STATE OF TEXAS §

April 18, 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 April 18, 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 5:00 p.m. The Pledge of Allegiance and the Invocation were given by Council Member Robert Softly.

APPROVE MINUTES — **APPROVE MINUTES**

The Council reviewed the Minutes of the Regular City Council Meeting of April 4, 2011. Council Member Smith moved to approve the Minutes as presented; Second by Deputy Mayor Steele. All present voted AYE.
MOTION CARRIED.

INTRODUCTION AND PUBLIC HEARING OF ORDINANCES

Mayor Magers introduced Ordinance 5692 and called for a public hearing: — **ORD 5692 RESIDENTIAL REINVESTMENT ZONE**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, REVISING THE DESIGNATION OF RESIDENTIAL REINVESTMENT ZONE, NUMBER 041811-1, CITY OF SHERMAN, TEXAS, FOR THE PURPOSE OF RESIDENTIAL TAX ABATEMENT.

No citizens appeared before the City Council to discuss Ordinance 5692.

Mayor Magers introduced Ordinance 5693 and called for a public hearing: — **ORD 5693 SUP FOR AUTO REPAIR & TIRE SALES & SERVICE (916 N. BROUGHTON)**

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 916 NORTH BROUGHTON STREET, BEING LOTS 10 & 11, BLOCK 3, W.P. CARTER'S ADDITION (JOSE D. GUERRERO, OWNER; AND KEVIN D. McKIBBAN, REPRESENTATIVE); PROVIDING FOR A REPEALER; PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED $2,000.00.

Kevin McKibban appeared representing the request for a Specific Use Permit at 916 N. Broughton Street. He

explained that the facility will be for basic automotive repair and tire repair. They want to change the face of the block and have already began to clean up their area and the park area around it.

No other citizens appeared before the City Council to discuss Ordinance 5693.

The Public Hearing was closed.

ADOPTION OF ORDINANCES

Ordinance 5692 — ORD 5692 RESIDENTIAL REINVESTMENT ZONE

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, REVISING THE DESIGNATION OF RESIDENTIAL REINVESTMENT ZONE, NUMBER 041811-1, CITY OF SHERMAN, TEXAS, FOR THE PURPOSE OF RESIDENTIAL TAX ABATEMENT.

Mayor Magers said Ordinance 5692 was in conjunction with Resolution 5571, which was also on the agenda and he asked that the City Manager brief the Council on the items.

George Olson, City Manager, explained that every five years, as the population changes, the City is required to update the Residential Tax Abatement Zone to match with the census tract block groups. The ordinance updates the zone to be the same as the low-to-moderate income area.

ACTION TAKEN.

Motion by Council Member Wacker to approve Ordinance No. 5692, as presented. Second by Council Member Howeth.

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

Ordinance 5693 — ORD 5693 SUP FOR AUTO REPAIR & TIRE SALES & SERVICE (916 N. BROUGHTON) (ORD DENIED)

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 916 NORTH BROUGHTON STREET, BEING LOTS 10 & 11, BLOCK 3, W.P. CARTER'S ADDITION (JOSE D. GUERRERO, OWNER; AND KEVIN D. McKIBBAN, REPRESENTATIVE); PROVIDING FOR A REPEALER; PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED $2,000.00.

Mayor Magers said he had some concerns regarding the proposed Specific Use Permit as did Council Member Softly.

Council Member Softly said the park area has been cleaned up and now they are considering bringing in an automotive repair shop and a tire shop. These types of businesses tend

to accumulate cars. The area is a residential area and a school is located nearby. Council Member Softly said he did not feel the business would be the best use for the neighborhood. He felt it would be a distraction for the citizens and create additional traffic for visitors to the park.

Deputy Mayor Steele asked what type of screen would be required between the facility and the park. Scott Shadden, Director of Development Services, said their plan is to erect a six foot wood fence around the back and down the sides. Council Member Smith confirmed that the fence would be between the facility and the park. Deputy Mayor Steele verified that the fence would be approximately 40 feet from the new walking trail.

Mayor Magers said this area is unlike other commercial areas that are heavily commercial, and over the years it has become a residential area. Mr. Shadden confirmed that it has been commercial for many years, since the railroad was located in that area. The area has changed and there is no longer heavy commercial usage.

