

of land on Preston Club Drive, adjacent to the Sherman City limits.

The second public hearing will be held at the May 1, 2017 City Council Meeting and adoption of the ordinance will be considered at a Called City Council Meeting on May 22, 2017.

No citizens appeared before the City Council to discuss the annexation of a 459.6 acre tract of land on Preston Club Drive.

**INTRODUCTION AND PUBLIC HEARING OF ORDINANCES
UNDER APPEAL FROM P&Z**

Mayor Plyler introduced Ordinance No. 6021 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 IN THE 3800-4000 BLOCKS OF QUAIL RUN ROAD AND THE 1100-1300 BLOCKS OF SOUTH F.M. 1417 (HERITAGE PARKWAY), BEING LOT 2, BLOCK A, COUNTRY RIDGE ESTATES NO. 10, CONTAINING 26.078 ACRES (GRAHAM MORTGAGE CORPORATION, OWNERS; MICHAEL R. COKER COMPANY, REPRESENTATIVE; AND ARCHON CORPORATION, ARCHITECT); PROVIDING FOR A REPEALER.

ORD 6021
APARTMENT
COMPLEX
QUAIL RUN RD.
(APPEAL FROM
P&Z COMMISSION)

Scott Shadden, Director of Development Services, said this is a request for a zone change for a multi-family facility in C-1 zoning. The Planning and Zoning Commission considered the request and heard from many neighbors that expressed concern for traffic, safety, and property values. They denied the request for a zone change.

Lisa Collins, 4505 Blue Jay Lane

Ms. Collins expressed concern about traffic issues because of the zone change, not only on FM 1417, but with the entrance and exit on Quail Run.

She said the Developer's preliminary plans included an exit onto Quail Run Road and one on FM 1417. She felt this was very problematic because it is a highly traveled roadway and there are no turn lanes. She felt Country Ridge Estates would especially be impacted and discussed who would maintain the landscaping near the entrance.

She felt there are other locations that would be better suited to multi-family living and "dumping" 300 to 600 additional vehicles at a "choke point" would not be safe or the best use of the property.

Danise Mullendore, 1905 Ridgecrest

Ms. Mullendore was against the request because of the additional traffic that would be entering FM 1417 making it hard to travel.

John Payne, 802 Swan Ridge Drive

Mr. Payne also serves as the president of the home owner's association for The Preserve. He presented the City Council with a petition of approximately 50 residents from The Preserve, that were against the proposed zone change for the apartments. Deputy Mayor Sofey verified that there are 72 homes in The Preserve and the petition represents about 30 to 35 homes.

Mr. Payne said these residents are against the zone change and are concerned about how it will affect the value of their homes. The oldest home in the development is about three years old.

He said the City already has a Master Plan for FM 1417 that has a good balance between residential, commercial, and industrial, and he urged the City to "stay with that plan." He said traffic and safety are also concerns.

Mr. Payne said the owner has already posted a sign to sell the property, and he asked if the zone change is approved and the property is sold tomorrow, would the new owner follow the same rules. He did not feel that the developer was sure of his current plan.

Paul Reyna, 711 Swan Ridge Drive

Mr. Reyna said the proposed apartment complex would bring in 300 families and Sory Elementary School already has over 600 children, and is over their maximum. Mayor Plyler said they were not the Sherman Independent School District and could not act on that type of information.

Mr. Reyna also expressed concern about safety and felt it would be better to leave the zoning as commercial. He urged the City Council to leave this property as the Master Plan says. He did not feel that Council Members would want the apartments in their own neighborhood.

Richard Davis, 1305 Mallard Drive

Mr. Davis expressed concern about a drop in property values and said his house was "on the front lines."

Jacquelyn D. Joe, 4314 Hawk Lane

Ms. Joe said her main concerns were safety and the property values. She said she was a single female and her home is her major investment. She said she currently feels safe at night in her neighborhood, but was concerned that she would not feel as safe with 300 more people "in her backyard."

Jeanette Parker, 1417 S. Raven Drive

Ms. Parker said she was against the zone change and said she didn't see the point of adding 300 apartments in that area. She felt there were "better places to do this."

Robert Breashears, 1431 Mallard Drive

Mr. Breashears said his home is also "on the front lines" and

he is opposed to the zone change. He presented the City Council with a petition from residents of Country Ridge Estates, opposing the rezoning of the property. He said the petition represented about 20 homes.

