STATE OF TEXAS §

December 16, 2019

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 December 16, 2019.

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

MEMBERS ABSENT: **NONE.**

CALL TO ORDER

<u>CALL TO ORDER</u>
Mayor Plyler called the meeting to order at 5:00 p.m. The Pledge of Allegiance and Invocation were given by Council Member Sandra Melton.

APPROVE MINUTES

<u>APPROVE MINUTES</u>
The Council reviewed the Minutes of the Regular City Council Meeting of December 2, 2019. Council Member Howeth moved to approve the Minutes, as presented; Second by Council Member Teamann; All present voted AYE.
MOTION CARRIED.

CITIZENS REQUESTS

<u>CITIZEN'S REQUESTS</u>
There were no citizen's requests.

ORD 6272
ANNEXATION
REHMET PROPERTY

Mayor Plyler introduced Ordinance No. 6272 and called for a public hearing:
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, EXTENDING THE CORPORATE LIMITS OF SAID CITY SO AS TO ANNEX A 95.277 ACRE TRACT OF LAND LOCATED SOUTH OF U.S. HIGHWAY 82, WEST OF S.H. 289, AND EAST OF PRESTON CLUB DRIVE, ADJACENT TO THE SHERMAN CITY LIMITS AND IN THE CITY OF SHERMAN'S EXTRA TERRITORIAL JURISDICTION; PROVIDING FOR A MUNICIPAL SERVICE PLAN; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

Clint Philpott, Director of Engineering, said this ordinance would annex 95 acres of land and is requested by the owner. They would like to develop the site.

No citizens appeared before the City Council to discuss Ordinance No. 6272.

ORD 6273
TIRZ #7 AMENDED
PROJECT PLAN &
FINANCING PLAN

Mayor Plyler introduced Ordinance No. 6273 and called for a public hearing:
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, ACCEPTING AND APPROVING THE AMENDED PROJECT PLAN AND THE FINANCING PLAN FOR THE SHERMAN TAX INCREMENT REINVESTMENT ZONE, NUMBER SEVEN (#7); PROVIDING FOR FINDINGS OF FACT.

Mary Lawrence, Director of Finance, said on November 18, 2019, the City Council approved enlarging Tax Increment Reinvestment Zone #7, which is the zone that includes Movie Bowl Grill.

The TIRZ #7 Board met on December 5, 2019, and approved this amendment to the project and financing plan to approve this additional acreage. The plan calls for initial public improvements of about $5 million, and allows the City to participate in other aspects of the development.

The plan does not commit the City to the projects. That commitment only occurs with development and their related agreements, all of which would require City Council approval. This is the first step to be able to present the projects to the Council.

No citizens appeared before the City Council to discuss Ordinance No. 6273.

ORD 6274
SUP FOR
AUTO REPAIR, PAINT & BODY SHOP
(2200 N. HWY 75)

Mayor Plyler introduced Ordinance No. 6274 and called for a public hearing:
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280, SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW AN AUTOMOBILE REPAIR, PAINT AND BODY SHOP IN A C-1 (RETAIL BUSINESS) DISTRICT/O-1 (75 & 82) OVERLAY DISTRICT AT 2200 NORTH U.S. HIGHWAY 75, BEING PART OF LOT 1, BLOCK 2, INDEPENDENCE SQUARE ADDITION, SECTION 3, CONTAINING 3.260 ACRES (POST OAK LIQUIDATING TRUST, OWNERS; KMS RETAIL INVESTMENTS, LP, DEVELOPER; LUKE STAINBACK, REPRESENTATIVE; AND UNDERWOOD DRAFTING AND SURVEYING, SURVEYOR); PROVIDING FOR A REPEALER CLAUSE; PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED $2,000.00.

Scott Shadden, Director of Development Services, said this is a Specific Use Permit for a 17,000 square foot auto repair facility.

The Planning and Zoning Commission recommended approval of the Specific Use Permit, subject to the Staff Review Letter. The Staff Review Letter limits the dismantled, junk or inoperable vehicles, and wrecked cars outside the building to the north side of the property behind screening and not visible from the roadway or adjacent properties. It also states that no tires or parts are allowed outside the building.

No citizens appeared before the City Council to discuss Ordinance No. 6274.

ORD 6275
SALE OF ANIMALS

Mayor Plyler introduced Ordinance No. 6275 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 2 OF THE CODE OF ORDINANCES, ENTITLED "ANIMAL CONTROL", AT ARTICLE 2.01, ENTITLED "GENERAL PROVISIONS", TO PROVIDE FOR A NEW SECTION 2.01.022 TO BE ENTITLED "PROHIBITING THE SALE OF ANIMALS IN PUBLIC PLACES"; PROVIDING FOR A PENALTY; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER CLAUSE.

