STATE OF TEXTAS §

February 2, 2009

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 2, 2009.

MEMBERS PRESENT: **MAYOR BILL MAGERS; DEPUTY MAYOR CARY WACKER. COUNCIL MEMBERS ADAMI, HOWETH, SMITH, SOFTLY, STEELE.**

MEMBERS ABSENT: **NONE.**

<u>CALL TO ORDER</u> — **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 Robert Softly.

<u>APPROVE MINUTES</u> — **APPROVE MINUTES**

The Council reviewed the Minutes of the Regular City Council Meeting of January 19, 2009. Council Member Steele moved to approve the Minutes as presented; Second by Council Member Adami. All present voted AYE.
MOTION CARRIED.

<u>PROCLAMATION</u>
<u>"BLACK HISTORY MONTH" – FEBRUARY 2009</u> — **BLACK HISTORY MONTH FEBRUARY 2009**

Mayor Magers presented a proclamation to Erik Jackson, President of the NAACP, designating February 2009 as "Black History Month" in the City of Sherman. Mr. Jackson thanked the City Council for recognizing "Black History Month" for all Americans.

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

Mayor Magers introduced Ordinance 5587 and called for a public hearing: — **ORD 5587 STOP SIGNS**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, PROVIDING FOR PERMANENT "STOP" SIGNS AT THE INTERSECTION OF LOCKHART STREET AND COLLEGE STREET WITHIN THE CITY LIMITS OF THE CITY OF SHERMAN; PROVIDING FOR A PENALTY PROVISION; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

No citizens appeared before the City Council to discuss Ordinance 5587.

The Ordinances were introduced and the Public Hearing was closed. — **CLOSE PUBLIC HEARING**

<u>ADOPTION OF ORDINANCES</u>

Ordinance 5587 — **ORD 5587 STOP SIGNS**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, PROVIDING FOR PERMANENT "STOP"

SIGNS AT THE INTERSECTION OF LOCKHART STREET AND COLLEGE STREET WITHIN THE CITY LIMITS OF THE CITY OF SHERMAN; PROVIDING FOR A PENALTY PROVISION; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

ACTION TAKEN.

Motion by Deputy Mayor Wacker to approve Ordinance No. 5587, as presented. Second by Council Member Softly.

VOTING AYE: Adami, Howeth, Smith, Softly, Steele, Wacker.
VOTING NAY: None.
MOTION CARRIED.

CONSENT AGENDA

CONSENT AGENDA

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

RESOLUTIONS

RES 5313 BUDGET AMENDMENT

RESOLUTION NO. 5313 – AMENDING THE 2008-2009 BUDGET OF THE CITY OF SHERMAN, TEXAS, APPROPRIATING AND ALLOCATING ADDITIONAL FUNDS FOR THE PERIOD OF OCTOBER 1, 2008, THROUGH SETPEMBER 30, 2009

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING THE 2008-2009 BUDGET OF THE CITY OF SHERMAN, TEXAS, APPROPRIATING AND ALLOCATING ADDITIONAL FUNDS FOR THE PERIOD OF OCTOBER 1, 2008, THROUGH SEPTEMBER 30, 2009.
CONSENT AGENDA.

RES 5314 GRAYSON COUNTY COMMUNITY MITIGATION PLANNING PROGRAM

RESOLUTION NO. 5314 – AUTHORIZING THE CITY MANAGER TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH GRAYSON COUNTY FOR SHERMAN'S PARTICIPATION IN THE GRAYSON COUNTY COMMUNITY MITIGATION PLANNING PROGRAM; APPOINTING MEMBERS TO SERVE ON THE GRAYSON COUNTY COMMUNITY MITIGATION PLANNING TEAM

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH GRAYSON COUNTY FOR SHERMAN'S PARTICIPATION IN THE GRAYSON COUNTY COMMUNITY MITIGATION PLANNING PROGRAM; APPOINTING MEMBERS TO SERVE ON THE GRAYSON COUNTY COMMUNITY MITIGATION PLANNING TEAM.

Deputy Mayor Wacker asked how Sherman's current planning would fit into the overall process. George Olson, City Manager, said in 2003 the City became eligible for certain grant funds and began the process of creating a Hazard Mitigation Plan.

