

March 20, 2017

MEMBERS PRESENT: MAYOR DAVID PLYLER; DEPUTY MAYOR JASON SOFEY. COUNCIL MEMBERS BROWN, COUCH, HOWETH, STEELE, TEAMANN.

CALL TO ORDER

CALL TO ORDER

APPROVE MINUTES

INTRODUCTION AND PUBLIC HEARING OF ORDINANCES

**ORD 6014
SUP FOR DAY CARE
(1211 BLANTON DR)
APPEAL FROM
P&Z**

(UNDER APPEAL FROM P&Z)

Scott Shadden, Director of Development Services, said last year the Specific Use Permit request was not recommended by the Planning and Zoning Commission, and was appealed to the City Council. The City Council approved the SUP for one year.

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Bill Sneed, 1205 Blanton Drive

Mr. Sneed said he knew of no problems with the SUP, including traffic and noise. He had no complaints with the day care.

Charles Carey, 1700 W. Belden

Mr. Carey said Delmar and Chiniqua Hill, the owners of the property in question, have spent a lot of money remodeling the home. He said there were no problems with the day care.

Originally some neighbors said there would be noise and traffic problems but he did not feel there were any problems and said Mr. and Mrs. Hill are providing a benefit for Sherman residents with a nice day care.

Kristen Johnson, 800 S. FM 1417, Apt 327

Ms. Johnson is the parent of a child at the daycare center and wanted an at-home daycare for her daughter. She said there are no traffic issues at the daycare center.

Mary Guajardo, 2905 Cathleen Lane

Ms. Guajardo said they need to focus on taking care of the children. Her grandson is autistic and is being well taken care of at the Hill's daycare center. She asked the City Council to approve the SUP for the daycare because they take care of the children like they are family.

Brianna, 2106 Sherbrook Court

Brianna's son attends the facility but she said it's not a daycare center because Mrs. Hill teaches the children and doesn't just put them in front of the television. She asked the Council not to "take away" the education of the children.

Rebecca McBride, 1159 Judge Elliott Road

Ms. McBride said her adopted son and her granddaughter both go to the daycare center. She wanted the children to attend together and likes the "warmth" of the daycare. She said they teach the children a wide range of things, and the children adore the entire family.

Caleb Dupuis, 2810 Windsor Drive

Mr. Dupuis is the owner of Caladium Homes and they own and manage three homes in the neighborhood that are impacted by any businesses in the area. He said they have a vested interest in the neighborhood and that neighborhood is a good neighborhood.

He urged the City Council to continue to grant the SUP to the operators of this school that have a proven track record. He said they don't want businesses taking over residential areas, but Mr. and Mrs. Hill have taken a house, improved it, and are bringing a positive element to the neighborhood.

As a parent, Mr. Dupuis said the City needs this type of place for the children to go and to see that stop would be a loss to the community.

Carrie Stell, 164 Mourning Dove Lane, Denison

Ms. Stell lives in Denison but works, attends church, and owns rental property in Sherman. She has attended four meetings to support Mr. and Mrs. Hill and urged the City Council to vote for the SUP.

Kelly Bickerstaff, 1208 Dundale Circle

Mr. Bickerstaff lives behind Mr. and Mrs. Hill's property and has the same objection to the SUP as he did before. He did not dispute Ms. Hill's ability to care for the children and said he was sure she "did a wonderful job."

However, they are asking to operate a business in a residential area. This area has been zoned R-1 for many years, and is an established neighborhood, which now has a business operating in it. Sherman's zoning laws designate where certain activities can occur and R-1 is not an area in which a business can be operated. The daycare is a business.

Mr. Bickerstaff said there are 11 children at the daycare and with that there is laughing, screaming, and crying every day of the week. He said none of the people talking tonight live in the backyard of the daycare. He said parking is allowed on both sides of the street and vehicles usually have to "weed" through the street. He said it was that way before the daycare and is more complicated now.

Mr. Bickerstaff said the issue has been turned down twice by the Planning and Zoning Commission and it is important that the zoning ordinances apply. He said it was pointed out that the Montessori Academy is located in a residential area and it was inconsistent to not allow Mr. and Mrs. Hill to have their daycare.

He said the City learned from those problems and changed the rules. It was decided that having a business in a residential area was not a good idea. He reiterated that he did not want a business in his backyard.

He asked the City Council to discuss the issue in Open Session instead of Executive Session, but he also asked them to deny the request.

Steve Stell, 722 E. Pecan

Mr. Stell said it was misleading when someone said because it is not zoned a certain way, that it shouldn't be zoned that way. He added that's why there is a variance board and why the City Council makes the final decision. It's part of the zoning process.

He said there is no greater need than to care for children and it is for the good of the community. There were no complaints registered for the daycare and he asked the Council to allow Mr. and Mrs. Hill to continue operation.

Russell Hill, 1215 Blanton Drive

Mr. Hill lives next door to the daycare and helps his Mom with the operation. He said there is no problem with people coming in and out of the daycare. He said she does a great job with the children.

Martha, 1021 W. College, Denison

Martha is a Foster Grandparent and volunteers with Mr. and Mrs. Hill and said the children are well taken care of.

Nathalia Spencer, 1317 S. Walnut

Ms. Spencer is a colleague and friend of Mrs. Hill and said as for the noise issue, there are children living on both sides of the property. Also, parents pick up their children at different times and parking is not an issue. She said Mrs. Hill is a great teacher and a great person. She added that licensing controls the number of children allowed at the daycare.

Mr. Sneed said he is two doors away from the daycare and the noise level is not as bad as Mr. Bickerstaff indicated. He said the children are only outside a limited time each day.

Delmar and Chiniqua Hill, 1215 Blandon Drive

Mr. Hill thanked the City Council for listening to their supporters. He said they are trying to provide a safe environment for children and a service to the community. He thanked the City Council for approving the SUP last year and allowing them to prove themselves. They only asked to serve 20 or less children. He asked the City Council to allow them to “show what they can do.”

Mrs. Hill said it was a blessing to “step out on faith.” She worked in the school system for 20 years but wanted to do more, and teach the children about Jesus and the word of God from the Bible.

Mr. Bickerstaff said there is nothing in the zoning ordinances about what was just expressed, and he outlined his religious activities. He said he still didn’t want a business in his backyard.

Jessica Benivamonde, 1403 Swan Ridge Drive

Ms. Benivamonde said her son was the first child at the daycare center. She understood that it was a zoning issue, but she listed other businesses such as daycare centers and dance studios that are in residential areas. She added that those cause traffic issues that must be dealt with. She said noise also comes from residential homes that are not businesses. She said she has never experienced a traffic issue at Mr. and Mrs. Hill’s daycare.

Ms. Benivamonde said the SUP was originally permitted for one year. She said they were rude to Mrs. Hill at the Planning and Zoning Meeting. She asked the City Council to approve the SUP for a longer period of time or permanently.

