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PLAN; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

Mr. Hefton said this is the last public hearing on the annexation of property near Friendship Road and Hwy 56. Sherman's growth path is on the western part of town, from Hwy 56 to Hwy 82.

Kenneth Meyers, Meyers Industrial Park

Mr. Meyers is the owner of Meyers Industrial Park, located at Friendship Road and Hwy 56. He appeared representing the 29 companies in Meyers Industrial Park, as well as Hughlan Property Holdings, Prengler Products, and National Carport. Together, these companies represent a majority of the tax base included in the proposed annexation. These companies are opposed to the annexation.

He said several people spoke at the last public hearing about the annexation, and on March 5, 2016, he received a letter stating that no sewer services will be provided to this area, and to connect to the City water would require lines of up to a quarter mile, a City water meter, backflow valve, and/or boring underneath a State highway. Mr. Meyers said this would add a great expense for companies that are adding over \$4.5 million tax base to Sherman.

He said the letter did answer some of the questions, but it stated that all property would be annexed as an R-A on the effective date of the annexation ordinance. R-A is defined as a single family agricultural. Mr. Meyers said he understood that since this includes existing businesses, they could be zoned under the best code that fits them.

Mr. Meyers said that since statements in the City's letter and the service plan seem inconsistent, he asked that the annexation be tabled until the issues are clarified and resolved.

No other citizens appeared before the City Council to discuss Ordinance No. 5931.

Mayor Plyler introduced Ordinance No. 5932 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 14, EXHIBIT A OF THE CODE OF ORDINANCES, ENTITLED "GENERAL ZONING ORDINANCE", AT SECTION 8, ENTITLED "ADMINISTRATION AND ENFORCEMENT; BUILDING PERMITS, CERTIFICATES OF ZONING COMPLIANCE, TEMPORARY USE PERMITS, AND SPECIFIC USE PERMITS", SUBSECTION 4, ENTITLED "TEMPORARY USE PERMITS", TO DELETE IN ITS ENTIRETY PARAGRAPH (4.1), ENTITLED "MOBILE FOOD VENDOR"; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER CLAUSE.

ORD 5932
DELETE MOBILE
FOOD VENDOR
REGULATIONS

COUNCIL MINUTES – MARCH 7, 2016

Mayor Plyler asked that Ordinance Nos. 5932 and 5933 be read and considered together for public hearing.

No citizens appeared before the City Council to discuss Ordinance No. 5932.

Mayor Plyler introduced Ordinance No. 5933 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 PROVIDING FOR A NEW SECTION 6.02.008 TO BE 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 5933
ADD MOBILE
FOOD VENDOR
REGULATIONS**

Brandon Shelby, City Attorney, explained that Ordinance No. 5932 deletes any reference to mobile food vendors from the General Zoning Ordinance. That regulation was relocated to the Code under Health and Sanitation.

Ordinance No. 5933 amends Section 6.02 to add more detail to the regulation of mobile food units. That section already contained a reference to County and State law, to handle the permitting process for restaurants.

The staff added a few additional details for citizens that would like to operate mobile food units.

No citizens appeared before the City Council to discuss Ordinance No. 5933.

Mayor Plyler introduced Ordinance No. 5934 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 14, EXHIBIT A OF THE CODE OF ORDINANCES, ENTITLED "GENERAL ZONING ORDINANCE", AT SECTION 8, SUBSECTION (5)(A), AMENDING THE REQUIREMENTS FOR A SPECIFIC USE PERMIT; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER CLAUSE.

**ORD 5934
AMEND
REQUIREMENTS
FOR SPECIFIC
USE PERMITS**

Mayor Plyler asked that Ordinance Nos. 5934, 5935, 5936, 5937, and 5938 be read and considered together for public hearing.

No citizens appeared before the City Council to discuss Ordinance No. 5934.

Mayor Plyler introduced Ordinance No. 5935 and called for a public hearing:

**ORD 5935
AMEND PERMITTED**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 14, EXHIBIT A OF THE CODE OF ORDINANCES, ENTITLED "GENERAL ZONING ORDINANCE", AT SECTION 6, SUBSECTION 6.4, ENTITLED "C-1 (RETAIL BUSINESS) DISTRICT"; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR A SEVERABILITY; PROVIDING FOR A REPEALER CLAUSE.

USES IN THE C-1
RETAIL BUSINESS
DISTRICT

No citizens appeared before the City Council to discuss Ordinance No. 5935.

Mayor Plyler introduced Ordinance No. 5936 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 14, EXHIBIT A OF THE CODE OF ORDINANCES, ENTITLED "GENERAL ZONING ORDINANCE", AT SECTION 6, SUBSECTION 6.5, ENTITLED "C-2 (GENERAL COMMERCIAL) DISTRICT"; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR A SEVERABILITY; PROVIDING FOR A REPEALER CLAUSE.

ORD 5936
AMEND PERMITTED
USES IN THE C-2
GENERAL
COMMERCIAL
DISTRICT

No citizens appeared before the City Council to discuss Ordinance No. 5936.

