

STATE OF TEXAS §
August 17, 2015
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 August 17, 2015.

MEMBERS PRESENT: MAYOR CARY WACKER; DEPUTY MAYOR DAVID PLYLER.
COUNCIL MEMBERS DAVIS, JOHNSON, SOFEY, STEELE,
WATT.

MEMBERS ABSENT: NONE.

CALL TO ORDER

Mayor Wacker called the meeting to order at 5:00 p.m. The Pledge of Allegiance and Invocation were given by Council Member Jason Sofey.

CALL TO ORDER

APPROVE MINUTES

The Council reviewed the Minutes of the Regular City Council Meeting of August 3, 2015. Council Member Steele moved to approve the Minutes as presented; Second by Council Member Watt. All present voted AYE.
MOTION CARRIED.

APPROVE MINUTES

PUBLIC HEARING

Mayor Wacker called for the second public hearing on Ordinance 5888:
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, PROVIDING FOR THE APPROPRIATION OF FUNDS FOR OPERATING AND CAPITAL EXPENDITURES FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2015, AND ENDING SEPTEMBER 30, 2016; PROVIDING FOR A REPEALER.

ORD 5888
ANNUAL BUDGET

Mayor Wacker read the following statement, “this budget will raise more total property taxes than last year’s budget by \$670,000 and 7.6%, and of that amount \$419,000 is revenue to be raised from new property to be added to the roll this year.”

No citizens appeared before the City Council to discuss Ordinance 5888.

INTRODUCTION AND FIRST PUBLIC HEARING OF ORDINANCE NO. 5891

Mayor Wacker introduced Ordinance 5891 and called for the first public hearing:
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, PROVIDING FOR THE LEVY OF AD VALOREM TAXES FOR THE CITY OF SHERMAN, TEXAS, FOR THE TAX YEAR 2015; DISTRIBUTING THE SAME AMONG THE VARIOUS FUNDS; PROVIDING FOR A

ORD 5891
AD VALOREM TAXES

COUNCIL MINUTES – AUGUST 17, 2015

PENALTY AND INTEREST FOR FAILURE TO PAY THE TAXES LEVIED WITHIN THE TIME PROVIDED BY LAW; PROVIDING FOR A REPEALER.

Mayor Wacker announced that the City Council will consider the adoption of the tax rate ordinance at the regular meeting scheduled for 5:00 p.m. on Monday, September 21, 2015, at Sherman City Hall, 220 West Mulberry Street, Sherman, Texas.

No citizens appeared before the City Council to discuss Ordinance 5891.

INTRODUCTION AND PUBLIC HEARING OF ORDINANCES

Mayor Wacker introduced Ordinance 5892 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, ORDERING AN ELECTION OF THE QUALIFIED VOTERS OF THE CITY OF SHERMAN, TEXAS, ON THE 3RD DAY OF NOVEMBER, 2015, FOR THE PURPOSE OF ELECTING A MAYOR AND TWO (2) AT-LARGE CITY COUNCIL MEMBERS FOR SAID CITY; PROVIDING THAT SAID ELECTION SHALL BE HELD JOINTLY WITH GRAYSON COUNTY, TEXAS; DESIGNATING ELECTION PRECINCTS; APPOINTING ELECTION OFFICIALS; PROVIDING FOR NOTICE OF SAID ELECTION; PROVIDING FOR THE USE OF DIRECT RECORDING ELECTRONIC VOTING EQUIPMENT; PROVIDING FOR EARLY VOTING.

**ORD 5892
REGULAR MUNICIPAL
ELECTION**

No citizens appeared before the City Council to discuss Ordinance 5892.

Mayor Wacker introduced Ordinance 5893 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, ORDERING AN ELECTION OF THE QUALIFIED VOTERS OF THE CITY OF SHERMAN, TEXAS, ON THE 3RD DAY OF NOVEMBER, 2015, FOR THE PURPOSE OF THE REAUTHORIZATION OF THE LOCAL SALES AND USE TAX AT THE RATE OF ONE-EIGHTH OF ONE PERCENT (1/8%) TO CONTINUE PROVIDING REVENUE FOR MAINTENANCE AND REPAIR OF MUNICIPAL STREETS; PROVIDING THAT SAID ELECTION SHALL BE HELD JOINTLY WITH GRAYSON COUNTY, TEXAS; DESIGNATING ELECTION PRECINCTS; APPOINTING ELECTION OFFICIALS; PROVIDING FOR NOTICE OF SAID ELECTION; PROVIDING FOR THE USE OF DIRECT RECORDING ELECTRONIC VOTING EQUIPMENT; PROVIDING FOR EARLY VOTING.