The Plan was completed and sent to the State, however there were some deficiencies. The City has been working on the deficiencies. The City has now joined with the City of Denison and Grayson County, which has an Emergency Management Coordinator. Their task is to prepare a Hazard Mitigation Plan for Grayson County as a whole. The process is designed to complete Sherman's plan in coordination with a plan for the entire County.

Jeff Jones, Fire Chief and Emergency Management Coordinator, explained that the process is very time consuming for the staff and involves many public meetings. Sherman has completed those steps and is very close to completion of the Plan. Eventually that Plan will mold into the County's Plan.

He added that for efficiency, and since they were awarded a grant to hire someone familiar with the program, incorporating Sherman's Plan into a larger County Plan, the process should be completed in six or seven months.

Mayor Magers confirmed that the new Plan would not rewrite Sherman's Plan. Chief Jones said the Mitigation Plan evaluates all hazards that could happen, including weather threats, transportation threats, and how the City might deal with those threats and mitigate after a disaster, including Federal funding.

Mayor Magers reiterated that the City of Sherman is maintaining total operational control in Sherman. The Plan does not obligate the City to act on any mitigation efforts. Those would be considered post disaster.

ACTION TAKEN.
Motion by Council Member Softly to approve Ordinance No. 5314, as presented. Second by Council Member Adami.
VOTING AYE: Adami, Howeth, Smith, Softly, Steele, Wacker.
VOTING NAY: None.
MOTION CARRIED.

RES 5315
RESCUE EQUIP.

<u>RESOLUTION NO. 5315 – AUTHORIZING THE PURCHASE OF RESCUE EQUIPMENT THROUGH THE TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (BUYBOARD) FOR THE SHERMAN FIRE DEPARTMENT</u>
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE PURCHASE OF RESCUE EQUIPMENT THROUGH THE TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (BUYBOARD) FOR THE SHERMAN FIRE DEPARTMENT.
CONSENT AGENDA.

RES 5316
SIGN TRUCK BODY

<u>RESOLUTION NO. 5316 – AUTHORIZING THE PURCHASE OF A SIGN TRUCK BODY FROM DUTEC, INC. FOR THE STREET SERVICES DEPARTMENT</u>
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF

SHERMAN, TEXAS, AUTHORIZING THE PURCHASE OF A SIGN TRUCK BODY FROM DUTEC, INC. FOR THE STREET SERVICES DEPARTMENT.
CONSENT AGENDA.

RESOLUTION NO. 5317 – AUTHORIZING THE PURCHASE OF A SIGN TRUCK CHASSIS THROUGH THE TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (BUYBOARD) FOR THE STREET SERVICES DEPARTMENT

RES 5317
SIGN TRUCK CHASSIS

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE PURCHASE OF SIGN TRUCK CHASSIS THROUGH THE TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (BUYBOARD) FOR THE STREET SERVICES DEPARTMENT.
CONSENT AGENDA.

RESOLUTION NO. 5318 – AUTHORIZING THE PURCHASE OF A 2½-TON DUMP TRUCK THROUGH THE TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (BUYBOARD) FOR THE STREET SERVICES DEPARTMENT

RES 5318
DUMP TRUCK

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE PURCHASE OF A 2½-TON DUMP TRUCK THROUGH THE TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (BUYBOARD) FOR THE STREET SERVICES DEPARTMENT.
CONSENT AGENDA.

REQUEST TO ADVERTISE
2009 BIOSOLIDS PROJECT FOR THE SHERMAN WASTEWATER TREATMENT PLANT

REQ TO ADVERTISE
BIOSOLIDS PROJECT

Mr. Olson explained that the staff is still getting answers to questions the City Council raised at the last meeting about biosolids. This item deals only with the land application process that the City normally does.

ACTION TAKEN.

> **Motion by Deputy Mayor Wacker to approve the request to advertise for the 2009 Biosolids Project for the Wastewater Treatment Plant, as presented. Second by Council Member Adami.**

VOTING AYE: Adami, Howeth, Smith, Softly, Steele, Wacker.
VOTING NAY: None.
MOTION CARRIED.