Mayor Plyler introduced Ordinance No. 5937 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 14, EXHIBIT A OF THE CODE OF ORDINANCES, ENTITLED "GENERAL ZONING ORDINANCE", AT SECTION 6, SUBSECTION 6.6, ENTITLED "M-1 (LIGHT MANUFACTURING) DISTRICT"; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER CLAUSE.

ORD 5937
AMEND PERMITTED
USES IN THE M-1
LIGHT
MANUFACTURING
DISTRICT

No citizens appeared before the City Council to discuss Ordinance No. 5937.

Mayor Plyler introduced Ordinance No. 5938 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 14, EXHIBIT A OF THE CODE OF ORDINANCES, ENTITLED "GENERAL ZONING ORDINANCE", AT SECTION 6, SUBSECTION 6.8.1, ENTITLED "O-1.1 (F.M. HIGHWAY 1417) OVERLAY DISTRICT"; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER CLAUSE.

ORD 5938
AMEND
REQUIREMENTS
FOR THE O-1.1
FM HWY 1417
OVERLAY DISTRICT

Scott Shadden, Director of Development Services, explained that, at the June 25, 2015 Budget Work Session, the City Council directed the staff to review the Hwy 1417 Overlay District and the General Zoning Ordinance as it applies to that.

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The staff asked Kimley-Horn Consultants to review the issues, and they provided a recommendation. The Planning and Zoning Commission formed a subcommittee to review the recommendations and suggest revisions.

Recommendations from the subcommittee included increasing the Hwy 1417 Overlay District from 300 to 500 feet along each side of Hwy 1417; more defined building standards, materials, colors, and architectural features; and requires detention area screening, such as berms and landscape.

The recommendations also modified the sign regulations, which should eliminate the need for some exceptions; and suggested moving the incompatible uses throughout the City to the Specific Use Permit list. They recommended taking uses out of C-1, C-2, and M-1, and moving them to the SUP list, which will require a public hearing at both the Planning and Zoning and the City Council level.

The Planning and Zoning Commission recommended that the City Council adopt the changes to the General Zoning Ordinance.

No citizens appeared before the City Council to discuss Ordinance No. 5938.

Mayor Plyler introduced Ordinance No. 5939 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 AN AUTO UPHOLSTERY SHOP IN A C-2 (GENERAL COMMERCIAL) DISTRICT AT 3710 TEXOMA PARKWAY, BEING A PART OF LOT 3, BLOCK 1, REDICK ADDITION, CONTAINING 0.42 ACRES (RIGOBERTO RIVAS, OWNER; AND RIVAS GENERAL UPHOLSTERY, TENANT); PROVIDING FOR A REPEALER CLAUSE; PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00.

**ORD 5939
ZONE CHANGE FOR
AUTO UPHOLSTERY
SHOP
(3710 TEXOMA PKWY)**

Mr. Shadden said this will be an auto upholstery shop on Texoma Parkway and will be located in the old Midas Muffler building.

No citizens appeared before the City Council to discuss Ordinance No. 5939.

Mayor Plyler introduced Ordinance No. 5940 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 C-1 (RETAIL BUSINESS) DISTRICT AT 2007 NORTH TRAVIS STREET, BEING 1.393 ACRES IN THE J.B.

**ORD 5940
ZONE CHANGE FROM
RESIDENTIAL TO
RETAIL BUSINESS
(2007 N. TRAVIS)**

MCANAIR SURVEY, ABSTRACT NO. 763 (BARRY L. AND JESSIE BURTON, OWNERS; AND MICHAEL CLARK, WINKELMANN & ASSOCIATES, INC., ENGINEER/SURVEYOR); PROVIDING FOR A REPEALER CLAUSE.

Mayor Plyler asked that Ordinance Nos. 5940 and 5941 be read and considered together for public hearing.

No citizens appeared before the City Council to discuss Ordinance No. 5940.

Mayor Plyler introduced Ordinance No. 5941 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 C-1 (RETAIL BUSINESS) DISTRICT AT 2021 NORTH TRAVIS STREET, BEING 1.623 ACRES IN THE J.B. MCANAIR SURVEY, ABSTRACT NO. 763 (RUSSELL SPEARS, OWNER; AND MICHAEL CLARK, WINKELMANN & ASSOCIATES, INC., ENGINEER/SURVEYOR); PROVIDING FOR A REPEALER CLAUSE.

ORD 5941
ZONE CHANGE FROM
RESIDENTIAL TO
RETAIL BUSINESS
(2021 N. TRAVIS)

Mr. Shadden said this will complete the zoning in one block, by taking two remaining residential tracts and zoning them commercial, like the other property in the block. They are being rezoned for future development.

No citizens appeared before the City Council to discuss Ordinance No. 5941.

The Public Hearing was closed.

