

**CITY OF SHERMAN
CITY COUNCIL REGULAR MEETING AGENDA
COUNCIL CHAMBERS OF THE CITY HALL
220 WEST MULBERRY STREET
SHERMAN, TEXAS
MONDAY, FEBRUARY 16, 2009
5:00 P.M.**

- A.1 CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN**
- A.2 PLEDGE OF ALLEGIANCE**
- A.3 INVOCATION BY COUNCIL MEMBER PAMELA L. HOWETH**
- A.4 APPROVE MINUTES OF THE REGULAR CITY COUNCIL MEETING OF FEBRUARY 2, 2009 AND THE CALLED CITY COUNCIL MEETING OF FEBRUARY 11, 2009**

Public Hearing

- B.1 INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5588**
Ordering an Election of the Qualified Voters of the City of Sherman, Texas, on the 9th day of May, 2009, 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 the Sherman Independent School District and Grayson County College; 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
- B.2 INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5589**
Amending Chapter 14, Exhibit "A" of the Code of Ordinances, entitled "General Zoning Ordinance", at Section 4(5)
- B.3 INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5590**
Amending Chapter 14, Exhibit "A" of the Code of Ordinances, entitled "General Zoning Ordinance", at Section 6.4, entitled "C-1 (Retail Business) District"
- B.4 INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5591**
Amending Chapter 14, Exhibit "A" of the Code of Ordinances, entitled "General Zoning Ordinance", at Section 7, entitled "Supplementary District Regulations and Exceptions", to Add Subsection (1)(B) for Requirements to the Exterior Façade on Buildings Visible from the Front Street Right-of-Way and Amending Subsection (5)(d) to Add to the List of Streets for Special Building Requirements
- B.5 INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5592**
Amending Chapter 14, Exhibit "A" of the Code of Ordinances, entitled "General Zoning Ordinance", at Section 8(5)(A) to Amend the Requirements for Mini-Warehouses and Storage Facilities, Automobile, Glass, Muffler, Seat Cover, Tire and Upholstery Service, Sales, Installation and Repair

Close Public Hearing and Consider Adoption of Ordinances

B.6 ADOPTION OF ORDINANCES

Consider Adoption of Ordinance Numbers:

- | | |
|---------|---------|
| a) 5588 | d) 5591 |
| b) 5589 | e) 5592 |
| c) 5590 | |

B.7 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

Resolutions

C.1 RESOLUTION NO. 5319

Authorizing Execution of a Joint Election Agreement between the City of Sherman, the Sherman Independent School District, and Grayson County College to hold a Joint Election on May 9, 2009

C.2 RESOLUTION NO. 5320

Supporting the Naming of State Highway 289 as the “Preston Trail Highway”

C.3 * RESOLUTION NO. 5321

Endorsing Certain Legislative Changes to Enhance the Competitive Electric Market Supported by Cities Aggregation Power Project, Inc.

C.4 RESOLUTION NO. 5322

Expressing the City of Sherman’s Agreement with the Transfer of Federal Transit Administration Section 5307 Small Urban Grant Responsibility to the Texoma Area Paratransit System

C.5 * RESOLUTION NO. 5323

Authorizing Execution of an Agreement with Kight Family L.P. #1 for the Abatement of Ad Valorem Property Taxes for the Construction of a New Single-Family Residence at 1026 East Chaffin Street

C.6 * RESOLUTION NO. 5324

Rescinding Resolution No. 5023 in its Entirety which Authorized 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 1119 South Montgomery Street

Requests to Advertise

D.1 * REQUEST TO ADVERTISE

2009 Street Mill and Overlay Program

D.2 * REQUEST TO ADVERTISE

Construction of a New Section of West Canyon Creek Drive

D.3 *REQUEST TO ADVERTISE
Seal Coat Emulsified Asphalt Oil and Stone

D.4 *REQUEST TO ADVERTISE
Fire Engineer Training Simulator

Other Business

D.5 OTHER BUSINESS
Receive Financial Update from Assistant City Manager/CFO Robby Hefton