Rajendra Wagle, 910 Cormorant Drive

Mr. Wagle said he was against the proposed zone change. He attended a previous Council Meeting where exits for Houston Street between The Preserve and Seasons West were discussed. At that time the discussion was about safety. He said traffic has increased and there is now a dangerous situation.

He said everyone wants Sherman to grow, more housing, more economic activity, but he said the City needs to be ready for growth.

Michael Coker, 3111 Canton Street, Dallas, Texas

Mr. Coker appeared representing the applicant for the zone change. He said they want to change the zoning on 22 of the 26 acres, from C-1 (Retail Business) to R-2 (Multi-family Residential). The other four acres is already zoned R-2.

He presented their conceptual plan for the apartment complex. The conceptual plan is subject to modifications and to City Council approval. He also showed a drawing of what the apartment buildings would look like.

Mr. Coker said the City's Master Plan identifies the property as Suburban Residential, which is higher density than R-2. He said the multi-family request is consistent with this designation. He added that the conceptual plan that was presented conforms well with the FM 1417 Overlay, as well as with the R-2 zoning district. He added that they intend to comply with all landscaping and engineering requirements.

The applicant also worked with the Fire Marshal to lay out the fire lanes and fire access to the property. If approved, Mr. Coker said final plans complying with all City codes will be submitted for review and approval.

As for traffic generation, Mr. Coker said 300 units of one and two bedroom apartments created an estimated 1,950 trips per day. In comparison, if only 10% of the 22 acres is developed with allowable C-1 uses, it would create an estimated 11,342 trips per day.

Mr. Coker asked the City Council to approve their request for a zone change, adding that it was fully consistent with the City's Master Plan and the FM 1417 Overlay District.

Tim Yeary, 1220 Mallard Drive

Mr. Yeary said he is a board member of the Country Ridge Home Owner's Association, but said he was not 100%

opposed to the zone change. He said there is growth coming to the area and the new high school will be built “down the street” from the location.

He said traffic is a major concern, however once improvements on FM 1417 are completed it will remedy some of the traffic problems. He added that some of the homeowners were able to meet with the developer and see the actual plan and ask questions. He said he was “not against” the proposed zone change.

John Gasper, 916 Swan Ridge Drive

Mr. Gasper said Mr. Coker mentioned four acres of the property is already zoned R-2 and they are trying to get the remainder zoned R-2, and he said that’s only one-seventh of the property.

He also asked if the concept that Mr. Coker presented was “concrete” or can it be changed if the property is rezoned. He said there would be three story buildings in front of the residential homes.

Mr. Gasper expressed concern about property values, traffic, and especially about safety. He said the neighbors have discussed “open carry” if the zone change is approved, to make a statement about their safety,

Mr. Gasper said there is plenty of land on FM 1417 and throughout Sherman, where the apartments could be located, instead of in front of their homes.

Ray Sanders, 4849 Greenville Avenue, Suite 250, Dallas, Texas

Mr. Sanders said he owns 31 acres near the school to the north of this property, near Swan Ridge Drive. He has been in contact with the City’s engineers to develop Swan Ridge Drive as a four-lane road into SH 56. This would take a substantial amount of traffic off of FM 1417. He said they are currently in the process of trying to finalize those plans with the City of Sherman.

No other citizens appeared before the City Council to discuss Ordinance No. 6021.

Mayor Plyler introduced Ordinance No. 6022 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 A LIQUOR STORE IN AN M-1 (LIGHT MANUFACTURING) DISTRICT / O-1.1 (FM 1417 OVERLAY) DISTRICT AT 1711 NORTH F.M. 1417 (HERITAGE PARKWAY), SUITE 700, BEING PART OF BLOCK 1, WESTERN HILLS ADDITION, SECTION 5 (SPAVINAW DEVELOPMENT, LLC, OWNERS; AYUSH CORP, DBA THUMBS UP LIQUOR & TOBACCO, TENANT; AND VIPAN SONI, REPRESENTATIVE);

ORD 6022
SUP FOR LIQUOR
STORE
(1711 N. FM 1417)

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.

Mr. Shadden said this Specific Use Permit is for a liquor store in an existing building. The Planning and Zoning Commission approved the SUP, subject to the Staff Review Letter.

No citizens appeared before the City Council to discuss Ordinance No. 6022.

