

STATE OF TEXAS

§

March 17, 2014

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 March 17, 2014.

MEMBERS PRESENT:

MAYOR CARY WACKER; DEPUTY MAYOR ROBERT
SOFTLY.
COUNCIL MEMBERS DAVIS, JOHNSON, PLYLER, SOFEY,
WATT.

MEMBERS ABSENT:

NONE.

CALL TO ORDER

Mayor Wacker called the meeting to order at 5:00 p.m. The Pledge of Allegiance was led by Boy Scouts from Troop 66 and the Invocation was given by Council Member Tom Watt.

CALL TO ORDER

APPROVE MINUTES

The Council reviewed the Minutes of the Called City Council Meeting of February 26, 2014 and the Regular City Council Meeting of March 3, 2014. Council Member Sofey moved to approve the Minutes as presented; Second by Council Member Plyler. All present voted AYE.
MOTION CARRIED.

APPROVE MINUTES

INTRODUCTION AND PUBLIC HEARING OF ORDINANCES

Mayor Wacker introduced Ordinance 5810 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 AUTOMOTIVE REPAIR IN A C-2 (GENERAL COMMERCIAL) DISTRICT/O-1.2 (SAM RAYBURN) OVERLAY DISTRICT AT 1305 N. SAM RAYBURN FREEWAY, BEING 0.40 ACRES IN THE J.B. McANAIR SURVEY, ABSTRACT NO. 763 (JUST BLW3, LLC, OWNER; JUST BRAKES, TENANT; WADE TODD, NATIONAL SITE SOLUTIONS, REPRESENTATIVE; AND UNDERWOOD DRAFTING & SURVEYING (SURVEYORS); 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 5810
SUP FOR
AUTO REPAIR
(1305 N. SAM
RAYBURN)

No citizens appeared before the City Council to discuss Ordinance 5810.

Mayor Wacker introduced Ordinance 5811 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

ORD 5811
SUP FOR
OIL/GAS WELL
(5600 BLOCK OF
FARMINGTON ROAD)

USE PERMIT TO ALLOW THE DRILLING OF AN OIL/GAS WELL (MUSTANG 2H) IN AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT IN THE 5600 BLOCK OF FARMINGTON ROAD, BEING 76.54 ACRES IN THE WILLIAM MARTIN SURVEY, ABSTRACT NO. 765 (SHEPHERD RD. SHERMAN PARTNERSHIP, OWNERS/MINERAL RIGHTS OWNER; TAYLOR CHARBONNET, SILVER CREEK OIL & GAS, LLC, REPRESENTATIVE; AND MICHAEL BLAKE BROWN, TOPOGRAPHIC LAND SURVEYORS, 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.

Robert Minshew, 206 W. Belden

Mr. Minshew appeared representing Silver Creek Oil & Gas, LLC, for their drilling permit for an oil/gas well, located in the 5600 block of Farmington Road. He said the engineering and geological staff was available to answer any questions the Council might have on the project.

No other citizens appeared before the City Council to discuss Ordinance 5811.

PUBLIC HEARING FOR APPLICATION FOR A PERMIT TO DRILL AN OIL AND GAS WELL

The City Council held a public hearing on the application for a permit to drill an oil/gas well in the 5600 block of Farmington Road. Silver Creek Oil & Gas, LLC is requesting the permit, which will be considered at a future Council Meeting, when they receive their Railroad Commission permit.

OIL/GAS WELL
(5600 BLOCK OF
FARMINGTON ROAD)

Mr. Minshew explained that the Railroad Commission received their permit application on February 24, 2014, but have not issued the permit. He asked that the City Council conditionally approve the permit provided they receive the Railroad Commission permit.

George Olson, City Manager, said the staff is recommending that the public hearing be held tonight, but there is no action to take because there is no permit to approve until the Railroad Commission issues their permit. It is anticipated that they will issue the permit and then it will be brought back for Council consideration at a future meeting.

No other citizens appeared before the City Council to discuss an application for a permit to drill an oil and gas well.

The Public Hearing was closed.

ADOPTION OF ORDINANCES

Ordinance 5810

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

ORD 5810
SUP FOR
AUTO REPAIR

(5)(A), ORDINANCE NO. 2280, SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW AUTOMOTIVE REPAIR IN A C-2 (GENERAL COMMERCIAL) DISTRICT/O-1.2 (SAM RAYBURN) OVERLAY DISTRICT AT 1305 N. SAM RAYBURN FREEWAY, BEING 0.40 ACRES IN THE J.B. McANAIR SURVEY, ABSTRACT NO. 763 (JUST BLW3, LLC, OWNER; JUST BRAKES, TENANT; WADE TODD, NATIONAL SITE SOLUTIONS, REPRESENTATIVE; AND UNDERWOOD DRAFTING & SURVEYING (SURVEYORS); 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.

