STATE OF TEXAS §

February 21, 2022

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 February 21, 2022.

MEMBERS PRESENT: MAYOR DAVID PLYLER; DEPUTY MAYOR PAM HOWETH. COUNCIL MEMBERS HOLLAND, MARROQUIN, STEVENSON, TEAMANN.

MEMBERS ABSENT: COUNCIL MEMBER DOBBS.

CALL TO ORDER

CALL TO ORDER

Mayor Plyler called the meeting to order at 5:00 p.m. The Pledge of Allegiance and Invocation were led by Deputy Mayor Pam Howeth.

APPROVE MINUTES

APPROVE MINUTES

The Council reviewed the Minutes of the Regular City Council Meeting of February 7, 2022, and the Called City Council Meeting of February 9, 2022. Deputy Mayor Howeth moved to approve the Minutes, as presented; Second by Council Member Teamann; All present voted AYE.
MOTION CARRIED.

CITIZEN'S COMMENTS

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There were no citizen's comments.

CONSENT AGENDA

CONSENT AGENDA

Asterisked (*) items are considered to be routine and will be enacted in one motion without discussion unless a Council Member or a citizen requests a specific item be discussed and voted on separately.

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

ORD 6459
FATS, OILS,
GREASE &
SEDIMENT CONTROL

Mayor Plyler introduced Ordinance No. 6459 and called for a public hearing:
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING THE CODE OF ORDINANCES, CITY OF SHERMAN, TEXAS, AT CHAPTER 13 (UTILITIES), ARTICLE 13.07 (WATER, SEWERS AND SEWAGE DISPOSAL), DIVISION 3 (SEWERS AND SEWAGE DISPOSAL) AND DIVISION 6 (FATS, OIL, GREASE AND SEDIMENT CONTROL); MODIFYING REGULATIONS GOVERNING THE CITY'S FATS, OIL, GREASE AND SEDIMENT CONTROL PROGRAM; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING A REPEALING CLAUSE, A SEVERABILITY CLAUSE AND A PENALTY CLAUSE.

Terrence Steele, Assistant City Manager, said the Wastewater Treatment Department is recommending an amendment to this ordinance, which was originally adopted in 2008. The amendment would apply to food trucks and small businesses, that don't require large, in-ground grease traps. Also, as an establishment changes their menu, it would still give them the option to require larger grease traps, if necessary.

He said it is expected that this amendment would help small businesses that would be locating in downtown Sherman, without having to install cumbersome grease traps.

No citizens appeared before the City Council to discuss Ordinance No. 6459.

The Public Hearing was closed.

ADOPTION OF ORDINANCES

Ordinance 6459

ORD 6459 FATS, OILS, GREASE & SEDIMENT CONTROL

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING THE CODE OF ORDINANCES, CITY OF SHERMAN, TEXAS, AT CHAPTER 13 (UTILITIES), ARTICLE 13.07 (WATER, SEWERS AND SEWAGE DISPOSAL), DIVISION 3 (SEWERS AND SEWAGE DISPOSAL) AND DIVISION 6 (FATS, OIL, GREASE AND SEDIMENT CONTROL); MODIFYING REGULATIONS GOVERNING THE CITY'S FATS, OIL, GREASE AND SEDIMENT CONTROL PROGRAM; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING A REPEALING CLAUSE, A SEVERABILITY CLAUSE AND A PENALTY CLAUSE.

Council Member Teamann asked if smaller users that could use an under-sink grease trap, were previously allowed to ask for an exception. Nathan Whiddon, Wastewater Superintendent, confirmed that they were allowed to request an exception.

Deputy Mayor Howeth said she liked the idea of helping small businesses, but she asked how the staff would know if they changed their menu to where they would need a larger grease trap.

Mr. Whiddon said they would need to pull a building permit to expand the plumbing or do a retrofit to the facility.