**ORD 5893
SALES TAX FOR
STREETS ELECTION**

No citizens appeared before the City Council to discuss Ordinance 5893.

Mayor Wacker introduced Ordinance 5894 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF

**ORD 5894
CHARTER
AMENDMENT**

SHERMAN, TEXAS, CALLING A SPECIAL ELECTION OF THE QUALIFIED VOTERS OF THE CITY OF SHERMAN, TEXAS, ON THE 3RD DAY OF NOVEMBER, 2015, FOR THE PURPOSE OF AMENDING THE CITY CHARTER OF THE CITY OF SHERMAN, TEXAS; PROVIDING FOR NOTICE OF SAID ELECTION; DESIGNATING ELECTION PRECINCTS; PROVIDING FOR THE USE OF DIRECT RECORDING ELECTRONIC VOTING EQUIPMENT; PROVIDING FOR EARLY VOTING.

ELECTION

No citizens appeared before the City Council to discuss Ordinance 5894.

Mayor Wacker introduced Ordinance 5895 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-2 (GENERAL COMMERCIAL) DISTRICT AND SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280 SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW A PLANT FOOD FORMULATION FACILITY IN A C-2 (GENERAL COMMERCIAL) DISTRICT AND CENTRAL BUSINESS DISTRICT AT 401 NORTH WALNUT STREET, BEING 1.334 ACRES IN THE J.B. McANAI SURVEY, ABSTRACT NO. 763 AND ALSO BEING THE PROPOSED LOT 2, BALL DPF ADDITION (BALL DPF, LLC, OWNERS; CHARLES FINCH, REPRESENTATIVE; AND UNDERWOOD DRAFTING & SURVEYING, SURVEYORS); PROVIDING FOR A REPEALER.

ORD 5895
ZONE CHANGE &
SUP
(PLANT FOOD
FORMULATION
FACILITY – 401 N.
WALNUT)

No citizens appeared before the City Council to discuss Ordinance 5895.

Mayor Wacker introduced Ordinance 5896 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-2 (GENERAL COMMERCIAL) DISTRICT AND SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280 SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW AUTO ACCESSORY SALES, INSTALLATION AND REPAIRS IN A C-2 (GENERAL COMMERCIAL) DISTRICT AT 2407 NORTH TRAVIS STREET, BEING 1.85 ACRES IN THE J.B. McANAI SURVEY, ABSTRACT NO. 763 (RIDLEHUBER PARTNERS LTD, OWNERS; AND ROD TATCHIO, ARCHITECT); PROVIDING FOR A REPEALER.

ORD 5896
ZONE CHANGE &
SUP
(AUTO SALES,
INSTALLATION &
REPAIRS – 2407 N.
TRAVIS)

No citizens appeared before the City Council to discuss Ordinance 5896.

Mayor Wacker introduced Ordinance 5897 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

ORD 5897
ZONE CHANGE &
SUP
(CONTRACTOR'S
OFFICE – 2408 N.

WITHIN THE C-2 (GENERAL COMMERCIAL) DISTRICT AND SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280 SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW A CONTRACTOR'S OFFICE IN A C-2 (GENERAL COMMERCIAL) DISTRICT AT 2408 NORTH TRAVIS STREET, BEING 0.952 ACRES IN THE J.B. McANAIR SURVEY, ABSTRACT NO. 763 (SHANE BREM, OWNER; AND BUB MOORE, REPRESENTATIVE); PROVIDING FOR A REPEALER.

TRAVIS)

No citizens appeared before the City Council to discuss Ordinance 5897.

The Public Hearing was closed.

OTHER BUSINESS

PROVIDING FOR THE RATIFICATION OF THE PROPERTY TAX INCREASE

RATIFY PROPERTY TAX INCREASE

Mayor Wacker explained that the Council needed to adopt the ratification of the property tax increase prior to consideration of the adoption of the budget.

She clarified that the increase is due to growth and value in properties. The City is not increasing the tax rate. The tax rate remains the same as this past year. The effective tax rate moves up because of the new value added.

