STATE OF TEXAS §

April 16, 2012

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 16, 2012.

MEMBERS PRESENT: MAYOR BILL MAGERS; DEPUTY MAYOR WILLIE STEELE. COUNCIL MEMBERS HOWETH, PLYLER, 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 March 19, 2012. Council Member Smith moved to approve the Minutes as presented; Second by Deputy Mayor Steele. All present voted AYE.
MOTION CARRIED.

PRESENTATION OF FLAG FLOWN DURING OPERATION IRAQI FREEDOM

SPECIAL PRESENTATION
ACCEPTING OUR NATION'S FLAG, FLOWN OVER COMBAT LOGISTICS BATTALION, CAMP FALLUJAH, IRAQ DURING OPERATION IRAQI FREEDOM, PRESENTED BY RICHARD A. PELLEY ON BEHALF OF DR. SALEEM A. KHAN, M.D. (CAPTAIN IN THE U.S. NAVY)
Richard Pelley appeared representing Dr. Saleem A. Khan, M.D., a local doctor practicing in Sherman since 1977. Dr. Khan also serves as a Captain in the U.S. Navy, with the rank equivalent of a Colonel in the U.S. Marine Corps.

Dr. Khan asked Mr. Pelley to present a United States Flag that was flown over Camp Fallujah in Iraq during Operation Iraqi Freedom. At the time, Captain Khan was the Officer in Charge of the camp.

Mr. Pelley added that Dr. Khan is a nationally recognized surgeon and has received many honors. During the last 10 years he has spent a great deal of his time in the military overseas, including seven combat tours.

Dr. Khan is presently on temporary duty at the University of Texas at Houston. He is well recognized as an expert in acute care surgery and he is teaching other military personnel.

Dr. Khan has been awarded the Leonard Tow Humanism in Medicine Award in 2011, which has only been awarded to 11 other physicians.

Mr. Pelley also presented the Council with a Certificate of Authenticity, confirming that this flag was flown over Fallujah Surgical Company Combat Logistics Battalion Five, Camp Fallujah, Iraq during Operation Iraqi Freedom, and signed by the Officer in Charge.

Mayor Magers thanked Dr. Khan for the historical presentation to the Sherman City Council, adding that he was a "heck of a surgeon and a heck of a good guy." He also thanked Mr. Pelley for appearing before the Council.

PROCLAMATION
"TEXOMA EARTH DAY FESTIVAL DAY" – APRIL 21, 2012

TEXOMA EARTH DAY FESTIVAL DAY (APRIL 21, 2012)

Council Member Wacker presented a proclamation to Marla Loturco designating April 21, 2012 as "Texoma Earth Day Festival Day".

Ms. Loturco thanked the City Council for the proclamation. This is the 4th Annual Earth Day Festival in Sherman and she distributed a handout with a schedule for the day's activities.

INTRODUCTION AND PUBLIC HEARING OF ORDINANCES

ORD 5738 ZONE CHANGE (4000-4200 BLOCKS OF N. TRAVIS STREET)

Mayor Magers introduced Ordinance 5738 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 4000-4200 BLOCKS OF NORTH TRAVIS STREET (CREED CANYON PARTNERS, LTD, OWNERS; MATTHEW LOONEY, REPRESENTATIVE; CROSS ARCHITECTS, PLLC, ARCHITECTS; VILBIG AND ASSOCIATES, ENGINEERS; AND SARTIN AND ASSOCIATES, INC., SURVEYORS); PROVIDING FOR A REPEALER.

No citizens appeared before the City Council to discuss Ordinance 5738.

ORD 5739 ZONE CHANGE (4701 CAMP VERDE CIRCLE)

Mayor Magers introduced Ordinance 5739 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 SF-1 (SINGLE FAMILY RESIDENTIAL) DISTRICT AT 4701 CAMP VERDE CIRCLE AND 100 NORTH CREEK DRIVE WEST (FIRST TEXOMA NATIONAL BANK, OWNERS; VILBIG AND ASSOCIATES, ENGINEERS; AND HELVEY AND ASSOCIATES, SURVEYORS); PROVIDING FOR A REPEALER.