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No other citizens appeared before the City Council to discuss Ordinance No. 6014.

Mayor Plyler introduced Ordinance No. 6015 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 TATTOO SHOP IN A C-1 (RETAIL BUSINESS) DISTRICT/CENTRAL BUSINESS DISTRICT AT 230 WEST HOUSTON STREET, BEING LOT 8, BLOCK X, S.B. ALLEN ADDITION (CRETA LYNN CARTER, II AND JEFFREY RAY BROWN, OWNERS; KACY EPPERSON, APPLICANT/TENANT/PROSPECTIVE BUYER; AND TATCHIO & ASSOCIATES, ARCHITECT); 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.

**ORD 6015
SUP FOR
TATTOO SHOP
(230 W. HOUSTON)**

Mr. Shadden said this SUP was for a tattoo shop and was recommended for approval by the Planning and Zoning Commission. The owners were given 60 days to refinish the existing cedar trim on the outside of the building.

Joe Smith, 1316 N. Hopson, was available to answer any questions the City Council might have.

No other citizens appeared before the City Council to discuss Ordinance No. 6015.

Mayor Plyler introduced Ordinance No. 6016 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 FIVE (5) RESIDENTIAL APARTMENTS IN THE FIRST HALF OF THE FIRST FLOOR OF THE BUILDING FACING A FRONT STREET IN A C-2 (GENERAL COMMERCIAL) DISTRICT/CENTRAL BUSINESS DISTRICT AT 111-121 EAST PECAN STREET, BEING LOTS 7, 8 AND 9, BLOCK 1, T.J. SHANNON'S SUPPLEMENTAL PLAT (RESTORE EMERGENCY SERVICES & CONSTRUCTION REPAIR LLC, OWNERS; RICK OWENS, REPRESENTATIVE; TATCHIO & ASSOCIATES, ARCHITECT; AND HELVEY-WAGNER SURVEYING, INC., SURVEYOR); 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.

**ORD 6016
SUP FOR RESIDENTIAL
APARTMENTS IN
CENTRAL BUSINESS
DISTRICT
(111-121 E. PECAN)**

Mr. Shadden said the SUP would allow five residential apartments on the first floor of the building at the corner of Pecan and Walnut Streets. The building is directly to the east of the Federal Court House.

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The approval for four apartments would be automatic, but they would have to be located in the back half of the building. The owner would like to locate the apartments in the front half. The Planning and Zoning Commission recommended approval of the SUP.

No citizens appeared before the City Council to discuss Ordinance No. 6016.

Mayor Plyler introduced Ordinance No. 6017 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 SELF-STORAGE FACILITY (COOL WATER STORAGE) IN A C-2 (GENERAL COMMERCIAL) DISTRICT/O-1.2 (SAM RAYBURN OVERLAY) DISTRICT AT 230 EAST SYCAMORE STREET, BEING LOT 1, ELLISON ADDITION (COOL WATER DEVELOPMENT, LLP, OWNERS; AND DAVID BACA STUDIO, LLC, ARCHITECT); 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.

**ORD 6017
SUP FOR
SELF-STORAGE
FACILITY
(230 E. SYCAMORE)**

Mr. Shadden said this SUP is for a self storage facility at the former American Legion Building. The Planning and Zoning Commission recommended approval of the request, subject to the Staff Review Letter, and locating a “living screen” on the west side of the property.

David Baca, Architect, was available to answer any questions the City Council might have.

No other citizens appeared before the City Council to discuss Ordinance No. 6017.

Mayor Plyler introduced Ordinance No. 6018 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 AUTOMOBILE SALES, SERVICE AND REPAIR IN A C-2 (GENERAL COMMERCIAL) DISTRICT AT 2411 TEXOMA PARKWAY, BEING LOT 1, BLOCK 1, HELEN PERKINS ADDITION AND PART OF LOT 6R, BLOCK 1 OF THE REPLAT OF LOTS 1R AND 3R, BLOCK 1, HELEN PERKINS ADDITION (JADE LAMANCE, OWNER; AND NATHAN GRAY, NBS DRAFTING & DESIGN, DRAFTSMAN); 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.

**ORD 6018
SUP FOR
AUTO SALES,
SERVICE, REPAIR
(2411 TEXOMA PKWY)**

Mr. Shadden said this SUP would allow automobile sales, service, and repair at the existing car lot between Flamingo

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Bingo and Bob Utter Ford. The owner has purchased additional property and wants to expand his lot.

No citizens appeared before the City Council to discuss Ordinance No. 6018.

Mayor Plyler introduced Ordinance No. 6019 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 6 OF THE CODE OF ORDINANCES, ENTITLED "HEALTH AND SANITATION", AT ARTICLE 6.02, ENTITLED "FOOD ESTABLISHMENTS", SECTION 6.02.001, ENTITLED "ADOPTION OF STATE FOOD ESTABLISHMENT RULES; DEFINITIONS", AND AT SECTION 6.02.010, ENTITLED "ADDITIONAL REQUIREMENTS FOR MOBILE FOOD UNITS (MFU)"; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER CLAUSE.

**ORD 6019
MOBILE FOOD UNITS**

Nate Strauch, Community and Support Services Manager, said the concept started with the Main Street Advisory Board when mobile food unit vendors became frustrated with the way the ordinance was allowing them to function in the Central Business District. The Board reviewed the ordinance and has recommended two changes.

The first change would allow food trucks to park on City owned parking lots between the hours of 5:00 p.m. on Friday and midnight on Saturday. If this change is made, the Main Street Advisory Board has an additional plan for a rotating promotion where they would sponsor trucks to congregate along a specific parking lot, which would change from weekend to weekend.

The second change is more general. The ordinance already allows an exception for catering, saying that if you are providing catering services, you don't need a Specific Use Permit or to go through the zoning process.

The proposed change would further define catering as a lone or recurring event, essentially saying that if they are providing food services at one location, such as once a week on the Lowe's parking lot, they would not need an SUP.

No citizens appeared before the City Council to discuss Ordinance No. 6019.

Mayor Plyler introduced Ordinance No. 6020 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 1 OF THE CODE OF ORDINANCES, ENTITLED "GENERAL PROVISIONS", ARTICLE 1.11, ENTITLED "PARKS, RECREATION AND MISCELLANEOUS PUBLIC PROPERTY", DIVISION 7, ENTITLED "MUNICIPAL BUILDING", AT SECTIONS 1.11.242,

**ORD 6020
PUBLIC USE OF
MUNICIPAL
BALLROOM, KIDD-
KEY AUDITORIUM,
KIDD-KEY PARK**

1.11.243 AND 1.11.246; DELETING IN THEIR ENTIRETY SECTIONS 1.11.244, 1.11.247 AND 1.11.248; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER CLAUSE.

