

**CITY OF SHERMAN
CITY COUNCIL REGULAR MEETING AGENDA
COUNCIL CHAMBERS OF THE CITY HALL
220 WEST MULBERRY STREET
SHERMAN, TEXAS
MONDAY, MARCH 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 JOE N. SMITH**
- A.4 APPROVE MINUTES OF THE CALLED CITY COUNCIL MEETING OF FEBRUARY 25, 2009, THE CALLED CITY COUNCIL MEETING (HELD JOINTLY WITH THE PLANNING & ZONING COMMISSION) OF FEBRUARY 25, 2009, AND THE REGULAR CITY COUNCIL MEETING OF MARCH 2, 2009**

Public Hearing

- B.1 INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5593**
Amending Section 8, Subsection (5)(a), Ordinance No. 2280, so as to Grant a Specific Use Permit to Allow a Hotel in a C-1 (Retail Business) District and the O-1 (75 & 82) Overlay District in the 300 Block of Cornerstone Drive, being all of Lots 7, 8, 9 and 10, Block 2 of the Cornerstone Addition (Totten Investments LTD, Owners; Anil Ram, Global Designs, Design Manager/Representative; and Underwood Drafting and Surveying, Inc., Surveyors); Providing that this Specific Use Permit Shall be Granted Subject to Certain Conditions; Providing a Penalty Not to Exceed \$2,000
- B.2 INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5594**
Amending Section 8, Subsection (5)(a), Ordinance No. 2280, so as to Grant a Specific Use Permit to Allow Two Additional School Classrooms in an R-1 (One Family Residential) District at 618 West Belden Street, being a Part of the J. B. McAnair Survey, Abstract No. 763 and the East 20' of Lot 46 of the Birge-Fairview Addition for a Total of 0.661 Acres (Sherman Montessori Preschool, Inc., Owners; Christopher Rehmet, Chairman of the Board and President of the Board of Trustees; Mike Wilson, Representative; and Sartin and Associates, Inc., Surveyors); Providing that this Specific Use Permit Shall be Granted Subject to Certain Conditions; Providing a Penalty Not to Exceed \$2,000

Close Public Hearing and Consider Adoption of Ordinances

- B.3 ADOPTION OF ORDINANCES**
Consider Adoption of Ordinance Numbers:
 - a) 5593
 - b) 5594
- B.4 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. 5334**
Accepting Cable One Commercial Solutions as the City of Sherman's Internet Service Provider
- C.2 * RESOLUTION NO. 5335**
Authorizing Execution of a Commercial Service Agreement with Cable One, Inc. for Fiber Optic Data Network Service at Three Locations within the City of Sherman
- C.3 * RESOLUTION NO. 5336**
Declaring the City of Sherman's Eligibility and Intention to Participate in a Residential Tax Abatement Program to Promote Development/Redevelopment in Certain Areas of the City; Establishing Guidelines and Criteria
- C.4 * RESOLUTION NO. 5337**
Awarding a Bid to and Authorizing Execution of a Contract with Vessels Construction, a Division of VesCor, Inc. for the Rebuild of a Solid Waste Transfer Station Retaining Wall
- C.5 * RESOLUTION NO. 5338**
Authorizing Execution of an Engineering Services Agreement with Freeman-Millican, Inc. for the Design, Bidding, and Construction Phase for Improvements at the Wastewater Treatment Plant
- C.6 RESOLUTION NO. 5339**
Authorizing Execution of an Engineering Services Agreement with Freeman-Millican, Inc. for the Continuing Development of a Sanitary Sewer Overflow (SSO) Initiative Plan
- C.7 * RESOLUTION NO. 5340**
Approving the Greater Texoma Utility Authority's Intention to Enter into an Agreement with Lynn Vessels Construction, LLC for the Construction of Relief Sewer K-4 Phase One between McGee Street and the Turtle Creek West Subdivision

Change Orders

- D.1 * CHANGE ORDER NO. 1**
Luella 3 Trinity Water Well Emergency Repair

Other Business

- D.2 OTHER BUSINESS**
Receive Annual Property Tax Collection Presentation from the City's Contracted Tax Attorney
- D.3 OTHER BUSINESS**
Receive Quarterly Progress Report from Sherman Economic Development Corporation Board Member Joe Fallon, Jr. and SEDCO President John Boswell
- D.4 OTHER BUSINESS**
Approving the Landscaping Services of Langford Concrete, Ltd. for the Downtown Square Planter Boxes

D.5 * OTHER BUSINESS

Final Plat Approval of the Belden Street Montessori School Addition, being a Replat of the East 20' of Lot 46, together with a Portion of a 15' Alley of the Birge-Fairview Addition; Sherman Montessori Preschool, Inc., Owners; Christopher Rehmet, Chairman of the Board and President of the Board of Trustees; Mike Wilson, Representative; and Sartin and Associates, Inc., Surveyors (618 West Belden Street)

D.6 * OTHER BUSINESS

Replat Approval of Lots 7, 8, 9 and 10, Block 2 of the Cornerstone Addition; Totten Investments LTD, Owner; Anil Ram, Global Designs, Design Manager/Representative; and Underwood Drafting and Surveying, Inc., Surveyors (300 Block of Cornerstone Drive)

D.7 * OTHER BUSINESS

Replat Approval of Nathan Gray's Replat in Block "W" of the Alexander & Allen's Addition; Nathan Gray, Owner; and Helvey and Associates, Inc., Surveyors (303 West Houston Street)

D.8 CITIZEN REQUESTS

D.9 MEDIA QUESTIONS

Consider Board/Commission Appointments

D.10 APPOINT/REMOVE OR CONSIDER QUALIFICATIONS TO BOARDS AND COMMISSIONS

- a) Parks and Recreation Advisory Board (1)

D.11 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 or Contemplated 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
 - (b) Lucky Stop 10's Request for Alcohol Permit

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

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 March 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 March, 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.