No citizens appeared before the City Council to discuss Ordinance 5739.

The Public Hearing was closed.

ADOPTION OF ORDINANCES

Ordinance 5738

ORD 5738 ZONE CHANGE (4000-4200 BLOCKS OF N. TRAVIS STREET)

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Mayor Magers said as the Chairman of the Metropolitan Planning Organization, they have spent a lot of time and energy, as well as Texas Department of Transportation dollars, trying to improve the intersection at Pecan Grove Road and Travis Street on the west side of Wal-Mart. That project is going out for bid this month.

In the coming weeks, a traffic signal will be located at the intersection and it will be reconfigured to relieve some of the traffic congestion. The MPO has been considering this intersection for three years and the project has been designed to spur development.

The proposed apartments will be a good buffer between retail and residential areas. One of the concerns has been that intersection, but due to the hard work of the MPO and TxDOT, it will be reworked and should be a great intersection.

Council Member Wacker asked if there were any special requirements for the apartment complex for the ingress and egress into their facility. Mark Gibson, Director of Engineering and Utilities, said they will have an approach on Travis Street, north of the intersection and they will be required to apply to TxDOT for a driveway permit. There will probably be some restrictions pertaining to deceleration lanes.

Ordinance 5739

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ACTION TAKEN.

Motion by Deputy Mayor Steele to approve Ordinance Nos. 5738 and 5739, as presented. Second by Council

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

CONSENT AGENDA

CONSENT AGENDA

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

RESOLUTIONS

RESOLUTION NO. 5663 – AUTHORIZING EXECUTION OF AN ENCROCHMENT EASEMENT TO DIANE CURRAN FOR THE CONSTRUCTION OF A SUNROOM IN A 20' DRAINAGE AND UTILITY EASEMENT IN LOT NO. 31 OF BLOCK NO. 3 OF THE WASHINGTON PLACE ADDITION TO THE CITY OF SHERMAN (2311 CHANDLER COURT)

RES 5663 ENCROACHMENT EASEMENT (2311 CHANDLER COURT)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN ENCROACHMENT EASEMENT TO DIANE CURRAN FOR THE CONSTRUCTION OF A SUNROOM IN A 20' DRAINAGE AND UTILITY EASEMENT IN LOT NO. 31 OF BLOCK NO. 3 OF THE WASHINGTON PLACE ADDITION TO THE CITY OF SHERMAN (2311 CHANDLER COURT).
CONSENT AGENDA.

RESOLUTION NO. 5664 – AUTHORIZING EXECUTION OF A DEVELOPMENT AGREEMENT WITH DGR DEVELOPMENT GROUP, LTD. FOR THE CONSTRUCTION OF PUBLIC FACILITIES CROSSING LAMBERTH ROAD IN THE CITY OF SHERMAN

RES 5664 DEVELOPMENT AGREEMENT TO CROSS LAMBERTH RD

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF A DEVELOPMENT AGREEMENT WITH DGR DEVELOPMENT GROUP, LTD. FOR THE CONSTRUCTION OF PUBLIC FACILITIES CROSSING LAMBERTH ROAD IN THE CITY OF SHERMAN.
CONSENT AGENDA.

RESOLUTION NO. 5665 – APPROVING THE GREATER TEXOMA UTILITY AUTHORITY'S INTENTION TO CONTRACT WITH XYLEN WATER SOLUTIONS USA, INC. / FLYGT PRODUCTS FOR THE PURCHASE OF TWO SUBMERSIBLE PUMPS FOR THE HEADWORKS LIFT STATION AT THE WASTEWATER TREATMENT PLANT

RES 5665 WWTP LIFT STATION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, APPROVING THE GREATER TEXOMA UTILITY AUTHORITY'S INTENTION TO CONTRACT WITH XYLEN WATER SOLUTIONS USA, INC. / FLYGT PRODUCTS FOR THE PURCHASE OF TWO SUBMERSIBLE PUMPS FOR THE HEADWORKS LIFT STATION AT THE WASTEWATER TREATMENT PLANT.
CONSENT AGENDA.