Mr. Strauch explained that this ordinance was a result of reviewing how the Municipal Ballroom and Kidd-Key Auditorium are managed. The scheduling of the facilities was temporarily transferred to Mr. Strauch to get a better idea of how the process is functioning.

Some changes have already been made such as the launch of an online reservation form instead of manually completing paperwork and delivering in person, and accepting credit cards as an option for payment.

The staff is asking the City Council to “tweak” the ordinance by deleting the aforementioned sections. Most City facilities are managed with the Council determining the general provisions of how the facility should function. The specific provisions are left up to the staff to determine what rules and regulations will be reviewed and handled administratively.

Based on input, the staff is also recommending that the number of security officers be decreased by one in all circumstances.

No citizens appeared before the City Council to discuss Ordinance No. 6020.

The Public Hearing was closed.

ADOPTION OF ORDINANCES

Ordinance 6014

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 DAYCARE/PRESCHOOL/ EDUCATIONAL DEVELOPMENT CENTER IN AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT AT 1211 BLANTON DRIVE, BEING LOT 5, BLOCK 8, WESTERN HILLS ADDITION (DELMAR HILL, OWNER; CHINIQUA HILL, REPRESENTATIVE; AND UNDERWOOD DRAFTING & SURVEYING, INC., SURVEYOR); 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.

ORD 6014
SUP FOR DAY CARE
(1211 BLANTON DR)
APPEAL FROM
P&Z

Council Member Steele said as a father of three children and a grandfather of seven grandchildren, with two more on the way, the greatest sound he hears is children playing in the yard. Currently he lives next door to a very nice house that is being rented to college students.

He said he would much rather hear children playing instead of loud noise and vulgar language.

He said Mr. and Mrs. Hill have done what has been asked of them. Council Member Steele expressed his feeling that diversity is needed on all City boards and commissions because men and women have a different perspective.

As an employee of Workforce Texoma, they oversee all child care facilities that are licensed in Texas that receive funding for children in their care. He said he knows how those facilities are regulated and that they have State monitors that consistently visit the facilities.

One of the highest ratings a facility in the area can receive is called the "Texas Rising Star." There are many different requirements to achieve this designation and Mrs. Hill is currently in the process of receiving this designation.

He said his recommendation would be that they approve Mr. and Mrs. Hill for the continuation of their learning center.

Council Member Couch agreed saying he attended the Planning and Zoning Commission Meeting the night this item was discussed. He said the Council originally granted them a one-year SUP for the facility and not one complaint has been received.

He also apologized to Mr. and Mrs. Hill for their mistreatment at the Planning and Zoning Meeting and said they deserved to be treated with respect.

Deputy Mayor Sofey said he appreciated what everyone had to say and he originally voted for the one year SUP, however this is a zoning decision that has an effect on a neighborhood. He said the difficult decision is that if there are other applications on that street, does the City Council grant them all.

Deputy Mayor Sofey verified that there had been no complaints against the facility during the past year. He said that was what the decision was based on one year ago and if there had been complaints, it would be viewed differently.

With his zoning background, Deputy Mayor Sofey said he viewed it a little differently. The facility is located in the middle of a residential area, not on the peripheral of two districts, as some businesses are. Decisions have been made to allow businesses in residential areas. He said that's why the City has the Planning and Zoning Commission. But they also have the ability to grant variances and exceptions.

Deputy Mayor Sofey said his only concern is that since there were no complaints, if this one is granted, will they allow eight other requests on the same street or will others be

allowed anywhere in the City. This sets a precedent and the Council must be aware of what they are allowing and the potential magnitude of the decision. He said for any decision that has an impact on a different zoning area, he felt the Council should always consider putting a time limit on the approval, because things can change.

Council Member Couch agreed that the time limit made sense.

Council Member Brown attended the Planning and Zoning Commission Meeting when this item was discussed and he said he became very “hostile” at the way Mr. and Mrs. Hill were treated and was embarrassed. He felt that some of the reasons that neighbors did not want the facility in the neighborhood, were an exaggeration. He did not feel that noise and traffic were a problem and was not in favor of a time limit. He felt it should be “settled” now instead of coming back again and again.

Deputy Mayor Sofey said the City Council is not “putting them through” this. They are asking for an exception to a rule that the City has in place. The decision the Council is making today is an appeal from the Planning and Zoning Commission. He said he was “okay” with this request, but would feel this way with any business that is wanting to open in an area where it would not be allowed by zoning. He said it is truly a zoning decision.

Council Member Brown said they have proven themselves during this last year, so why is the City Council dealing with it again.

Deputy Mayor Sofey said it is in the middle of a residential neighborhood, with no other commercial businesses anywhere around it. The decision must be made on what the impact could be. He added that one business might not impact the neighborhood at all, but what about other businesses coming in on the same block.

Council Member Teamann said, in the past, he has requested variances for his businesses and sometimes they grant them on a contingency basis, but at some point they go ahead and grant them permanently.

He has visited Mr. and Mrs. Hill’s daycare and said there is a pretty low traffic volume and there have been no complaints. If the Council grants the SUP, he would be in favor of a time limit.

Council Member Howeth said the ordinance says the maximum number of children will be 15. She asked if that was the number that they were licensed for or the maximum they have chosen. Mrs. Hill said that is the number of children she has chosen as a limit. Her State maximum

would be 35 children. Council Member Howeth asked if Mrs. Hill could increase her limit if the ordinance states otherwise.

Brandon Shelby, City Attorney, said if a limit of 15 children is a condition of the granting of the SUP, then it would be limited to 15. Council Member Couch verified that the SUP granted last year was also limited to 15 children.

Council Member Howeth verified that the operating hours of the daycare were from 6:00 a.m. until 6:00 p.m. She asked how the arrival of the children was spread out. Mrs. Hill said the times vary but most of the children are gone by 5:30 p.m. or 5:45 p.m. Some children do arrive early but they are not all there at one time. Council Member Howeth said it doesn't look like a business, it looks like a house.

Deputy Mayor Sofey said if the City Council decides to grant the SUP, he feels strongly that it should include a time limit.

Council Member Teamann wondered how many at-home daycare facilities are operating in Sherman outside the rules.

Council Member Steele said just because a Planning and Zoning Commission ruling is appealed to the City Council and they might approve it, it does not mean that the Planning and Zoning members aren't doing the job to which they were appointed. The City Council is an elected body and if the citizens don't like what they do, they can be voted out of office.

Council Member Howeth verified that all the play equipment is located in the backyard and that it will continue to look like a residence.

Mrs. Hill said her teaching time is from 9:00 a.m. until 3:00 p.m. Playtime for the children is 30 minutes in the morning and 30 minutes in the afternoon.

Mr. Bickerstaff said he was present during the Planning and Zoning Meeting where this was discussed and didn't hear one unprofessional comment by the Members. Council Member Couch said he was talking about Mr. Bickerstaff.

