STATE OF TEXAS §

February 4, 2008

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 4, 2008.

MEMBERS PRESENT: **MAYOR BILL MAGERS; DEPUTY MAYOR CHIP ADAMI. COUNCIL MEMBERS HUGHES, SMITH, T. STEELE, W. STEELE, WACKER.**

MEMBERS ABSENT: **NONE.**

CALL TO ORDER

CALL TO ORDER

Mayor Bill Magers called the meeting to order at 5:00 p.m. The Pledge of Allegiance and the Invocation were given by Council Member Joe Smith.

APPROVE MINUTES

APPROVE MINUTES

The Council reviewed the Minutes of the Called City Council Meetings of January 21, 2008 and January 22, 2008. Deputy Mayor Adami moved to approve the Minutes as presented; Second by Council Member Hughes. All present voted AYE. MOTION CARRIED.

PROCLAMATION

"BLACK HISTORY MONTH" – FEBRUARY 2008

BLACK HISTORY MONTH FEB. 2008

Mayor Magers presented a proclamation to Jo Ann Perkins, President of the NAACP, designating February 2008 as "Black History Month."

RESOLUTIONS

RESOLUTION NO. 5162 – AUTHORIZING EXECUTION OF A PROPERTY ACCESS AGREEMENT WITH BKCF PARTNERS, LLC FOR EXCLUSIVE ACCESS TO THE CITY-OWNED 76.69 ACRE TRACT OF LAND AT THE SOUTHEAST CORNER OF THE INTERSECTION OF STATE HIGHWAY 11 AND IDA ROAD (F.M. 697) IN THE CITY OF SHERMAN, GRAYSON COUNTY, TEXAS

RES 5162 ACCESS TO CITY PROPERTY AT HWY 11 AND IDA RD.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF A PROPERTY ACCESS AGREEMENT WITH BKCF PARTNERS, LLC FOR EXCLUSIVE ACCESS TO THE CITY-OWNED 76.69 ACRE TRACT OF LAND AT THE SOUTHEAST CORNER OF THE INTERSECTION OF STATE HIGHWAY 11 AND IDA ROAD (F.M. 697) IN THE CITY OF SHERMAN, GRAYSON COUNTY, TEXAS.

Mayor Magers stressed that the City Council is not taking a position on this County matter. They are saying that the County jail has been in Sherman for many years, and they want to keep it in Sherman. Any specific discussions about the proposed jail should be discussed at the County level.

Mayor Magers emphasized that the agreement does not mean that BKCF Partners LLC has any right of control of the property or the right to exclude any other third party from the property. The term of the agreement is 360 days. The City shall have the right to use the property during this period.

The agreement is only for the purpose of performing the following tasks relating to the property: inspection, due diligence for use of the facility, environmental testing, and suitability for the site.

All the resolution is allowing is the County's designee to enter the property to inspect the property. The City is not making any commitments or transferring any deed or title.

Deputy Mayor Adami verified that an acceptable termination of the agreement would be if the County decides in less than 360 days, that the site is not acceptable. Council Member Smith verified that the agreement cannot be assigned to another party, without the City's consent.

Council Member Hughes said he lives in the District and he felt there would be plenty of time to ask questions about the proposed jail. He said he would abstain from the vote tonight.

Council Member Smith felt it was very important to keep the jail in Sherman. Mayor Magers added that the downtown is home to many legal groups and if the jail is moved to another location, such as the far west part of Sherman, these core legal groups could also move west of F.M. 1417. He added that he felt it was critical to maintain the current legal infrastructure in downtown Sherman, however he did understand the concerns of the residents.

Mayor Magers reiterated that all the Council is doing at the current time is allowing a site survey inspection and due diligence on the property.

Drue Bynum, Grayson County Judge, thanked the Council for the opportunity. He added this will be a tough decision, however no decision can be made until the County has the numbers. The first step is to study the site and determine whether or not it will work. He reiterated that no decision has been made yet.

ACTION TAKEN.

> **Motion by Council Member Smith to approve Resolution No. 5162, as presented. Second by Council Member Willie Steele.**

VOTING AYE: Magers, Adami, Smith, T. Steele, W. Steele, Wacker.
VOTING NAY: None.
ABSTAIN: Hughes.
MOTION CARRIED.