Council Member Marroquin asked about the minimum capacity required for a grease trap. Mr. Whiddon said the ordinance establishes requirements for a mechanical device, if they have a small business, with a limited space, and a number of fixtures connected to the device, and it doesn't exceed the design. They are trying to accommodate unusual circumstances.

ACTION TAKEN.

Motion by Council Member Stevenson to adopt Ordinance No. 6459, as presented. Second by Council Member Teamann.

VOTING AYE: Holland, Howeth, Marroquin, Stevenson, Teamann.
VOTING NAY: None.
MOTION CARRIED.

RESOLUTION NO. 6848 – AUTHORIZING EXECUTION OF A CONSENT TO THE ASSIGNMENT OF THE MASTER DEVELOPMENT AGREEMENT BETWEEN THE CITY OF SHERMAN AND TPJ PROPERTIES, LTD., FOR THE CONSTRUCTION OF PUBLIC

RES 6848 HERITAGE RANCH CONSENT TO ASSIGNMENT OF

THE MASTER DEVELOPMENT AGREEMENT

FACILITIES IN THE RESIDENTIAL PORTION OF THE MIXED-USE PLANNED DEVELOPMENT KNOWN AS HERITAGE RANCH, BEING AN APPROXIMATE 174-ACRE RESIDENTIAL DEVELOPMENT ALONG U.S. HWY 82 AND BETWEEN F.M. 1417 (HERITAGE PARKWAY) AND TRAVIS STREET IN THE CITY OF SHERMAN, TEXAS; IDENTIFYING THE PERMITTED ASSIGNEE AS RCICD HERITAGE RANCH, LLC

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF A CONSENT TO THE ASSIGNMENT OF THE MASTER DEVELOPMENT AGREEMENT BETWEEN THE CITY OF SHERMAN AND TPJ PROPERTIES, LTD., FOR THE CONSTRUCTION OF PUBLIC FACILITIES IN THE RESIDENTIAL PORTION OF THE MIXED-USE PLANNED DEVELOPMENT KNOWN AS HERITAGE RANCH, BEING AN APPROXIMATE 174-ACRE RESIDENTIAL DEVELOPMENT ALONG U.S. HWY 82 AND BETWEEN F.M. 1417 (HERITAGE PARKWAY) AND TRAVIS STREET IN THE CITY OF SHERMAN, TEXAS; IDENTIFYING THE PERMITTED ASSIGNEE AS RCICD HERITAGE RANCH, LLC.

Robby Hefton, City Manager, said in the summer of 2021, the Council approved a Master Development Agreement with TPJ, which is the developer that is developing the residential portion of this Planned Development.

Since that time, they have brought on additional partners, and changed the legal structure of the project. The Master Development Agreement requires that the developer have City Council approval to assign this contract to anyone else.

Neither the plan nor timing have changed, but this is an administrative function to recognize the change in ownership structure and developers. They are asking for the City's consent to assign this agreement to this new company.

Ryan Johnson, representing TPJ Properties, is in attendance at the meeting to answer any questions the Council might have.

ACTION TAKEN.
Motion by Council Member Stevenson to approve Resolution No. 6848, as presented. Second by Deputy Mayor Howeth.
VOTING AYE: Holland, Howeth, Marroquin, Stevenson.
VOTING NAY: None.
ABSTAIN: Teamann.
MOTION CARRIED.

RES 6849 FRIENDSHIP RD & PLEASANT HOME RD ALIGNMENT

RESOLUTION NO. 6849 – AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH COBB, FENDLEY & ASSOCIATES, INC. FOR THE SOUTH FRIENDSHIP ROAD AND PLEASANT HOME ROAD ALIGNMENT STUDIES

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH COBB, FENDLEY & ASSOCIATES, INC. FOR THE SOUTH FRIENDSHIP ROAD AND PLEASANT HOME ROAD ALIGNMENT STUDIES.