ACTION TAKEN.

Motion by Deputy Mayor Sofey to adopt Ordinance No. 6014, adding a time limit of three years. Second by Council Member Couch.

Council Member Steele asked if the motion could include that if there were no complaints for the three year period, it would become permanent.

Deputy Mayor Sofey said his motion did not include that provision. He said the dynamics of certain zoning areas can change over time and he felt it should be revisited in the

future. He felt strongly about adding a time limit for the SUP.

Council Member Brown wanted to vote in favor of the SUP, however he did not want a time limit. The motion included a three year time limit.

Council Members discussed the motion and said it must be voted on first, before any other motions can be made.

Council Member Steele said he asked about making the SUP permanent if there are no complaints in the three year period.

Mr. Shelby said the City Council cannot bind future City Council Members. He said there is a motion and second on the floor and they can call for a vote. He said the motion will need a “super majority” to pass since it failed at the Planning and Zoning Meeting. It will take six affirmative votes to pass.

RESTATEMENT OF MOTION.

Motion by Deputy Mayor Sofey to adopt Ordinance No. 6014, adding a time limit of three years. Second by Council Member Couch.

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

VOTING NAY: None.

MOTION CARRIED.

Ordinance 6015

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 TATTOO SHOP IN A C-1 (RETAIL BUSINESS) DISTRICT/CENTRAL BUSINESS DISTRICT AT 230 WEST HOUSTON STREET, BEING LOT 8, BLOCK X, S.B. ALLEN ADDITION (CRETA LYNN CARTER, II AND JEFFREY RAY BROWN, OWNERS; KACY EPPERSON, APPLICANT/ TENANT/PROSPECTIVE BUYER; AND TATCHIO & ASSOCIATES, ARCHITECT); 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.

ORD 6015
SUP FOR
TATTOO SHOP
(230 W. HOUSTON)

Ordinance 6016

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 FIVE (5) RESIDENTIAL APARTMENTS IN THE FIRST HALF OF THE FIRST FLOOR OF THE BUILDING FACING A FRONT STREET IN A C-2 (GENERAL COMMERCIAL) DISTRICT/CENTRAL BUSINESS DISTRICT AT 111-121 EAST PECAN STREET, BEING LOTS 7, 8 AND 9, BLOCK 1, T.J. SHANNON'S SUPPLEMENTAL PLAT (RESTORE EMERGENCY SERVICES & CONSTRUCTION

ORD 6016
SUP FOR RESIDENTIAL
APARTMENTS IN
CENTRAL BUSINESS
DISTRICT
(111-121 E. PECAN)

REPAIR LLC, OWNERS; RICK OWENS, REPRESENTATIVE; TATCHIO & ASSOCIATES, ARCHITECT; AND HELVEY-WAGNER SURVEYING, INC., SURVEYOR); 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.

Ordinance 6017

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 SELF-STORAGE FACILITY (COOL WATER STORAGE) IN A C-2 (GENERAL COMMERCIAL) DISTRICT/O-1.2 (SAM RAYBURN OVERLAY) DISTRICT AT 230 EAST SYCAMORE STREET, BEING LOT 1, ELLISON ADDITION (COOL WATER DEVELOPMENT, LLP, OWNERS; AND DAVID BACA STUDIO, LLC, ARCHITECT); 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.

ORD 6017
SUP FOR
SELF-STORAGE
FACILITY
(230 E. SYCAMORE)

Deputy Mayor Sofey addressed the elevation and asked if they requested any façade variances.

David Baca, Architect, said they did not request any façade variances. He said the buildings have the full masonry so they are following the ordinance. He said the intention is not to ask for any variances.

The living screen is the only thing brought up by the Planning and Zoning Commission.

Ordinance 6018

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 SALES, SERVICE AND REPAIR IN A C-2 (GENERAL COMMERCIAL) DISTRICT AT 2411 TEXOMA PARKWAY, BEING LOT 1, BLOCK 1, HELEN PERKINS ADDITION AND PART OF LOT 6R, BLOCK 1 OF THE REPLAT OF LOTS 1R AND 3R, BLOCK 1, HELEN PERKINS ADDITION (JADE LAMANCE, OWNER; AND NATHAN GRAY, NBS DRAFTING & DESIGN, DRAFTSMAN); 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.

ORD 6018
SUP FOR
AUTO SALES,
SERVICE, REPAIR
(2411 TEXOMA PKWY)

Ordinance 6019

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 6 OF THE CODE OF ORDINANCES, ENTITLED "HEALTH AND SANITATION", AT ARTICLE 6.02, ENTITLED "FOOD ESTABLISHMENTS", SECTION 6.02.001, ENTITLED "ADOPTION OF STATE FOOD ESTABLISHMENT RULES; DEFINITIONS", AND AT SECTION

ORD 6019
MOBILE FOOD UNITS

6.02.010, ENTITLED “ADDITIONAL REQUIREMENTS FOR MOBILE FOOD UNITS (MFU)”; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER CLAUSE.

Deputy Mayor Sofey asked if there was any input from the restaurants in the downtown area. Council Member Couch said Sherry Little, owner of Old Iron Post, serves on the Main Street Advisory Board and supports the proposed changes.

Deputy Mayor Sofey wanted to be sure that there was no conflict with people that had invested in an actual business downtown. Council Member Couch said the idea behind the Main Street Advisory Board supporting the food truck initiative is to attract more people downtown and give them more options.

Mr. Strauch said they did talk with Ms. Little because she represents the community of restaurant owners downtown. There were some things she wasn't comfortable with and the proposal represents a compromise. The big concern for businesses is restrooms.

Council Member Teamann asked if the food trucks would need to abide by the normal parking laws. Mr. Strauch said food vendors were limited to parking lots because they did not want to limit parking on the street. The City owned parking lots are generally “lightly used” during the weekends.

Council Member Couch added that the regulations would go into effect at 5:00 p.m. on Friday night until midnight on Saturday.

ACTION TAKEN.

Motion by Council Member Couch to adopt Ordinance Nos. 6017 and 6019, as presented. Second by Council Member Teamann.

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

VOTING NAY: None.

MOTION CARRIED.

Ordinance 6020

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 1 OF THE CODE OF ORDINANCES, ENTITLED “GENERAL PROVISIONS”, ARTICLE 1.11, ENTITLED “PARKS, RECREATION AND MISCELLANEOUS PUBLIC PROPERTY”, DIVISION 7, ENTITLED “MUNICIPAL BUILDING”, AT SECTIONS 1.11.242, 1.11.243 AND 1.11.246; DELETING IN THEIR ENTIRETY SECTIONS 1.11.244, 1.11.247 AND 1.11.248; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER CLAUSE.

ORD 6020
PUBLIC USE OF
MUNICIPAL
BALLROOM, KIDD-
KEY AUDITORIUM,
KIDD-KEY PARK

ACTION TAKEN.