This year the City did not increase the tax rate, however the State's language calls this a property tax increase.

ACTION TAKEN.

Motion by Council Member Steele to approve the tax rate of \$0.372, as presented. Second by Council Member Johnson.

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

VOTING NAY: None.

MOTION CARRIED.

ADOPTION OF ORDINANCES

Ordinance 5888

ORD 5888
ANNUAL BUDGET

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, PROVIDING FOR THE APPROPRIATION OF FUNDS FOR OPERATING AND CAPITAL EXPENDITURES FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2015, AND ENDING SEPTEMBER 30, 2016; PROVIDING FOR A REPEALER.

Ordinance 5892

ORD 5892
REGULAR MUNICIPAL ELECTION

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, ORDERING AN ELECTION OF THE QUALIFIED VOTERS OF THE CITY OF SHERMAN, TEXAS, ON THE 3RD DAY OF NOVEMBER, 2015, FOR THE PURPOSE OF ELECTING A MAYOR AND TWO (2) AT-LARGE CITY COUNCIL MEMBERS FOR SAID CITY; PROVIDING THAT SAID ELECTION SHALL BE HELD JOINTLY WITH GRAYSON COUNTY, TEXAS; DESIGNATING ELECTION PRECINCTS;

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APPOINTING ELECTION OFFICIALS; PROVIDING FOR NOTICE OF SAID ELECTION; PROVIDING FOR THE USE OF DIRECT RECORDING ELECTRONIC VOTING EQUIPMENT; PROVIDING FOR EARLY VOTING.

Ordinance 5893

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, ORDERING AN ELECTION OF THE QUALIFIED VOTERS OF THE CITY OF SHERMAN, TEXAS, ON THE 3RD DAY OF NOVEMBER, 2015, FOR THE PURPOSE OF THE REAUTHORIZATION OF THE LOCAL SALES AND USE TAX AT THE RATE OF ONE-EIGHTH OF ONE PERCENT (1/8%) TO CONTINUE PROVIDING REVENUE FOR MAINTENANCE AND REPAIR OF MUNICIPAL STREETS; PROVIDING THAT SAID ELECTION SHALL BE HELD JOINTLY WITH GRAYSON COUNTY, TEXAS; DESIGNATING ELECTION PRECINCTS; APPOINTING ELECTION OFFICIALS; PROVIDING FOR NOTICE OF SAID ELECTION; PROVIDING FOR THE USE OF DIRECT RECORDING ELECTRONIC VOTING EQUIPMENT; PROVIDING FOR EARLY VOTING.

ORD 5893
SALES TAX FOR
STREETS ELECTION

Ordinance 5894

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, CALLING A SPECIAL ELECTION OF THE QUALIFIED VOTERS OF THE CITY OF SHERMAN, TEXAS, ON THE 3RD DAY OF NOVEMBER, 2015, FOR THE PURPOSE OF AMENDING THE CITY CHARTER OF THE CITY OF SHERMAN, TEXAS; PROVIDING FOR NOTICE OF SAID ELECTION; DESIGNATING ELECTION PRECINCTS; PROVIDING FOR THE USE OF DIRECT RECORDING ELECTRONIC VOTING EQUIPMENT; PROVIDING FOR EARLY VOTING.

ORD 5894
CHARTER
AMENDMENT
ELECTION

Ordinance 5895

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-2 (GENERAL COMMERCIAL) DISTRICT AND SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280 SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW A PLANT FOOD FORMULATION FACILITY IN A C-2 (GENERAL COMMERCIAL) DISTRICT AND CENTRAL BUSINESS DISTRICT AT 401 NORTH WALNUT STREET, BEING 1.334 ACRES IN THE J.B. McANAI SURVEY, ABSTRACT NO. 763 AND ALSO BEING THE PROPOSED LOT 2, BALL DPF ADDITION (BALL DPF, LLC, OWNERS; CHARLES FINCH, REPRESENTATIVE; AND UNDERWOOD DRAFTING & SURVEYING, SURVEYORS); PROVIDING FOR A REPEALER.

ORD 5895
ZONE CHANGE &
SUP
(PLANT FOOD
FORMULATION
FACILITY – 401 N.
WALNUT)

Ordinance 5896

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-2 (GENERAL COMMERCIAL) DISTRICT AND SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280 SO

ORD 5896
ZONE CHANGE &
SUP
(AUTO SALES,
INSTALLATION &
REPAIRS – 2407 N.