IN PUBLIC PLACES

Robby Hefton, City Manager, said this ordinance developed through discussion with Council Member Melton. Staff looked at what other cities do and modeled the proposed ordinance after combining parts of other ordinances that seemed "to fit" for Sherman.

They also wanted to support the activities of the Animal Control Shelter to increase the effectiveness of the adoption program.

Council Member Melton said she has seen people setting up in Sherman Town Center and other places within the City to sell animals, and she did not feel it was appropriate, when the City has so many animals at the Shelter who are not getting homes.

She did not feel that breeders need to be setting up in public places to sell animals, adding it was not fair to the animals to be in small cages in the elements. The City's adoption trailer has air conditioning and water for the animals.

Mr. Hefton said this ordinance is the first of a review of animal control ordinances by Ty Coleman, Animal Services Manager, to see if there are any adjustments or modifications that are needed. Those recommendations will be made to the Council at a later date.

<u>Nicoleta Nasta, 404 Old Hwy 6, Howe, Texas</u>
Ms. Nasta is a volunteer at the City's Animal Shelter and said she has purchased two breeds from a breeder and not from the Shelter, so she is familiar with "both worlds." She said this law won't affect responsible breeders. She also addressed the conditions that dogs come from if they don't come from a good breeder.

She said good breeders ask for home visits and want those purchasing to come see the dogs they are breeding. They also want to visit the purchaser's house to see what the living conditions will be, and they adopt at "age appropriate" times. Ms. Nasta added that a good breeder will also take a dog back if there are life changes that make a purchaser unable to keep the animal.

She said there's no way to know if the animals being sold in parking lots have had their shots or have any veterinarian records. The people selling just want to make money. She felt

the proposed changes to the ordinance would help increase adoptions at the Animal Shelter.

No other citizens appeared before the City Council to discuss Ordinance No. 6275.

ORD 6276 ECONOMIC DEVELOPMENT SUBCOMMITTEE

Mayor Plyler introduced Ordinance No. 6276 and called for a public hearing:
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, CREATING AN ECONOMIC DEVELOPMENT SUBCOMMITTEE; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

Mr. Hefton said the proposed committee would include three Council Members and the City Manager. As the City continues to grow and have more complex dealings with developers, there should be an additional "vetting" level before it is presented to the entire City Council.

He said Sherman Economic Development Corporation is a vetting mechanism for industrial economic development, but there's not a similar program for other types of development.

This committee would review requests, meet with developers, and ask detailed questions, before it is presented to the entire Council.

Mr. Hefton said there is also a "companion item" on the agenda at Item D-1, for the appointment of Council Members to this committee. The committee would be a standing committee that could be reviewed annually at the same time other Council appointments are addressed.

No citizens appeared before the City Council to discuss Ordinance No. 6276.

The Public Hearing was closed.

ADOPTION OF ORDINANCES

Ordinance 6275

ORD 6275 SALE OF ANIMALS IN PUBLIC PLACES (AMENDED)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 2 OF THE CODE OF ORDINANCES, ENTITLED "ANIMAL CONTROL", AT ARTICLE 2.01, ENTITLED "GENERAL PROVISIONS", TO PROVIDE FOR A NEW SECTION 2.01.022 TO BE ENTITLED "PROHIBITING THE SALE OF ANIMALS IN PUBLIC PLACES"; PROVIDING FOR A PENALTY; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER CLAUSE.

Council Member Stevenson said there are people in Sherman that operate "puppy mills" and he did not feel that people should do that. Some of these set up every weekend to sell the puppies in the parking lots.

However, he wanted to ensure that the ordinance in place doesn't prohibit those with the "best intentions." If your dog has puppies and you set up in Sherman Town Center to give the puppies away, or even sell them, and it's a one-time thing. He did not want to prohibit that activity and felt there was nothing wrong with it.

He said he did want to prohibit the people that are there every other weekend or ten times a year, and that are selling puppies from puppy mills.

Council Member Melton said there are other places that animals can be sold, and said social media is used for everything. She said if someone wants to sell an animal to someone else, they can meet at a public place. They don't have to "set up" and put the animals in a cage.

Council Member Stevenson felt the ordinance was not clear, about meeting in a public place. Council Member Teamann agreed that some of the specifications in the ordinance should be looked at closer. Council Member Stevenson said he agreed with the intent of the ordinance, but wanted to clean up the language.

Mayor Plyler said the issue would be enforcement, and asked how you would determine someone with "good intentions."

Mr. Coleman said he supported the ordinance, and said it doesn't prohibit people from meeting to sell an animal. It says they can't set up and display puppies for sale. He encouraged citizens to bring their animals to the Shelter to be adopted. They are then vaccinated and the staff can educate the new owners.

Council Member Teamann asked, if someone doesn't use social media, what means do they have to sell their animals. He said the animals can't even be given away.