RES 5666
WWTP LIFT STATION

<u>RESOLUTION NO. 5666 – APPROVING THE GREATER TEXOMA UTILITY AUTHORITY'S INTENTION TO CONTRACT WITH TPC CONTROLS, INC. FOR WASTEWATER TREATMENT PLANT HEADWORKS LIFT STATION VOLUNTARY FREQUENCY DRIVE IMPROVEMENTS</u>
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, APPROVING THE GREATER TEXOMA UTILITY AUTHORITY'S INTENTION TO CONTRACT WITH TPC CONTROLS, INC. FOR WASTEWATER TREATMENT PLANT HEADWORKS LIFT STATION VOLUNTARY FREQUENCY DRIVE IMPROVEMENTS.
CONSENT AGENDA.

REQ TO ADVERTISE
WATER WELL
REPAIRS

<u>REQUEST TO ADVERTISE</u>
<u>REPAIRS TO STEPHENS 1 TRINITY AND OLD SETTLERS PARK 1 TRINITY WATER WELLS</u>
The City Council approved the request to advertise for repair of the Stephens 1 Trinity and Old Settlers Park 1 Trinity Water Wells. The pumps at both wells have deteriorated and need to be pulled and inspected. Repairs or replacement may be required.
CONSENT AGENDA.

DOWNTOWN
STREETSCAPE
PROJECT

<u>DOWNTOWN SHERMAN STREETSCAPE PROJECT</u>
The City Council approved the request to advertise for bids for the Downtown Sherman Streetscape Project. In 2009 the City was interested in improving the pedestrian amenities in the downtown area, and applied for a Federal grant through TxDOT. The grant was awarded to the City on July 29, 2010.

The goal of the project was to remove the large striped areas and create pedestrian friendly plazas. The project includes sidewalks and trees in areas around the square and along Houston and Lamar Streets between the square and U.S. Hwy 75.
CONSENT AGENDA.

<u>OTHER BUSINESS</u>

SEDCO QUARTERLY
PROGRESS REPORT

<u>RECEIVE QUARTERLY PROGRESS REPORT FROM SHERMAN ECONOMIC DEVELOPMENT CORPORATION BOARD SECRETARY CHRIS PENDERGRASS AND SEDCO PRESIDENT SCOTT CONNELL</u>
Scott Connell, President of the Sherman Economic Development Corporation, explained that Chris Pendergrass was unable to attend the meeting and he would be presenting the quarterly progress report.

Mayor Magers commended Mr. Connell for a presentation he did last week for a prospect. Sherman didn't get the company, however he said Mr. Connell had done a great job.

Mr. Connell said he began working with SEDCO on February 15, 2012. During the last quarter, Halco Rock Tools announced their relocation to a facility in Midway Industrial

Park. The project includes an investment of $8 million and the creation of 20 new jobs over the current 20 that they employ.

SEDCO's last installment was also paid to Cooper B-Line for their completion of the expansion of their facility and the addition of $3.3 million in equipment. The final incentive check was $132,000.

Last year GlobiTech announced three separate projects for the investment of equipment and expansion. One of those projects has been completed and they are moving forward with the other two projects. The three projects include $52.2 million in investments.

SEDCO is also focused on moving forward in Progress Park as a developer and not just a land owner. There are four different opportunities and they want to stay very active in promoting the market.

Mr. Connell said they continue to maintain relationships with companies that have already announced such as Panda Energy, GlobiTech, Sunny Delight, Austin College, and Alpla. All are moving forward with their projects.

He added that there are a lot of opportunities for expansion with the local companies, and SEDCO feels that is an important part of their job.

Mr. Connell said SEDCO was recognized by the Dallas Business Journal as the number one regional economic development agency for 2011. The ranking is based on announced investments and the amount would have ranked Sherman number eleven overall for the Metroplex.

Utilities have also been transferred at the Youth Center and SEDCO is managing the facility.