<u>INTRODUCTION AND PUBLIC HEARING OF ORDINANCES</u>

Mayor Magers introduced Ordinance 5511 and called for a public hearing:

ORD 5511
75 & 82 OVERLAY DISTRICT

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 14, APPENDIX A OF THE CODE OF ORDINANCES, ENTITLED "GENERAL ZONING ORDINANCE," AT SECTION 6, SUBSECTION 6.8, ENTITLED "O-1 (75 & 82) OVERLAY DISTRICT"; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

No citizens appeared before the City Council to discuss Ordinance 5511.

Mayor Magers introduced Ordinance 5512 and called for a public hearing:

ORD 5512
FM 1417 OVERLAY DISTRICT

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.

No citizens appeared before the City Council to discuss Ordinance 5512.

Mayor Magers introduced Ordinance 5513 and called for a public hearing:

ORD 5513
SAM RAYBURN OVERLAY DISTRICT

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 6.8.2, TO AMEND THE REQUIREMENTS FOR THE "O-1.2 (SAM RAYBURN) OVERLAY DISTRICT"; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

No citizens appeared before the City Council to discuss Ordinance 5513.

The Ordinances were introduced and the Public Hearing was closed.

CLOSE PUBLIC HEARING

<u>ADOPTION OF ORDINANCES</u>

Ordinance 5511

ORD 5511
75 & 82 OVERLAY DISTRICT

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 14, APPENDIX A OF THE CODE OF ORDINANCES, ENTITLED "GENERAL ZONING ORDINANCE," AT SECTION 6, SUBSECTION 6.8, ENTITLED "O-1 (75 & 82) OVERLAY DISTRICT"; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

Ordinance 5512
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.

ORD 5512
FM 1417 OVERLAY DISTRICT

Ordinance 5513
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 6.8.2, TO AMEND THE REQUIREMENTS FOR THE "O-1.2 (SAM RAYBURN) OVERLAY DISTRICT"; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

ORD 5513
SAM RAYBURN OVERLAY DISTRICT

Deputy Mayor Adami expressed concern about the vagueness of the landscaping requirements. He felt that a rendition on the site plan or some type of drawing should be required to outline the landscaping.

Council Member Willie Steele agreed with the suggestions. But added he was glad some of the requirements had been moved from the F.M 1417 Overlay District to the other overlay districts. He felt more specifics should be required on the landscaping.

Scott Shadden, Director of Developmental Services, said there is another ordinance that does require a certain amount of landscaping based on the number of parking spaces. At this time, the City does require that landscape plans be included with the site plans.

Mayor Magers verified that these ordinances have taken the F.M. 1417 Overlay District and standardized the requirements with the other overlay districts. The depths are different, but they would share most of the other requirements. The F.M. 1417 Overlay District would be amended to include requirements for retaining walls.

Mr. Shadden added that the upcoming Comprehensive Master Plan update will probably also offer some recommended changes to the overlay districts.

Deputy Mayor Adami expressed his concern about development in the interim before any other changes will be made. He asked if the current changes would be sufficient to address concerns about landscaping. Council Member Willie Steele agreed this will be a "stop gap" measure and the Comprehensive Master Plan will address more.

Council Members discussed whether or not the current changes would be enough as a short term measure before the Comprehensive Master Plan is completed.

Council Member Smith verified that the current changes would be enough to stop another building like the one currently being constructed on U.S. Highway 75. Mr. Shadden said that type of building would not fit these proposed changes and landscape plans would need to be submitted when the site plan review is completed.

Council Member Willie Steele verified that, if these ordinances are approved, anyone applying for a building permit tomorrow would be required to meet the new standards. Council Member Terrence Steele asked about a deadline for applications that may have been applied for to beat the enactment of these ordinances. Mr. Shadden said building permits terminate in one year.

Deputy Mayor Adami asked if a letter could be sent to anyone that has applied for a building permit to outline the new changes and encourage them to follow these, even though they cannot be legally bound to requirements that were not in place when the building permit was obtained. Doreen McGookey, City Attorney, said a letter could be sent to building permit applicants but legal back-up might be questionable.