ADOPTION OF ORDINANCES

Ordinance 5931

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, EXTENDING THE CORPORATE LIMITS OF SAID CITY SO AS TO ANNEX APPROXIMATELY 274 ACRES OF LAND NEAR FRIENDSHIP ROAD AND STATE HIGHWAY 56, ADJACENT TO THE SHERMAN CITY LIMITS AND IN THE CITY OF SHERMAN'S EXTRA TERRITORIAL JURISDICTION; PROVIDING FOR A MUNICIPAL SERVICE PLAN; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

ORD 5931
ANNEXATION
FRIENDSHIP ROAD
AND SH 56

Ordinance 5932

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 14, EXHIBIT A OF THE CODE OF ORDINANCES, ENTITLED "GENERAL ZONING ORDINANCE", AT SECTION 8, ENTITLED "ADMINISTRATION AND ENFORCEMENT; BUILDING PERMITS, CERTIFICATES OF ZONING COMPLIANCE, TEMPORARY USE PERMITS, AND SPECIFIC USE PERMIT", SUBSECTION 4, ENTITLED "TEMPORARY USE PERMITS", TO DELETE IN ITS ENTIRETY PARAGRAPH (4.1), ENTITLED

ORD 5932
DELETE MOBILE
FOOD VENDOR
REGULATIONS

“MOBILE FOOD VENDOR”; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER CLAUSE.

Council Member Couch said this ordinance originated with him during his campaign, to create a potential interest in Sherman with a more robust food truck ordinance.

He asked for clarification on a statement in Ordinance No. 5933 stating a food unit does not include a stand or a booth. Mr. Shelby said that differentiates a food truck from a snow cone stand or concession stand such as those in the parks.

Council Member Couch said the ordinance also asks for evidence regarding permitting from the State. He asked if there was a special permit for food trucks in Texas. Mr. Shelby said that references the food handlers license that is regulated through Grayson County.

Council Member Davis expressed concern about the requirement of criminal background checks. He asked if any other private businesses were required to have criminal background checks before they can open a business.

Mr. Shelby said the itinerant vendor permit does require background checks because people go door-to-door in residential neighborhoods. He added that it was included in the food truck ordinance because these vendors also work in residential areas and attract vulnerable citizens, such as children.

Council Member Davis felt the criminal background checks were not objectionable for sexual offenses, but theft or moral turpitude could include shoplifting a stick of gum from a store 35 years ago. He felt that was too broad to prohibit someone from operating a mobile food truck. He added, that left no distinction between felonies and misdemeanors.

Council Member Couch asked what the process was for determining who would receive the permit after the background check. Mr. Hefton said the decision would be made by several staff members including the City Clerk's Office, the Police Department, and the Development Services Department.

Mr. Hefton agreed that a theft could be a very small thing that happened years ago that isn't a valid reflection of a health and safety issue. He added that the staff could revisit the wording because assuring the health and safety of the citizens is what the City is really trying to accomplish.

Council Member Davis suggested the requirement might be no felony convictions in the last five years. Council Member Couch wanted a “broad stroke” because the City wants to be business friendly.

COUNCIL MINUTES – MARCH 7, 2016

Council Member Davis also suggested that the City consider a permit fee, possibly \$200 or \$300. Mr. Shelby said most cities did have an administrative fee for the mobile food vendor. Council Member Couch said a fee of \$200 was pretty standard with many cities.

Deputy Mayor Sofey confirmed that the Specific Use Permit fee would not be paid by the food truck owner themselves, but by a property owner that wanted to create a food truck lot.

Mr. Shelby advised that the Council could approve the current ordinance with the changes if the motion directs that those changes be made.

With the discussion about rewording the ordinance, Deputy Mayor Sofey felt there were many “grey areas” for the Council to consider. Mr. Hefton suggested that the staff make the changes discussed and bring back the ordinance for Council consideration at the next meeting. Council Members did not feel that they needed to wait on Ordinance No. 5932.

ACTION TAKEN.

Motion by Council Member Couch to adopt Ordinance No. 5932, as presented. Second by Council Member Davis.

VOTING AYE: Couch, Davis, Johnson, Sofey, Steele, Watt.

VOTING NAY: None.

MOTION CARRIED.

Ordinance 5933

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 PROVIDING FOR A NEW SECTION 6.02.008 TO BE 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 5933
ADD MOBILE
FOOD VENDOR
REGULATIONS
(TABLED)

ACTION TAKEN.

Motion by Deputy Mayor Sofey to table Ordinance No. 5933, for reconsideration on March 21, 2016, with the changes discussed. Second by Council Member Johnson.

VOTING AYE: Couch, Davis, Johnson, Sofey, Steele, Watt.

VOTING NAY: None.

MOTION CARRIED TO TABLE.

Ordinance 5934

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 14, EXHIBIT A OF

ORD 5934
AMEND
REQUIREMENTS

THE CODE OF ORDINANCES, ENTITLED “GENERAL ZONING ORDINANCE”, AT SECTION 8, SUBSECTION (5)(A), AMENDING THE REQUIREMENTS FOR A SPECIFIC USE PERMIT; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER CLAUSE.