D.6 OTHER BUSINESS
Consider Calling a Special Meeting of the City Council for Friday, March 6, 2009, to Meet New Chamber Board Members

D.7 CITIZEN REQUESTS

D.8 MEDIA QUESTIONS

Consider Board/Commission Appointments

D.9 APPOINT/REMOVE OR CONSIDER QUALIFICATIONS TO BOARDS AND COMMISSIONS

a) Parks and Recreation Advisory Board (1)

D.10 COUNCIL COMMENTS

Executive Session

E.1 EXECUTIVE SESSION

In Accordance with Chapter 551, Government Code, V.T.C.S. (Open Meetings Law), “The City Council Will Now Hold a Closed Executive Meeting Pursuant to the Provisions of the Open Meetings Law, Chapter 551, Government Code, Vernon’s Texas Codes Annotated, in Accordance with the Authority Contained in the Following Sections”

Section 551.071 Consultation with City Attorney Concerning Pending Litigation:
(a) In the Court of Appeals, Fifth District of Texas at Dallas No. 05-06-00420-CV; The City of Sherman, Texas and The Sherman City Council, Appellants v. James Wayne, Appellee

Section 551.074 Personnel Matters:
(a) Deliberating the Appointment, Employment, Evaluation, Reassignment, Duties, Discipline or Dismissal of a Public Officer or Employee:
(i) Interview of City Attorney Candidates

The Council reconvenes into General Session

F.1 OPEN MEETING

Reconvene into Open Meeting and consider action, if any, on items discussed in Executive Session

F.2 ADJOURNMENT

COUNCIL CALENDAR

Certification

I, the undersigned authority, do hereby certify that the above Notice of Regular Meeting of the City Council of the City of Sherman is a true and correct copy of said Notice and that I posted a true and correct copy of said Notice on the bulletin board at City Hall of said City of Sherman, Texas, a place convenient to the public, and said notice was posted on February 12, 2009 at 4:00 p.m., and said time of posting was 72 hours before said meeting was convened or called to order.

Dated this 12th day of February, 2009
City of Sherman, Texas

City Clerk

The above agenda schedule represents an estimate of the order for the indicated items and is subject to change at any time.

All agenda items are subject to final action by the City Council.

An unscheduled closed executive session may be held if the discussion of any of the above agenda items concerns the purchase, exchange, lease or value of real property; the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee; the deployment or use of security personnel or equipment; or requires consultations with the City Attorney.

At the discretion of the City Council, non-agendaed items under the headings of "Citizens Requests", "Media Questions", and "Council Concerns" may be presented to the Council for informational purposes; however, by law, the Council shall not discuss, deliberate, or vote upon such matters except that a statement of specific factual information, a recitation of existing policy, and deliberations concerning the placing of the subject on a subsequent agenda may take place.

The City Attorney has approved the Executive Session items on this agenda.

PERSONS WITH DISABILITIES, WHO PLAN TO ATTEND THIS MEETING AND WHO MAY NEED ASSISTANCE, ARE REQUESTED TO CONTACT LINDA ASHBY AT (903) 892-7204, TWO (2) WORKING DAYS PRIOR TO THE MEETING SO THAT APPROPRIATE ARRANGEMENTS CAN BE MADE.

Mayor
Bill Magers

Deputy Mayor
Carolyn S. Wacker

Council Members
Willie Steele, Council-At-Large, PL #1
Carolyn S. Wacker, Council-At-Large, PL #2
Joe N. Smith, Council – District #1

Robert G. Softly, Council – District #2
Pamela L. Howeth, Council – District #3
Chip Adami, Council – District #4

Any item on this posted agenda may be discussed in Executive Session provided it is within one of the permitted categories under Chapter 551 of the Texas Government Code.