

February 4, 2019

**MEMBERS PRESENT: MAYOR DAVID PLYLER; DEPUTY MAYOR SHAWN TEAMANN.
COUNCIL MEMBERS HOLLAND, HOWETH, MELTON, STEELE, STEVENSON.**

CALL TO ORDER

CALL TO ORDER

The Council reviewed the Minutes of the Called City Council Meeting of January 22, 2019. Council Member Howeth moved to approve the Minutes, as presented; Second by Council Member Stevenson. All present voted AYE.
MOTION CARRIED.

APPROVE MINUTES

Mayor Plyler introduced Ordinance No. 6178 and called for a public hearing:

**ORD 6178
SPEED LIMIT
ON SH 289**

No citizens appeared before the City Council to discuss Ordinance No. 6178.

ADOPTION OF ORDINANCES

Ordinance 6178

**ORD 6178
SPEED LIMIT
ON SH 289**

SHERMAN, GRAYSON COUNTY, TEXAS; FIXING PENALTIES FOR VIOLATION THEREOF; DECLARING AN EMERGENCY; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

Council Member Stevenson asked if TxDOT said why they felt a reduction in speed was warranted. Mr. Philpott said the study was a “safety study” so he felt they probably took recent accidents into account.

During the study, they log in traffic in that area and determine what the 85th percentile is. On the southbound side, the 85th percentile was about 72 mph. It was higher on the northbound side. He said with the increased population and the road not being a median-divided road, they probably felt it should be 70 mph instead of 75 mph.

Deputy Mayor Teamann said a lot of cyclists use the SH 289 corridor and he felt they would probably appreciate any reduction in speed on that highway.

ACTION TAKEN.

Motion by Council Member Stevenson to approve Ordinance No. 6178, as presented. Second by Deputy Mayor Teamann.

VOTING AYE: Holland, Howeth, Melton, Steele, Stevenson, Teamann.

VOTING NAY: None.

MOTION CARRIED.

CONSENT AGENDA

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

CONSENT AGENDA

RESOLUTIONS

RESOLUTION NO. 6455 – AUTHORIZING EXECUTION OF A DEVELOPMENT AGREEMENT WITH MITCHELL ENTERPRISES, LTD. FOR THE CONSTRUCTION OF PUBLIC FACILITIES IN COPLEY ADDITION, PHASE 2, A 10.704-ACRE DEVELOPMENT OFF OF COPLEY STREET, EAST OF STATE HIGHWAY 11 (DEWEY AVENUE) IN THE CITY OF SHERMAN

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF A DEVELOPMENT AGREEMENT WITH MITCHELL ENTERPRISES, LTD. FOR THE CONSTRUCTION OF PUBLIC FACILITIES IN COPLEY ADDITION, PHASE 2, A 10.704-ACRE DEVELOPMENT OFF OF COPLEY STREET, EAST OF STATE HIGHWAY 11 (DEWEY AVENUE) IN THE CITY OF SHERMAN.

**RES 6455
DEVELOPMENT
AGREEMENT
COPLEY ADDITION**

Mr. Philpott said the developer’s agreement is for 38 new residential lots. It will include City streets, water, sewer, and storm drainage improvements. The development will extend Copley Street to the north, and is located east of Valentine Street.

ACTION TAKEN.

Motion by Council Member Steele to approve Resolution No. 6455, as presented. Second by Deputy Mayor Teamann.

VOTING AYE: Holland, Howeth, Melton, Steele, Stevenson, Teamann.

VOTING NAY: None.

MOTION CARRIED.

RESOLUTION NO. 6456 – AWARDING BIDS TO AND AUTHORIZING EXECUTION OF CONTRACTS WITH MULTIPLE VENDORS FOR AN ANNUAL SUPPLY OF CHEMICALS FOR THE SHERMAN WATER TREATMENT PLANT

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AWARDING BIDS TO AND AUTHORIZING EXECUTION OF CONTRACTS WITH MULTIPLE VENDORS FOR AN ANNUAL SUPPLY OF CHEMICALS FOR THE SHERMAN WATER TREATMENT PLANT.

CONSENT AGENDA.

RES 6456
ANNUAL SUPPLY
OF CHEMICALS FOR
WATER TREATMENT
PLANT

OTHER BUSINESS

CONSIDER APPROVAL OF THE ANNEXATION SCHEDULING PLAN FOR ADOPTION OF 9.758 ACRES ON WEST WASHINGTON STREET, WEST OF F.M. 1417 (HERITAGE PARKWAY), ADJACENT TO THE SHERMAN CITY LIMITS AND IN THE CITY OF SHERMAN'S EXTRA TERRITORIAL 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
WEST WASHINGTON,
WEST OF FM 1417

Mr. Philpott said this annexation was requested by Washington Bend, the owners and developers of a 30 lot subdivision. The subdivision is located along Washington Street, just north of Timbercreek Road.