Mr. Hefton said the ordinance prohibits setting up on roadside public right-of-way, parking lots, garage sales, flea markets, festivals, parks, community centers, or outdoor public places. It doesn't address a person's own property or private property. Mr. Hefton said the intent is to get rid of puppy mills and not to prohibit people from finding good homes for them in a private way, not a public way.

Council Member Stevenson and Council Member Teamann agreed with the intent, but were concerned about the limitations, and felt it might be handled at the enforcement and punishment level.

Mr. Hefton said this would be a joint enforcement effort between the Police Department and Animal Control. Much of the activity they are trying to target, occurs on the weekends. He said the officers would not be "driving around City streets" looking for people trying to find homes for their kittens.

Enforcement is where the staff has the latitude to prohibit the puppy mills, which is the intent.

Council Member Melton said the police officers and the Animal Control officers make decisions every day for what is right and wrong. Council Member Teamann asked if the safe drop zone could be used for the transfer of animals.

Council Member Stevenson said puppy mills are not giving away puppies, they are selling them. He said prohibiting the sale of animals in a public place or right-of-way should be okay, while giving the animals away should be okay.

Council Member Howeth asked about removing "give away" from the proposed ordinance.

Mr. Coleman said by giving the animals to the Shelter, it will also help maintain the animal population in Sherman because they spay and neuter before adoption. Council Member Stevenson confirmed that only the City of Sherman and the Denison Animal Welfare Group operate Animal Shelters in Grayson County. Grayson County Animal Control has a contract with the City of Sherman to bring their animals to us.

Mayor Plyler asked how this would affect the City's Animal Shelter. Mr. Coleman said it won't affect them, but they do ask that people giving animals away, bring them to the Shelter so they can be vaccinated, spayed or neutered, and chipped, before adoption.

ACTION TAKEN.

Motion by Council Member Stevenson to adopt Ordinance No. 6275, removing the language about "giving away" animals for free. Second by Council Member Melton.

VOTING AYE: Holland, Howeth, Melton, Steele, Stevenson, Teamann.
VOTING NAY: None.
MOTION CARRIED AS AMENDED.

ORD 6272
ANNEXATION
REHMET PROPERTY

<u>Ordinance 6272</u>
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, EXTENDING THE CORPORATE LIMITS OF SAID CITY SO AS TO ANNEX A 95.277 ACRE TRACT OF LAND LOCATED SOUTH OF U.S. HIGHWAY 82, WEST OF S.H. 289, AND EAST OF PRESTON CLUB DRIVE, ADJACENT TO THE SHERMAN CITY LIMITS AND IN THE CITY OF SHERMAN'S EXTRA TERRITORIAL JURISDICTION; PROVIDING FOR A MUNICIPAL SERVICE PLAN; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

ORD 6274
SUP FOR
AUTO REPAIR, PAINT & BODY SHOP
(2200 N. HWY 75)

Ordinance 6274
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280, SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW AN AUTOMOBILE REPAIR, PAINT AND BODY SHOP IN A C-1 (RETAIL BUSINESS) DISTRICT/O-1 (75 & 82) OVERLAY DISTRICT AT 2200 NORTH U.S. HIGHWAY 75, BEING PART OF LOT 1, BLOCK 2, INDEPENDENCE SQUARE ADDITION, SECTION 3, CONTAINING 3.260 ACRES (POST OAK LIQUIDATING TRUST, OWNERS; KMS RETAIL INVESTMENTS, LP, DEVELOPER; LUKE STAINBACK, REPRESENTATIVE; AND UNDERWOOD DRAFTING AND SURVEYING, SURVEYOR); PROVIDING FOR A REPEALER CLAUSE; PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED $2,000.00.

ORD 6276
ECONOMIC DEVELOPMENT SUBCOMMITTEE

Ordinance 6276
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, CREATING AN ECONOMIC DEVELOPMENT SUBCOMMITTEE; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

ACTION TAKEN.
Motion by Council Member Howeth to adopt Ordinance Nos. 6272, 6274, and 6276, as presented. Second by Deputy Mayor Steele.
VOTING AYE: Holland, Howeth, Melton, Steele, Stevenson, Teamann.
VOTING NAY: None.
MOTION CARRIED.

ORD 6273
TIRZ #7 AMENDED PROJECT PLAN & FINANCING PLAN

Ordinance 6273
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, ACCEPTING AND APPROVING THE AMENDED PROJECT PLAN AND THE FINANCING PLAN FOR THE SHERMAN TAX INCREMENT REINVESTMENT ZONE, NUMBER SEVEN (#7); PROVIDING FOR FINDINGS OF FACT.

Council Member Teamann said he was in favor of expanding Tax Increment Reinvestment Zone #7. The plan included some details about incentives in the zone, and the cost estimate was about $17 million. He asked for clarification, saying there were some items in the plan that the Council had not talked about.