(1305 N. SAM RAYBURN)

Ordinance 5811

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 THE DRILLING OF AN OIL/GAS WELL (MUSTANG 2H) IN AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT IN THE 5600 BLOCK OF FARMINGTON ROAD, BEING 76.54 ACRES IN THE WILLIAM MARTIN SURVEY, ABSTRACT NO. 765 (SHEPHERD RD. SHERMAN PARTNERSHIP, OWNERS/MINERAL RIGHTS OWNER; TAYLOR CHARBONNET, SILVER CREEK OIL & GAS, LLC, REPRESENTATIVE; AND MICHAEL BLAKE BROWN, TOPOGRAPHIC LAND SURVEYORS, 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 5811
SUP FOR
OIL/GAS WELL
(5600 BLOCK OF
FARMINGTON ROAD)

ACTION TAKEN.

Motion by Council Member Johnson to approve Ordinance Nos. 5810 and 5811, as presented. Second by Council Member Plyler.

VOTING AYE: Davis, Johnson, Plyler, Sofey, Softly, Watt.

VOTING NAY: None.

MOTION CARRIED.

CONSENT AGENDA

The Council reviewed the Consent Agenda. Council Member Plyler moved to approve the Consent Agenda, as presented. Second by Deputy Mayor Softly. All present voted AYE.

CONSENT AGENDA

RESOLUTIONS

RESOLUTION NO. 5845 – APPROVING THE GREATER TEXOMA UTILITY AUTHORITY’S INTENTION TO CONTRACT WITH TROJAN TECHNOLOGIES, INC. FOR INSTALLATION OF THE ULTRAVIOLET (UV) DISINFECTION EQUIPMENT AT THE WASTEWATER TREATMENT PLANT

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, APPROVING THE GREATER TEXOMA UTILITY AUTHORITY’S INTENTION TO CONTRACT WITH TROJAN TECHNOLOGIES, INC. FOR INSTALLATION OF THE

RES 5845
WWTP UV
DISINFECTION
EQUIPT

**ULTRAVIOLET (UV) DISINFECTION EQUIPMENT AT THE
WASTEWATER TREATMENT PLANT.**

Mayor Wacker wanted to note that the City was making a continued investment in the City's infrastructure at the Wastewater Treatment Plant.

ACTION TAKEN.

Motion by Council Member Plyler to approve Resolution No. 5845, as presented. Second by Council Member Watt.

VOTING AYE: Davis, Johnson, Plyler, Sofey, Softly, Watt.

VOTING NAY: None.

MOTION CARRIED.

**RESOLUTION NO. 5846 – AWARDING A BID TO AND
AUTHORIZING EXECUTION OF A CONTRACT WITH ATLAS
UTILITY COMPANY FOR THE PURCHASE OF WATER
METERS FOR THE UTILITY BILLING DEPARTMENT**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH ATLAS UTILITY COMPANY FOR THE PURCHASE OF WATER METERS FOR THE UTILITY BILLING DEPARTMENT.

CONSENT AGENDA.

**RES 5846
WATER METERS**

OTHER BUSINESS

**RECEIVE PARKS AND RECREATION DIRECTOR KEVIN
WINKLER'S PRESENTATION ON AN OFFROAD BIKE TRAIL
AT BINKLEY PARK**

Don Keene, Director of Community and Support Services, presented an update on an off-road bike trail at Binkley Park. He said a meeting was held last spring concerning community interest and off-road bike trails. The City staff attended the meeting along with a representative from the Dallas Off-Road Bike Association, DORBA, shared information about their organization and opportunities that might exist in Sherman.

**BINKLEY PARK
OFFROAD BIKE TRAIL**

At the time, it was made clear that the City's resources were limited and there was no City budget or existing resources that had been allocated or were available for off-road bike trails. It was agreed that any development or on-going maintenance of off-road bike trails would be done by volunteers. The staff recommended the Binkley Park area as a potential site.

After discussions, the plan was to enter into an agreement with DORBA for the development of that trail through volunteer effort. Local member Jason Griffin was selected as the City's DORBA contact for the effort.

Mr. Keen said Mr. Griffin and other DORBA members began preliminary work on the trail layout. They worked with the City's Parks and Recreation staff to get input and approval on the layout and the work to be done.

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Over time, Austin College donated tools and additional volunteers. Local businesses also donated materials as the trail was developed.

Eventually DORBA decided not to officially sponsor the trail, but Mr. Griffin and other local volunteers continued to work hard at developing the trail. The City has an interim memorandum of agreement they plan to enter into with Mr. Griffin for the ongoing maintenance of the trail. This will allow time for Mr. Griffin to establish a local organization with which the City plans to enter into a long-term agreement, in approximately six months.

With the City's resources limited, this is a great example of the City working with local volunteers to provide opportunities for citizens that the City couldn't otherwise provide. Mr. Keene added that the City appreciates the hard work that Mr. Griffin and these volunteers have given. He introduced Mr. Griffin to share additional information about the trail.

Mr. Griffin referenced a handout giving a brief description of the trail and some photographs of the clearing. The trail opening will be held on Saturday, March 22, 2014, at 10:00 a.m., at Binkley Park.

There was collaborative involvement from several Austin College service organizations, the Sherman Economic Development Corporation, and Progress Rail. The trail is for mountain biking but will also be available for hiking.