AS TO GANT A SPECIFIC USE PERMIT TO ALLOW AUTO ACCESSORY SALES, INSTALLATION AND REPAIRS IN A C-2 (GENERAL COMMERCIAL) DISTRICT AT 2407 NORTH TRAVIS STREET, BEING 1.85 ACRES IN THE J.B. McANAI SURVEY, ABSTRACT NO. 763 (RIDLEHUBER PARTNERS LTD, OWNERS; AND ROD TATCHIO, ARCHITECT); PROVIDING FOR A REPEALER.

TRAVIS)

Council Member Watt asked if the City has received any feedback from the neighbors about the zone change and specific use permit. Robby Hefton, City Manager, said the staff had not received any feedback.

ACTION TAKEN.

Motion by Council Member Watt to approve Ordinance No. 5896, as presented. Second by Council Member Johnson.

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

VOTING NAY: None.

MOTION CARRIED.

Ordinance 5897

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-2 (GENERAL COMMERCIAL) DISTRICT AND SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280 SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW A CONTRACTOR'S OFFICE IN A C-2 (GENERAL COMMERCIAL) DISTRICT AT 2408 NORTH TRAVIS STREET, BEING 0.952 ACRES IN THE J.B. McANAI SURVEY, ABSTRACT NO. 763 (SHANE BREM, OWNER; AND BUB MOORE, REPRESENTATIVE); PROVIDING FOR A REPEALER.

ORD 5897
ZONE CHANGE &
SUP
(CONTRACTOR'S
OFFICE – 2408 N.
TRAVIS)

ACTION TAKEN.

Motion by Council Member Johnson to approve Ordinance Nos. 5888, 5892, 5893, 5894, 5895, and 5897, as presented. Second by Council Member Davis.

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

VOTING NAY: None.

MOTION CARRIED.

TABLED AT THE AUGUST 3, 2015 CITY COUNCIL MEETING;
ADOPTION OF ORDINANCE NO. 5889

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 4 OF THE CODE OF ORDINANCES, ENTITLED "BUSINESS REGULATIONS", ARTICLE 4.14, ENTITLED "ALCOHOLIC BEVERAGES", AT DIVISION 2, ENTITLED "LAWFUL CONSUMPTION", SECTION 4.14.034, ENTITLED "HOURS OF OPERATION", AND AT DIVISION 3, ENTITLED "UNLAWFUL CONSUMPTION", SECTION 4.14.066, ENTITLED "SALE OF ALCOHOLIC BEVERAGES DURING EXTENDED HOURS BY PRIVATE CLUB PERMITTEE", TO PROVIDE FOR EXTENDED HOURS FOR THE SALE OF ALCOHOL PURSUANT TO THE TEXAS

ORD 5889
ALCOHOL SALES
FOR EXTENDED
HOURS
(DIED FOR LACK
OF A MOTION)

COUNCIL MINUTES – AUGUST 17, 2015

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

Mayor Wacker said Ordinance 5889 was tabled at the last Council Meeting and in order to discuss the proposed ordinance, the Council would need to remove it from table. The ordinance concerns the extended business hours of operation for the sale of alcoholic beverages. She said if there was no motion, the item would die for lack of a motion.

No Council Members made a motion to remove Ordinance 5889 from table.

Mayor Wacker said Boonie Sanders turned in a card to speak on the item, but she told him the City Council would not be adopting the proposed ordinance. Mr. Sanders did want to speak before the City Council.

Boonie Sanders, 5002 Camp Verde Circle

Mr. Sanders said a friend's son was recently killed by a drunk driver in Ada, Oklahoma. He said he also grew up in a family of alcoholics. He said the Council could do what they want to do, but he urged them not to pass the ordinance for extended hours for the sale of alcoholic beverages.

Mayor Wacker reiterated that the Council will not be adopting any extended hours tonight. She said there will be no future action unless someone from the public requests a change.

ORDINANCE NO. 5889 DIED FOR LACK OF A MOTION.