Mr. Hefton said the boundaries of the zone were established a couple of meetings ago, enlarging the TIRZ. This Project and Financing Plan is a plan to move forward with infrastructure and improvements. It also sets parameters on how much the City plans to contribute, in terms of incremental tax revenue. The City is pledging 50% of the M&O rate, which represents about 1/3 of the tax revenue.

However, Mr. Hefton said this plan is not a commitment to build any roads, walking trails, or public amenities. Those would come through additional contracts and agreements with

developers. At this time there is no legal commitment or contract to build any of the amenities. He said the City did not know what roads they would be building or what amenities would be there.

There is also mention of a conference center at a hotel, but the Council has only had general discussion on that and no decisions have been made. Any commitments would only come from additional agreements that are not in place.

Each of the projects would come back through the newly approved Economic Development Subcommittee prior to submission to the entire City Council.

Council Member Teamann said this is a very specific, itemized list of things to be completed in this plan, and it amounts to a lot of money. He felt the Council was setting a benchmark on how these things will be done in the future, and he wanted to be sure they were being done in an efficient way.

Mr. Hefton reiterated that the City is not committing to building a conference center tonight. It is in the plan, but this is the first step of what will be many steps of the project. The other steps will come through the Subcommittee first, and then through the entire Council.

Mr. Hefton added that he would expect the TIRZ Project Plan to be amended at some point, similar to when Sherman Town Center was constructed through TIRZ #1. For active reinvestment zones, the City periodically reviews them and may change the scope or terms of the project.

Deputy Mayor Steele confirmed that with the expansion of TIRZ #7, the entire area will be about 290 acres.

ACTION TAKEN.

> **Motion by Council Member Stevenson to adopt Ordinance No. 6273, as presented. Second by Council Member Melton.**

VOTING AYE: Holland, Howeth, Melton, Steele, Stevenson, Teamann.
VOTING NAY: None.
MOTION CARRIED.

APPOINT/REMOVE OR CONSIDER QUALIFICATIONS TO BOARDS AND COMMISSIONS
ECONOMIC DEVELOPMENT SUBCOMMITTEE (4)

ECONOMIC DEVELOPMENT SUBCOMMITTEE

Mr. Hefton said the City Manager's appointment to the Economic Development Subcommittee is included in the ordinance that created the subcommittee.

ACTION TAKEN.

> **Motion by Council Member Stevenson to appoint Mayor David Plyler, Deputy Mayor Willie Steele, and Council Member Shawn Teamann to the Economic Development**

Subcommittee, for a term from December 17, 2019 until November 2020. Second by Council Member Howeth.
VOTING AYE: Holland, Howeth, Melton, Steele, Stevenson, Teamann.
VOTING NAY: None.
MOTION CARRIED.

CONSENT AGENDA

CONSENT AGENDA

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

RESOLUTION NO. 6572 – AUTHORIZING THE ACCEPTANCE OF A CONVEYANCE DOCUMENT FROM THE MUNSON REALTY COMPANY FOR THE CONVEYANCE AND ACQUISITION OF 0.5720 ACRES OF LAND AND 0.8070 ACRES OF LAND, TOTALING 1.379 ACRES OF LAND, MORE OR LESS, IN THE ELIZABETH JONES SURVEY, ABSTRACT NO. 625, BEING MORE PARTICULARLY DESCRIBED IN THE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF FOR ALL PURPOSES, PROPERTY BEING LOCATED IN THE CITY OF SHERMAN, COUNTY OF GRAYSON, STATE OF TEXAS

RES 6572
MUNSON PROPERTY CONVEYANCE DOCUMENT

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE ACCEPTANCE OF A CONVEYANCE DOCUMENT FROM THE MUNSON REALTY COMPANY FOR THE CONVEYANCE AND ACQUISITION OF 0.5720 ACRES OF LAND AND 0.8070 ACRES OF LAND, TOTALING 1.379 ACRES OF LAND, MORE OR LESS, IN THE ELIZABETH JONES SURVEY, ABSTRACT NO. 625, BEING MORE PARTICULARLY DESCRIBED IN THE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF FOR ALL PURPOSES, PROPERTY BEING LOCATED IN THE CITY OF SHERMAN, COUNTY OF GRAYSON, STATE OF TEXAS.

Mr. Philpott said this resolution will allow the City to purchase two parcels of land that are required by the Texas Department of Transportation for the intersection improvements at West Travis Street and FM 1417, for the new high school.

The request is to purchase about 1.4 total acres for $200,000. The bids for the project close next month, and construction is expected to begin in the Spring of 2020. The project should be complete by August of 2020, before school starts. The project will include an acceleration, deceleration, and turn lane for that intersection.

Mr. Philpott said the cost estimate for the project is $1.5 million. The City will pay for 100% of the project cost.

ACTION TAKEN.

Motion by Council Member Howeth to adopt Resolution No. 6572, as presented. Second by Council Member Holland.

VOTING AYE: Holland, Howeth, Melton, Steele, Stevenson, Teamann.
VOTING NAY: None.
MOTION CARRIED.