FOR SPECIFIC
USE PERMITS

Mr. Hefton explained that this was the first of several ordinances dealing with zoning changes and the work done with Kimley-Horn and the City staff. After the ordinance was prepared, Mr. Hefton said there were a couple of things that needed to be clarified in terms of language. He said it does not change the substance of the ordinance.

If the Council agrees to adopt Ordinance No. 5934, Mr. Hefton asked that they do so with a couple of modifications. The first modification would be that they allow the staff to add the needed clarity to the language. The second modification is that some of the permitted uses that were taken out of C-2 didn't get added to the Specific Use Permit ordinance, which is Ordinance No. 5934. They were properly removed from C-2, but they weren't added as a SUP.

Mr. Hefton asked that the motion include allowing the staff to clarify the language and to insert the language as it relates to the specific uses, “the foregoing specific uses are permitted without Specific Use Permits in any district of lower classification than indicated on the table above”. This is the clarifying language, and then the items that were left out will be added into the SUP list.

ACTION TAKEN.

Motion by Council Member Couch to adopt Ordinance No. 5934, subject to the revisions discussed by the City Manager. Second by Council Member Watt.

VOTING AYE: Couch, Davis, Johnson, Sofey, Steele, Watt.

VOTING NAY: None.

MOTION CARRIED.

Ordinance 5935

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 14, EXHIBIT A OF THE CODE OF ORDINANCES, ENTITLED “GENERAL ZONING ORDINANCE”, AT SECTION 6, SUBSECTION 6.4, ENTITLED “C-1 (RETAIL BUSINESS) DISTRICT”; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR A SEVERABILITY; PROVIDING FOR A REPEALER CLAUSE.

ORD 5935
AMEND PERMITTED
USES IN THE C-1
RETAIL BUSINESS
DISTRICT

Ordinance 5936

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 14, EXHIBIT A OF THE CODE OF ORDINANCES, ENTITLED “GENERAL ZONING ORDINANCE”, AT SECTION 6, SUBSECTION 6.5, ENTITLED “C-2 (GENERAL COMMERCIAL) DISTRICT”;

ORD 5936
AMEND PERMITTED
USES IN THE C-2
GENERAL
COMMERCIAL
DISTRICT

PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR A SEVERABILITY; PROVIDING FOR A REPEALER CLAUSE.

Ordinance 5937

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 14, EXHIBIT A OF THE CODE OF ORDINANCES, ENTITLED "GENERAL ZONING ORDINANCE", AT SECTION 6, SUBSECTION 6.6, ENTITLED "M-1 (LIGHT MANUFACTURING) DISTRICT"; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER CLAUSE.

ORD 5937
AMEND PERMITTED
USES IN THE M-1
LIGHT
MANUFACTURING
DISTRICT

Ordinance 5938

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 14, EXHIBIT A OF THE CODE OF ORDINANCES, ENTITLED "GENERAL ZONING ORDINANCE", AT SECTION 6, SUBSECTION 6.8.1, ENTITLED "O-1.1 (F.M. HIGHWAY 1417) OVERLAY DISTRICT"; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER CLAUSE.

ORD 5938
AMEND
REQUIREMENTS
FOR THE O-1.1
FM HWY 1417
OVERLAY DISTRICT

Ordinance 5939

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 AN AUTO UPHOLSTERY SHOP IN A C-2 (GENERAL COMMERCIAL) DISTRICT AT 3710 TEXOMA PARKWAY, BEING 1 PART OF LOT 3, BLOCK 1, REDICK ADDITION, CONTAINING 0.42 ACRES (RIGOBERTO RIVAS, OWNER; AND RIVAS GENERAL UPHOLSTERY, TENANT); PROVIDING FOR A REPEALER CLAUSE; PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00.

ORD 5939
ZONE CHANGE FOR
AUTO UPHOLSTERY
SHOP
(3710 TEXOMA PKWY)

Ordinance 5940

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 C-1 (RETAIL BUSINESS) DISTRICT AT 2007 NORTH TRAVIS STREET, BEING 1.393 ACRES IN THE J.B. MCANAI SURVEY, ABSTRACT NO. 763 (BARRY L. AND JESSIE BURTON, OWNERS; AND MICHAEL CLARK, WINKELMANN & ASSOCIATES, INC., ENGINEER/SURVEYOR); PROVIDING FOR A REPEALER CLAUSE.

ORD 5940
ZONE CHANGE FROM
RESIDENTIAL TO
RETAIL BUSINESS
(2007 N. TRAVIS)

Ordinance 5941

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 C-1 (RETAIL BUSINESS) DISTRICT AT 2021 NORTH TRAVIS STREET, BEING 1.623 ACRES IN THE J.B. MCANAI SURVEY, ABSTRACT NO. 763 (RUSSELL

ORD 5941
ZONE CHANGE FROM
RESIDENTIAL TO
RETAIL BUSINESS
(2021 N. TRAVIS)

SPEARS, OWNER; AND MICHAEL CLARK, WINKELMANN & ASSOCIATES, INC., ENGINEER/SURVEYOR); PROVIDING FOR A REPEALER CLAUSE.