Mayor Plyler introduced Ordinance No. 6023 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 A LIQUOR STORE IN A C-1 (RETAIL BUSINESS) DISTRICT / O-1 (75 & 82 OVERLAY) DISTRICT AT 2916 NORTH U.S. HIGHWAY 75, SUITE 100, BEING LOT 4, SHAFER PLAZA (TAVA PROPERTY, LLC, OWNERS; NANDI BHATTARAI, APPLICANT; AND REGGIS LIQUOR #75, TENANT); 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 6023
SUP FOR LIQUOR
STORE
(2916 N. HWY 75)

Mr. Shadden said this Specific Use Permit is for a liquor store in an existing building. The Planning and Zoning Commission approved the SUP, subject to the Staff Review Letter and no lighting in or around the windows.

No citizens appeared before the City Council to discuss Ordinance No. 6023.

Mayor Plyler introduced Ordinance No. 6024 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, REPEALING ORDINANCE NO. 5878 IN ITS ENTIRETY; AMENDING CHAPTER 5 OF THE CODE OF ORDINANCES, ENTITLED "FIRE PREVENTION AND PROTECTION", ARTICLE 5.04, ENTITLED "LIQUEFIED PETROLEUM GAS", TO REGULATE LIQUEFIED PETROLEUM GAS WITHIN THE CITY'S JURISDICTION, ADOPTING THE TEXAS RAILROAD COMMISSION'S LP-GAS SAFETY RULES IN CONFORMITY WITH SECTION 113.054 OF THE NATURAL RESOURCES CODE; REPEALING ALL OTHER ORDINANCES OR PARTS THEREOF PURPORTING TO REGULATE LIQUEFIED PETROLEUM GAS WITHIN THE CITY'S JURISDICTION ONLY TO THE EXTENT THAT SUCH OTHER ORDINANCES OR PARTS THEREOF RELATE TO LIQUEFIED PETROLEUM GAS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES.

ORD 6024
LP GAS

Brandon Shelby, City Attorney, said in 2015 the Legislature gave regulatory authority over liquefied petroleum gas to the Railroad Commission.

The City of Sherman had an existing ordinance on the books, and it was amended after the Legislative change. This amendment “caught the attention” of the LPG lobby. They contacted the Attorney General and the AG ruled that the statute was retroactive and all City ordinances dealing with LPG were now ineffective.

The LPG lobby has sued every City in Texas that has an LPG ordinance. In discussions with the LPG Association’s attorney, they will drop from the lawsuit, any City that repeals their ordinance.

Mr. Shelby said essentially Sherman is repealing the ordinance because State law now controls it and the Legislature said it’s retroactive.

No citizens appeared before the City Council to discuss Ordinance No. 6024.

The Public Hearing was closed.

ADOPTION OF ORDINANCES

Ordinance 6021

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 IN THE 3800-4000 BLOCKS OF QUAIL RUN ROAD AND THE 1100-1300 BLOCKS OF SOUTH F.M. 1417 (HERITAGE PARKWAY), BEING LOT 2, BLOCK 1, COUNTRY RIDGE ESTATES NO. 10, CONTAINING 26.078 ACRES (GRAHAM MORTGAGE CORPORATION, OWNERS; MICHAEL R. COKER COMPANY, REPRESENTATIVE; AND ARCHON CORPORATION, ARCHITECT); PROVIDING FOR A REPEALER

ORD 6021
APARTMENT
COMPLEX
QUAIL RUN RD.
(APPEAL FROM
P&Z COMMISSION)

Council Member Couch asked citizens that live in Country Ridge or The Preserve, how the apartments have affected their property value.

Mr. Payne said they notice “a lot of foot traffic” from the apartments. The Aviation School is using one complex to house their students and as FM 1417 has gotten busier, there are more of those students walking through the fields.

Council Member Couch said his question is specifically about property values. Mr. Yearly said his property values have increased.

Council Member Steele verified with Mr. Coker that the request is for a portion of the property to be rezoned from C-1 and the rest to remain R-2. There is also an Overlay District

on a portion of the property. Mr. Coker said the Overlay District rules apply to that portion of the property, which is 500 feet off of the right-of-way line of FM 1417.

This Overlay District requires additional landscaping, but Mr. Coker said they intend to comply with the Overlay District requirements.

Council Member Teamann asked if the City Council chooses to uphold the decision of the Planning and Zoning Commission, do they have another use for the property, such as retail development. Mr. Coker said they did not have another use for the property.

