STATE OF TEXAS §

January 19, 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 January 19, 2009.

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

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 Willie Steele.

APPROVE MINUTES — **APPROVE MINUTES**

The Council reviewed the Minutes of the Regular City Council Meeting of January 5, 2009. Council Member Steele moved to approve the Minutes as presented; Second by Deputy Mayor Wacker. All present voted AYE.
MOTION CARRIED.

INTRODUCTION AND PUBLIC HEARING OF ORDINANCES

Mayor Magers introduced Ordinance 5586 and called for a public hearing: — **ORD 5586 IRRIGATION SYSTEM STANDARDS**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 3 OF THE CODE OF ORDINANCES, ENTITLED "BUILDING REGULATIONS", AT ARTICLE 3.07, ENTITLED "PLUMBING CODE", TO PROVIDE FOR SECTION 3.07.007 TO BE ENTITLED "MINIMUM STANDARDS FOR INSTALLATION OF IRRIGATION SYSTEMS"; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY PROVISION FOR VIOLATION OF THE CODE; PROVIDING FOR A REPEALER.

No citizens appeared before the City Council to discuss Ordinance 5586.

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

ADOPTION OF ORDINANCES

Ordinance 5586 — **ORD 5586 IRRIGATION SYSTEM STANDARDS (TABLED)**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 3 OF THE CODE OF ORDINANCES, ENTITLED "BUILDING REGULATIONS", AT ARTICLE 3.07, ENTITLED "PLUMBING CODE", TO PROVIDE FOR SECTION 3.07.007 TO BE ENTITLED "MINIMUM STANDARDS FOR INSTALLATION OF

IRRIGATION SYSTEMS"; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY PROVISION FOR VIOLATION OF THE CODE; PROVIDING FOR A REPEALER.

Council Member Adami said he understood a meeting was scheduled for Tuesday, where several contractors will discuss the proposed ordinance. He wanted to give them an opportunity to provide feedback and bring their concerns to the City Council before the adoption.

Mayor Magers explained that the irrigation ordinance was mandated by the State and would have no anticipated cost. Scott Shadden, Director of Developmental Services, explained there would be a cost to the customer from the contractors, however many of the local contractors are already meeting these steps.

Council Member Smith asked if anyone had discussed a freeze guard sensor. Mr. Shadden said he has received some calls and that would be a good feature to include in the ordinance.

Mr. Shadden added that some cities have anticipated higher costs and some have added employees and increased fees. The staff is not recommending that at this time.

Mayor Magers did not feel that taxpayers should bare the cost of an unfunded State mandate and the cost should be placed on the end users, or citizens actually getting the sprinkler systems installed. Council Member Adami questioned who would enforce the ordinance and asked if it would increase work loads.

Mayor Magers reiterated that the requirements are being mandated by the State. George Olson, City Manager, said one of the main goals is for conservation. Council Member Steele said it is a water conservation issue from the State, but it's also an effort to shift enforcement from the State to the local level.

Council Member Smith confirmed that the City has had three new sprinkler systems installed since the first of 2009. He added that it is not a tremendous amount but does add some to the work load.

ACTION TAKEN.

Motion by Council Member Adami to table Ordinance No. 5586 for further discussion. Second by Council Member Howeth.

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

CONSENT AGENDA — **CONSENT AGENDA**

The Council reviewed the Consent Agenda. Mayor Magers removed Item D-1 entitled "Request to Advertise Benches and Trash Receptacles for the Downtown Square" from the Consent Agenda for discussion in its regular order of business.

Council Member Smith moved to approve the Consent Agenda, with the exception of Item D-1, which will be discussed in its regular order of business. Second by Council Member Softly. All present voted AYE.

RESOLUTIONS

RESOLUTION NO. 5309 – AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH TEAGUE, NALL AND PERKINS, INCORPORATED FOR DESIGN OF THE TRAVIS STREET WATER MAIN REPLACEMENT BETWEEN WASHINGTON STREET AND JONES STREET — **RES 5309 TRAVIS STREET WATER MAIN REPLACEMENT**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH TEAGUE, NALL AND PERKINS, INCORPORATED FOR DESIGN OF THE TRAVIS STREET WATER MAIN REPLACEMENT BETWEEN WASHINGTON STREET AND JONES STREET.
CONSENT AGENDA.