ACTION TAKEN.

Motion by Council Member Couch to adopt Ordinance Nos. 5931, 5935, 5936, 5937, 5938, 5939, 4940, and 5941, as presented. Second by Council Member Watt.

VOTING AYE: Couch, Davis, Johnson, Sofey, Steele, Watt.

VOTING NAY: None.

MOTION CARRIED.

CONSENT AGENDA

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

CONSENT AGENDA

RESOLUTIONS

RESOLUTION NO. 6060 – AUTHORIZING EXECUTION OF AN ADDENDUM TO AN AGREEMENT WITH PANDA SHERMAN POWER, LLC FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES WITHIN INDUSTRIAL REINVESTMENT ZONE NO. 072009-2, CITY OF SHERMAN, TEXAS

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN ADDENDUM TO AN AGREEMENT WITH PANDA SHERMAN POWER, LLC FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES WITHIN INDUSTRIAL REINVESTMENT ZONE NO. 072009-2, CITY OF SHERMAN, TEXAS.

**RES 6060
PANDA SHERMAN
POWER TAX
ABATEMENT
ADDENDUM**

RESOLUTION NO. 6061 – AUTHORIZING EXECUTION OF AN ECONOMIC DEVELOPMENT PROGRAM AGREEMENT WITH PANDA SHERMAN POWER, LLC FOR THE GRANT OF INCENTIVES PURSUANT TO CHAPTER 380 OF THE TEXAS LOCAL GOVERNMENT CODE

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN ECONOMIC DEVELOPMENT PROGRAM AGREEMENT WITH PANDA SHERMAN POWER, LLC FOR THE GRANT OF INCENTIVES PURSUANT TO CHAPTER 380 OF THE TEXAS LOCAL GOVERNMENT CODE.

**RES 6061
PANDA SHERMAN
POWER CHAPTER 380
AGREEMENT**

ACTION TAKEN.

Motion by Deputy Mayor Sofey to approve Resolution Nos. 6060 and 6061, as presented. Second by Council Member Davis.

VOTING AYE: Couch, Davis, Johnson, Sofey, Steele, Watt.

VOTING NAY: None.

MOTION CARRIED.

RESOLUTION NO. 6062 – AUTHORIZING EXECUTION OF AN AGREEMENT WITH JESUS PRADO UNDER THE CITY OF SHERMAN'S CENTRAL BUSINESS DISTRICT HISTORIC BUILDING RESTORATION AND IMPROVEMENT GRANT PROGRAM FOR IMPROVEMENTS TO 213 SOUTH TRAVIS STREET

**RES 6062
CENTRAL BUSINESS
DISTRICT HISTORIC
BUILDING GRANT
(213 S. TRAVIS)**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN AGREEMENT WITH JESUS PRADO UNDER THE CITY OF SHERMAN'S CENTRAL BUSINESS DISTRICT HISTORIC BUILDING RESTORATION AND IMPROVEMENT GRANT PROGRAM FOR IMPROVEMENTS TO 213 SOUTH TRAVIS STREET.

Don Keene, Assistant City Manager, said this is a façade grant. Each year the Council allocates a portion of the Hotel/Motel Occupancy Tax revenue towards this program, which is designed to stimulate interest in and improvement of some of the vacant and underutilized historical buildings in the Central Business District.

Mr. Prado has applied for and worked to comply with the requirements of the program. This grant is a “forgivable loan” and there will be a lien placed on the property. The lien will be released at the end of the five year period, assuming that Mr. Prado stays in business and keeps the taxes current.

In the review, the City has identified Mr. Prado's cost estimates that qualify for the program, and recommends approval of the grant for \$16,225. That leaves approximately \$33,000 in the program for any additional applications this year.

The grant will be used for the building at 213 S. Travis, which was formally the Travis Lunch Room. Mr. Prado plans to develop the building as an upscale, modern barber shop.

ACTION TAKEN.

Motion by Council Member Couch to approve Resolution No. 6062, as presented. Second by Council Member Johnson.

VOTING AYE: Couch, Davis, Johnson, Sofey, Steele, Watt.

VOTING NAY: None.

MOTION CARRIED.

RESOLUTION NO. 6063 – CREATING A MAIN STREET ADVISORY COMMITTEE; PROVIDING FOR ITS MEMBERSHIP AND TERMS OF OFFICE; ALLOWING ITS ORGANIZATION AND STRUCTURE

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, CREATING A MAIN STREET ADVISORY COMMITTEE; PROVIDING FOR ITS MEMBERSHIP AND TERMS OF OFFICE; ALLOWING ITS ORGANIZATION AND STRUCTURE.

Steve Ayers, Director of Community and Support Services, said Sherman was recently selected for the Texas Main Street Program. A part of that program includes an advisory committee to partner with the Main Street Manager to establish priorities, goals, and efforts in revitalization and preservation.