ACTION TAKEN.
Motion by Council Member Smith to approve Ordinance Nos. 5511, 5512, and 5513, as presented. Second by Council Member Hughes.
VOTING AYE: Adami, Hughes, Smith, T. Steele, W. Steele, Wacker.
VOTING NAY: None.
MOTION CARRIED.

CONSENT AGENDA

CONSENT AGENDA
The Council reviewed the Consent Agenda. Council Member Hughes moved to approve the Consent Agenda, as presented. Second by Deputy Mayor Adami. All present voted AYE.

RES 5153 STORM WATER MANAGEMENT PLAN

RESOLUTIONS
RESOLUTION NO. 5153 -- AUTHORIZING THE SUBMISSION OF THE CITY OF SHERMAN'S PHASE II MS4 STORM WATER MANAGEMENT PLAN TO THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY FOR COVERAGE UNDER GENERAL PERMIT NO. TXR040000
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE SUBMISSION OF THE CITY OF SHERMAN'S PHASE II MS4 STORM WATER MANAGEMENT PLAN TO THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY FOR COVERAGE UNDER GENERAL PERMIT NO. TXR040000.

ACTION TAKEN.

Motion by Council Member Wacker to approve Resolution No. 5153, as presented. Second by Council Member Terrence Steele.

VOTING AYE: Adami, Hughes, Smith, T. Steele, W. Steele, Wacker.
VOTING NAY: None.
MOTION CARRIED.

RES 5154 PECAN GROVE PARK DEVELOPMENT

<u>RESOLUTION NO. 5154 -- AUTHORIZING EXECUTION OF A CONSULTING SERVICES AGREEMENT WITH DUNKIN SIMS STOFFELS, INC. FOR PECAN GROVE PARK DEVELOPMENT PHASE I</u>
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF A CONSULTING SERVICES AGREEMENT WITH DUNKIN SIMS STOFFELS, INC. FOR PECAN GROVE PARK DEVELOPMENT PHASE I.

George Olson, City Manager, said Dunkin Sims Stoffels, Inc. would perform an update to the Master Plan and would be designing the construction documents for a parking lot and perimeter fence at Pecan Grove Park.

Council Member Willie Steele asked if the Comprehensive Master Plan update should be completed first. Mayor Magers felt the park is an under-utilized asset and Phase I of the development should begin now. Council Member Wacker added that the park plan could be incorporated into the new Master Plan when it is complete.

ACTION TAKEN.

Motion by Council Member Willie Steele to approve Resolution No. 5154, as presented. Second by Council Member Wacker.

VOTING AYE: Adami, Hughes, Smith, T. Steele, W. Steele, Wacker.
VOTING NAY: None.
MOTION CARRIED.

RES 5155 SANITARY SEWER OVERFLOW INITIATIVE PLAN

<u>RESOLUTION NO. 5155 -- AUTHORIZING EXECUTION OF AN ENGINEERING SERVICES AGREEMENT WITH FREEMAN-MILLICAN, INC. FOR THE DEVELOPMENT OF A SANITARY SEWER OVERFLOW (SSO) INITIATIVE PLAN</u>
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN ENGINEERING SERVICES AGREEMENT WITH FREEMAN-MILLICAN, INC. FOR THE DEVELOPMENT OF A SANITARY SEWER OVERFLOW (SSO) INITIATIVE PLAN.

Council Member Smith did not feel this was truly a voluntary plan, since the State would fine them if it was not enacted. He asked what the City would get for $62,750.

Council Member Wacker said the plan would address concerns that arose during last year's flooding. Mr. Olson

added that the Initiative Plan would also work in conjunction with the Storm Water Plan as regards to identification and mapping. Mr. Olson added that the Plan would meet standards established by the Texas Commission on Environmental Quality.

ACTION TAKEN.
Motion by Council Member Wacker to approve Resolution No. 5155, as presented. Second by Council Member Terrence Steele.
VOTING AYE: Adami, Hughes, T. Steele, W. Steele, Wacker.
VOTING NAY: None.
ABSTAIN: Smith.
MOTION CARRIED.