CONSENT AGENDA

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

CONSENT AGENDA

RESOLUTIONS

RESOLUTION NO. 5997 – AUTHORIZING EXECUTION OF A JOINT ELECTION AGREEMENT WITH GRAYSON COUNTY, TEXAS, TO HOLD A JOINT ELECTION ON NOVEMBER 3, 2015

**RES 5997
JOINT ELECTION
AGREEMENT**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF A JOINT ELECTION AGREEMENT WITH GRAYSON COUNTY, TEXAS, TO HOLD A JOINT ELECTION ON NOVEMBER 3, 2015.

ACTION TAKEN.

Motion by Council Member Watt to approve Resolution No. 5997, as presented. Second by Council Member Johnson.

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

VOTING NAY: None.

MOTION CARRIED.

RESOLUTION NO. 5998 – SUPPORTING THE APPOINTMENT OF NEW FEDERAL JUDGESHIPS FOR THE SHERMAN DIVISION OF THE EASTERN DISTRICT OF TEXAS SITTING AT SHERMAN, TEXAS, WITH STRONG PREFERENCE BEING GIVEN TO NOMINEES RESIDING IN GRAYSON COUNTY, TEXAS

**RES 5998
FEDERAL JUDGESHIPS
EASTERN DIST.
OF TEXAS**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, SUPPORTING THE APPOINTMENT OF NEW FEDERAL JUDGESHIPS FOR THE SHERMAN DIVISION OF THE EASTERN DISTRICT OF TEXAS SITTING AT SHERMAN, TEXAS, WITH STRONG PREFERENCE BEING GIVEN TO NOMINEES RESIDING IN GRAYSON COUNTY, TEXAS.

Mayor Wacker said she asked that this item be added to the agenda in support of the local and regional initiative that is ongoing to create additional Federal judgeships for the Sherman division of the Eastern District.

There are currently only two judges serving in a region that is one of the fastest growing regions in the State and has an enormous load of cases. She said the judges do an amazing job of disposing of the cases but it is far beyond what they will be able to maintain.

She said the City would be joining many other cities and political subdivisions to ask Congress to create these additional judgeships. The task force is headed by Roger Sanders and Clyde Siebman and a host of other officials.

ACTION TAKEN.

Motion by Council Member Johnson to approve Resolution No. 5998, as presented. Second by Council Member Davis.

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

VOTING NAY: None.

MOTION CARRIED.

RESOLUTION NO. 5999 – AUTHORIZING THE EXECUTION OF A CONTRACT AMENDMENT WITH NATHAN D. MAIER CONSULTING ENGINEERS, INC. FOR THE DESIGN OF THE KESSLER BLVD. EROSION REPAIR PROJECT

**RES 5999
KESSLER EROSION
REPAIR PROJECT**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE EXECUTION OF A CONTRACT AMENDMENT WITH NATHAN D. MAIER CONSULTING ENGINEERS, INC. FOR THE DESIGN OF THE KESSLER BLVD. EROSION REPAIR PROJECT.

Clay Barnett, Director of Public Works and Engineering, said this resolution is for design work for the repair of the slope failure on Kessler Boulevard due to the recent storm damage. Engineers examined the area on an emergency basis and there was concern about the stability of the road.

The staff authorized a contract with the company and this is to bring it back to the City Council for approval.

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ACTION TAKEN.

Motion by Deputy Mayor Plyler to approve Resolution No. 5999, as presented. Second by Council Member Steele.

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

VOTING NAY: None.

MOTION CARRIED.

RESOLUTION NO. 6000 – AUTHORIZING THE EXECUTION OF A CONTRACT AMENDMENT WITH KIMLEY-HORN AND ASSOCIATES, INC. FOR THE DESIGN OF THE LOY LAKE ROAD FROM BUCK OWENS FREEWAY (US 82) TO SARA SWAMY IMPROVEMENT PROJECT

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE EXECUTION OF A CONTRACT AMENDMENT WITH KIMLEY-HORN AND ASSOCIATES, INC. FOR THE DESIGN OF THE LOY LAKE ROAD FROM BUCK OWENS FREEWAY (US 82) TO SARA SWAMY IMPROVEMENT PROJECT.

**RES 6000
LOY LAKE ROAD
TO SARA SWAMY
IMPROVEMENT
PROJECT**

Mr. Barnett said the staff has been working with Kimley-Horn and Associates on several other projects. They were selected for the Loy Lake Road Project mostly for their relationship with Wal-Mart, because of the dealings with the company on the entrance to their Sam's Club parking lot at Gallagher Road.