**RES 6063
MAIN STREET
ADVISORY
COMMITTEE**

COUNCIL MINUTES – MARCH 7, 2016

It is recommended that the Committee consist of six at-large members and two ex-officio members. Once the committee is selected, they will determine the by-laws.

Mr. Hefton said the current resolution is to create the Committee. Members will be appointed at the next Council Meeting. He said there seems to be a lot of interest in citizens that want to serve on the Committee.

ACTION TAKEN.

Motion by Council Member Johnson to approve Resolution No. 6063, as presented. Second by Council Member Couch.

VOTING AYE: Couch, Davis, Johnson, Sofey, Steele, Watt.

VOTING NAY: None.

MOTION CARRIED.

RESOLUTION NO. 6064 – AUTHORIZING THE PURCHASE OF A LEEBOY 8500C ASPHALT PAVING MACHINE FOR THE STREET MAINTENANCE DEPARTMENT FROM ROMCO EQUIPMENT CO. THROUGH THE TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (BUYBOARD)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE PURCHASE OF A LEEBOY 8500C ASPHALT PAVING MACHINE FOR THE STREET MAINTENANCE DEPARTMENT FROM ROMCO EQUIPMENT CO. THROUGH THE TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (BUYBOARD).
CONSENT AGENDA.

RES 6064
PURCHASE OF
ASPHALT PAVING
MACHINE

OTHER BUSINESS

ACCEPT ANNUAL AUDIT REPORT FOR YEAR ENDED SEPTEMBER 30, 2015 FROM ADAMI, LINDSEY AND COMPANY, L.L. P.

Brian Grisham, Audit Manager, Adami, Lindsey & Co., presented the Annual Audit Report for the year ended September 30, 2015. The Audit demonstrates the City's accountability to the citizens, the debt holder, and others. It provides information about the City's financial condition and results of operation.

ANNUAL AUDIT

Two independent audit reports have been issued for the City. The first is a report on financial statements. It is an unmodified or clean opinion on the City's financial statements. This means that the financial statements are free of material misstatement and properly present the City's financial position and results of operations for FY 2015.

The second report concerns internal controls and the compliance required by government auditing standards. When an organization receives grants from the Federal or State governments, their Audit must be conducted in accordance with these standards.

No issues were found with internal controls or compliance that is required to be reported in accordance with those standards.

The annual financial report is divided into three sections. The introductory section includes a transmittal letter from management and provides general information about the City.

The financial section includes the independent auditor's reports, the financial statements and schedules, and notes to the financial statements.

The statistical section provides selected data about the City on a multi-year basis as a way of assessing the City's economic condition over a period of time.

One significant factor effecting the financial statements this year was the adoption of a new accounting standard relating to the financial reporting for pensions. This new standard requires governments that provide retirement and pension benefits to its employees to now recognize its actuarially calculated net pension liability in its financial statements and records.

In the implementation of this standard, the City was required to state its equity or net position at the beginning of the year. This was a reduction or decrease of over \$7 million from what was reported last year. Despite the negative impact of the implementation of this standard, the City remains in good financial condition.

Mr. Grisham said the City enjoyed improved financial results this year, when compared to the prior year. This year the City had a decrease in its net position of about \$1.1 million as compared to \$2.2 million in the prior year. The improvement was brought about by some increase in revenues, primarily from property taxes and utility billings.

In conclusion, Mr. Grisham said the City is in good financial condition. The books and records are maintained in good order. He thanked the Finance Department staff and the City personnel for their help during the Audit.

ACTION TAKEN.

Motion by Council Member Davis to accept the Annual Audit Report for the year ended September 30, 2015, as presented. Second by Council Member Couch.

VOTING AYE: Couch, Davis, Johnson, Sofey, Steele, Watt.

VOTING NAY: None.

MOTION CARRIED.

DISCUSS AND CONSIDER APPROVAL OF THE BUDGET CALENDAR FOR FISCAL YEAR (FY) 2016-2017

Mr. Hefton said this is the draft proposed Budget Calendar. The two most important dates are the budget planning

BUDGET CALENDAR

meeting and the budget workshop. The proposed meeting dates are April 15, 2016 for the budget planning meeting and June 21 and 22, 2016 for the budget workshop. Normally the budget workshop is only one day, however two days are selected in case it takes longer.

ACTION TAKEN.

Motion by Council Member Steele to approve the Budget Calendar for FY 2016-2017, as presented. Second by Deputy Mayor Sofey.

VOTING AYE: Couch, Davis, Johnson, Sofey, Steele, Watt.

VOTING NAY: None.

MOTION CARRIED.

CONSIDER REQUEST OF THE 2016 EARTH DAY PLANNING COMMITTEE TO TEMPORARILY CLOSE CERTAIN STREETS FOR THE "8TH ANNUAL EARTH DAY FESTIVAL" ON SATURDAY, APRIL 23, 2016

The City Council approved the request of the 2016 Earth Day Planning Committee to close certain streets for the "8th Annual Earth Day Festival" on Saturday, April 23, 2016.