<u>RESOLUTION NO. 5156 -- APPROVING THE GREATER TEXOMA UTILITY AUTHORITY'S INTENTION TO ENTER INTO A PROFESSIONAL ENGINEERING SERVICES AGREEMENT WITH FREEMAN-MILLICAN, INC. FOR THE DESIGN OF THE U.S. HIGHWAY 75 NORTH SEWER EXTENSION PROJECT</u>

RES 5156
HIGHWAY 75 NORTH SEWER EXTENSION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, APPROVING THE GREATER TEXOMA UTILITY AUTHORITY'S INTENTION TO ENTER INTO A PROFESSIONAL ENGINEERING SERVICES AGREEMENT WITH FREEMAN-MILLICAN, INC. FOR THE DESIGN OF THE U.S. HIGHWAY 75 NORTH SEWER EXTENSION PROJECT.

ACTION TAKEN.
Motion by Council Member Terrence Steele to approve Resolution No. 5156, as presented. Second by Council Member Smith.
VOTING AYE: Adami, Hughes, Smith, T. Steele, W. Steele, Wacker.
VOTING NAY: None.
MOTION CARRIED.

<u>RESOLUTION NO. 5157 -- AUTHORIZING EXECUTION OF AN OCCUPANCY LICENSE AGREEMENT WITH THE TEXAS NORTHEASTERN RAILROAD, A DIVISION OF MID-MICHIGAN RAILROAD, INC., FOR REPLACEMENT OF THE ROSS AVENUE SEWER</u>

RES 5157
ROSS AVE. SEWER

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN OCCUPANCY LICENSE AGREEMENT WITH THE TEXAS NORTHEASTERN RAILROAD, A DIVISION OF MID-MICHIGAN RAILROAD, INC., FOR REPLACEMENT OF THE ROSS AVENUE SEWER.
CONSENT AGENDA.

<u>RESOLUTION NO. 5158 -- AUTHORIZING THE EXECUTION OF A THIRD AMENDMENT TO THE ORIGINAL CONTRACT WITH SUNGARD HTE, INC. RELATING TO PICTOMETRY VISUAL INTELLIGENCE AND CERTAIN PROFESSIONAL SERVICES</u>

RES 5158
PICTOMETRY SERVICES

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE EXECUTION OF A

THIRD AMENDMENT TO THE ORIGINAL CONTRACT WITH SUNGARD HTE, INC. RELATING TO PICTOMETRY VISUAL INTELLIGENCE AND CERTAIN PROFESSIONAL SERVICES.
CONSENT AGENDA.

RES 5159
RESIDENTIAL TAX ABATEMENT
(611 E. RICHARDS)

RESOLUTION NO. 5159 -- AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH BARTON CAPITAL, LTD FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 611 EAST RICHARDS STREET
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH BARTON CAPITAL, LTD. FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 611 EAST RICHARDS STREET.
CONSENT AGENDA.

RES 5160
RESIDENTIAL TAX ABATEMENT
(612 E. RICHARDS)

RESOLUTION NO. 5160 -- AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH BARTON CAPITAL, LTD FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 612 EAST RICHARDS STREET
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH BARTON CAPITAL, LTD FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 612 EAST RICHARDS STREET.
CONSENT AGENDA.

RES 5161
RESIDENTIAL TAX ABATEMENT
(824 S. MONTGOMERY)

RESOLUTION NO. 5161 -- AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH ROBERTO MERAZ FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 824 SOUTH MONTGOMERY STREET
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH ROBERTO MERAZ FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 824 SOUTH MONTGOMERY STREET.
CONSENT AGENDA.

CHANGE ORDER
HWY 82 WEST
WATER MAIN

CHANGE ORDER NO. 1
HIGHWAY 82 WEST WATER MAIN, PHASE I; $112.00, DECREASE
The City Council approved Change Order No. 1, which is a final reconciliatory change order to reconcile final project quantities for the first phase of the Highway 82 West Water Main Project. The first phase has been completed and the change order results in a decrease of $112, yielding a final contract price of $185,757.
CONSENT AGENDA.