Mayor Magers said the City has also spent a lot of time and effort working with the nearby College Park area. This type of business is "widening" the type of business that is located in the area.

He added that since it is an old commercial district, the City needs to be sure that whatever business is located in that area compliments the rest of the neighborhood and does not change it. The Council doesn't want to hinder growth, but Mayor Magers felt that in this situation, the proposed use does not fit with the area.

Council Member Smith agreed adding that Broughton Street is pretty narrow and already handles a lot of traffic from Texoma Parkway to the College Park area. The City has spent a lot of money to upgrade Martin Luther King, Jr. Park to encourage the residents to use that park. Council Member Smith said he had real concerns about the request.

Deputy Mayor Steele said he was concerned about the approval of automotive repair shops and the policing of the facilities to keep the vehicles behind the screen. Many times they become an eyesore. He added that in some parts of the community it fits a little better, but this area is next to a park.

Council Member Wacker agreed that the key is the transition between the residents and the park.

Mr. McKibban told the Council he understood their objections, but they have cleaned the area up this weekend and have many items ready for pick-up. They plan on cleaning the area up and keeping it nice and clean.

Mayor Magers reiterated that his issue is that there is nothing similar in this area. There is a restaurant, a washiteria, a park, and a school, in a residential area. This type of business has been allowed in some areas, but usually where these types of business have already been located or are still nearby. Mayor Magers added that the streets in that area are also generally narrower than in the newer areas. He was concerned about the use and the location of the use.

ACTION TAKEN.

Motion by Council Member Softly to deny the adoption of Ordinance No. 5693, as presented. Second by Council Member Smith.

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

CONSENT AGENDA — **CONSENT AGENDA**

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

RESOLUTIONS

RESOLUTION NO. 5575 – AUTHORIZING CONTINUED PARTICIPATION WITH THE ATMOS CITIES STEERING COMMITTEE; AUTHORIZING THE PAYMENT OF FIVE CENTS ($0.05) PER CAPITA TO THE ATMOS CITIES STEERING COMMITTEE TO FUND REGULATORY AND RELATED ACTIVITIES RELATED TO ATMOS ENERGY CORPORATION, MID-TEX DIVISION — **RES 5575 ATMOS STEERING COMMITTEE PER CAPITA PAYMENT**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING CONTINUED PARTICIPATION WITH THE ATMOS CITIES STEERING COMMITTEE; AUTHORIZING THE PAYMENT OF FIVE CENTS ($0.05) PER CAPITA TO THE ATMOS CITIES STEERING COMMITTEE TO FUND REGULATORY AND RELATED ACTIVITIES RELATED TO ATMOS ENERGY CORPORATION, MID-TEX DIVISION.
CONSENT AGENDA.

RESOLUTION NO. 5576 – ACCEPTING THE CONTRACT WITH VESSELS CONSTRUCTION, A DIVISION OF VESCOR, INC., AS COMPLETE FOR THE IMPROVEMENT OF WEST LAMBERTH ROAD FROM HERITAGE PARKWAY (FM 1417) TO SHADY OAKS LANE — **RES 5576 LAMBERTH ROAD IMPROVEMENTS**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, ACCEPTING THE CONTRACT WITH VESSELS CONSTRUCTION, A DIVISION OF VESCOR, INC., AS COMPLETE FOR THE IMPROVEMENT OF WEST LAMBERTH ROAD FROM HERITAGE PARKWAY (FM 1417) TO SHADY OAKS LANE.

Mayor Magers said the project was complete, under budget, and on time. Council Members congratulated Bill Vessels of Vescor, Inc., adding that the street looks great. Deputy

Mayor Steele said he appreciated Mr. Vessels hard work and said the project went very smoothly.

ACTION TAKEN.
Motion by Deputy Mayor Steele to approve Resolution No. 5576, as presented. Second by Council Member Smith.
VOTING AYE: Adami, Howeth, Smith, Softly, Steele, Wacker.
VOTING NAY: None.
MOTION CARRIED.