The event will be held on the Municipal Grounds, and street closures will include those around the Municipal Building, as well as the City Hall parking lot.

CONSENT AGENDA.

FINAL PLAT APPROVAL OF PALABRA DE FE DE SHERMAN ADDITION, BEING PART OF A REPLAT OF BLOCKS 5 AND 6 OF C.J. KELIEHOR'S FIRST ADDITION, BEING 11.14 ACRES IN THE CHARLES CARTER SURVEY, ABSTRACT NO. 229, INCLUDING BLOCKS 5 AND 6 OF C.J. KELIEHOR'S FIRST ADDITION; FIRST PENTECOSTAL CHURCH, AKA FAITH CHURCH OF SHERMAN, OWNER, AND SARTIN AND ASSOCIATES, INC., SURVEYOR (601 AND 603 NORTH HARRISON AVENUE)

The City Council approved the Final Plat of the Palabra De Fe De Sherman Addition, consisting of 11.14 acres in the Charles Carter Survey. The property is located at 601 and 603 North Harrison Street and includes the old First Pentecostal Church property, owned by Faith Church of Sherman.

The property is currently zoned R-1 (One Family Residential) and R-2 (Multi-Family Residential). The owner would like to plat the property into two lots. The Planning and Zoning Commission recommended approval of the Final Plat, subject to the Staff Review Letter.

CONSENT AGENDA.

CITIZENS REQUESTS

SPECIAL OLYMPICS TRAVEL REQUEST

Katie Gresham, 1204 N. Grant Dr., appeared representing Sherman Shooting Stars Special Olympics, which is an adult program.

**CLOSE STREETS
FOR EARTH DAY
FESTIVAL
(APRIL 23, 2016)**

**APPROVE FINAL PLAT
PALABRA DE FE DE
SHERMAN ADDITION
(601 & 603 HARRISON)**

**SPECIAL OLYMPICS
TRAVEL REQUEST**

COUNCIL MINUTES – MARCH 7, 2016

Ms. Gresham said her family was active in the Special Olympics when they lived in California and found no program here when they moved to Sherman. Three years ago, she was asked to be the head of delegation for Special Olympics in Sherman.

The first sport was bowling and 48 people participated. The program has grown a lot and now includes other sports, such as basketball and tennis. Athletes from Grayson County participate in the Sherman Shooting Stars. The Denison Chapter will soon be incorporated into their group and will increase the number of participants to about 60.

Ms. Gresham said a bus with a wheelchair lift was donated to the program. However, Special Olympics does not allow any chapters to own vehicles, due to potential lawsuits. They contacted the Texoma Area Paratransit System for assistance and signed the bus over to them, with the understanding that they would have 20 years of rides to and from one-day events.

Ms. Gresham asked the Council for help financially, to provide funds for transportation to Area 10 Spring Games on April 21 and 22, 2016, in Cedar Hill, Texas. They have been using parents for transportation, but recently learned that the insurance needed would be cost prohibitive for the parents. They have a driver for the trip.

Mayor Plyler asked the staff to look into any help the City could offer and contact Ms. Gresham.

MEDIA QUESTIONS

There were no media questions.

APPOINT/REMOVE OR CONSIDER QUALIFICATIONS TO
BOARDS AND COMMISSIONS

KEEP SHERMAN BEAUTIFUL COMMISSION (1)

ACTION TAKEN.

Motion by Deputy Mayor Sofey to reappoint Lauren Roth to the Keep Sherman Beautiful Commission for a term from January 1, 2016 to January 1, 2018. Second by Council Member Couch.

VOTING AYE: Couch, Davis, Johnson, Sofey, Steele, Watt.

VOTING NAY: None.

MOTION CARRIED.

LIBRARY BOARD (1)

ACTION TAKEN.

Motion by Council Member Johnson to appoint Lisa Hébert to the Library Board for a term from March 20, 2016 to March 20, 2019. Second by Council Member Couch.

VOTING AYE: Couch, Davis, Johnson, Sofey, Steele, Watt.

VOTING NAY: None.

MOTION CARRIED.

MEDIA QUESTIONS

KEEP SHERMAN
BEAUTIFUL
COMMISSION

LIBRARY BOARD

COUNCIL COMMENTS

CONGRATULATIONS TO TOM WATT

Mayor Plyler recognized new Sheriff-Elect Tom Watt. He offered his congratulations.

CONGRATULATIONS
TO TOM WATT

ELECTIONS

Council Member Johnson said she was thankful that the Elections were over.

ELECTIONS

CENTRAL BUSINESS DISTRICT HISTORICAL GRANT

Council Member Watt recognized Jesus Prado on receiving the Central Business District Historical Grant. He wished him good luck in his endeavors.

CENTRAL BUSINESS
DISTRICT HISTORICAL
GRANT

CONGRATULATIONS TO TOM WATT

Deputy Mayor Sofey congratulated Council Member Watt on his election as Grayson County Sheriff. He said he is proud to have worked with Council Member Watt for many years through their involvement in Sherman. He said the County will be in good shape with him as Sheriff.