FALLON DRIVE WATER MAIN CONSTRUCTION FROM U.S. HIGHWAY 75 TO PECAN GROVE ROAD

FALLON DR.
WATER MAIN
CONSTRUCTION

The City Council approved the request to advertise for bids to construct the Fallon Drive Water Main, from U.S. Highway 75 to Pecan Grove Road, which will provide looping and additional service to Texoma Parkway. The project is funded at $250,000 in this year's Capital Improvement Program.
CONSENT AGENDA.

OAK CREEK DRIVE WATER MAIN REPLACEMENT FROM OAK CREEK CIRCLE TO ALPINE DRIVE

OAK CREEK DR.
WATER MAIN
REPLACEMENT

The City Council approved the request to advertise for bids

to replace the Oak Creek Drive Water Main, from Oak Creek Circle to Alpine Drive. The project will replace the existing 6" water main which is deteriorated and results in frequent breaks and service interruptions. The project is funded at $140,000 in this year's Capital Improvement Program. CONSENT AGENDA.

TRAVIS ST. WATER MAIN REPLACEMENT

<u>TRAVIS STREET WATER MAIN REPLACEMENT FROM WASHINGTON STREET TO JONES STREET</u>
The City Council approved the request to advertise for bids to replace the Travis Street Water Main, between Washington Street and Jones Street. The project will replace the existing 10" water main and is funded at $250,000 in this year's Capital Improvement Program.
CONSENT AGENDA.

SOLID WASTE TRANSFER STATION WALL

<u>RECONSTRUCTION OF THE SOLID WASTE TRANSFER STATION WALL</u>
The City Council approved the request to advertise for bids to reconstruct the south wall of the Solid Waste Transfer Station. Two of the Transfer Station's three old wooden walls have been replaced with new concrete walls. The remaining old wooden wall has deteriorated badly in recent years. Teague, Nall, and Perkins is currently preparing the engineering design. The project is funded in this year's Capital Improvement Program.
CONSENT AGENDA.

<u>OTHER BUSINESS</u>

GTUA LAKE TEXOMA PUMP STATION EXPANSION PROJECT

<u>RECEIVE GTUA GENERAL MANAGER JERRY CHAPMAN'S BRIEFING ON THE PROPOSED LAKE TEXOMA PUMP STATION EXPANSION</u>
Jerry Chapman, Greater Texoma Utility Authority General Manager, briefed the City Council on the proposed Lake Texoma Pump Station Expansion Project.

In the original 1985 agreement between GTUA and the North Texas Municipal Water District, there was a provision that either party had a right to modify the facilities at the pump station. The other party had a right to participate in that modification if they desired.

NTMWD commissioned an engineering examination to determine if the additional pumping capacity would be practical. NTMWD does want to proceed and now GTUA must notify them whether or not they want to participate in that project. Discussions have indicated that Sherman would like to participate in the project.

Participation would mean that GTUA would retain the 20% pumping capacity they currently have in the project. If the pump station is expanded the capacity and raw water line would increase from 90 to 95 mgd to 120 mgd, which would be the 20%.

Mr. Chapman asked the City Council to authorize that they do want to participate in the expansion project. The City's cost participation will not be needed until next fiscal year. The target completion date is August 2010.

Mayor Magers clarified that the project includes the pump station only and will add two more pumps and 6,000 hp motors which will increase the capacity of the water coming through the line.

With future residential, industrial, and commercial growth and the water sales entered into, it is important for the City of Sherman to increase their pumping capacity.

The Corp of Engineers have supposedly completed all their tasks for the Reallocation Study, which began three years ago, and sent their report to their Central Office. There are still two issues with the Southwest Power Administration concerning compensation for loss from the Corp and how long that compensation will continue.

Lake Texoma houses 50,000 acre feet of water for GTUA, and NTMWD has applied for 100,000 acre feet of water. Mayor Magers confirmed that the existing pipe can't pump that capacity of water. Mr. Chapman added that there is room for three water lines.

Council Member Adami asked about a cost estimate for the project. Mr. Chapman said the entire project is estimated at $6,479,702 and Sherman's 20% share would be $1,296,000.