<u>CHANGE ORDER NO. 1</u>
<u>SLUDGE TECHNOLOGY, INC.; 2007 BIOSOLIDS PROJECT; $74,542.48, INCREASE</u>

CHANGE ORDER BIOSOLIDS PROJECT

The City Council approved Change Order No. 1, which is a final reconciliatory change order to adjust the final contract amount for the 2007 Biosolids Project.

The amount of processed biosolids exceeded original estimates, partially due to Spring floods which interfered with dewatering operations. The change order results in a net increase of $74,542.48, yielding a final contract price of $381,768.48.
CONSENT AGENDA.

<u>OTHER BUSINESS</u>
<u>CONSIDER CALLING A SPECIAL MEETING OF THE CITY COUNCIL FOR FRIDAY, FEBRUARY 29, 2008, TO MEET NEW CHAMBER BOARD MEMBERS</u>

SET CALLED MTG. FEB. 29, 2008

ACTION TAKEN.

> **Motion by Council Member Wacker to set a Called City Council Meeting for Friday, February 29, 2008, at 12 noon, at Kelly Square Restaurant, to meet the new Chamber Board Members. Second by Council Member Hughes.**

VOTING AYE: Adami, Hughes, Smith, T. Steele, W. Steele, Wacker.
VOTING NAY: None.
MOTION CARRIED.

<u>RECEIVE FINANCIAL UPDATE FROM ASSISTANT CITY MANAGER/CFO ROBBY HEFTON</u>

FINANCIAL UPDATE

Robby Hefton, Assistant City Manager/CFO, presented a financial update for the first three to four months of the fiscal year. He said the City is in good financial shape with adequate reserves of about 90 days in each of the major operating funds.

There are some challenges. Revenues, to date, are flat, but the City has adequate reserves. The City generally budgets a moderate 2% to 4% increase in revenues, which is basically an inflationary adjustment.

There is also a challenge on the expense side with filling vacant positions in the Fire Department due to retirement and on the job injuries. This has led to higher overtime and ongoing issues with manning full crews. The staff will bring back a plan to address this issue in the Spring.

Another challenge concerns the employee's retirement system, the Texas Municipal Retirement System, TMRS. They have made changes to their actuarial assumptions and are shifting the timing of funding to be "front-end loaded" instead of "back-end loaded." For Sherman, that means an increase of about 15% to 20% in retirement costs on an annual basis. This is about $500,000.

TMRS has provided opportunities for phasing in the additional funding over 8 years. The staff is not prepared to make a recommendation now, but suggests adding this as a discussion item during the upcoming Budget discussions.

Mayor Magers wanted the taxpayers to understand that the State retirement fund is trying to make adjustments for a mistake they made. He verified that there is not enough information to make a decision at the present time. Mr. Hefton said the staff will have a better idea about the situation and will have options as Budget discussions get closer.

Mayor Magers verified that the Police Department had 42 applicants at the last police test that was offered. The Fire Department's test is upcoming.

QUARTERLY INVESTMENT REPORT

APPROVE QUARTERLY INVESTMENT REPORT FOR PERIOD ENDING DECEMBER 31, 2007

The City Council approved the Quarterly Investment Report for the period ending December 31, 2007. The report reflects a portfolio position with a book value of about $27.7 million.

As of December 31, 2007, the City was in compliance with all applicable State laws and the provisions of the City's internal Investment Policy. The portfolio remains adequately liquid; with its yield of 4.31% for the quarter, higher than the benchmark yield of 3.39%. The market value of the overall portfolio was 100.07% of the book value.
CONSENT AGENDA.

APPROVAL OF REPLAT AUSTIN LANDING ADDITION

REPLAT APPROVAL OF BLOCK B, AUSTIN LANDING ADDITION, PHASE I; TEXLANDEV, LLC, OWNER (4700-5000 BLOCKS OF CAMP VERDE CIRCLE AND 4800-4900 BLOCKS OF LIBERTY HILL TRAIL)

The City Council approved the Replat of Block B, Austin Landing Addition, Phase I, located in the 4700 to 5000 blocks of Camp Verde Circle and the 4800 to 4900 blocks of Liberty Hill Trail, and owned by TexLanDev, LLC.