RES 6573
HERITAGE CROSSING DEVELOPMENT AGREEMENT

RESOLUTION NO. 6573 – AUTHORIZING EXECUTION OF A DEVELOPMENT AGREEMENT WITH BLUESTONE PARTNERS, LLC FOR THE CONSTRUCTION OF PUBLIC FACILITIES IN HERITAGE CROSSING, PHASE 1, A 31.333-ACRE DEVELOPMENT WEST OF HERITAGE PARKWAY (F.M. 1417) AND NORTH OF WASHINGTON STREET IN THE CITY OF SHERMAN
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF A DEVELOPMENT AGREEMENT WITH BLUESTONE PARTNERS, LLC FOR THE CONSTRUCTION OF PUBLIC FACILITIES IN HERITAGE CROSSING, PHASE 1, A 31.333-ACRE DEVELOPMENT WEST OF HERITAGE PARKWAY (F.M. 1417) AND NORTH OF WASHINGTON STREET IN THE CITY OF SHERMAN.

Mr. Philpott said this resolution authorizes the Development Agreement with Bluestone Construction for Heritage Crossing, Phase 1, a 31 acre subdivision.

According to the City's Master Thoroughfare Plan, this subdivision does have a minor thoroughfare planned to go through it. McGee Street, which is what the street is currently being called, will eventually tie into West Washington Street and into FM 1417.

The McGee Street project is estimated to cost about $1.5 million, and will be paid for by the City, since it is a thoroughfare. In order to coordinate the two projects, Bluestone Partners has offered to help build McGee Street at the same time as building the new subdivision.

Approval of this agreement will allow Bluestone to do that and the City will reimburse them for the cost, up to $1.5 million or about 28% of the total project cost. Both projects will be tested and inspected during construction.

ACTION TAKEN.
Motion by Council Member Melton to adopt Resolution No. 6573, as presented. Second by Council Member Stevenson.
VOTING AYE: Holland, Howeth, Melton, Steele, Stevenson, Teamann.
VOTING NAY: None.
MOTION CARRIED.

RES 6574
ENCROACHMENT EASEMENT (WASHINGTON PARK ADDITION)

RESOLUTION NO. 6574 – AUTHORIZING EXECUTION OF AN ENCROACHMENT EASEMENT TO JOSEPH BROWN FOR THE INSTALLATION OF A TEN FOOT WIDE ASPHALT ACCESS DRIVE WITHIN THE UNIMPROVED PLATTED PUBLIC RIGHT OF WAY SHOWN AS COLLEGE STREET, ADJACENT TO LOT

<u>8, BLOCK K OF THE WASHINGTON PARK ADDITION, VOLUME 1, PAGE 24, PLAT RECORDS, GRAYSON COUNTY, TEXAS, FOR REAR ENTRY PURPOSES FOR LOT NO. 8, BLOCK K OF SAID WASHINGTON PARK ADDITION IN THE CITY OF SHERMAN, GRAYSON COUNTY, TEXAS, AS SHOWN IN EXHIBIT "A", ATTACHED HERETO AND MADE A PART HEREOF FOR ALL PURPOSES</u>

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN ENCROACHMENT EASEMENT TO JOSEPH BROWN FOR THE INSTALLATION OF A TEN FOOT WIDE ASPHALT ACCESS DRIVE WITHIN THE UNIMPROVED PLATTED PUBLIC RIGHT OF WAY SHOWN AS COLLEGE STREET ADJACENT TO LOT 8, BLOCK K OF THE WASHINGTON PARK ADDITION, VOLUME 1, PAGE 24, PLAT RECORDS, GRAYSON COUNTY, TEXAS, FOR REAR ENTRY PURPOSES FOR LOT NO. 8, BLOCK K OF SAID WASHINGTON PARK ADDITION IN THE CITY OF SHERMAN, GRAYSON COUNTY, TEXAS, AS SHOWN IN EXHIBIT "A", ATTACHED HERETO AND MADE A PART HEREOF FOR ALL PURPOSES.
CONSENT AGENDA.

<u>RESOLUTION NO. 6575 – AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH LYNN VESSELS CONSTRUCTION , LLC BASED ON AN INVITATION TO BID FOR CONSTRUCTION OF THE LAMBERTH ROAD DRAINAGE IMPROVEMENTS PROJECT</u>

RES 6575 LAMBERTH RD. DRAINAGE IMPROVEMENTS

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

Mr. Philpott said this project was designed to increase the capacity of Lamberth Road and raise the roadway out of the floodway for two locations between US Hwy 75 and North Travis Street.

Four bids were received, with the low bid being Lynn Vessels Construction at $2.2 million. The original estimate for the project was $1.7 million.

In order to keep on budget, the staff met with the engineer to reduce the scope of the project. The next Council agenda item, H-1, will be a change order to reduce the scope down by about $750,000.