Council Member Couch asked if any studies had been completed concerning traffic if the area is left zoned as C-1 and a business such as Wal-Mart located there. He felt that a retail or commercial business would add hundreds of vehicles to the roadway.

Mr. Coker said he actually developed Wal-Mart properties and the average Wal-Mart is well over 100,000 square feet and the Super Wal-Marts are 212,000 square feet “under roof.” If the Wal-Mart is a 24 hour facility, it generates traffic 24 hours per day, which would equate to about 25,000 trips. Mr. Coker added that they have not considered developing the property as C-1.

Council Member Teamann asked if the 4.5 acre tract that is currently zoned R-2, would be developed as apartments even if the other tract did not receive the zone change. Mr. Coker said the tract that is currently R-2 is available for development, however with the required setbacks and the easements, the 4.5 acre tract would not be developed as apartments by itself.

Council Member Brown said his property has more than doubled in the 34 years he has lived there. About a year ago, Seasons West was having traffic issues and the City put in speed bumps. He said there is a “backup” on FM 1417 sometimes, but if a traffic signal was installed that would help. He said he has not seen much of an increase in traffic.

Council Member Howeth verified that the property is already zoned for retail business, and she asked what other types of business could be located there now. Mr. Shadden said permitted uses for the current zoning could allow a mall, Wal-Mart, retail stores, and offices on the property.

Council Member Howeth said the Council is considering all their concerns, however there is a need for additional apartments in Sherman. She added that no one wants it in their neighborhood, however this property could end up being another Town Center.

COUNCIL MINUTES – APRIL 17, 2017

Council Member Teamann asked about the future land use map for that area. Mr. Hefton said the Comprehensive Master Plan was adopted in 2008/2009 and includes several maps. At that time, there was an evaluation by the consultant to address what the land use would be like now, as well as a future land use evaluation, to project over time what adequate uses would be.

Mr. Hefton said the future land use map for this parcel is designated as “suburban residential,” which would include multi-family. Mr. Shadden said the definition of suburban residential is increased density and closer building setbacks. It separates urban residential from countryside and estate. It includes more landscaping, open space, and distinguishes suburban residential from urban and auto-urban categories. Mr. Hefton added that the definition doesn’t specify the type of housing exactly.

Deputy Mayor Sofey added that the Comprehensive Master Plan is re-evaluated every 10 years because things change.

Council Member Couch asked for examples as to how the City has deviated from the Master Plan. Mr. Shadden said the City seldom deviates from the Master Plan, however there had been some cases. He could not immediately think of an example.

Council Member Couch verified that the current Master Plan is about due for an update, probably in 2018. Council Member Couch said the City is adding about 1,000 citizens to the City annually and he felt it is time to update the Master Plan.

Council Member Brown said he didn’t see a lot of “foot traffic” walking along FM 1417 and he felt the other apartments, such as Rain Tree, were pretty safe.

Council Member Steele said there is currently less than a three month inventory of apartments and that’s not good for a growing City. He also felt it was stereotyping to say apartments are not safe.

Mayor Plyler reminded everyone that the issue today is a zoning issue only.

ACTION TAKEN.

Motion by Council Member Brown to adopt Ordinance No. 6021, as presented. Second by Council Member Steele.

VOTING AYE: Brown, Couch, Howeth, Sofey, Steele, Teamann.

VOTING NAY: None.

MOTION CARRIED.

Ordinance 6022

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 8, SUBSECTION

ORD 6022
SUP FOR LIQUOR
STORE

(5)(A), ORDINANCE NO. 2280, SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW A LIQUOR STORE IN AN M-1 (LIGHT MANUFACTURING) DISTRICT / O-1.1 (FM 1417 OVERLAY) DISTRICT AT 1711 NORTH F.M. 1417 (HERITAGE PARKWAY), SUITE 700, BEING PART OF BLOCK 1, WESTERN HILLS ADDITION, SECTION 5 (SPAVINAW DEVELOPMENT, LLC, OWNERS; AYUSH CORP, DBA THUMBS UP LIQUOR & TOBACCO, TENANT; AND VIPAN SONI, REPRESENTATIVE); 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.

(1711 N. FM 1417)

ACTION TAKEN.

Motion by Council Member Teamann to adopt Ordinance No. 6022, as presented. Second by Council Member Couch.

VOTING AYE: Brown, Couch, Howeth, Steele, Teamann.