RESOLUTION NO. 5310 – AUTHORIZING EXECUTION OF A DEVELOPMENT AGREEMENT WITH TIN STAR HOMES, LLC FOR THE CONSTRUCTION OF PUBLIC FACILITIES IN THE COUNTRY RIDGE SUBDIVISION, THE PRESERVE, WITHIN THE CITY OF SHERMAN — **RES 5310 COUNTRY RIDGE PUBLIC FACILITIES**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF A DEVELOPMENT AGREEMENT WITH TIN STAR HOMES, LLC FOR THE CONSTRUCTION OF PUBLIC FACILITIES IN THE COUNTRY RIDGE SUBDIVISION, THE PRESERVE, WITHIN THE CITY OF SHERMAN.
CONSENT AGENDA.

RESOLUTION NO. 5311 – AUTHORIZING EXECUTION OF A CONSULTING SERVICES AGREEMENT WITH DUNKIN SIMS STOFFELS, INC. FOR PHASE II OF THE PECAN GROVE PARK DEVELOPMENT — **RES 5311 PECAN GROVE PARK DEVELOPMENT**

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 PHASE II OF THE PECAN GROVE PARK DEVELOPMENT.

Deputy Mayor Wacker asked if there was room for an option concerning paved and unpaved trails. Mr. Olson said the Master Plan didn't address unpaved trails. As the staff moves forward, they can try to get unpaved trails implemented into the plan.

Council Member Steele verified that Dunkin Sims Stoffels, Inc. is the same firm that did Center Street.

Mr. Olson said the staff would be presenting a park update on projects at Center Street Park and Pecan Grove Park Phase I at the next Council Meeting.

ACTION TAKEN.

Motion by Council Member Steele to approve Resolution No. 5311, as presented. Second by Council Member Adami.

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

RES 5312 PURCHASE OF BLEACHERS

RESOLUTION NO. 5312 – AUTHORIZING THE PURCHASE OF BLEACHERS THROUGH THE TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (BUYBOARD) FOR THE PARKS AND RECREATION DEPARTMENT

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE PURCHASE OF BLEACHERS THROUGH THE TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (BUYBOARD) FOR THE PARKS AND RECREATION DEPARTMENT.

CONSENT AGENDA.

REQ TO ADVERTISE BENCHES & TRASH RECEPTACLES FOR DOWNTOWN

REQUEST TO ADVERTISE BENCHES AND TRASH RECEPTACLES FOR THE DOWNTOWN SQUARE

Mayor Magers removed Item D-1 from the Consent Agenda for discussion in its regular order of business.

Council Member Adami asked for a description of the project. Mr. Olson explained that Downtown Sherman Preservation & Revitalization came up with a plan for improvements in the Downtown area and to be funded by money received from the Tax Increment Financing (TIF) Zone.

The plan includes benches and trash cans to enhance the Downtown landscape. Approximately $60,000 has been allotted for these amenities.

Mayor Magers emphasized that the money earmarked for the project is not part of the debt service on the proposed bond. This money is from the TIF, and there are ample funds to provide the initial payment for the bonds when they are issued.

Council Member Steele verified that money budgeted for the benches, trash cans, and planters totaled approximately $63,000. Lighting will be funded through the bonds.

ACTION TAKEN.

Motion by Deputy Mayor Wacker to approve the request to advertise for benches and trash receptacles for the

Downtown Improvement Project, as presented. Second by Council Member Steele.
VOTING AYE: Adami, Howeth, Smith, Softly, Steele, Wacker.
VOTING NAY: None.
MOTION CARRIED.

MEDICAL DRUGS & SUPPLIES

MEDICAL DRUGS AND SUPPLIES
The City Council approved the request to advertise for Emergency Medical Service drugs and supplies. The current contract expires on March 31, 2009.

Fiscal year 2008-2009 projected expenses for EMS supplies is $91,550. Most supplies are reimbursed through the City's EMS billing contract.
CONSENT AGENDA.

OTHER BUSINESS

WELCOME TO SHERMAN SIGN

RECEIVE LEADERSHIP SHERMAN'S PRESENTATION ON A NEW "WELCOME TO SHERMAN" SIGN
Brad Morgan, 141 Shady Oaks Circle, and Member of the Leadership Sherman Class of 2009, introduced the Sherman Gateway Project to the City Council.

The Class is proposing the construction of a new state of the art "Welcome to Sherman" sign to be located closer to the City limits on Highway 75 South. The sign would replace the current sign located at Highway 75 South and Travis Street, which has been in place for over 20 years.