The total development is 22 acres, but 10 of those acres are not located inside the City limits. They are requesting annexation to continue developing the entire tract.

Brandon Shelby, City Attorney, said the proposed scheduling plan includes two public hearings on the February 18, 2019 City Council agenda, with action on the item at the March 18, 2019 Council Meeting.

For an annexation, State law requires two public hearings, no more than 40 days nor less than 20 days from the actual vote to consider the annexation. Normally those public hearings are scheduled for regular City Council Meetings, but there is nothing in the State law that precludes the City from having those public hearings at the same meeting.

By scheduling both public hearings at the same meeting, the City would not need to schedule a Special Called Council Meeting. Since this annexation is voluntary and requested by the property owner, the staff felt the public hearings could be held at the same meeting.

Council Member Steele asked what property around the proposed annexation is in the City limits. He verified that the City limits ends about where Washington Street ends.

He also verified that it would be up to each individual property owner, west of the City limits, to request annexation if they want to be inside the City.

Mr. Hefton said there are two main reasons that the City has annexed property in the past. The first is at the initiation of the property owner, which is what this request is. The other is where there is a large group, such as the Preston Club annexation, where there is a petition process. This is also considered voluntary if enough people sign the petition.

Sometimes if the proposed annexation is adjacent to the City limits it makes sense to annex for growth and the City will initiate the annexation. This requested annexation is adjacent to the City limits on multiple sides, so it just makes sense to annex the area.

Council Member Melton expressed concern that the public hearings could be held on the same day. Mr. Shelby said the public hearings are held for citizens to be heard on the issue, and in this case it's a requested annexation.

Mr. Shelby said this was the first time both public hearings have been heard on the same day, but since the owner approached the City for a voluntary annexation, the staff felt it would be okay to have the public hearings on the same day.

Council Member Stevenson verified that there are no citizens residing in the proposed annexation area. Mr. Hefton said the law is set up so people in the area to be annexed have the right to speak on whether or not they want to be annexed. In this case, it's one property owner and he initiated the request.

He added that the City has a policy that, for development purposes, for the City to extend utility services, they are required to be inside the City limits.

Council Member Steele addressed development in the Extra Territorial Jurisdiction, saying at some point they will want to be annexed and their development will be to the City's requirements. This is a list of what the City will provide to them.

ACTION TAKEN.

Motion by Council Member Stevenson to approve the Annexation Scheduling Plan for the annexation of 9.758 acres on West Washington Street, West of FM 1417, as presented. Second by Council Member Steele.

VOTING AYE: Holland, Howeth, Melton, Steele, Stevenson, Teamann.

VOTING NAY: None.

MOTION CARRIED.

CITIZENS REQUESTS

DEMOLITION OF HOMES

Ronald Aycock, 220 E. Houston, addressed the demolition program for substandard homes and asked if the City recouped any money from the copper or wiring in these demolished homes. Mr. Hefton said the City did not receive any money for the copper.

**DEMOLITION
OF HOMES**

UTILITY POLE REPLACEMENT

Peter Tracy, 705 S. Valentine, said the utility company is boring holes in different locations to replace their poles. One was located by a Baptist church on Houston Street and another was located on the southwest corner of the Crutchfield Elementary School grounds.

**UTILITY POLE
REPLACEMENT**

He said they are not marking the holes and only place a piece of wood over it as a cover. He expressed concern about children jumping on the wood and falling into the hole. Mr. Tracy said he placed stakes and surveyor's tape around the holes to mark them.

He asked if the City could contact the utility company and make them install the new poles quicker so the holes are not open to the public.

Mr. Hefton said the City is only aware of the situation if it is brought to them on a complaint basis. He said he was unaware of the ones Mr. Tracy mentioned, but would ask the Street Department to check on the situation.

BUILDING CONSTRUCTION NOISE

Cynthia Sherman, 3405 Hanan Street, addressed construction in her neighborhood in Pebblebrook. She said, according to the City Code, construction is supposed to take place Monday through Friday, during certain hours.

**BUILDING
CONSTRUCTION
NOISE**

She said they have had to contact the Police Department several times because the builder is working on both Saturdays and Sundays, as well as holidays. She said the construction starts as early as 7:30 a.m. or 8:00 a.m. on Sunday morning.