VOTING NAY: None.

ABSTAIN: Sofey.

MOTION CARRIED.

Ordinance 6023

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 LIQUOR STORE IN A C-1 (RETAIL BUSINESS) DISTRICT / O-1 (75 & 82 OVERLAY) DISTRICT AT 2916 NORTH U.S. HIGHWAY 75, SUITE 100, BEING LOT 4, SHAFER PLAZA (TAVA PROPERTY, LLC, OWNERS; NANDI BHATTARAI, APPLICANT; AND REGGIS LIQUOR #75, TENANT); 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 6023
SUP FOR LIQUOR
STORE
(2916 N. HWY 75)

Council Member Steele said he understood that Suite 100 is already leased. He asked if the issue had been resolved. Mr. Shadden said the owner signs the application.

Council Member Steele asked if the Council approves the request tonight, what happens if they can't use Suite 100. Mr. Shadden said if they change locations they would have to start over. The SUP would only be good for that particular space. Deputy Mayor Sofey verified that the request is for the entire square footage of the Jalapeno Tree Restaurant.

Council Member Howeth asked if there was any concern about the traffic that lines up for the Starbucks, near that location. It was not thought that would be a problem.

ACTION TAKEN.

Motion by Council Member Couch to adopt Ordinance No. 6023, as presented. Second by Council Member Howeth.

COUNCIL MINUTES – APRIL 17, 2017

VOTING AYE: Brown, Couch, Howeth, Sofey, Steele, Teamann.

VOTING NAY: None.

MOTION CARRIED.

Ordinance 6024

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, REPEALING ORDINANCE NO. 5878 IN ITS ENTIRETY; AMENDING CHAPTER 5 OF THE CODE OF ORDINANCES, ENTITLED "FIRE PREVENTION AND PROTECTION", ARTICLE 5.04, ENTITLED "LIQUEFIED PETROLEUM GAS", TO REGULATE LIQUEFIED PETROLEUM GAS WITHIN THE CITY'S JURISDICTION, ADOPTING THE TEXAS RAILROAD COMMISSION'S LP-GAS SAFETY RULES IN CONFORMITY WITH SECTION 113.054 OF THE NATURAL RESOURCES CODE; REPEALING ALL OTHER ORDINANCES OR PARTS THEREOF PURPORTING TO REGULATE LIQUEFIED PETROLEUM GAS WITHIN THE CITY'S JURISDICTION ONLY TO THE EXTENT THAT SUCH OTHER ORDINANCES OR PARTS THEREOF RELATE TO LIQUEFIED PETROLEUM GAS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES.

ORD 6024
LP GAS

ACTION TAKEN.

Motion by Council Member Couch to adopt Ordinance No. 6024, as presented. Second by Council Member Teamann.

VOTING AYE: Brown, Couch, Howeth, Sofey, Steele, Teamann.

VOTING NAY: None.

MOTION CARRIED.

TABLED AT THE FEBRUARY 6, 2017 CITY COUNCIL MEETING:

ADOPTION OF ORDINANCE NO. 6009

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 TRUCK REPAIR, STORAGE, RENTAL AND OFFICE FOR RYDER TRUCKS AND A GENERAL CONTRACTOR'S OFFICE AND STORAGE FACILITY IN A C-2 (GENERAL COMMERCIAL) DISTRICT / O-1.1 (FM 1417 OVERLAY) DISTRICT AT 4613 NORTH F.M. 1417 (HERITAGE PARKWAY), BEING 17.60 ACRES IN THE ALFRED HUMES SURVEY, ABSTRACT NO. 522 (SAPPHIRE GROUP, LLC, OWNERS; KYLE BOOTHE, REPRESENTATIVE; AND BLUESTONE DRAFTING & DESIGN, DESIGNER); 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 6009
SUP FOR TRUCK
REPAIR, STORAGE,
RENTAL OFFICE
(4613 N. FM 1417)

REMOVE FROM TABLE.

Motion by Deputy Mayor Sofey to remove Ordinance No. 6009 from table for consideration, as presented. Second by Council Member Couch.

COUNCIL MINUTES – APRIL 17, 2017

VOTING AYE: Brown, Couch, Howeth, Sofey, Steele, Teamann.

VOTING NAY: None.

MOTION CARRIED TO REMOVE FROM TABLE.