During the quarter, SEDCO submitted initial proposals for seven projects and hosted three site visits. There are some great things to sell for the community. He added that they also met with the president and the chairman of Panda Power and they are moving forward.

Mayor Magers asked about the Flex-ing project. Mr. Connell said Flex-ing was working on an in-house expansion project that required the moving of utilities. He thanked the City staff for working with the company to change the infrastructure. SEDCO is participating in the cost of the infrastructure because it does benefit Midway Industrial Park as a whole.

ANIMAL SHELTER'S ADOPT-A-THON

<u>RECEIVE CHIEF ANIMAL CONTROL OFFICER SCOTT PARKER'S REPORT ON THE SHERMAN ANIMAL SHELTER'S ADOPT-A-THON SCHEDULED FOR SATURDAY, MAY 5, 2012</u>

Scott Parker, Chief Animal Control Officer, appeared with an adoptable puppy and kitten, to brief the City Council on the upcoming Adopt-A-Thon. This is the 17th year the City has participated in the national event. Hundreds of other animal shelters and humane organizations team up to sponsor the annual event to find new homes for as many pets as possible.

This year's Adopt-A-Thon will be held on May 5, 2012, from 9:00 a.m. until 4:00 p.m. He invited the City Council as well as citizens to the event.

The adoption trailer will also be located at the Earth Day Festival on the Municipal Building Grounds on April 21, 2012, from 9:00 a.m. to 4:00 p.m.

Mayor Magers thanked Mr. Parker and his staff for the great job they do at the Animal Shelter.

COMPREHENSIVE MASTER PLAN UPDATE

RECEIVE CITY ENGINEER CLAY BARNETT'S PRESENTATION ON THE CITY OF SHERMAN'S COMPREHENSIVE MASTER PLAN

Clay Barnett, City Engineer, updated the City Council on the 2009 Comprehensive Master Plan, which is designed as a framework for guiding future development, redevelopment, and community enhancement for the next 20 years and beyond.

He outlined the highest priorities that were determined during the Master Plan process and updated the Council on their status. One priority was to update and enhance the development regulations, with goals to create a Highway 289 Overlay District, update and enhance the zoning and subdivision ordinances, and create water and wastewater design guidelines and standard construction details.

The staff is also working to enhance the Geographic Information System, GIS, which will include storm water infrastructure mapping, water valves and fire hydrant mapping, and the FEMA flood maps. Mayor Magers asked if the GIS system would be made available to the public. George Olson, City Manager, said that is still the goal.

The City also plans to complete the Post Oak Creek Flood Protection Planning Project by September 2012, which will give a list of projects that are needed to alleviate flooding in Sherman.

Another new project is the Neighborhood Revitalization Pilot Program. Many of the community parks have already been updated. However, there are many smaller, neighborhood parks that have suffered through past budget cuts. The emphasis of the Neighborhood Revitalization Program will be Fielder Park.

Another goal this year is to complete an assessment of the current park inventory and maintenance levels and how they are utilized.

The City continues to pursue annexations on a voluntary or as needed basis and expects to annex an area near S.H. 289 and Washington Street in the near future.

The contract for the Downtown Sherman Streetscape Project is expected to be on the May 21, 2012 City Council Agenda. It is anticipated that construction will begin in early June and be complete by September 2012.

Another goal for this year is to install illuminated street name signs at the traffic signals around the square.

The Street Sales Tax Initiative has gone a long way toward meeting the goals of roadway system maintenance. The City will begin to see proceeds from the recent Sales Tax Election in June 2012.

The City continues to leverage other monies when possible, such as the projects funded by the Metropolitan Planning Organization.

Mayor Magers asked about the Loy Lake Road Reconstruction. Mr. Barnett said that is Loy Lake Road between U.S. Hwy 82 and Pecan Grove Road. Mayor Magers asked if the plan was still to move Sam's entrance to Gallagher Road. Mr. Barnett said the staff is still working with them, however it is "not looking good."