The Replat changes a lot configuration of a recently constructed subdivision. The property is located on North Travis Street, across from the City of Knollwood. An oil well is located on the property and it has sold. The previous owner had a 200 foot restriction and the new owner only wants a 50 foot restriction. Therefore they are able to include an additional two lots.

The Planning and Zoning Commission recommended approval of the Replat.
CONSENT AGENDA.

APPROVAL OF REPLAT L.C. CHAPMAN'S ADDITION

REPLAT APPROVAL OF LOT 8, BLOCK 1, L.C. CHAPMAN'S ADDITION, BEING 0.47 ACRES IN THE J.B. McANAIR SURVEY, ABSTRACT NO. 763; MITCHELL ENTERPRISES, OWNER (700 NORTH CROCKETT STREET AND 215 WEST

BROCKETT STREET)
The City Council approved the Replat of Lot 8, Block 1, L.C. Chapman's Addition, being 0.47 acres in the J.B. McAnair Survey, Abstract No. 763, located at 700 North Crockett Street and 215 West Brockett Street.

Mitchell Enterprises, the property owner, would like to Replat the property into one lot for commercial development. The Planning and Zoning Commission recommended approval of the Replat.
CONSENT AGENDA.

APPROVAL OF REPLAT B.H. MOORE HEIRS ADDITION

REPLAT APPROVAL OF PART OF LOT 4, BLOCK 23, B.H. MOORE HEIRS ADDITION, BEING 0.29 ACRES; BARTON CAPITAL, LTD., OWNER (1306 SOUTH AUSTIN STREET)
The City Council approved the Replat of part of Lot 4, Block 23, B.H. Moore Heirs Addition, being 0.29 acres located at 1306 South Austin Street. Barton Capital, owner of the property, would like to divide the tract into two lots for residential development.

The Planning and Zoning Commission recommended approval of the Replat.
CONSENT AGENDA.

APPROVAL OF REPLAT SHERMAN HILLS COUNTRY CLUB

REPLAT APPROVAL OF SHERMAN HILLS COUNTRY CLUB ADDITION GOLF COURSE TRACTS; SHERMAN HILLS, OWNER (1800-2600 BLOCKS OF U.S. HIGHWAY 75 SOUTH)
The City Council approved the Replat of Sherman Hills Country Club Addition Golf Course Tracts, located in the 1800 to 2600 blocks of U.S. Highway 75 South. Sherman Hills, owner of the property wants to change the configuration of the lots and frontages along the Country Club Golf Course.

The Planning and Zoning Commission recommended approval of the Replat.
CONSENT AGENDA.

VARIANCE FOR ESCROW FUNDS FOR SHERMAN HILLS COUNTRY CLUB

SPECIAL CONSIDERATION TO ORDINANCE NO. 2684, SECTION 26 (4) FOR A VARIANCE TO NOT REQUIRE THE DEVELOPER TO BE RESPONSIBLE FOR PAYMENT OF ESCROW FUNDS FOR A PERIOD OF ONE YEAR FOR THE FUTURE CONSTRUCTION OF THE PARK AVENUE BRIDGE AS REQUIRED WITH THE DEVELOPMENT OF SHERMAN HILLS COUNTRY CLUB GOLF COURSE ADDITION IN AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT, C-1 (RETAIL BUSINESS) DISTRICT, AND O-1.2 (SAM RAYBURN) OVERLAY DISTRICT IN THE 1300-2600 BLOCKS OF U.S. HIGHWAY 75 SOUTH (SHERMAN HILLS, LLC, OWNER)
The City Council approved the request of Sherman Hills, LLC for special consideration for a variance to not require the developer to be responsible for payment of escrow funds for the future construction of the Park Avenue bridge as

required with the development of the Sherman Hills Country Club Golf Course Addition, located on U.S. Highway 75 South.

The Planning and Zoning Commission voted to approve the variance for a period of one year and to forward the request to the City Council.
CONSENT AGENDA.