To keep from having to rebid the project, Mr. Philpott said the staff is asking the Council to award the contract, as is, and immediately approve the change order.

The reduction of scope removes the east crossing, near Hwy 75, from Phase 1 of the project. That area does flood, but it is still passable for emergency vehicles during a 100-year event, and is not in the floodway.

The changes will allow an increased capacity at the main Post Oak Creek crossing and raise the road by about four feet, while staying in budget.

Deputy Mayor Steele asked about the estimated completion time and how long the road would be completely shut down. Mr. Philpott said the project will start, just west of Cornerstone Drive, near the orthodontist's office, and will extend to North Travis Street.

The project is expected to start in January or February of 2020 and the contract is for construction time of 180 days. Council Member Melton confirmed that there will be access to the orthodontist's office during construction.

Council Member Teamann verified that the upcoming Hwy 75 project will not extend this far north.

Council Member Stevenson asked why the project was being reduced in scope. Mr. Philpott said this project is being funded through the City's Stormwater Utility Fee, which was accrued in 2017 to be about $1 per residential unit.

That money has been used to issue debt, and that debt has been used to purchase homes in the floodplain, for flood impact analysis, and for this project. As expected, this project came back higher. Unless the City uses money from somewhere else, the money is just not available from this source.

Council Member Melton verified this project will take care of the main crossing, but there will still be an issue at the first crossing. He said the main crossing is a 10 foot diameter box culvert, and it is being replaced with four 12x12 boxes. There is a substantial amount of flow that is going under that road.

Mr. Hefton said when this project was originally considered, the goal was to make this location passable by emergency vehicles, during a 100-year event, which it wasn't during the 2007 flood. With this project, that goal will be met.

He added that the Council could consider Resolution 6575 and Change Order No. 1 for the Lamberth Road Drainage Improvements Project, together under one motion, if they wished.

CHANGE ORDER LAMBERTH RD. DRAINAGE IMPROVEMENTS

<u>CHANGE ORDER NO. 1</u>
<u>LAMBERTH ROAD DRAINAGE IMPROVEMENTS PROJECT; LYNN VESSELS CONSTRUCTION, LLC; $747,180.72 DECREASE</u>
Resolution 6575 and Change Order No. 1, to Lynn Vessels Construction, LLC, for the Lamberth Road Drainage Improvements Project, are related and will be considered with one motion.

ACTION TAKEN.

Motion by Council Member Stevenson to adopt Resolution No. 6575 and Change Order #1 to Lynn Vessels Construction, LLC, for a $747,180.72 decrease, for the Lamberth Road Drainage Improvements Project, as presented. Second by Council Member Melton.

VOTING AYE: Holland, Howeth, Melton, Steele, Stevenson, Teamann.
VOTING NAY: None.
MOTION CARRIED.

REQ TO ADVERTISE ANNUAL SUPPLY OF CHEMICALS

REQUEST TO ADVERTISE
ANNUAL SUPPLY OF CHEMICALS

The City Council approved the request to advertise for the annual supply of chemicals for the calendar year 2020. These chemicals are used at the Water Treatment Plant and the Wastewater Treatment Plant.
CONSENT AGENDA.

FALLON DR. WATER & SEWER EXTENSION PHASE I

CHANGE ORDER NO. 1
FALLON DRIVE WATER & SEWER EXTENSION PHASE I PROJECT; VESSELS CONSTRUCTION; $84,812.42 INCREASE

Mr. Philpott said the extension of Fallon Drive is driven by MPS, who is constructing a 175,000 square foot warehouse, that will have 505 employees. As part of that extension, the City is removing the lift station and extending water down to Dripping Springs Road, along with right-of-way dedication.

When the contract was awarded, the Sherman Economic Development Corporation agreed to pay up to $750,000 to help with the project. During the design, and because of some problems obtaining right-of-way, the developer wanted to guarantee himself access to the first driveway on the development. Therefore the project was bid without the first 100 feet of Fallon Drive being done by Vessels Construction.

The intent was that the developer would build the first phase and the City would reimburse them. During the process, the estimate for them to build that portion was about $140,000. Based on Vessels' bid, he could construct that portion for $84,000.

Moneywise, it didn't make sense for the developer to do the project, and the City is working with Vessels to complete the project. Mr. Philpott said the City has been assured that the work can be completed in time for the development to open.

ACTION TAKEN.

Motion by Council Member Melton to approve Change Order No. 1 to Vessels Construction, for an $84,812.42 increase for the Fallon Drive Water and Sewer Extension Phase 1 Project, as presented. Second by Council Member Holland.

VOTING AYE: Holland, Howeth, Melton, Steele, Stevenson, Teamann.
VOTING NAY: None.
MOTION CARRIED.