This project will complete a concrete section from the US Hwy 82 Bridge to the Loy Lake Bridge at US Hwy 75.

ACTION TAKEN.

Motion by Deputy Mayor Plyler to approve Resolution No. 6000, as presented. Second by Council Member Sofey.

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

VOTING NAY: None.

MOTION CARRIED.

RESOLUTION NO. 6001 – AUTHORIZING EXECUTION OF AN AGREEMENT WITH TOBAR PROPERTIES, LLC FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 1114 EAST CHAFFIN STREET

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN AGREEMENT WITH TOBAR PROPERTIES, LLC FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 1114 EAST CHAFFIN STREET.

CONSENT AGENDA.

**RES 6001
RESIDENTIAL TAX
ABATEMENT
(1114 E. CHAFFIN)**

RESOLUTION NO. 6002 – AUTHORIZING EXECUTION OF AN AGREEMENT WITH TOBAR PROPERTIES, LLC FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 805 NORTH BRANCH STREET

**RES 6002
RESIDENTIAL TAX
ABATEMENT
(805 N. BRANCH)**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN AGREEMENT WITH TOBAR PROPERTIES, LLC FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 805 NORTH BRANCH STREET.
CONSENT AGENDA.

CHANGE ORDER NO. 1

LOY LAKE ROAD AND SARA SWAMY DRIVE IMPROVEMENTS PROJECT; 03 CONCRETE CONTRACTORS, LLC; \$8,295.67 INCREASE

The City Council approved Change Order No. 1 to 03 Concrete Contractors, LLC, for an increase of \$8,295.67, for the Loy Lake Road and Sara Swamy Drive Improvements Project.

CHANGE ORDER
LOY LAKE ROAD
IMPROVEMENT
PROJECT

The change order is a final reconciliatory change order to adjust the final project quantities for the project, and covers the cost of removal and replacing paving, a new Bilco lid, and traffic signal adjustments. The final contract price for the project was \$322,629.57

CONSENT AGENDA.

OTHER BUSINESS

CONCEPTUAL MASTER PLAN APPROVAL FOR SHERMAN CROSSROADS IN THE BLALOCK INDUSTRIAL PARK/ BLALOCK COMMERCIAL OVERLAY DISTRICT; SHERMAN CROSSROADS, LTD, OWNERS; AND JEFF CARROLL, CARROLL ARCHITECTS, ARCHITECT; LOCATED IN THE 2800-3600 BLOCKS OF SOUTH U.S. HIGHWAY 75

CONCEPTUAL MASTER
PLAN FOR SHERMAN
CROSSROADS

Jeff Carroll, Carroll Architects, 750 E. Interstate 30, Rockwall, Texas

Mr. Carroll thanked the City Council for their approval last month on the site to allow a medical use as part of this development.

Tonight he was presenting the design tool for the developer's to use for the development. This site has been a highly political site over the years, the developer and owners wanted to bring in a site plan that would work with the existing zoning.

He asked the Council to approve the proposed site layout, which relates to the agreement with the industrial community, that is totally separate from the City. Mr. Carroll said the developer is trying to move quickly on the development.

Mayor Wacker said the Council appreciates that the two entities have worked together to get the project moving forward.

ACTION TAKEN.

Motion by Council Member Watt to approve the

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Conceptual Master Plan for Sherman Crossroads in the Blalock Industrial Park/Blalock Commercial Overlay District, as presented. Second by Council Member Sofey.

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

VOTING NAY: None.

MOTION CARRIED.

FINAL PLAT APPROVAL OF THE BALL DPF ADDITION, BEING 1.844 ACRES IN THE J.B. McANAIR SURVEY, ABSTRACT NO. 763; BALL DPF, LLC AND DENNIS HALLIBURTON, OWNERS; AND UNDERWOOD DRAFTING AND SURVEYING, SURVEYOR (401 NORTH WALNUT STREET AND 311 EAST MULBERRY STREET)

**APPROVE FINAL PLAT
BALL DPF ADDITION
(401 N. WALNUT &
311 E. MULBERRY)**

The City Council approved the Final Plat of the Ball DPF Addition, consisting of 1.844 acres in the J.B. McAnair Survey, and located at 401 N. Walnut and 311 E. Mulberry Streets. The property consists of 1.844 acres and the owners would like to plat the property into three lots for commercial development.