Wayne Lee, Director of Engineering, said the staff is proposing to hire an engineering firm to set the alignment for the continuation of Friendship Road, from Hwy 56 to O.B. Groner Road, and Pleasant Home Road, from Riddles Road to the intersection of Park Avenue and FM 1417.

There has been a lot of development in the area, and the right-of-way needs to be established, and dedicated by plat. Cost is estimated to be $573,705, and will be funded by Street Bond Funds.

ACTION TAKEN.
Motion by Council Member Teamann to approve Resolution No. 6849, as presented. Second by Council Member Stevenson.
VOTING AYE: Holland, Howeth, Marroquin, Stevenson, Teamann.
VOTING NAY: None.
MOTION CARRIED.

RES 6850
VEHICLE PURCHASE

RESOLUTION NO. 6850 – AUTHORIZING THE PURCHASE OF TWO NEW DODGE RAM 2500 PICK UP TRUCKS FROM SILSBEE FORD THROUGH TIPS FOR THE PARKS MAINTENANCE DEPARTMENT
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE PURCHASE OF TWO NEW DODGE RAM 2500 PICK UP TRUCKS FROM SILSBEE FORD THROUGH TIPS FOR THE PARKS MAINTENANCE DEPARTMENT.
CONSENT AGENDA,

RES 6851
POLICE & FIRE
PAY SCHEDULES

RESOLUTION NO. 6851 – REPEALING AND REPLACING RESOLUTION NO. 6777; ESTABLISHING SALARY STRUCTURES AND INCENTIVE/CERTIFICATION PAY SCHEDULES FOR FIREFIGHTERS AND POLICE OFFICERS; ESTABLISHING SPECIAL LONGEVITY PAY SCHEDULES FOR NEWLY HIRED FIREFIGHTERS AND POLICE OFFICERS; PROVIDING FOR AN EFFECTIVE DATE
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, REPEALING AND REPLACING RESOLUTION NO. 6777; ESTABLISHING SALARY STRUCTURES AND INCENTIVE/CERTIFICATION PAY SCHEDULES FOR FIREFIGHTERS AND POLICE OFFICERS; ESTABLISHING SPECIAL LONGEVITY PAY SCHEDULES FOR NEWLY HIRED FIREFIGHTERS AND POLICE OFFICERS; PROVIDING FOR AN EFFECTIVE DATE.
CONSENT AGENDA.

REQ TO ADVERTISE
DESIGN &
CONSTRUCTION OF
FAIRVIEW PARK
COURT
IMPROVEMENTS

REQUEST TO ADVERTISE
DESIGN & CONSTRUCTION OF BASKETBALL, TENNIS, AND PICKLEBALL COURT IMPROVEMENTS AT FAIRVIEW PARK
The City Council approved the request to advertise for the design and construction of basketball, tennis, and pickleball court improvements at Fairview Park.

The Council previously approved the 2017 Parks Master Plan, which called for the expansion of current park infrastructure necessary to address the increased growth and usage at Fairview Park. Funding for the improvements was included in the FY 2021-2022 Budget, as part of the Capital Improvement Program.
CONSENT AGENDA.

WATER TREATMENT PLANT EMERGENCY GENERATOR

The City Council approved the request to advertise for a Water Treatment Plant emergency generator. The generator is in response to the February 2021 power outage at the Plant. Council approved a request to install an emergency backup generator in case of a future power outage.

WATER TREATMENT PLANT EMERGENCY GENERATOR

The project is estimated to cost approximately $1.4 million, and funding will be available in the 2022 GTUA Open Market Budget. CONSENT AGENDA.

SYCAMORE TO EVERGREEN SANITARY SEWER REPLACEMENT PROJECT

The City Council approved the request to advertise for the Sycamore to Evergreen Sanitary Sewer Replacement Project. The project is part of the 2022 Capital Improvement Program Budget, and will replace approximately 320 feet of existing undersized sewer lines.