OTHER BUSINESS

FINAL PLAT APPROVAL OF McGRAW-MARTINEK ADDITION, BEING 0.970 ACRES IN THE J.B. McANAIR SURVEY, ABSTRACT NO. 763; JUDY McGRAW, OWNER; AND PRESTON TRAIL LAND SURVEYING, SURVEYOR (531 EAST LAMAR STREET)

APPROVE FINAL PLAT McGRAW-MARTINEK ADDITION (531 E. LAMAR ST.)

The City Council approved the Final Plat of the McGraw-Martinek Addition, located at 531 East Lamar Street. The 0.970 acre tract is zoned an M-1 (Heavy Manufacturing) District and the owner would like to plat the property into two lots to sell one of the lots.

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

REPLAT APPROVAL OF BLOCK 43R, LOT 1, SOUTH SIDE ADDITION, BEING A REPLAT OF ALL OF BLOCKS 37, 38, 39 AND TRACTS 1, 3 AND 4 OF THE REPLAT OF SOUTH SIDE ADDITION; BEING A 13.60 ACRE TRACT IN THE PRESTON KITCHEN SURVEY, ABSTRACT NO. 667, ALSO BEING MULTIPLE TRACTS: TRACT 1, BEING A 7.036 ACRE TRACT; TRACT 3, BEING ALL OF BLOCKS 38, 39 AND A PORTION OF BLOCK 37 OF THE REPLAT OF BLOCKS 4, 5, 6, 15, 16, 17, 29, 31, 40 AND 41 OF SOUTH SIDE ADDITION; AND TRACT 4, BEING A 0.888 ACRE TRACT, EXCEPT A CALLED 0.487 ACRE PORTION OF LOTS 7-12, BLOCK 39; FRHP LINCOLNSHIRE, LLC, OWNERS; CAMPING WORLD AND GOOD SAM, TENANTS; AND CEI ENGINEERING ASSOCIATES, INC., CIVIL ENGINEER AND SURVEYOR (2005 SOUTH SAM RAYBURN FREEWAY)

APPROVE REPLAT SOUTH SIDE ADDITION (2005 S. SAM RAYBURN FRWY)

The City Council approved the Replat of Block 43R, Lot 1, South Side Addition, being a Replat of all of Blocks 37, 38, 39 and Tracts 1, 3 and 4 of the Replat of South Side Addition. The 13.60 acre tract includes multiple tracts.

The property is located at 2005 South Sam Rayburn Freeway, and is zoned a O-1.2 (Retail Business) District and M-1 (Light Manufacturing) District, and is also located in the O-1.2 (Sam Rayburn) Overlay District. The owners would like to replat the property into one lot for commercial development.

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

FINAL PLAT APPROVAL OF OYAIL ESTATES IN THE CITY OF SHERMAN'S EXTRA TERRITORIAL JURISDICTION, BEING 4.905 ACRES IN THE JEREMIAH M. McDANIEL SURVEY, ABSTRACT NO. 774; D.J. WORTHAM PROPERTIES, LLC,

APPROVE FINAL PLAT OYAIL ESTATES (388 BENNETT RD.)

OWNERS; AND HELVEY-WAGNER SURVEYING, SURVEYOR (388 BENNETT ROAD)

The City Council approved the Final Plat of Oyail Estates in the City's Extra Territorial Jurisdiction, located at 388 Bennett Road. The owners would like to plat the 4.905 acre tract into one lot.

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

MEDIA QUESTIONS

MEDIA QUESTIONS

There were no media questions.

APPOINT/REMOVE OR CONSIDER QUALIFICATIONS TO BOARDS AND COMMISSIONS

PLANNING AND ZONING COMMISSION ALTERNATE MEMBERS (4)

PLANNING & ZONING COMMISSION

Mr. Hefton explained that this item came up this past week when the staff discovered that the upcoming Planning and Zoning Commission Meeting will not have a quorum of members in attendance. Their agenda will be "very heavy" and they felt the meeting should not be canceled.

The staff felt the best solution was to adopt these alternate members that could be called on, when needed to ensure that a quorum was in attendance. They were proposing four members be appointed to be used as needed, and said those four members could be changed at will, by the City Council.

Mr. Hefton said each of the proposed alternate members were prior P&Z Members, so they have experience in the position and there would be no learning curve. Former members that the staff was proposing be appointed as alternate members were Darren Tankersley, Brad Morgan, Jason Bethel, and Sean Vanderveer.

Brandon Shelby, City Attorney, added that appointing alternate P&Z Members is a common practice, especially in General Law Cities, and is authorized by the Local Government Code. The City's Charter is silent about the use of alternates.

Mr. Shelby said he consulted with other counsel and was assured that it is perfectly legal to appoint alternate members to the P&Z Commission.

Council Member Stevenson asked about the process for using an alternate member. Mr. Hefton said the number of alternate members used would be just enough to make a quorum. Mr. Shadden felt one additional should be used in case a member gets sick and doesn't attend.