Motion by Council Member Steele to adopt Ordinance Nos. 6015, 6016, 6018, and 6020, as presented. Second by Council Member Howeth.

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

VOTING NAY: None.

MOTION CARRIED.

CONSENT AGENDA

The Council reviewed the Consent Agenda. Mayor Plyler removed Item E-9, entitled “Consider Request of the 2017 Earth Day Planning Committee to Temporarily Close Certain Streets for the “9th Annual Earth Day Festival” on Saturday, April 22, 2017” from the Consent Agenda for consideration in its regular order of business.

Council Member Howeth moved to approve the Consent Agenda, with the exception of Item E-9, which will be considered in its regular order of business. Second by Council Member Brown. All present voted AYE.

RESOLUTIONS

RESOLUTION NO. 6198 – AUTHORIZING EXECUTION OF A DEVELOPMENT AGREEMENT WITH JRH SHERMAN, LLC FOR THE CONSTRUCTION OF PUBLIC SANITARY SEWER AND WATER MAINS IN SHERMAN CROSSROADS MEDICAL, A 3.0522-ACRE DEVELOPMENT NORTH OF F.M. 1417 ALONG WEST TRAVIS STREET AND THE U.S. HIGHWAY 75 SERVICE ROAD IN THE CITY OF SHERMAN

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF A DEVELOPMENT AGREEMENT WITH JRH SHERMAN, LLC FOR THE CONSTRUCTION OF PUBLIC SANITARY SEWER AND WATER MAINS IN SHERMAN CROSSROADS MEDICAL, A 3.0522-ACRE DEVELOPMENT NORTH OF F.M. 1417 ALONG WEST TRAVIS STREET AND THE U.S. HIGHWAY 75 SERVICE ROAD IN THE CITY OF SHERMAN.

Clint Philpott, Director of Engineering, said this is the first development in Sherman Crossroads, which runs along the new West Travis Street Extension. This agreement is to install new water and sewer lines along their east property line. The development fee will be paid by the developer for the inspection.

ACTION TAKEN.

Motion by Council Member Couch to adopt Resolution No. 6198, as presented. Second by Council Member Howeth.

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

VOTING NAY: None.

MOTION CARRIED.

CONSENT AGENDA

RES 6198
SEWER & WATER
MAINS IN SHERMAN
CROSSROADS
MEDICAL

RESOLUTION NO. 6199 – AUTHORIZING EXECUTION OF A PROFESSIONAL ENGINEERING SERVICES AGREEMENT WITH FREEMAN-MILLICAN, INC. FOR THE DESIGN OF THE SHERMAN NORTHWEST SEWER LINE, LIFT STATION AND FORCE MAIN IMPROVEMENTS

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF A PROFESSIONAL ENGINEERING SERVICES AGREEMENT WITH FREEMAN-MILLICAN, INC. FOR THE DESIGN OF THE SHERMAN NORTHWEST SEWER LINE, LIFT STATION AND FORCE MAIN IMPROVEMENTS.

Robby Hefton, City Manager, explained the impact of the project saying it was for engineering services for a force sewer main, that will serve the intersection of US Hwy 82 and SH 289. The project came as a result of the petition received from the Preston Club Estates residents for annexation.

As the staff began looking at what it would take to serve these residents, it became clear that if the sewer was oversized over their needs, it would open up the corridor for development and would provide water and sewer infrastructure for the future.

Mr. Hefton said it is expected that the project will cost about \$2 million. He said the capacity would be available to serve all four corners of the US Hwy 82 and SH 289 intersection, as well as south along SH 289.

ACTION TAKEN.

Motion by Council Member Couch to adopt Resolution No. 6199, as presented. Second by Council Member Howeth.

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

VOTING NAY: None.

MOTION CARRIED.

RESOLUTION NO. 6200 – AUTHORIZING EXECUTION OF A DEVELOPMENT AGREEMENT WITH JOE GILBERT CONSTRUCTION, LLC. FOR THE CONSTRUCTION OF PUBLIC SANITARY SEWER AND WATER MAINS IN THE REPLAT OF HICKORY ESTATES, LOTS 1R-9R, A 1.306-ACRE SUBDIVISION SOUTH OF U.S. HIGHWAY 82 ALONG HICKORY 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 JOE GILBERT CONSTRUCTION, LLC. FOR THE CONSTRUCTION OF PUBLIC SANITARY SEWER AND WATER MAINS IN THE REPLAT OF HICKORY ESTATES, LOTS 1R-9R, A 1.306-ACRE SUBDIVISION SOUTH OF U.S. HIGHWAY 82 ALONG HICKORY STREET IN THE CITY OF SHERMAN.

CONSENT AGENDA.

RES 6199
NORTHWEST SEWER
LINE, LIFT STATION,
FORCE MAIN
IMPROVEMENTS

RES 6200
DEVELOPMENT
AGREEMENT
SANITARY SEWER &
WATER MAINS
ALONG HICKORY ST

RESOLUTION NO. 6201 – AUTHORIZING EXECUTION OF A DEVELOPMENT AGREEMENT WITH DGR DEVELOPMENT GROUP, A TEXAS JOINT VENTURE, FOR THE CONSTRUCTION OF PUBLIC SANITARY SEWER AND WATER MAINS IN THE GARDENS AT O'HANLON RANCH, A 7.529-ACRE SUBDIVISION WEST OF F.M. 1417 ALONG LAMBERTH ROAD IN THE CITY OF SHERMAN

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF A DEVELOPMENT AGREEMENT WITH DGR DEVELOPMENT GROUP, A TEXAS JOINT VENTURE, FOR THE CONSTRUCTION OF PUBLIC SANITARY SEWER AND WATER MAINS IN THE GARDENS AT O'HANLON RANCH, A 7.529-ACRE SUBDIVISION WEST OF F.M. 1417 ALONG LAMBERTH ROAD IN THE CITY OF SHERMAN.
CONSENT AGENDA.

RES 6201
DEVELOPMENT
AGREEMENT
SANITARY SEWER &
WATER MAINS ALONG
LAMBERTH RD

RESOLUTION NO. 6202 – AUTHORIZING EXECUTION OF AN AGREEMENT WITH JOSE D. GUERRERO FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 712 EAST SCOTT STREET

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN AGREEMENT WITH JOSE D. GUERRERO FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 712 EAST SCOTT STREET.
CONSENT AGENDA.

RES 6202
RESIDENTIAL TAX
ABATEMENT
(712 E. SCOTT ST)

CHANGE ORDER NO. 1
APPROVING THE GREATER TEXOMA UTILITY AUTHORITY'S INTENT TO EXECUTE CHANGE ORDER NO. 1; WATER TREATMENT PLANT EXPANSION PROJECT; H2O INNOVATION, INC.; \$63,370.88 INCREASE

The City Council approved the Greater Texoma Utility Authority's intent to execute Change Order No. 1 to H2O Innovation, Inc., for a \$63,370.88 increase, for the Water Treatment Plant Expansion Project.