SANITARY SEWER REPLACEMENT

The project is estimated to cost approximately $125,000, and funding is available in the 2021 GTUA Open Market Budget. CONSENT AGENDA.

OTHER BUSINESS

APPOINT DIRECTOR OF FINANCE MARY LAWRENCE TO THE SHERMAN HOSPITAL BOARD

Mr. Hefton said this appointment needs to happen for the project to move forward. They need to establish the Board of Directors, and one of their recommendations is that there be at least one City representative on the board.

SHERMAN HOSPITAL BOARD

The staff believes Ms. Lawrence would represent the City well and has a great background in finance and accounting, and knows the right questions to ask.

ACTION TAKEN.

Motion by Council Member Stevenson to appoint Mary Lawrence to the Sherman Hospital Board, as presented. Second by Council Member Holland.

VOTING AYE: Holland, Howeth, Marroquin, Stevenson, Teamann.
VOTING NAY: None.
MOTION CARRIED.

DETERMINATION OF HICKORY HILL PLANNED DEVELOPMENT FOR LESS THAN 200 ACRES

Rob Rae, Director of Development Services, said the Council adopted the Planned Development Ordinance in March 2019. In the ordinance it states that anything under 200 acres must be approved by the City Council, prior to submitting the application.

HICKORY HILL PLANNED DEVELOPMENT

A developer has said they want to develop at the corner of Lamberth Road and Friendship Road, and want to apply as a Planned Development, however it only encompasses 154 acres. They have submitted a potential conceptual plan, and have met with the staff numerous times.

Mr. Hefton said this is along the new alignment of Lamberth Road as it would trail off to the west, and referenced the new alignment of Friendship Road.

When initiated, the Planned Development Ordinance was supposed to include more than just single-family homes, and should have additional elements. These additional elements should either be in quality, amenities, size, or mixed use. The staff feels this project incorporates those ideas.

He said, the only action tonight would allow them to take the next step, and is not approving the Planned Development or giving them the authority to do anything other than submit an application. The application would then be reviewed by Halff Associates, which is the City's consultant.

The project would be a proposed mixed use of single-family housing, higher density single-family housing, commercial, and elements incorporating Site 8A flood control structure. There are parks around two other flood control structure sites, Dean Gilbert Lake at Pecan Grove West, and Pickens Lake at Herman Baker Park.

The idea is to incorporate the detention structure into a park structure that would have greenspace, open space, trails, and connectivity to other parks.

Mr. Hefton added that, if the property was under 100 acres, it would not be considered for a Planned Development, even with Council approval.

Taylor Blanchard, Linesight Development, was available to answer any questions the Council might have.

Council Member Stevenson asked for additional information about the development.

Mr. Blanchard said the development is at the intersection of two major thoroughfares in Sherman's Extraterritorial Jurisdiction, with no declaration of future land use.

Their original intent was to ask for the Planned Development to provide a mix of uses for this area. They felt it would be best to provide a mix of single-family patio homes and R-1 zoning, and to connect with trails and parks. He said they were excited to build high quality homes and offer connectivity to parks and trails, for that part of town.

Council Member Teamann said it looked like the different elements would be separated in different areas, and he asked why they decided to request a Planned Development instead of requesting different zoning for the different properties.

Mr. Blanchard said they wanted to ensure consistency and tie together all the elements, since they will all be connected. They thought it was a great opportunity to partner with the City and work together to see what each party would like, and not segment one quadrant to breakout.

Council Member Teamann said that was good for the City because they have more input on what the final product looks like.

Mr. Blanchard said the City maintains the flood control lake and they saw the opportunity to make an amenity out of that and provide a public park facility. The commercial areas will make use of the City's minor arterial roads.

Deputy Mayor Howeth asked what the negative would be to allowing this as a Planned Development. Mr. Rae said he didn't think there would be a negative. He said if it was all one use, it would make since to do it with one zone change, but with the diversity, this will be easier on the developer to create what they want. There will be a little more staff time required with the application process and review, but the fees will pay for that.