Mayor Magers congratulated Mr. Olson and the staff for their hard work with the Comprehensive Master Plan. He added that he doesn't like consultants and was originally concerned about spending $250,000 for the study. He did not want it to "sit on the shelf" and not be used. He complimented the staff for actually "working the plan."

DOWNTOWN DEVELOPMENT ORDINANCE

<u>RECEIVE PRESENTATION FROM DOWNTOWN SHERMAN PRESERVATION & REVITALIZATION PRESIDENT DAVID BACA ON A PROPOSED DEVELOPMENT ORDINANCE FOR DOWNTOWN</u>

Mayor Magers introduced David Baca, President of Downtown Sherman Preservation & Revitalization, to present a proposed development ordinance for downtown. Mayor Magers understood that Mr. Baca wanted to discuss the strong points of the ordinance, the purpose of the ordinance, and how it affects current property owners.

Mr. Baca said the ordinance has been "in the works" for a couple of years and was developed through several community forums with local citizens and downtown property owners. They also reviewed the national "smart code" and other city's codes to help design a strong ordinance to encourage development and give developers

an assurance of what would happen with downtown development in the future.

Mr. Baca said the boundaries for the ordinance would be, from north to south, Washington Street to Jones Street, and from east to west, from Montgomery Street to U.S. Hwy 75.

The area is then divided into two Transect Zones, which determine the building uses allowed, the density, and the architecture. The T-4 Zone is a general urban zone, from one to three stories, but not the densest area. The requirements do include landscaping and the property owner would be required to take care of the landscaping directly in front of them. With this, the requirements would be a public and private partnership.

The T-5 Zone will be the densest zone and is an urban center which will generally be located along Travis Street and around the square. It allows two to five stories and zero lot line setbacks, and is a high density area. Both zones also include architectural standards, with minimum standards for building materials.

The Arts and Cultural Zone would be in the area of the Kidd-Key Auditorium and would feature a campus-like setting, with larger building setbacks, generous landscaping, and architectural standards similar to the Kidd-Key Auditorium.

The other Transect is for "first floor use" and would include multi-use functions in one building. The first floor might be retail, and the upper floor might be living quarters.

The thought was to consolidate more of the retail in a denser area that is more walkable, which would also encourage more retail to move into the downtown area, rather than spreading out over a 30 block area. This would encourage retail usage mainly on Travis Street and around the square.

Mr. Baca said they have not determined some of the submission guidelines, the appeal procedures, and the establishment of a review board. They want to partner with the City to present an ordinance that would be acceptable to everyone.

Mr. Baca asked the City Council to recommend that the staff begin the review process on the proposed ordinance. He hoped that the ordinance could be ready for adoption within at least a year.

He addressed how the ordinance would affect current property owners. Mr. Baca said they are recommending that any existing business or building basically keeps its current use. He added that maybe there is a way that can be phased out over time if the building's current use would not fit within the proposal, especially the first floor usage.

Mayor Magers said the City currently has a review board in the Planning and Zoning Commission and an appeal process already in place. He asked if they were proposing the addition of another layer of "red tape" to the process. Mr. Baca said the review board could be the Planning and Zoning Commission rather than a new board.

Mayor Magers asked what Mr. Baca meant by a "strong ordinance." Mr. Baca said he meant a more specific ordinance that talked in more detail about how a business should look. Setbacks might be more specific to enhance the urban character for the downtown area.

Mayor Magers verified that currently the setbacks downtown were zero. He said when he heard "stricter" and "more specific," he also heard "more difficult." He asked Mr. Baca how the proposed changes would make it easier to drive investment in downtown Sherman.

Mr. Baca said he meant an ordinance that was more definite. The existing landscape ordinance is very broad. The proposed landscape would be more specific and would include a list of "approved street trees" which would be the proper trees to use in the downtown area. The ordinance also specifies how many stories the property owner should use and how second floor windows should look.