CHANGE ORDER
WATER TREATMENT
PLANT EXPANSION
PROJECT

The change order is to adjust several project quantities for the membrane supplier for the project, and is due to the addition of several items to optimize the membrane system operation.

The revised contract price, after the change order, is \$3,422,795.88.
CONSENT AGENDA.

CHANGE ORDER NO. 1
THE GRAND AVENUE BRIDGE REPAIR PROJECT; AUSTIN BRIDGE & ROAD, LP; \$2,625.00 INCREASE

The City Council approved Change Order No. 1 to Austin Bridge & Road, LP, for a \$2,625 increase, for the Grand Avenue Bridge Repair Project.

CHANGE ORDER
GRAND AVENUE
BRIDGE REPAIR
PROJECT

At the end of 2016, during routine bridge inspection, it was noted that there were structural issues on the Grand Avenue Bridge, that needed to be addressed to ensure the integrity and safety of the bridge.

After the contract was issued the Engineering Department decided it was necessary to require a Jacking Plan designed by a professional engineer, which increased the contract price by \$2,625.00. This is a final reconciliatory change order to adjust the final project quantities and issue final payment.

The revised contract price, after the change order, is \$76,088.00 and will be paid out of the 2016-2017 Capital Improvement Project Fund.

CONSENT AGENDA.

OTHER BUSINESS

CONSIDER APPROVAL OF THE ANNEXATION SCHEDULING PLAN FOR ADOPTION OF A TRACT OF LAND ON PRESTON CLUB DRIVE, SOUTH OF U.S. HIGHWAY 82 AND WEST OF HIGHWAY 289, ADJACENT TO THE SHERMAN CITY LIMITS AND IN THE CITY OF SHERMAN'S EXTRATERRITORIAL JURISDICTION; AND DIRECTING THE DEPARTMENT OF ENGINEERING SERVICES TO DEVELOP A SERVICE PLAN FOR THE AREA TO BE ANNEXED UPON APPROVAL OF THE ANNEXATION SCHEDULING PLAN

ANNEXATION
SCHEDULING PLAN
(PRESTON CLUB DR)

Mr. Shelby said this proposed annexation schedule would include the two required public hearings for the annexation ordinance and the third meeting to adopt the ordinance. The public hearings will be at Regular Council Meetings, but the adoption will be at a Called Council Meeting.

ACTION TAKEN.

Motion by Council Member Steele to adopt the Annexation Scheduling Plan for a tract of land on Preston Club Drive, as presented. Second by Council Member Teamann.

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

VOTING NAY: None.

MOTION CARRIED.

CONSIDER THE APPLICATION OF GARY ROBERTS TO ENROLL HIS BUSINESS, POP POP SODA SHOP, INTO THE SHERMAN DOWNTOWN OCCUPANCY INCENTIVE GRANT PROGRAM

DOWNTOWN
OCCUPANCY
INCENTIVE GRANT
PROGRAM
(POP POP SODA SHOP)

Mr. Strauch said Gary Roberts, owner of Pop Pop Soda Shop, has submitted an application for the Sherman Downtown Occupancy Incentive Grant Program. This would be his second business downtown, as he already owns a popcorn shop. The new business would offer different types of food, sodas, whole sandwiches, and smaller scale food items.

Mr. Roberts said the shop will be like a grilled cheese company, with different types of grilled cheese sandwiches. He has talked with various City officials as to what the

requirements for the shop will be and he felt it would be a good addition to Pop Pop Popcorn and to Downtown Sherman.

Council Member Couch verified that the hours of operation would eventually be six days a week. At the start, they would be open for lunch only, Monday through Thursday, and Friday and Saturday nights. He said the operating square footage of the facility will be 715 square feet.

Mr. Strauch said the City has received additional applications and are holding them to give others time to submit applications. If Pop Pop Soda Shop is approved, there will be two spots left in the Downtown Incentive Grant Program.

Council Members will discuss the application in Executive Session.

REVISED FINAL PLAT APPROVAL OF THE GARDENS AT O'HANLON RANCH, BEING 7.529 ACRES IN THE ELIJAH HARTZOG SURVEY, ABSTRACT NO. 540 AND THE FIELDING BACON SURVEY, ABSTRACT NO. 120; LAMBERTH CROSSING JOINT VENTURE, OWNERS; CROSS ENGINEERING CONSULTANTS, INC., CIVIL ENGINEER; AND PRESTON TRAIL LAND SURVEYING, SURVEYOR (2100-2400 BLOCKS OF SHADY OAKS LANE, 2300 BLOCK OF NORWOOD STREET, AND 2600-2800 BLOCKS OF WEST LAMBERTH ROAD)

APPROVE REVISED
FINAL PLAT
THE GARDENS AT
O'HANLON RANCH

The City Council approved the Revised Final Plat of The Gardens at O'Hanlon Ranch, a 7.529 acre tract, located in the 2100 to 2400 blocks of Shady Oaks Lane, the 2300 block of Norwood Street, and the 2600 to 2800 blocks of West Lamberth Road.

The property is zoned a C-O (Office) District. A Specific Use Permit to allow patio homes in a C-O (Office) District was approved at the September 6, 2016 City Council Meeting for this property. This is a revised final plat that was approved for 17 residential lots and two commercial office lots at the November 22, 2016 Planning and Zoning Commission Meeting and the December 19, 2016 City Council Meeting.

The owners revised the plat, enlarging the residential lots for a total of 16 lots for residential patio homes and two lots for commercial office development.

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

CONSENT AGENDA.

AMENDING FINAL PLAT APPROVAL OF PEBBLEBROOK SOUTH, PHASE II, BEING 8.653 ACRES IN THE ELIZABETH JONES SURVEY, ABSTRACT NO. 625; YOUSEF B. AL-BALLAM, ZAKIAH US, LLC, OWNER; GREG EDWARDS ENGINEERING SERVICES, ENGINEER; AND COX LAND

AMEND FINAL PLAT
APPROVAL
PEBBLEBROOK
SOUTH, PHASE II

SURVEYING COMPANY, SURVEYOR (2200-2300 BLOCKS OF PEGGEY'S COVE AND SOUTHRIDGE LANE AND 3400-3500 BLOCKS OF DARTMOUTH LANE)

The City Council approved amending the Final Plat of Pebblebrook South, Phase II, an 8.653 acre tract, located in the 2200 to 2300 blocks of Peggey's Cove and Southridge Lane and the 3400 to 3500 blocks of Dartmouth Lane, off South FM 1417.

The amendment will correct errors to the Final Plat, which was filed December 8, 2016 in Volume 24, Page 24 of the Grayson County Plat Records.

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

CONSENT AGENDA.