Kyle Boothe, Representative, said he has met with a couple of Council Members since the last meeting at which this was considered. This issue deals with the Specific Use Permit, while the Planning and Zoning Commission also dealt with an exception to landscaping on the front of the property.

Mr. Boothe said he hoped that if they committed to the five proposed items tonight, that the five year requirement on the exception, would be waived.

He said they were mainly talking about the building on the south side that “fronts” FM 1417. He said they are proposing to remove the large radio antenna and all angled support lines; paint the rusted conduit to match the façade of the metal buildings; paint the blue garage door on the north side to match the building; add four awnings as architectural elements; and install trees and bushes along the west fence line to improve the curb appeal and hide some of the garage doors on the south side. Mr. Boothe said they would also commit to maintaining landscaping, awnings, and paint.

Deputy Sofey said his original issues were not so much for that building as they were keeping in line with the FM 1417 Overlay District. He wanted to “hold them to some level of improvements.” He felt this was a great plan and the building would look a lot better.

ACTION TAKEN.

Motion by Deputy Mayor Sofey to adopt Ordinance No. 6009, as presented. Second by Council Member Teamann.

VOTING AYE: Brown, Couch, Howeth, Sofey, Steele, 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 Council Member Teamann. All present voted AYE.

CONSENT AGENDA

RESOLUTIONS

RESOLUTION NO. 6208 – AUTHORIZING THE EXECUTION OF A PROFESSIONAL CONSULTING SERVICES AGREEMENT WITH EIKON CONSULTING GROUP, LLC FOR THE DESIGN OF CITY OF SHERMAN FIRE STATION #4

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

**RES 6208
FIRE STATION #4
DESIGN**

**PROFESSIONAL CONSULTING SERVICES AGREEMENT
WITH EIKON CONSULTING GROUP, LLC FOR THE DESIGN
OF CITY OF SHERMAN FIRE STATION #4.**

Mr. Hefton said this agenda item is to approve a contract with Eikon, who is a consultant and engineering firm, to help design the relocated Fire Station #4. It will be moved west on FM 1417, into the Northgate Park area. The contract is about \$340,000 and the design will take approximately six months.

Mr. Hefton said the staff hopes to have the design completed and be moving dirt by the end of 2017 or the first part of 2018. The current contract is only for engineering and design services.

ACTION TAKEN.

Motion by Deputy Mayor Sofey to adopt Resolution No. 6208, as presented. Second by Council Member Steele.

VOTING AYE: Brown, Couch, Howeth, Sofey, Steele, Teamann.

VOTING NAY: None.

MOTION CARRIED.

**RESOLUTION NO. 6209 – AUTHORIZING EXECUTION OF A
SECOND AMENDMENT TO THE FAIRVIEW ELEVATED
WATER TANK USE AGREEMENT WITH NEW CINGULAR
WIRELESS PCS, LLC**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF A SECOND AMENDMENT TO THE FAIRVIEW ELEVATED WATER TANK USE AGREEMENT WITH NEW CINGULAR WIRELESS PCS, LLC.

RES 6209
CINGULAR WIRELESS
AGREEMENT FOR
FAIRVIEW WATER
TANK

Mark Gibson, Director of Utilities, said Cingular Wireless would like to add additional equipment on the Fairview Water Tower. They already have several pieces located there. If approved, the request will increase their rent by \$300 per month to offset the cost.

ACTION TAKEN.

Motion by Council Member Couch to adopt Resolution No. 6209, as presented. Second by Council Member Brown.

VOTING AYE: Brown, Couch, Howeth, Sofey, Steele, Teamann.

VOTING NAY: None.

MOTION CARRIED.

**RESOLUTION NO. 6210 – 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

RES 6210
RESIDENTIAL TAX
ABATEMENT
GUIDELINES

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.

Mr. Hefton said this is an administrative action needed by the City Council. The City is required by law to bring this issue back every two years to reauthorize participation in the Residential Tax Abatement Program.

Over the life of the program, Mr. Hefton said the City has incentivized hundreds of builders and has put over \$20 million back on the tax rolls, through this program.

ACTION TAKEN.

Motion by Council Member Brown to adopt Resolution No. 6210, as presented. Second by Deputy Mayor Sofey.
VOTING AYE: Brown, Couch, Howeth, Sofey, Steele, Teamann.

VOTING NAY: None.

MOTION CARRIED.