Council Member Stevenson said he wanted to avoid a situation where there might be an item that several P&Z Members don't like and don't want to vote on. So they don't attend the

meeting and the alternates would have to attend and vote on the item. He felt it was fine to use enough alternates to make a quorum.

Mr. Shadden added that, during a large agenda, they might have a member that needs to abstain from the vote, and an alternate could then be used.

ACTION TAKEN.

Motion by Council Member Stevenson to appoint Darren Tankersley, Brad Morgan, Sean Vanderveer, and Jason Bethel as Alternate Members to the Planning and Zoning Commission, as presented. Second by Council Member Teamann.

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

VOTING NAY: None.

MOTION CARRIED.

COUNCIL COMMENTS

LAST MEETING FOR ASSISTANT CITY MANAGER

LAST MEETING FOR ASSISTANT CITY MANAGER

Council Member Melton said this was Steve Ayers, Assistant City Manager's, last meeting before his retirement. She wished him a happy retirement.

CITY MANAGER CERTIFICATION

CITY MANAGER CERTIFICATION

Council Member Melton recognized Terrence Steele, Assistant City Manager, on receipt of his City Manager Certification.

ANIMAL CONTROL CHANGES

ANIMAL CONTROL CHANGES

Council Member Melton thanked Mr. Coleman for attending the meeting to answer questions, and for all the changes that are going on at the Animal Shelter. She said he is making a great difference.

THANKS TO SHERMAN HIGH SCHOOL ORCHESTRA

THANKS TO SHS ORCHESTRA

Council Member Melton thanked members of the Sherman High School Orchestra that played Christmas songs in the hallway prior to the City Council Meeting.

MERRY CHRISTMAS AND HAPPY NEW YEAR

MERRY CHRISTMAS & HAPPY NEW YEAR

Council Member Melton wished everyone a Merry Christmas and a Happy New Year.

HAPPY RETIREMENT

HAPPY RETIREMENT

Council Member Howeth wished Mr. Ayers a happy retirement.

CITY MANAGER CERTIFICATION

CITY MANAGER CERTIFICATION

Council Member Howeth recognized Mr. Steele for his recent certification, saying the Council is very proud of him.

MERRY CHRISTMAS

MERRY CHRISTMAS

Council Member Howeth wished everyone a Merry Christmas and asked them to be safe.

HAPPY RETIREMENT

Council Member Teamann said they would miss Mr. Ayers and asked if he was sure he wanted to retire.

HAPPY RETIREMENT

Council Member Holland congratulated Mr. Ayers on his upcoming retirement and said he had been an asset to the City.

CITY MANAGER CERTIFICATION

Council Member Holland said he had known Mr. Steele for a long time and congratulated him on his certification.

TAX REINVESTMENT ZONE

Council Member Holland thanked the TIRZ Board and the newly formed subcommittee for working with reinvestment zones to work out all the questions so they don't overwhelm the City Council.

SAVING MONEY ON ENGINEERING PROJECTS

Council Member Holland thanked the Engineering Department for saving money on their projects.

MERRY CHRISTMAS

Council Member Holland wished every a Merry Christmas and a safe holiday.

RECOGNIZED CITY STAFF

Council Member Stevenson said Sherman has a fantastic City staff and said they would miss Mr. Ayers. He said they would try to appoint him to "something."

CITY MANAGER CERTIFICATION

Council Member Stevenson congratulated Mr. Steele on his recent City Manager certification.

HAPPY HOLIDAYS

Council Member Stevenson wished everyone a Happy Holiday season.

HAPPY RETIREMENT

Mr. Hefton recognized Mr. Ayers on his upcoming retirement, and said he is thankful to be working with men and women that are of such high caliber and high character. They do what they say they will do and you can trust them.

He said there will be a retirement gathering later to recognize his service. He said it has been an honor to work with him, and he has been a real support for Mr. Hefton.

ANNOUNCEMENTS

Mayor Plyler announced the following:

- **Leadership Sherman will host Wags and Whiskers at Buffalo Wild Wings on December 30, 2019 at 11:00 a.m. The fundraiser will help support renovations to the Animal Shelter.**

- **Next Coffee with the Mayor will be held at Ameristate Bank, on January 3, 2020, at 8:00 a.m.**

- **Habitat for Humanity will host their annual Habitaters fundraiser on Saturday, January 25, 2020, in support of the great work they do around Grayson County.**

- **Merry Christmas and Happy New Year for 2020!**

EXECUTIVE SESSION

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.

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**

On Motion duly made and carried, the Open Meeting recessed and reconvened in Executive Session at 6:04 p.m.

On Motion duly made and carried, the Executive Session recessed at 6:19 p.m. and reconvened in Open Meeting.

OPEN MEETING

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

ADJOURNMENT **ADJOURNMENT**

On Motion duly made and carried, the meeting adjourned at 6:20 p.m.

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MAYOR

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CITY CLERK