AMENDING FINAL PLAT APPROVAL OF PEBBLEBROOK SOUTH, PHASE III, BEING 8.99 ACRES IN THE ELIZABETH JONES SURVEY, ABSTRACT NO. 625; YOUSEF B. AL-BALLAM, ZAKIAH US, LLC, OWNERS; GEES, INC., ENGINEER; AND COX LAND SURVEYING COMPANY, SURVEYOR (2300 BLOCKS OF PEGGEY'S COVE AND SOUTHRIDGE LANE AND 3400-3500 BLOCKS OF HANAN STREET)

The City Council approved amending the Final Plat of Pebblebrook South, Phase III, an 8.99 acre tract, located in the 2300 block of Peggey's Cove and Southridge Lane and the 3400 to 3500 blocks of Hanan Street, off South FM 1417.

The amendment will correct errors to the Final Plat, which was filed December 14, 2016 in Volume 24, Page 28 of the Grayson County Plat Records.

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

CONSENT AGENDA.

REPLAT APPROVAL OF LOT 3 OF COMMUNITY USA ADDITION, BEING LOT 3, BLOCK 1, COMMUNITY USA ADDITION, CONTAINING 7.024 ACRES IN THE ELIZABETH JONES SURVEY, ABSTRACT NO. 625; SHERMAN STORAGE I, LLC AND STEVE PALMER, OWNERS; AND HELVEY-WAGNER SURVEYING, INC., SURVEYOR [2105, 2107 AND 2115 SOUTH F.M. 1417 (HERITAGE PARKWAY)]

The City Council approved the Replat of Lot 3 of Community USA Addition, being Lot 3, Block 1, Community USA Addition, a 7.024 acre tract, located at 2105, 2107 and 2115 South FM 1417, between Park Avenue and O.B. Groner Road.

The owners would like to replat the property into two lots for commercial development. The Planning and Zoning

AMEND FINAL PLAT
APPROVAL
PEBBLEBROOK
SOUTH, PHASE III

APPROVE REPLAT
COMMUNITY USA
ADDITION

Commission recommended approval of the Replat, subject to the Staff Review Letter.
CONSENT AGENDA.

REPLAT APPROVAL OF THE ALCOHOLIC SERVICES ADDITION, A REPLAT OF LOT 1, BLOCK 1, HELEN PERKINS ADDITION AND LOT 6R, BLOCK 1, REPLAT OF LOTS 1R AND 3R, BLOCK 1 OF THE REPLAT OF LOT 2, BLOCK 1, HELEN PERKINS ADDITION, BEING 4.328 ACRES IN THE RUEBEN HENDRIX SURVEY, ABSTRACT NO. 504; ALCOHOLIC SERVICES OF TEXOMA, INC. AND LAMANCE PROPERTIES, LP, OWNERS; AND HELVEY-WAGNER SURVEYING, INC., SURVEYOR (2411 TEXOMA PARKWAY)

The City Council approved the Replat of the Alcoholic Services Addition, a Replat of Lot 1, Block 1, Helen Perkins Addition and Lot 6R, Block 1, Replat of Lots 1R and 3R, Block 1 of the Replat of Lot 2, Block 1, Helen Perkins Addition, a 4.328 tract, located at 2411 Texoma Parkway.

The owners would like to replat the property into two lots for commercial development. The Planning and Zoning Commission recommended approval of the Replat, subject to the Staff Review Letter.
CONSENT AGENDA.

REPLAT APPROVAL OF LOTS 3 & 4, BLOCK 5, WESTERN HILLS ADDITION, SECTION 2, BEING A PART OF THE J.B. McANAIR SURVEY, ABSTRACT NO. 763 AND BEING ALL OF LOTS 3 & 4, BLOCK 5, WESTERN HILLS ADDITION, SECTION 2, CONTAINING 1.56 ACRES; THOMAS AND JEAN FLICK AND McDONALD AND KAITLIN ARNOT, OWNERS; AND UNDERWOOD DRAFTING & SURVEYING, INC., SURVEYOR (1407 AND 1411 WESTERN HILLS DRIVE)

The City Council approved the Replat of Lots 3 and 4, Block 5, Western Hills Addition, Section 2, a 1.56 acre tract, located at 1407 and 1411 Western Hills Drive.

The owners would like to replat the property and part of an undeveloped piece of property into two lots, enlarging the lots. The Planning and Zoning Commission recommended approval of the Replat, subject to the Staff Review Letter.
CONSENT AGENDA.

CONSIDER REQUEST OF THE 2017 EARTH DAY PLANNING COMMITTEE TO TEMPORARILY CLOSE CERTAIN STREETS FOR THE "9TH ANNUAL EARTH DAY FESTIVAL" ON SATURDAY, APRIL 22, 2017

Mayor Plyler removed Item E-9 from the Consent Agenda for consideration in its regular order of business.

Amy Hoffman-Shehan, Earth Day Planning Committee Representative, said the Annual Earth Day Festival will be held on April 22, 2017, from 9:00 a.m. until 5:00 p.m., in the Municipal Ballroom and in Kidd-Key Park.

APPROVE REPLAT
ALCOHOLIC SERVICES
ADDITION

APPROVE REPLAT
WESTERN HILLS
ADDITION, SEC. 2

CLOSE STREETS
EARTH DAY

She outlined various events and workshops that will be included in the family oriented, educational event, which will encourage a sense of environmental awareness.

ACTION TAKEN.

Motion by Council Member Steele to approve the request of the Earth Day Planning Committee to temporarily close certain streets for the 9th Annual Earth Day Festival on April 22, 2017, as presented. Second by Council Member Couch.

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

VOTING NAY: None.

MOTION CARRIED.

CITIZENS REQUESTS

SHERMAN CELTIC FESTIVAL AND HIGHLAND GAMES

Rob Ballew, Corporal, Police Department, said the First Sherman Celtic Festival and Highland Games will be held on Saturday, March 25, 2017. The event includes a 5K Race and a full day of family friendly activities. There will also be 16 or 17 different musical acts performing on two stages, and a separate stage for dance groups. The event will include Highland Games, sponsored by the Texas Celtic Athletic Association.

**SHERMAN CELTIC
FESTIVAL &
HIGHLAND GAMES**

The event will be held at 5901 South US Hwy 75 at the Texoma Home Health/Apple Recovery Health Care facility, across from Texas Instruments. Proceeds from the event will support the Texas Scottish Rite Hospital, the Sherman Police Association, and the Sherman Fire Association.

**SPECIFIC USE PERMIT FOR DAYCARE/PRESCHOOL/
EDUCATIONAL DEVELOPMENT CENTER AT 1211 BLANTON
DRIVE**

Mr. Hill thanked the City Council for hearing their appeal today on the SUP for their facility located at 1211 Blanton Drive.