CONGRATULATIONS
TO TOM WATT

COMMEND STAFF

Deputy Mayor Sofey commended the staff for their work on the mobile food truck ordinance, the zoning ordinances, the FM 1417 Overlay District, and the annexation. He said it is tough work and takes a lot of time, but it is progress that the City has needed for many years.

COMMEND STAFF

CONGRATULATIONS TO TOM WATT

Council Member Davis congratulated Council Member Watt and thanked him for his willingness to run for Sheriff. It took a lot of work and time, but Grayson County is blessed to have someone of his character willing to serve.

CONGRATULATIONS
TO TOM WATT

COMMEND FINANCE STAFF

Council Member Davis commended Mary Lawrence, Director of Finance, and her staff for all the work they did with the auditors. He said it is comforting to know that the City's books are "clean" and in good shape.

COMMEND FINANCE
STAFF

CONGRATULATIONS TO TOM WATT

Council Member Steele congratulated Council Member Watt on his election as Sheriff and said the County is in good hands. He said he looked forward to the great work he has always done as a peace officer.

CONGRATULATIONS
TO TOM WATT

TEXOMA AREA PARATRANSIT SYSTEM

Council Member Steele said earlier today the Texoma Area Paratransit System Board of Directors awarded a contract to Transdev, a management company. He said they are looking forward to this company starting services back up and going above and beyond what was seen in the past. He said the TAPS services are too important to let go. He added that the company is stable and able to add the services that the area needs.

TAPS

TEXOMA AREA PARATRANSIT SYSTEM

Council Member Couch thanked Council Member Steele for serving on the TAPS Board of Directors. He said Sherman has a great Mayor, City Council, and staff.

TAPS

RECENT FM 1417 FATALITIES

Council Member Couch said he was asked to provide an interview about the recent FM 1417 fatalities, and it was refreshing to call Mr. Hefton and find that he was already talking with the Texas Department of Transportation to get that issue on the top of their list.

RECENT FM 1417
FATALITIES

He thanked Mr. Hefton for his proactive nature and working to keep the citizens safe. He thanked him for his leadership and his team.

CENTRAL BUSINESS DISTRICT HISTORICAL GRANT

Council Member Couch recognized Mr. Prado on his receipt of the Central Business District Historical Grant. He said the renderings of his proposal look great.

CENTRAL BUSINESS
DISTRICT HISTORICAL
GRANT

He said it was an exciting time. The new Tourism Director is in the Boardwalk Building, and four new retail spaces are going in. He said Sherman's downtown is on the path to greatness again and it's an exciting time for the community.

SHERMAN IS A GREAT COMMUNITY

Mayor Plyler said Sherman is a great City in which to live and he is proud to serve as Mayor and to raise his family in the community.

SHERMAN IS A
GREAT COMMUNITY

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

THE CITY COUNCIL WILL NOW HOLD AN EXECUTIVE SESSION PURSUANT TO THE PROVISIONS OF THE OPEN MEETINGS LAW, CHAPTER 551, GOVERNMENT CODE, VERNONS TEXAS CODES ANNOTATED, IN ACCORDANCE WITH THE AUTHORITY CONTAINED IN THE FOLLOWING SECTIONS.

EXECUTIVE SESSION

SECTION 551.071(1) CONSULTATION WITH CITY
ATTORNEY CONCERNING
PENDING OR CONTEMPLATED
LITIGATION:
RECEIVE THE CITY ATTORNEY'S
BRIEFING ON PENDING OR
CONTEMPLATED LITIGATION

SECTION 551.071(2) CONSULTATION WITH CITY
ATTORNEY ON A MATTER IN
WHICH THE DUTY OF THE
ATTORNEY TO THE
GOVERNMENTAL BODY UNDER
THE TEXAS DISCIPLINARY
RULES OF PROFESSIONAL
CONDUCT OF THE STATE BAR

OF TEXAS CLEARLY CONFLICTS
WITH THIS CHAPTER:
CONSULT WITH THE CITY
ATTORNEY REGARDING LEGAL
ISSUES WITH ORDINANCE
REVISIONS

SECTION 551.087

DELIBERATION REGARDING
ECONOMIC DEVELOPMENT
NEGOTIATIONS:
DELIBERATE REGARDING
COMMERCIAL OR FINANCIAL
INFORMATION THAT THE CITY
HAS RECEIVED FROM A
BUSINESS PROSPECT AND
DELIBERATE ANY OFFERS OR
INCENTIVES TO THE BUSINESS
PROSPECT

On Motion duly made and carried, the Open Meeting
recessed and reconvened in Executive Session at 6:00 p.m.

On Motion duly made and carried, the Executive Session
recessed at 6:23 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

ADJOURNMENT

On Motion duly made and carried, the meeting adjourned at
6:24 p.m.

ADJOURNMENT

MAYOR

CITY CLERK