RESOLUTION NO. 6211 – AUTHORIZING EXECUTION OF AN AGREEMENT WITH TOBARS PROPERTIES, LLC FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 409 EAST WILSON AVENUE

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN AGREEMENT WITH TOBARS PROPERTIES, LLC FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 409 EAST WILSON AVENUE.

CONSENT AGENDA.

RES 6211
RESIDENTIAL TAX
ABATEMENT
(409 E. WILSON)

OTHER BUSINESS

DISCUSSION OF THE CITY OF SHERMAN'S PANHANDLING / RIGHT-OF-WAY SAFETY REGULATIONS

Mr. Shelby said several years ago the City adopted an ordinance for right-of-way safety. The ordinance made it illegal to step into the roadway to solicit anything.

PANHANDLING &
ROW SAFETY

Deputy Mayor Sofey asked to discuss the issue with the City Attorney in Executive Session.

He felt, when the ordinance was adopted, there was a vast improvement for a short time with the safety issue. However, there have been issues recently of people walking up and down the highway at the red light and it is creating a larger issue. Mr. Shelby said that is illegal, both under the City's ordinance and under State law.

He said if the Council wanted to discuss "beefing up" this ordinance in light of recent Supreme Court decisions, he would prefer to discuss it in Executive Session, under Section 551.071 of the Government Code.

AUTHORIZING EMERGENCY REPAIRS TO THE SHEPHERD DRIVE 1 WOODBINE WATER WELL

The City Council approved the request for emergency repairs to the Shepherd Drive 1 Woodbine Water Well. The pump has failed and requires immediate replacement.

WATER WELL
REPAIRS
WOODBINE WELL

This well is one of the primary wells that provide water to the City of Sherman. With the oncoming high summer water demands, it is imperative that the well be repaired as quickly as possible to maintain the City's groundwater supply capability.

Normally the repairs would take between three and four months, if no problems were encountered. It is anticipated that the repairs can be completed in approximately three weeks under emergency conditions.

CONSENT AGENDA.

APPROVE THE QUARTERLY INVESTMENT REPORTS FOR QUARTER ENDED MARCH 31, 2017

The City Council approved the Quarterly Investment Report for the quarter ended March 31, 2017.

QUARTERLY
INVESTMENT
REPORT

As of March 31, 2017, the portfolios were in compliance with applicable State laws and the Investment Policy. The Operating Investment Portfolio had a book value of about \$17.3 million, an increase of about \$2.6 million from prior quarter, due to a security and a Certificate of Deposit purchase, additional deposits to the Local Government Investment Pool, a maturity and a CD renewal.

The underlying investments were adequately diversified among four different types of securities and is appropriately liquid. Its weighted-average maturity was about 447 days, a decrease of 23 days from last quarter. The portfolio yield of 1.093% for the quarter is higher than the benchmark yield of 1.03%, and the portfolio value on the City's books is essentially equal to the market value of the overall portfolio.

The Debt Proceeds Portfolio balance of \$25.2 million had increased by \$17.2 million due to the receipt of the 2017 Certificate of Obligation proceeds. The portfolio was invested in a Local Government Investment Pool and an FDIC insured money market account, both with a maturity of one day.

Other transactions included the addition of interest income and approximately \$1.6 million for project payments. The yield of .57% was below the benchmark yield of .74% for this portfolio. Book value and market value were about the same.

CONSENT AGENDA.

REPLAT APPROVAL OF TRACT 3, WEST CANYON CREEK ESTATES, SECTION 3, BEING 24.611 ACRES IN THE JAMES B. VADEN SURVEY, ABSTRACT NO. 122 AND ALSO BEING ALL OF TRACT 3, WEST CANYON CREEK ESTATES,

APPROVAL OF
REPLAT
CANYON CREEK
ESTATES

SECTION 3; WEST CANYON CREEK ESTATES, LTD AND LYNN VESSELS, OWNERS; AND UNDERWOOD DRAFTING AND SURVEYING, SURVEYOR (4100-4200 BLOCKS OF WEST LAMBERTH ROAD)

The City Council approved the Replat of Tract 3, West Canyon Creek Estates, Section 3, which is 24.611 acres, located in the 4100 to 4200 blocks of West Lamberth Road, and was a part of the former County Farm property. The owners would like to replat the property into three lots.

