTERURBAN FILM FESTIVAL

ORDINANCE NOS. 5816 AND 5817

EUGENE "STRETCH" LUND

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ANNOUNCEMENTS

COUNCIL MINUTES – MAY 19, 2014

Memorial Day Weekend. A schedule and information about season passes is available on the City's website.

- **The Household Hazardous Waste and Electronic Disposal Day** has been set for May 24, 2014 from 9:00 a.m. until 11:00 a.m. at City Hall. It's a drive thru event but citizens must present their current water bill as proof of residency.
- **Downtown Sherman Preservation & Revitalization**, in partnership with the City, is bringing Shakespeare in the Grove to Pecan Grove Park West on May 30, May 31, June 1, June 6, June 7, and June 8, 2014 at 7:30 p.m. Families can bring a picnic and enjoy Shakespeare under the stars.
- **The Sherman Chamber of Commerce** is holding Hot Summer Nights, which kicks-off on June 5, 2014, on the Municipal Grounds, with the Casey Daniels Band.

MEMORIAL DAY WEEKEND

Mayor Wacker wished everyone a safe holiday weekend and urged them to be safe in the week to come.

ADJOURNMENT

On Motion duly made and carried, the meeting adjourned at 5:25 p.m.

**MEMORIAL DAY
WEEKEND**

ADJOURNMENT

MAYOR

CITY CLERK