ACTION TAKEN.

> **Motion by Council Member Smith to notify the North Texas Municipal Water District of the City of Sherman's intent to participate in the 20% upsizing of pumps at the Water Treatment Plant, and to come back with financing, as presented. Second by Council Member Wacker.**

VOTING AYE: Adami, Howeth, Smith, Softly, Steele, Wacker.
VOTING NAY: None.
MOTION CARRIED.

PARKS & REC UPDATE

<u>RECEIVE PARKS AND RECREATION UPDATE FROM ADMINISTRATOR KEVIN WINKLER</u>

Kevin Winkler, Parks and Recreation Administrator, briefed the City Council on Parks and Recreation activities. Two Capital Improvement Projects that are in process are Center Street Park and Pecan Grove Park, Phase I.

The Center Street Park Project includes removal of the old Field House, a 100 space parking lot, two full size fields, a new concrete trail which will connect with the existing sidewalk from Binkley Park to Herman Baker Park. The originally proposed bridge has been removed from the project.

Mayor Magers confirmed that the City has closed on the small piece or property adjacent to the park.

Mayor Magers suggested asking Oncor to bury some of the electric lines that cross the park. Mr. Winkler said those are transmission lines and it would be difficult to bury them.

Mr. Winkler said the estimated completion date for the Center Street Park is mid June 2009, except that the fields will not be ready to play on.

Work was begun in mid November 2008 on Pecan Grove Park, Phase I and estimated completion is mid March 2009. Both projects are ahead of schedule.

This project includes a parking lot, playground area, 1,000 foot long walking trail that is 8 foot wide, 45' x 25' pavilion, and extensive fencing.

Phase II should be bid in early summer 2009. The City is currently extending Canyon Creek Drive in conjunction with the project. The project will include an amphitheater with grass seating for 2,000 to 3,000 people, five pavilions, a 4,300 linear foot paved walking trail, a 1,600 linear foot nature trail, a plaza area with concessions and restrooms, and two parking lots.

Mr. Winkler said the estimated completion of Phase II is scheduled for the summer of 2010. Mr. Olson said the park will be open after Phase I is complete, probably in a couple of months. Pecan Grove Park is a 117 acre park.

Deputy Mayor Wacker asked if the park will be reseeded with Bermuda grass or has the staff considered wild flowers or native grass. Mr. Winkler said the plan includes Bermuda grass, which was native to the area.

Council Member Howeth confirmed that the grass seating area would seat 2,000 to 3,000 people and she asked where that many people would park. Mr. Olson said the parking design is for the everyday use of the park but there is open space for festival parking on the grass, if needed.

Mr. Winkler said the bleachers for the Bleacher Replacement Program have been ordered and should be delivered in the next month. The old bleachers have already been removed and concrete pads have been poured.

Mr. Winkler presented a proposed updated fee structure for The Splash in Fairview Park. The proposal has been recommended by the Parks and Recreation Advisory Board.

Capacity of the pool is 400 and it requires 16 lifeguards for full capacity. Lifeguards are paid an average of $10 per hour. They must have ten lifeguards and two in reserve at all times.

Mr. Winkler outlined the current fees and the proposed changes.

Council Member Smith confirmed that in 2008, there were 37 private rentals available and by 11:30 a.m. the first day, they were all booked. This year they will have available 47 private rental dates.

Council Member Steele asked if Sherman residents were given first booking for swim lessons. With the recommendation of the Parks and Recreation Advisory Board, Mr. Winker said they were going to open for booking of swim lessons and private rentals two week earlier for residents than for non-residents.

Council Member Howeth asked about instigating a deposit for clean-up for the party cabana rentals. She felt that might be an incentive for renters to clean up their own mess. Mr. Winkler said that charge could still be added.

Council Member Smith said The Splash is very successful however it was never expected to be a money-making venture. He did not mind that some of the rates increased, however he was concerned about increasing the daily fee by a dollar.

Mayor Magers said they were encouraging citizens to purchase either punch cards or season passes. Mr. Winkler said most people still paid daily entry fees instead of purchasing the cards. In 2008, a punch card or season pass was used 2,029 times as opposed to approximately 36,200 people that used the pool.