Mr. Hefton said the staff is looking at revising the ordinance concerning construction noise. He said Hanan Street is a very new street in Sherman, and it was understandable that there was a lot of construction activity.

He said the staff is trying to maintain a reasonable balance, and 7:30 a.m. on a Sunday morning is not reasonable. By reviewing the ordinance, the staff will be able to remind the builders about what the existing or the new ordinance will be.

Mr. Hefton did feel that the new ordinance would expand the hours and allow construction on the weekend, however the hours would not be at 7:30 a.m. or 10:00 p.m., especially on weekends.

He added that the streets near Ms. Sherman's home in Pebblebrook are nearly "built out," but he will bring the issue back for Council discussion at the next City Council Meeting.

Ms. Sherman said she understood the construction on Saturday, because of rain delays, however she felt that there should be one day a week, Sunday, when there is no construction. She said they were also working on the Thanksgiving and Christmas holidays. Mr. Hefton agreed that there should be a balance.

BUILDING CONSTRUCTION NOISE

Alex Sherman, 3405 Hanan Street, said Mr. Hefton said where they live is nearly "built out" and he asked what that meant. Mr. Hefton said two years ago there were no houses in that area, and now there are 25 or 30 houses. He said there are a few lots left that don't have houses, either fully built or under construction.

Mr. Sherman said he counted at least six lots under construction across the street from his home. He invited Council Members to drive down the street to see the conditions of the road and the interference of the quality of life.

Mr. Hefton said Hanan Street is on the southernmost portion of Pebblebrook, Phase 3. Mr. Sherman asked Mr. Hefton to visit the area to assist with the decision making process. Mr. Sherman said there were more than a few lots left for construction.

MEDIA QUESTIONS

There were no media questions.

**APPOINT/REMOVE OR CONSIDER QUALIFICATIONS TO
BOARDS AND COMMISSIONS**

LIBRARY BOARD (1)

ACTION TAKEN.

Motion by Council Member Howeth to appoint Donna Nesbit to the Library Board for a term from February 5, 2019 to February 5, 2022. Second by Council Member Stevenson.

VOTING AYE: Holland, Howeth, Melton, Steele, Stevenson, Teamann.

VOTING NAY: None.

MOTION CARRIED.

COUNCIL COMMENTS

FATHER - DAUGHTER DANCE

Council Member Stevenson said he and his daughter attended the Parks and Recreation Father - Daughter Dance and it was fun. He thanked the staff for scheduling the event.

CITIZEN'S COMMENTS

Council Member Stevenson thanked the citizens that spoke at tonight's Council Meeting. He said they don't know about problems until they are brought to their attention. He said he

**BUILDING
CONSTRUCTION
NOISE**

MEDIA QUESTIONS

LIBRARY BOARD

**FATHER - DAUGHTER
DANCE**

CITIZEN'S COMMENTS

hates to see a problem on Facebook that no one told him about. He said he appreciated those that came forward and wish more citizens would.

CITIZEN'S COMMENTS

Deputy Mayor Teamann said he appreciated each citizen that spoke at tonight's meeting too. It's hard to speak in front of a crowd, but he appreciated their comments.

VOLUNTEERS AT NEBLETT ELEMENTARY SCHOOL

Council Member Melton thanked the citizens that recently visited Neblett Elementary School during the National Read Aloud event. She encouraged citizens to become involved in the community.

CITIZEN'S COMMENTS

Council Member Melton said that Council Members do want to help the citizens. She said all Council Members have a webpage that lists their contact information. She said they would be happy to talk with citizens.

ANNOUNCEMENTS

Mayor Plyler announced the following:

- "The Choice" singing competition benefitting the House of Eli will be held on February 22, 2019 in the Municipal Ballroom.
- Main Street Mardi Gras will be held in Downtown Sherman on February 23, 2019. A new game rewards downtown shopping this year.
- The Sherman Celtic Festival will be held on March 23, 2019, and will be moved to the field north of Midway Mall.

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 551.071 -- CONSULT WITH THE 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

CITIZEN'S COMMENTS

VOLUNTEERS AT NEBLETT ELEMENTARY SCHOOL

CITIZEN'S COMMENTS

ANNOUNCEMENTS

EXECUTIVE SESSION

THE STATE BAR OF TEXAS
CLEARLY CONFLICTS WITH THIS
CHAPTER

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 5:30 p.m.

On Motion duly made and carried, the Executive Session
recessed at 6:20 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
6:22 p.m.

ADJOURNMENT

MAYOR

CITY CLERK