Mr. Baca also addressed the types of materials that would be allowed downtown, saying that they had loosened the requirements. Mayor Magers said the reason the City Council had prohibited metal buildings downtown several years ago, was because DSP&R had requested the prohibition. Even today, the Planning and Zoning Commission can grant a variance for a metal building downtown if they feel it would be beneficial to development.

Mayor Magers questioned why more regulations were needed and did not like a government entity telling people what color to paint their building or how their windows should look. He wanted to make it easier to do things downtown and questioned red tape and bureaucracy. He said he was a big believer in property rights.

Council Member Wacker said the Heritage Park Overlay District addressed architectural features that needed to be incorporated on buildings so there weren't big, blank facades. The ordinance addressed articulation, scale, and different materials that could be used.

She added that the downtown area is unique and each building adjoins the next building so the storefronts are even. The sidewalks are even widths and there are display windows and other items that make the downtown area feel safe and walkable and give an ambiance of window shopping.

Council Member Wacker felt the proposed ordinance did address some of these items, and felt the Planning and Zoning Commission and the staff should review the proposal to assure that it coordinates with the other ordinances in place, but also works with the uniqueness of downtown to encourage development.

Mayor Magers verified that the proposed ordinance was currently 39 pages, however Mr. Baca said there were many illustrations included to help explain the ordinance. Deputy Mayor Steele felt it was a "working ordinance" and there were some items for the staff to review and for the City Council to consider. He said he agreed with both sides. He didn't want an overly restrictive ordinance that would deter development.

Mr. Baca said the ordinance currently did not address the percentage of windows for a building, but it did prohibit the second floor from being a big, blank wall. It does discuss the articulation of windows.

Council Member Smith asked how that makes it easier for someone to build a building in downtown when you are specifying the number of windows and the distance apart that they should be. How do more restrictions make it easier for someone to do business downtown? Council Member Smith said he owned a building downtown and he did not want to be told how many windows he would be required to have in a second floor building.

Mr. Baca said the ordinance doesn't address how many windows would be required, but it does address a percentage of the space. Downtown is a very specific neighborhood and is very dense. There are zero lot lines and not 200 feet between buildings. The design is there to encourage a walkable neighborhood and development.

Retail businesses will be more likely to move to a neighborhood that has a better "feel" to it than one that looks like an industrial park with brick buildings and no windows.

Mr. Baca said they are trying to build a certain character to the downtown and he encouraged the Council to read the proposed ordinance. Mayor Magers said he would be a "hard sell" on this issue. He agreed there are things that can be done downtown to make it more appealing, but he felt that downtown Sherman will change with the demographics of Sherman, Texas. The Council needs to make it easy to bring money downtown and do business downtown.

Mayor Magers felt the "driver" for downtown would be the County Court House and anything done needs to keep that in mind. He wanted DSP&R to be aware of the concerns about more regulations.

ACTION TAKEN.

Motion by Deputy Mayor Steele to start the process and began a review of the proposed ordinance. Second by Council Member Smith.

Mr. Olson asked the Council what their expectations were from the staff, on the review. Mr. Baca is proposing the draft ordinance and the staff will review it, but what do you want the staff to do. He asked if they wanted the staff to draft the ordinance or review the proposal. The ordinance is not complete and will be incomplete when the staff reviews it.

Mr. Baca said they are asking that the process be started. The implementation is a big part of what's missing in the proposed ordinance, but DSP&R is open to the staff's suggestion.

Deputy Mayor Steele suggested that the proposed ordinance be reviewed by Scott Shadden, Director of Development Services. He did not feel it was ready for review by a committee. Mr. Olson expressed concern about the procedure.

Mayor Magers said there is an ordinance currently in place on what can and can't be done downtown. He was concerned about the enforcement cost of the proposed ordinance.

Mr. Olson said DSP&R is bringing the proposed ordinance forward and asking the City to consider "something." The plan is to turn it over to the staff to see if they agree with the proposal. That's really not the place of the staff. The staff should review the proposal to determine if it can fit into the framework of the current ordinance. The staff can do that, but where do we go from here.

He suggested that Mr. Shadden review the proposed ordinance and bring back a report about what it consists of. Then a determination can be made about the next step.