The Planning and Zoning Commission recommended approval of the Final Plat, subject to the Staff Review Letter.
CONSENT AGENDA.

RECEIVE CITY ATTORNEY BRANDON SHELBY'S UPDATE ON THE PANHANDLING ORDINANCE

**PANHANDLING
ORDINANCE**

Brandon Shelby, City Attorney, presented an update on the panhandling ordinance. He presented a copy of the current ordinance that was passed in 2012 in response to similar concerns from the City Council.

He said the Supreme Court of the United States has determined that it is a First Amendment right to protected speech to beg for money from others. Cities that regulate panhandling must be sure their ordinances are not overly broad or amount to prior restraint.

The City's current ordinance was drafted with those concerns in mind and emphasized safety concerns. There are currently no restrictions on speech, but if someone walks into the roadway to collect money, that is a violation and the offender can be ticketed.

Mr. Shelby said the City has been enforcing this ordinance to varying degrees of success. The right to beg, solicit, or panhandle is not a "blanket right" and a person can't do it whenever or wherever they please.

The Supreme Court has said the City has the right to enact reasonable time, place and restrictions as long as they are narrowly tailored to serve a significant government interest and leave open significant alternative channels for communication of speech.

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He said some cities have passed ordinances limiting panhandling in certain geographical areas, for example in front of businesses such as banks and restaurants. Others regulate interference with pedestrian or vehicular traffic, such as the City's ordinance. These have been universally upheld.

He discussed the provisions of ordinances in Austin, Houston, and San Antonio, which are more strict than other cities. They designate certain areas of the City as panhandling free zones and then restrict the times in which this type of activity is allowed in these areas.

Mr. Shelby said the main area of concern in Sherman seems to be the area of US Hwy 75 and US Hwy 82. He said the City could restrict panhandling in that area for safety reasons, as long as they are careful not to do a blanket restriction.

He said he is looking for direction from the City Council as to how they want to move forward. The City's current ordinance is a deterrent to some extent, and there are ways to strengthen it. He added that enforcement is always the issue. When the police write a ticket for begging for money, the offender isn't likely to show up for court or to pay the ticket.

Mr. Shelby said the ordinances in Austin, Houston, and San Antonio make it an offense if you continue to do it after you are told to stop by a police officer. The goal in Austin was to clean up the streets during the day and not impede pedestrian traffic. In Sherman's case it is a busy intersection and impedes traffic, and is a safety concern. He felt if the Council narrowly tailored a new ordinance it would pass Constitutional scrutiny.

Mayor Wacker questioned if they should only focus on the one geographical area. Mr. Shelby said that would leave open the rest of town where there are no restrictions. Mayor Wacker verified that the wording prohibiting them from being in the road would still be used for any other street.

Mr. Shelby said the biggest safety concerns are at high traffic times such as rush hour in the morning and evening. He felt if the ordinance was narrowly tailored to address that, it would pass scrutiny.

Council Members discussed specifics of the proposed ordinance and Mr. Shelby said that traffic safety is a valid concern for busy traffic areas.

Council Member Watt said "aggressive panhandling" is not addressed in the City's current ordinance. He felt that was also very important. He asked to add aggressive panhandling to the ordinance too. Mr. Shelby said it would be possible and he would include a definition of aggressive panhandling.

COUNCIL MINUTES – AUGUST 17, 2015

Council Member Johnson asked to broaden “roadway” to “right-of-way” and asked if that would be too restrictive.

Council Member Steele asked how that would affect the charitable donations such as the White Cane Day and the Fill the Boot collections. Mr. Shelby verified that those organizations could obtain permission from the City Manager to hold their collections.

Council Member Davis felt that if it was a problem on one corner it would be a problem on the next busy corner. Mr. Shelby said they could identify the busiest intersections and not limit it to one intersection. He also felt time restrictions would be key.

Mayor Wacker asked the staff to identify those key intersections, where there is a lot of traffic and congestion, such as Hwy 75 and Hwy 82.

Mr. Shelby said changes to the ordinance won't be a “cure-all” and won't take care of the issue over night. Enforcement on this type of issue is always a problem.

Council Member Sofey said the City is not trying to raise funds or to put people in jail. This is not the intent of Council or staff. He felt posted signs to urge drivers to keep the traffic flowing might help too. Mr. Shelby said Dallas has signs that say “Keep the Change, Donate to a Charity.”