Council Member Smith verified that the proposal to increase the fees was an attempt to balance the budget and help offset the costs for this year. He felt increasing the rental fees was fine, but did not want to increase the daily entrance fees.

Council Members discussed how the punch card and season pass discounts should be marketed.

Council Member Adami was concerned about not allowing any children free with paying adults. He suggested allowing children 2 and under free with a paying adult.

Council Members discussed leaving the daily pool rate at $4 for adults and $3 for children age 15 to 3, and then allowing children 2 and under free with a paying adult. Council Members were in favor of the other proposed increases.

Chris Oestreich, Parks and Recreation Advisory Board Member, said the Board spent a lot of time going over the proposed rates and they approved the recommendation.

ACTION TAKEN.

> **Motion by Council Member Smith to increase the fees for The Splash as presented, except to charge $4 for adults, $3 for children age 15 to 3, and allow children 2 and under free with a paying adult. Second by Council Member Steele.**

VOTING AYE: Adami, Howeth, Smith, Softly, Steele, Wacker.
VOTING NAY: None.
MOTION CARRIED.

<u>APPROVE QUARTERLY INVESTMENT REPORT FOR PERIOD ENDING DECEMBER 31, 2008</u>

QUARTERLY INVESTMENT REPORT

The City Council approved the Quarterly Investment Report for the period ending December 31, 2008. As of December 31, 2008, the operating portfolio had a book value of about $21.5 million, down about $4.1 million from three months ago, which is lower than normal for this period because of some delays in property tax and franchise tax collections.

The City was in compliance with all applicable State laws, however, due to the lower than projected investment balances, one provision of the City's internal Investment Policy was not met – the percent of the portfolio invested in pooled investments. The staff has made adjustments to the portfolio to bring the portfolio into compliance.

The Operating Portfolio remains adequately liquid, with a weighted-average maturity of about 41 days, and its yield of 2.14% for the quarter is higher than the benchmark yield of .25%. The portfolio value on the City's books is essentially equal to the market value of the overall portfolio.

The City was also in compliance with all applicable State laws and the City's Investment Policy in the Debt Proceeds Portfolio. The portfolio remains adequately liquid, with all funds available within one day. Its yield of 1.58% for the quarter is higher than the benchmark yield of .25%. The portfolio value on the City's books is essentially equal to the market value of the overall portfolio.
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>
<u>PARKS AND RECREATION DOES A GOOD JOB</u>

PARKS & REC DOES A GOOD JOB

Council Member Smith said the parks are a major asset and he appreciated the hard work that Mr. Winkler, Mr. Oestreich, the staff, and the other Board Members put in.

Council Member Adami agreed and Deputy Mayor Wacker added that this is exactly what cities need to be doing for the citizens.

Council Member Softly and Council Member Howeth also agreed and thanked Mr. Winkler.

CITIZEN OF THE YEAR
Mayor Magers recognized Kathy Williams, Herald Democrat Reporter, for being nominated by the League of Women Voter's for Citizen of the Year.

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

EXECUTIVE SESSION

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 551.074	**PERSONNEL MATTERS: CONSIDER THE QUALIFICATIONS, APPOINTMENT, EMPLOYMENT AND DUTIES OF A PUBLIC OFFICER OR EMPLOYEE: CITY ATTORNEY**

On Motion duly made and carried, the Open Meeting recessed and reconvened in Executive Session at 6:02 p.m.

On Motion duly made and carried, the Executive Session recessed at 6:36 p.m. and reconvened in Open Meeting.

OPEN MEETING

OPEN MEETING

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

CITY ATTORNEY APPLICANTS

CITY ATTORNEY APPLICANTS

ACTION TAKEN.

Motion by Council Member Smith to authorize the City Manager to post interviews with the top three potential candidates for the City Attorney position. Second by Council Member Softly.

VOTING AYE: Adami, Howeth, Smith, Softly, Steele, Wacker.
VOTING NAY: None.
MOTION CARRIED.

ADJOURNMENT

ADJOURNMENT
On Motion duly made and carried, the meeting adjourned at 6:37 p.m.

MAYOR

CITY CLERK