Mayor Magers suggested that DSP&R "fill in the blanks" of the proposed ordinance and bring it to the City for review. Mr. Shadden said he would be glad to meet with Mr. Baca and condense the ordinance into "bullet points" for consideration, and then an ordinance could be written.

ACTION TAKEN.

Motion by Deputy Mayor Steele to amend his motion to direct the staff to prepare a "bulleted" outline of the proposed downtown ordinance to bring back for Council discussion. Second by Council Member Smith.

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

REPLAT APPROVAL AUSTIN LANDING (4600-5100 BLOCKS OF N. TRAVIS STREET)

<u>REPLAT APPROVAL OF AUSTIN LANDING ADDITION, PHASE 1; BEING 30.243 ACRES IN THE ALEXANDER & RICHARDS SURVEY, ABSTRACT NO. 42; FIRST TEXOMA NATIONAL BANK, MARK E. BURKES, JASON E. WALL AND LINDA D. LOTT, OWNERS; VILBIG AND ASSOCIATES, ENGINEERS; AND HELVEY AND ASSOCIATES SURVEYORS (4600-5100 BLOCKS OF NORTH TRAVIS STREET)</u>

The City Council approved the Replat of Austin Landing Addition, Phase 1, located in the 4600 to 5100 blocks of North Travis Street. The owners of the 30.243 acre tract would like to replat the property from 77 lots into 83 lots for residential development.

The Planning and Zoning Commission recommended approval of the Replat.
CONSENT AGENDA.

CITIZENS REQUESTS

<u>CITIZENS REQUESTS</u>

There were no citizen's requests.

MEDIA QUESTIONS

<u>MEDIA QUESTIONS</u>

There were no media questions.

<u>COUNCIL COMMENTS</u>

EARTH DAY

<u>EARTH DAY</u>

Council Member Smith reminded citizens about the upcoming Earth Day.

RECOGNITION OF SHS STUDENT

<u>RECOGNITION OF SHERMAN HIGH SCHOOL STUDENT</u>

Council Member Howeth recognized Dani Jarvis, Sherman High School Student, who helped spearhead a program at SHS called 3D, which deals with bullying, and urges compassion and understanding between students.

The program was created by Ms. Jarvis and Symantha Murray, Family Career and Community Leaders of America Teacher and Sponsor.

The 3D program won "first" in State at the recent FCCLA competition, and participants will travel to Orlando, Florida in July to present their program at the National competition.

EXECUTIVE SESSION

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

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:

RECEIVE THE CITY ATTORNEY'S BRIEFING ON PENDING LITIGATION

SECTION 551.074 **PERSONNEL MATTERS CONSIDER THE QUALIFICATIONS, APPOINTMENT AND REMOVAL OF MEMBERS TO BOARDS AND COMMISSIONS: SHERMAN HIGHER EDUCATION FINANCE CORPORATION (7)**

On Motion duly made and carried, the Open Meeting recessed and reconvened in Executive Session at 6:11 p.m.

On Motion duly made and carried, the Executive Session recessed at 6:37 p.m. and reconvened in Open Meeting.

OPEN MEETING

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

SHERMAN HIGHER EDUCATION FINANCE CORPORATION

<u>APPOINT/REMOVE OR CONSIDER QUALIFICATIONS TO BOARDS AND COMMISSIONS:</u>
<u>SHERMAN HIGHER EDUCATION FINANCE CORPORATION (7)</u>
ACTION TAKEN.

Motion by Deputy Mayor Steele to reappoint William W. Richardson, Dr. Al Hambrick, Rad Richardson, Jerry Chapman, Delinda N. Lough, and George Rowland, and to appoint Paul M. Bean to the Sherman Higher Education Finance Corporation Board for a term from April 18, 2012 to April 18, 2014. Second by Council Member Smith.

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

ADJOURNMENT

<u>ADJOURNMENT</u>
On Motion duly made and carried, the meeting adjourned at 6:39 p.m.

____
MAYOR

____
CITY CLERK