Council Member Teamann felt it would be good because the City would have more input on the overall product.

ACTION TAKEN.

Motion by Council Member Stevenson to authorize representatives of Hickory Hill Planned Development to move forward with their application for a Planned Development, as presented. Second by Council Member Holland.

VOTING AYE: Holland, Howeth, Marroquin, Stevenson, Teamann.
VOTING NAY: None.
MOTION CARRIED.

BUDGET CALENDAR

<u>DISCUSS AND CONSIDER APPROVAL OF THE BUDGET CALENDAR FOR FISCAL YEAR (FY) 2022-2023</u>

Mr. Hefton presented the proposed Budget Calendar for the FY 2022-2023 meetings. The three key meetings are proposed for:

- Budget Planning Meeting with City Council and Financial Update for April 22, 2022
- Capital Improvement Program Work Session for May 26, 2022
- Budget Workshop for June 16-17, 2022

Deputy Mayor Howeth will be unable to attend the April 22 meeting so it will be moved to April 19, 2022. Everyone was okay with the other proposed meeting dates.

ACTION TAKEN.

Motion by Deputy Mayor Howeth to change the date of the Budget Planning Meeting and Financial Update to April 19, 2022, and to approve the other proposed dates for the Budget Calendar for FY 2022-2023. Second by Council Member Teamann.

VOTING AYE: Holland, Howeth, Marroquin, Stevenson, Teamann.
VOTING NAY: None.
MOTION CARRIED.

APPOINT/REMOVE OR CONSIDER QUALIFICATIONS TO BOARDS AND COMMISSIONS
LIBRARY BOARD (4)

LIBRARY BOARD

ACTION TAKEN.

Motion by Deputy Mayor Howeth to reappoint Laurie Mealy, to the Library Board, for a term from January 19, 2022 to January 19, 2025, and to reappoint Donna Nesbit, for a term from February 5, 2022 to February 5, 2025. Second by Council Member Holland.

VOTING AYE: Holland, Howeth, Marroquin, Stevenson, Teamann.
VOTING NAY: None.
MOTION CARRIED.

Deputy Mayor Howeth also encourage other citizens to apply for the vacancies on the Library Board.

COUNCIL COMMENTS
CONGRATULATIONS TO STAFF MEMBER

CONGRATULATIONS TO STAFF MEMBER

Council Member Marroquin congratulated Tasheena Taylor, Administrative Assistant, on reading the ordinance and resolution captions tonight, saying she did a great job.

ANNOUNCEMENTS

ANNOUNCEMENTS

Mayor Plyler announced the following:

- The City of Sherman will hold a job fair on February 26, 2022, from 10:00 a.m. until 2:00 p.m., at City Hall.
- Coffee with the Mayor will be held on March 4, 2022, at 8:00 a.m., at the Salvation Army of Grayson County. The event will feature the latest drone update on City projects.
- The Annual St. Patrick's Day Parade will be held on March 12, 2022, at 11:00 a.m. in Downtown Sherman.

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

EXECUTIVE SESSION

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.

TEX. GOV'T CODE § 551.071 --
SEEKING THE ADVICE OF ITS ATTORNEY ABOUT PENDING OR CONTEMPLATED LITIGATION, SETTLEMENT OFFERS OR ANY MATTER IN WHICH THE DUTY OF THE ATTORNEY TO THE CITY COUNCIL UNDER THE TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT OF THE STATE BAR OF TEXAS CLEARLY CONFLICTS WITH THE TEXAS OPEN MEETINGS ACT

TEX. GOV'T CODE § 551.072 --
DELIBERATING THE PURCHASE, EXCHANGE, LEASE OR VALUE OF REAL PROPERTY IF DELIBERATION IN AN OPEN MEETING WOULD HAVE A DETRIMENTAL EFFECT ON THE POSITION OF THE CITY IN NEGOTIATIONS WITH A THIRD PERSON