**SUP FOR DAYCARE
CENTER AT
1211 BLANTON DR.**

He asked if they operate for three more years and receive no complaints, will they have to go back to the Planning and Zoning Commission again. He said they have proven themselves and are the ones that limited the number of children they serve and made the house look like a home.

Deputy Mayor Sofey said they have run the risk two times for getting turned down on their business, and that is uncomfortable. However, they have opened a business in a zoning area that is not zoned for a business. The City Council has actually overturned the denial twice, on appeal.

Mr. Hill asked if he violates the provisions of the SUP, can the City "pull" that permit. Mr. Shelby said it could, if they violate any of the restrictions on the SUP.

Council Member Couch said this City Council cannot bind any future City Council, so Mr. Hill will have to go back through the process in three years with a completely different group of people. That will be a part of the process. Mr. Hill confirmed that he will also have to go through the Planning and Zoning Commission.

MEDIA QUESTIONS

There were no media questions.

APPOINT/REMOVE OR CONSIDER QUALIFICATIONS TO
BOARDS AND COMMISSIONS

MAIN STREET ADVISORY COMMITTEE (1)

ACTION TAKEN.

Motion by Council Member Couch to appoint Felicia Herron to the Main Street Advisory Committee for a term from March 31, 2017 to March 31, 2019. Second by Council Member Teamann.

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

VOTING NAY: None.

MOTION CARRIED.

PARKS AND RECREATION ADVISORY BOARD (1)

ACTION TAKEN.

Motion by Council Member Couch to appoint Amanda Phillips to the Parks and Recreation Advisory Board for a term from March 21, 2017 to March 21, 2019. Second by Council Member Howeth.

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

VOTING NAY: None.

MOTION CARRIED.

COUNCIL COMMENTS

SUP FOR DAYCARE AT 1211 BLANTON DRIVE

Council Member Brown said he learned a lot tonight and urged Mr. and Mrs. Hill to stay positive. He said he didn't agree with the three years, but he's glad they got that much.

SUP FOR DAYCARE AT 1211 BLANTON DRIVE

Council Member Howeth said she previously owned a licensed home daycare and she thanked Mr. and Mrs. Hill for their service.

SIGNS ALONG TEXOMA PARKWAY

Council Member Steele asked that the staff look at homemade signs that have gone up along Texoma Parkway. He even saw one sign that was a "white-board erasable" type sign.

Mr. Hefton asked if the signs were advertising different things or were advertising businesses. Council Member Steele said some of them are advertising things for sale at businesses, but they are not standard signs. He said the same business

MEDIA QUESTIONS

MAIN STREET
ADVISORY
COMMITTEE

PARKS & REC
ADVISORY BOARD

SUP FOR DAYCARE
AT 1211 BLANTON DR.

SUP FOR DAYCARE
AT 1211 BLANTON DR

SIGNS ALONG
TEXOMA PKWY

had a sign in the ground at Fallon Drive and Texoma Parkway. He asked that the staff contact the businesses and ask them to comply with the City's sign ordinance.

WATER TREATMENT PLANT EXPANSION

Council Member Steele said he participated in the groundbreaking for the Water Treatment Plant Expansion today and said it was a great thing for the City.

He thanked the City Council, previous City Councils, and future City Councils for what it will mean to the City of Sherman.

WATER TREATMENT PLANT EXPANSION

Council Member Couch said the groundbreaking for the Water Treatment Plant Expansion was amazing and he thanked the staff for the opportunity to attend.

MANAGEMENT OF THE MUNICIPAL BALLROOM AND KIDD-KEY AUDITORIUM

Council Member Couch recognized the changes in the ordinance for managing usage of the Municipal Ballroom and Kidd-Key Auditorium saying he appreciated a commonsense approach to government. He thanked Mr. Strauch for his presentation and said those types of changes are indicative of a forward-thinking staff.

NEW APARTMENTS IN DOWNTOWN SHERMAN

Council Member Couch said he was excited about the new apartments that were coming into downtown Sherman. He said it was exciting to get people to live and shop downtown.

SUP FOR DAYCARE AT 1211 BLANTON DR.

Council Member Teamann said he was fortunate to visit Mr. and Mrs. Hill's daycare and it is something special. He said it is hard to continue to come back and request the SUP, but after no issues, it may eventually be approved without a time limit.

MOBILE FOOD UNITS

Council Member Teamann said he was very excited about the food trucks being located downtown. He felt it would be great for Sherman.

SHERMAN CELTIC FESTIVAL AND HIGHLAND GAMES

Council Member Teamann recognized Mr. Ballew and the work he has done to organize the Sherman Celtic Festival and Highland Games. He urged everyone to attend and support the event.

WATER TREATMENT PLANT EXPANSION

Mayor Plyler said the groundbreaking for the Water Treatment Plant Expansion was a great event and he thanked the staff for their hard work organizing it.

**WATER TREATMENT
PLANT EXPANSION**

**WATER TREATMENT
PLANT EXPANSION**

**MANAGEMENT OF
THE MUNICIPAL
BALLROOM & KIDD-
KEY AUDITORIUM**

**NEW APARTMENTS
IN DOWNTOWN
SHERMAN**

**SUP FOR DAYCARE
AT 1211 BLANTON DR.**

**MOBILE FOOD
UNITS**

**SHERMAN CELTIC
FESTIVAL &
HIGHLAND GAMES**

**WATER TREATMENT
PLANT EXPANSION**

He said this is a very important project for Sherman's future and will result in decades and decades of clean drinking water. He said he was proud of Sherman for looking into the future and being proactive in creating the most ambitious infrastructure project in the City's history.

ANNOUNCEMENTS

Mayor Plyler announced the following:

- The Celtic Festival will be held March 25, 2017.
- The Texoma Community Center will host the Annual Recycling Fundraiser on March 25, 2017.

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 551.087 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 7:00 p.m.

On Motion duly made and carried, the Executive Session recessed at 7:22 p.m. and reconvened in Open Meeting.

OPEN MEETING

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

CONSIDER THE APPLICATION OF GARY ROBERTS TO ENROLL HIS BUSINESS, POP POP SODA SHOP, INTO THE SHERMAN DOWNTOWN OCCUPANCY INCENTIVE GRANT PROGRAM

ANNOUNCEMENTS

EXECUTIVE SESSION

OPEN MEETING

**DOWNTOWN
OCCUPANCY
INCENTIVE GRANT
PROGRAM
(POP POP SODA SHOP)**

COUNCIL MINUTES – MARCH 20, 2017

ACTION TAKEN.

Motion by Council Member Brown to approve the enrollment of Pop Pop Soda Shop, into the Downtown Occupancy Incentive Grant Program, as presented.
Second by Council Member Teamann.

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

VOTING NAY: Sofey.

MOTION CARRIED.

ADJOURNMENT

On Motion duly made and carried, the meeting adjourned at 7:23 p.m.

ADJOURNMENT

MAYOR _____

CITY CLERK