Mr. Shelby added that the intersection is Hwy 75 and Hwy 82 is a Texas Department of Transportation intersection and the City will need to get their approval.

Council Member Watt suggested that the ordinance include all of Texoma Parkway because safety would also be an issue there. Mr. Hefton said the staff will look at adding that area too. Council Member Johnson wanted to include sitting in the roadway and having “belongings” in the right-of-way too.

Mr. Shelby will take the comments tonight and draft an ordinance for the Council's consideration at a future meeting.

CONSIDER REQUEST OF THE GRAYSON HISPANIC HERITAGE COUNCIL OF SHERMAN TO TEMPORARILY CLOSE CERTAIN STREETS AND USE CERTAIN CITY FACILITIES AND SERVICES FOR THE “ANNUAL HISPANIC HERITAGE FESTIVAL” ON SATURDAY, SEPTEMBER 12, 2015

**CLOSE STREETS
HISPANIC HERITAGE
FESTIVAL**

The City Council approved the request of the Grayson Hispanic Heritage Council of Sherman to temporarily close certain streets and use certain facilities and services for the “Annual Hispanic Heritage Festival”, on September 12, 2015.

COUNCIL MINUTES – AUGUST 17, 2015

The request includes closure of the streets around the Municipal Building from 11:00 a.m. until 6:00 p.m., and additional solid waste containers, cones, and barricades. The City will also provide labor and equipment to drop-off and pickup the equipment.
CONSENT AGENDA.

CITIZENS REQUESTS

There were no citizen's requests.

CITIZENS REQUESTS

MEDIA QUESTIONS

There were no media questions.

MEDIA QUESTIONS

Mayor Wacker welcomed Billy Wadsack back to the Herald Democrat and to the Council Meeting.

COUNCIL COMMENTS

STREET SALES TAX

Council Member Johnson said the reauthorization of the Street Sales Tax was approved to add to the ballot for the November Election and he urged everyone to spread the word. He said it is a great program to offer the citizens and is a key to the street maintenance program.

**STREET SALES
TAX**

LOY LAKE ROAD PROJECT

Council Member Johnson said it would be nice to complete the Loy Lake Road Project from Sara Swamy Drive to Hwy 82. He said this is another example of what the Street Sales Tax can do for the City.

**LOY LAKE ROAD
PROJECT**

WELCOME TO BILLY WADSACK

Council Member Johnson welcomed Billy Wadsack back to the Herald Democrat.

**WELCOME TO
BILLY WADSACK**

THANKS TO NATE STRAUCH

Council Member Johnson complimented Nate Strauch, Communications Manager, on several stories he recently completed.

**THANKS TO
NATE STRAUCH**

TRAVIS STREET REPAIR

Council Member Sofey said he was very excited to see the work on Travis Street and thanked the staff for saving money and getting the repairs done.

**TRAVIS STREET
REPAIR**

SUBSTANDARD HOUSING PROJECTS

Council Member Watt said he was seeing improvement in the substandard housing area and thanked the staff for their work. He said he was looking forward to the kick-off of the new program in October 2015.

**SUBSTANDARD
HOUSING
PROJECTS**

NEW TEACHER LUNCHEON

Council Member Watt recognized the Chamber of Commerce for the outstanding job they did on the new teacher luncheon.

**NEW TEACHER
LUNCHEON**

BACK TO SCHOOL ACTIVITIES

Mayor Wacker said it's back to school time and the staff is wrapping up summer. There were many good activities that happened in Sherman because of people's hard work, both from volunteers and from staff.

**BACK TO SCHOOL
ACTIVITIES**

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

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

EXECUTIVE SESSION

SECTION 551.074

**PERSONNEL MATTERS:
DELIBERATE THE EVALUATION
OF A PUBLIC OFFICER OR
EMPLOYEE:
ANNUAL PERFORMANCE
EVALUATION OF THE CITY
MANAGER**

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 6:00 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

ANNUAL PERFORMANCE EVALUATION OF THE CITY MANAGER

Mayor Wacker said the Council is beginning the process for the annual performance evaluation of the City Manager and the actual review will be in September 2015.

**ANNUAL
PERFORMANCE
EVALUATION OF
CITY MANAGER**

ADJOURNMENT

On Motion duly made and carried, the meeting adjourned at 6:00 p.m.

ADJOURNMENT

MAYOR

CITY CLERK