TEX. GOV'T CODE § 551.073 --
DELIBERATING A NEGOTIATED CONTRACT FOR A PROSPECTIVE GIFT OR DONATION TO THE CITY IF DELIBERATION IN AN OPEN MEETING WOULD HAVE A DETRIMENTAL EFFECT ON THE POSITION OF THE CITY IN NEGOTIATIONS WITH A THIRD PERSON

TEX. GOV'T CODE § 551.074 --
DELIBERATING THE APPOINTMENT, EMPLOYMENT, EVALUATION, REASSIGNMENT, DUTIES, DISCIPLINE OR DISMISSAL OF A PUBLIC OFFICER OR EMPLOYEE; OR TO HEAR A COMPLAINT OR CHARGE AGAINST AN OFFICER OR EMPLOYEE UNLESS THE OFFICER OR EMPLOYEE WHO IS THE SUBJECT OF THE DELIBERATION OR HEARING REQUESTS A PUBLIC HEARING
(a) Planning and Zoning Commission (1)
(b) Discussion of the duties of the City Manager

TEX. GOV'T CODE § 551.076 –
DELIBERATING THE DEPLOYMENT, OR SPECIFIC OCCASIONS FOR IMPLEMENTATION, OF SECURITY PERSONNEL OR DEVICES OR A SECURITY AUDIT

TEX. GOV'T CODE § 551.087 –
DISCUSSING OR DELIBERATING COMMERCIAL OR FINANCIAL INFORMATION THAT THE CITY HAS RECEIVED FROM A BUSINESS PROSPECT THAT THE CITY SEEKS TO HAVE LOCATE, STAY OR EXPAND IN OR NEAR THE CITY AND WITH WHICH THE CITY IS CONDUCTING ECONOMIC DEVELOPMENT NEGOTIATIONS; OR DELIBERATING THE OFFER OF A FINANCIAL OR OTHER INCENTIVE TO A BUSINESS PROSPECT
(a) Project Boston
(b) Sherman Hospital Project

TEX. GOV'T CODE § 551.089 --
DELIBERATING SECURITY ASSESSMENTS OR DEPLOYMENTS RELATING TO INFORMATION RESOURCES TECHNOLOGY, NETWORK SECURITY INFORMATION, OR THE DEPLOYMENT OR SPECIFIC OCCASIONS FOR IMPLEMENTATION OF SECURITY PERSONNEL, CRITICAL INFRASTRUCTURE OR SECURITY DEVICES

On Motion duly made and carried, the Open Meeting recessed and reconvened in Executive Session at 5:29 p.m.

On Motion duly made and carried, the Executive Session recessed at 6:28 p.m. and reconvened in Open Meeting.

OPEN MEETING

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

APPOINT/REMOVE OR CONSIDER QUALIFICATIONS TO BOARDS AND COMMISSIONS

PLANNING & ZONING COMMISSION

PLANNING AND ZONING COMMISSION (1)
ACTION TAKEN.
Motion by Council Member Stevenson to reappoint Paul Manley, to the Planning and Zoning Commission, for a term from

December 18, 2021 to December 18, 2024. Second by Council Member Holland.

VOTING AYE: Holland, Howeth, Marroquin, Stevenson, Teamann.
VOTING NAY: None.
MOTION CARRIED.

PROJECT BOSTON

PROJECT BOSTON
ACTION TAKEN.

Motion by Council Member Teamann to authorize the City Manager to negotiate an incentive agreement with Project Boston. Second by Council Member Stevenson.

VOTING AYE: Holland, Howeth, Marroquin, Stevenson, Teamann.
VOTING NAY: None.
MOTION CARRIED.

ADJOURNMENT

ADJOURNMENT
On Motion duly made and carried, the meeting adjourned at 6:29 p.m.

MAYOR

Linda Ashby
CITY CLERK