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

CITIZENS REQUESTS

DRAINAGE ISSUES AT 207 SOUTH DEWEY AVENUE

Lauri Hanson, 64 Campground Road, referenced the property east of 207 South Dewey Avenue, which is being washed away by a creek. She began working at Tom's Auto Body in 2005 and said there was a chain link fence along the property line. At that time the creek was about five foot from the fence.

She said workers have cleaned the creek repeatedly and have enlarged it toward the west, the property at 207 South Dewey. Concrete bags have been stacked on the east side of the creek to protect that property. She estimated that the creek is now 10 to 20 foot wide, and has eroded underneath the chain link fence. She said the property is hanging in mid-air, held up by the fence.

Ms. Hanson said it is private property, but it is a flood zone. She said it is endangering a State-licensed facility. She said the dirt has washed down the creek. Ms. Hanson said the infrastructure of Sherman needs to be maintained.

Mr. Hefton said there is only so much the City can do on private property and he said a lot of this issue has to do with property adjacent to Tom's Auto Body. However, he could not say that it hadn't been done in the past.

He did not know if that particular property was in the floodway or flood zone, but said the staff would review the situation. Waterways do erode, and the City would take care of the area around City water and sewer pipes. He said there are many Federal regulations about moving dirt in and out of the creeks.

Mr. Hefton reiterated saying the staff will take a look at the situation, but there is only certain things they can do in the floodway, by law. He said if a neighbor is causing problems for a property owner, it may be a civil problem with the neighbor.

**DRAINAGE ISSUES
AT 207 S. DEWEY**

MEDIA QUESTIONS

There were no media questions.

COUNCIL COMMENTS

SERVICE DOGS

Council Member Howeth said everyone was in favor of citizens that need service dogs having them. However, it has come to her attention recently that someone took a Pit Bull dog into McDonald's with a vest that said "service dog." Another patron took a small dog in there with a service dog vest and had the dog on the table.

She asked the staff to review the regulations and legal ramifications of how they are classified and whether or not we need a City ordinance.

RESIDENTIAL TAX ABATEMENT

Deputy Mayor Sofey said the City's participation in the Residential Tax Abatement Program is a great program. He said the City has been doing that for a long time and is far ahead of other cities because of the program.

FARMER'S MARKET

Council Member Steele said he attended the Farmer's Market this weekend and wanted to encourage the citizens to enjoy the fresh vegetables grown by local growers.

TRAFFIC CONGESTION ON FM 1417

Council Member Couch recognized the citizens that attended from Country Ridge Estates and The Preserve. He said in terms of traffic, he would be willing to help them write letters to the Texas Department of Transportation about the congestion on FM 1417. He said Swan Ridge Drive will open and the City is excited about that extension. He wanted to keep an open dialogue with the residents.

COUNTRY RIDGE ESTATES AND THE PRESERVE

Council Member Teamann said he also appreciated citizens from Country Ridge Estates and The Preserve attending the meeting. He said he also owns property there that is leased out.

BIKE MONTH

Council Member Teamann said May is Bike Month and the citizens are gearing up for some awareness about bicycles.

CITY EMPLOYEE SALARIES

Council Member Teamann said he would like to look into the pay that City employees are getting. He wanted to be sure all staff is "on par" with the peer cities. He wanted to make sure Sherman can "keep good people."

Mr. Hefton said employee pay will be discussed during the annual budget meetings.

MEDIA QUESTIONS

SERVICE DOGS

**RESIDENTIAL
TAX ABATEMENT**

FARMER'S MARKET

**TRAFFIC CONGESTION
ON FM 1417**

**COUNTRY RIDGE
ESTATES & THE
PRESERVE**

BIKE MONTH

**CITY EMPLOYEE
SALARIES**

ANNOUNCEMENTS

Mayor Plyler announced the following:

- Earth Day will be held Saturday, April 22, 2017, on the Municipal Building Grounds.

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 551.074

PERSONNEL MATTERS
CONSIDER THE QUALIFICATIONS, APPOINTMENT AND REMOVAL OF MEMBERS TO BOARDS AND COMMISSIONS:
PLANNING AND ZONING COMMISSION

SECTION 551.087

DELIBERATE 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 6:29 p.m.

On Motion duly made and carried, the Executive Session recessed at 7:20 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

COUNCIL MINUTES – APRIL 17, 2017

ADJOURNMENT

On Motion duly made and carried, the meeting adjourned at 7:21 p.m.

ADJOURNMENT

MAYOR _____

CITY CLERK