RES 5571 RESIDENTIAL TAX ABATEMENT PROGRAM

RESOLUTION NO. 5571 – DECLARING THE CITY OF SHERMAN'S ELIGIBILITY AND INTENTION TO PARTICIPATE IN A RESIDENTIAL TAX ABATEMENT PROGRAM TO PROMOTE DEVELOPMENT / REDEVELOPMENT IN CERTAIN AREAS OF THE CITY; ESTABLISHING GUIDELINES AND CRITERIA
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, DECLARING THE CITY OF SHERMAN'S ELIGIBILITY AND INTENTION TO PARTICIPATE IN A RESIDENTIAL TAX ABATEMENT PROGRAM TO PROMOTE DEVELOPMENT / REDEVELOPMENT IN CERTAIN AREAS OF THE CITY; ESTABLISHING GUIDELINES AND CRITERIA.
CONSENT AGENDA.

REQ TO ADVERTISE SEAL COAT MATERIALS

REQUEST TO ADVERTISE
SEAL COAT EMULSIFIED ASPHALT OIL AND STONE
The City Council approved the request to advertise for bids to provide seal coat stone and emulsified asphalt oil for the annual street maintenance work.

Each year the Street Department evaluates and ranks all City streets to determine their need for maintenance and develops a priority list of streets to be seal coated. The annual goal is to seal coat 25 to 30 miles of streets depending on material costs.
CONSENT AGENDA.

APPROVE REPLAT MIDWAY INDUSTRIAL PARK ADDITION

OTHER BUSINESS
REPLAT APPROVAL OF PART OF LOT 4, BLOCK 1, MIDWAY INDUSTRIAL PARK ADDITION; BEING 11.22 ACRES IN THE J.B. SHANNON SURVEY, ABSTRACT NO. 1085; JOSEPH J. MUELLER; OWNER; AND SARTIN AND ASSOCIATES, INC., SURVEYORS (5100 MARSHALL STREET)
The City Council approved the Replat of part of Lot 4, Block 1 of Midway Industrial Park Addition, located at 5100 Marshall Street, and being 11.22 acres in the J.B. Shannon Survey, Abstract No. 1085.

The owner would like to plat the property into two lots for industrial development. The Planning and Zoning Commission recommended approval of the Replat.
CONSENT AGENDA.

CITIZENS REQUESTS

CITIZENS REQUESTS
There were no citizens requests.

MEDIA QUESTIONS

RECENT CITY EVENTS — **RECENT CITY EVENTS**

Kathy Williams, Herald Democrat Reporter, complimented the City staff, the Tourism Department, and the Parks and Recreation Department for sponsoring so many events this past weekend that the newspaper couldn't cover them all.

COUNCIL COMMENTS

LAMBERTH ROAD PROJECT — **LAMBERTH ROAD PROJECT**

Council Member Smith said he was really happy that the Lamberth Road project is complete. He said some citizens were inconvenienced, however the project had to be done. It was done at the right time, when costs were down, and it was done the right way.

SCHOOL BOND PROGRESS — **SCHOOL BOND PROGRESS**

Council Member Wacker updated the Council on the status of the Sherman Independent School District's bond progress. Today the final report said that all projects were completed and over a five year period, the $77 million bond projects were completed with approximately $2,300 to spare. She added that the bond project was well managed and said she appreciated what the school district does to enhance the community.

EDUCATION AWARD FOR COUNCIL MEMBER — **EDUCATION AWARD FOR COUNCIL MEMBER**

Council Member Softly recognized Council Member Pam Howeth on receiving an education award from the Texas Society Daughters of the American Revolution. Council Member Howeth was being recognized at the Sherman School Board Meeting later tonight.

STREET PROJECTS — **STREET PROJECTS**

Mayor Magers said the City has completed all but two of the street projects that were funded by the sales tax for street improvements. The two that have not been completed are Washington Street, which has made great progress, and Travis Street. This will be discussed at the upcoming Budget Work Session.

He added that the sales tax initiative for street improvements will again be added to the ballot in November 2011 for consideration by the voters. He felt the benchmark that the Council should be held to is how they performed so far with the money.

HAPPY EASTER — **HAPPY EASTER**

Mayor Magers wished everyone a Happy Easter.

ADJOURNMENT **ADJOURNMENT**

On Motion duly made and carried, the meeting adjourned at 5:19 p.m.

MAYOR

CITY CLERK