<u>SPECIAL CONSIDERATION TO ORDINANCE NO. 2684, SECTION 12 (F) FOR A VARIANCE TO NOT REQUIRE SIDEWALKS ON ALL OF LOTS 3-6 AND ON THE SIDES OF LOTS 2 AND 7 FACING GOODNIGHT CIRCLE, BLOCK C OF O'HANLON RANCH ADDITION, PHASE I IN THE 2800 BLOCK OF GOODNIGHT CIRCLE, AND PART OF LOT 4 AND ALL OF LOTS 5 AND 6, BLOCK A OF O'HANLON RANCH ADDITION, PHASE 1A IN THE 2900 BLOCK OF CANYON CREEK DRIVE AND THE 2700 BLOCK OF SILVERADO TRAIL IN AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT (DGR DEVELOPMENT GROUP, LTD., KYLE BOOTHE, DR. JIMMY HARRELL, MARK GARLAND, ELIZAR MATA, DR. KENNETH CHITWOOD, RIM NALL, AND CICI BATES HOMES, OWNERS)</u>

VARIANCE TO NOT REQUIRE SIDEWALKS O'HANLON RANCH ADDITION

The City Council approved the request of DGR Development Group, Ltd., Kyle Boothe, Dr. Jimmy Harrell, Mark Garland, Elizar Mata, Dr. Kenneth Chitwood, Rim Nall, and Ceci Bates Homes, for a variance to not require sidewalks in the 2800 block of Goodnight Circle, the 2900 to 3000 blocks of Canyon Creek Drive, and the 2700 block of Silverado Trail.

The O'Hanlon Ranch Subdivision is located at the northwest corner of North Heritage Parkway and Lamberth Road. The Planning and Zoning Commission voted to approve the variance on all of Lots 3 to 6 and Lots 2 and 7 facing Goodnight Circle, Block C of O'Hanlon Ranch Addition, Phase I in the 2800 block of Goodnight Circle, and part of Lot 4 and all of Lots 5 and 6, Block A of O'Hanlon Ranch Addition, Phase IA in the 2900 block of Canyon Creek Drive and the 2700 block of Silverado Trail, and to forward the request to the City Coucnil.
CONSENT AGENDA.

<u>CITIZENS REQUESTS</u>

CITIZENS REQUESTS

There were no citizen's requests.

<u>MEDIA QUESTIONS</u>

MEDIA QUESTIONS

There were no media questions.

<u>COUNCIL COMMENTS</u>

STIMULUS PACKAGE IN THE SENATE

STIMULUS PACKAGE IN THE SENATE

Council Member Terrence Steele thanked the Mayor for sending a letter in support of not extending the unemployment during the stimulus package. He strongly encouraged citizens, especially those that are employers, to write to their Senator and ask them not to extend the unemployment benefits in the stimulus package that is currently being considered in the Senate.

Those benefits are paid by the employer and not the employee. Sherman has a 4% unemployment rate and the benefit extension would encourage those unemployed to sit at home and draw unemployment insurance rather than finding jobs. He added that there are plenty of jobs in Texas.

Mayor Magers said he did support the package for part-time work for youth in the Summer.

BOARD APPOINTMENTS

<u>APPOINTMENTS TO BOARDS AND COMMISSIONS</u>
Council Member Hughes said there are many boards that either have vacancies now or will have in the future. He encouraged citizens to contact the City Clerk or visit the City's website for an application.

The May Election is also approaching and citizens should think about running for City Council.

EXECUTIVE SESSION

<u>EXECUTIVE SESSION – IN ACCORDANCE WITH CHAPTER 551, GOVT. CODE, V.T.C.S., (OPEN MEETINGS LAW)</u>
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 551.087 -- DELIBERATIONS REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS: DELIBERATE REGARDING COMMERCIAL OR FINANCIAL INFORMATION THAT THE CITY HAS RECEIVED FROM BUSINESS PROSPECTS AND DELIBERATE ANY OFFERS OR INCENTIVES TO THE BUSINESS PROSPECTS

On Motion duly made and carried, the Open Meeting recessed and reconvened in Executive Session at 5:42 p.m.

On Motion duly made and carried, the Executive Session recessed at 6:16 p.m. and reconvened in Open Meeting.

OPEN MEETING

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

ADJOURNMENT

On Motion duly made and carried, the meeting adjourned at 6:17 p.m.

ADJOURNMENT

MAYOR

CITY CLERK