Council Member Watt asked why DORBA did not endorse the trail. Mr. Griffin said DORBA is the largest off-road bicycle association in America and they cover about 28 or 29 different trails. They are responsible for developing, maintaining, providing tools, costs, everything for their trails and they did not want to have a "DORBA owned" trail at a location 1.5 hours from Dallas. They felt it was too far away.

Mr. Griffin said Austin College "stepped up" and purchased his tools for the project. They also provided manpower from 30 to 40 students to assist with the project.

After DORBA "stepped back" the City and Mr. Griffin decided to reassess the situation. The current agreement is with Mr. Griffin alone, but the scope is to have an organization that provides the trail maintenance.

Mayor Wacker said DORBA did the initial mapping but she felt it was great to have a local organization and felt it was an exciting partnership.

Mr. Griffin said they hope to have 7.5 miles for the entire trail. Mayor Wacker reiterated that the trail is open to the public and the ribbon cutting will be held Saturday, March

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22, 2014, at 10:00 a.m. About 2.5 miles of the trail will be open at the ribbon cutting. Mr. Griffin said the trail is a one way trail and will be listed on the DORBA website.

Council Member Davis asked about plans for the upkeep and maintenance of the trail. Mr. Griffin said most of the maintenance has been completed, but periodically it will be trimmed, probably on a monthly schedule.

Council Member Watt asked if things don't progress the way they are intended, would the City be responsible for maintenance of the trail. Mr. Olson said it was made clear, up front, that the City did not have the resources for ongoing maintenance. If required, the City would review the situation but maintenance would not be on a monthly schedule. He said that if this organization were to "go away" the project would "take a step back." The City is encouraging them to develop an organization that is ongoing and consists of a group of people.

Mr. Olson said the trail is also available for hiking. Mayor Wacker confirmed that the riding community understands that if they use the trail, they are also responsible for helping with maintenance. Mayor Wacker said there are other ways volunteer groups, such as churches, can help.

CONSIDER REQUEST OF THE 2014 EARTH DAY PLANNING COMMITTEE TO TEMPORARILY CLOSE CERTAIN STREETS FOR THE "6TH ANNUAL EARTH DAY FESTIVAL" ON SATURDAY, APRIL 26, 2014

**CLOSE STREETS
FOR EARTH DAY**

The City Council approved the request of the 2014 Earth Day Planning Committee to temporarily close certain streets for the 6th Annual Earth Day Festival on April 26, 2014. The event will be held on the Municipal Building Grounds and will require delivery and pick up of barricades for street closures around the building.

CONSENT AGENDA.

CITIZENS REQUESTS

CITIZENS REQUESTS

There were no citizen's requests.

MEDIA QUESTIONS

MEDIA QUESTIONS

There were no media questions.

COUNCIL COMMENTS

OFF-ROAD BIKE TRAIL

**OFF-ROAD
BIKE TRAIL**

Council Member Watt said "hats off" to Mr. Griffin and the volunteers for getting the off-road bike trail established. He said it sounds like a good partnership between the City, volunteers, and private industry.

HAPPY ST. PATRICK'S DAY

**HAPPY ST.
PATRICK'S DAY**

Council Member Sofey and Deputy Mayor Softly wished everyone a Happy St. Patrick's Day.

OFF-ROAD BIKE TRAIL

Council Member Johnson thanked Mr. Griffin again for his work on the off-road bike trail, saying it was a great example of a public – private partnership. He felt the community needed more things like this.

OFF-ROAD
BIKE TRAIL

OFF-ROAD BIKE TRAIL

Council Member Davis said the work done on the off-road bike trail by volunteers was a great model for other groups to emulate to have “sweat equity,” fundraisers, and donations, to get projects moving. This is a good way to have amenities that the City can’t always afford.

OFF-ROAD
BIKE TRAIL

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 551.074

CONSIDER THE
QUALIFICATIONS, APPOINTMENT
AND REMOVAL OF MEMBERS TO
BOARDS AND COMMISSIONS:
SHERMAN ECONOMIC
DEVELOPMENT CORPORATION
BOARD OF DIRECTORS

On Motion duly made and carried, the Open Meeting recessed and reconvened in Executive Session at 5:23 p.m.

On Motion duly made and carried, the Executive Session recessed at 5:40 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

**SHERMAN ECONOMIC DEVELOPMENT CORPORATION
BOARD OF DIRECTORS**

ACTION TAKEN.

Motion by Council Member Johnson to appoint Council Members Jason Sofey and David Plyler as Ex-Officio Members to the Sherman Economic Development Corporation for a term from March 18, 2014 to March 18, 2016. Second by Council Member Watt.

VOTING AYE: Davis, Johnson, Plyler, Sofey, Softly, Watt.

VOTING NAY: None.

MOTION CARRIED.

SEDCO EX-OFFICIO
APPOINTMENTS

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ADJOURNMENT

On Motion duly made and carried, the meeting adjourned at 5:43 p.m.

ADJOURNMENT

MAYOR

CITY CLERK