The current sign is hard to see and well worn. He added that it will also be torn down due to a renovation project scheduled by the Texas Department of Transportation.

Mr. Morgan said they are recommending a stone sign with a retaining wall similar to one in Frisco, Texas. The sign will include back lighting to accent the letters at night. Cost of the sign will be approximately $50,000 and will be funded strictly through donations. They are especially looking for corporate donations.

The sign would be located across from the old Johnson & Johnson building on the east side of Highway 75 South on a hill.

Mr. Morgan said citizens can donate to the Gateway Project through the Sherman Chamber Foundation which is a 501(C)3 organization.

Mayor Magers said the southern gateway to Sherman is extremely important and he recognized the Leadership Sherman Class of 2009 for initiating the project.

BIOSOLIDS UPDATE

RECEIVE BIOSOLIDS UPDATE FROM DIRECTOR OF UTILITIES AND ENGINEERING MARK GIBSON
Mark Gibson, Director of Utilities and Engineering, updated the City Council on the Biosolids Project. Many cities landfill

their biosolids or use land application to distribute the biosolids. In the past Sherman has land filled half their biosolids and placed the other half for land application.

The City owns 120 acres that receive the biosolids for a Class A land application. A private property owner adjacent to the Wastewater Treatment Plant owned another 146 acres and also allowed land application. The City would dump the biosolids on this property and the property owner would furnish the equipment, labor, and management that were required to complete the land application at no charge to the City.

The property owner sold the property and the new owner is no longer willing to receive the biosolids. In August 2008 the Council directed the staff to evaluate the options and bring back recommendations.

The City hired Synagro, the largest residuals management company in the nation. Synagro manages 900,000 acres of permitted land and 11 million tons of biosolids annually.

In the study, Synagro evaluated processes such as heat drying and pelletization, composting, incineration, land application, and dewatering and landfill. They also sampled the City's biosolids to determine the best way to treat and manager the biosolids. The City generates about 14,938,667 gallons of biosolids at 2.93% solids or 1,825 dry tons per year.

Based on the assumptions and the processes evaluated, the most economical process is to de-water the biosolids and take them to a landfill. The second option would be to continue the current process and land apply with Class A. The final option is to land apply with Class B.

However, Mr. Gibson said the land application requirements are likely to change in the near future. Class A requires a higher treatment and does not require a permit to apply. Class B is not treated to the same quality and must be permitted.

Mr. Gibson said the staff was recommending that the future biosolids be de-watered and land filled. This could be done by utilizing mobile equipment so no permanent facilities are required. Water and electricity are readily available and this would allow for flexibility in the future.

The basins currently need to be emptied and Mr. Gibson recommended that this be completed through land application on City property or supplement the de-watering process to the landfill.

Mayor Magers verified that previously the City was paying approximately $400,000 annually to treat the biosolids. The difference in the previous cost and the estimated cost for de-

watering and landfilling, is approximately $200,000 annually. If land could be located for land application, the City would still need to consider transportation costs to move the biosolids.

He added that if the biosolids are dumped at the Texoma Area Solid Waste Landfill, the City would receive some of the money back through tipping fees. Hillside Landfill is closer to the Wastewater Treatment Plant and would cost less to transport. Council Members asked if the City would be required to dump the biosolids in the TASWA Landfill.

Deputy Mayor Wacker confirmed that even if the City were disposing of the biosolids through a land application, they would have to contract with someone else to transport the waste.

Mr. Gibson said the staff could send out a request for proposals for the cost to dispose of a dry ton of biosolids. The bidders could include the restrictions.

Council Members asked Peter Munson, Interim City Attorney, to determine if the City is obligated to dispose of the biosolids at the TASWA Landfill or if they would be allowed to use another landfill. The City would receive revenue from the tipping fees if the biosolids were disposed of at TASWA.

Council Member Adami recommended obtaining a price for disposal at TASWA and a separate price if the disposal was at another landfill.

Mayor Magers asked if the procedure could be done in house. Mr. Olson said the staff will look at the options.

Robby Hefton, Assistant City Manager/CFO, said the staff will obtain two sets of costs, one for an ongoing process to dispose of the biosolids and one for a one-time emptying of the current inventory. Disposing of the current inventory might be spread over a two or three year period to spread the cost out.

SET JOINT MEETING TO CONSIDER DRAFT MASTER PLAN

<u>CONSIDER RESCHEDULING A JOINT MEETING WITH THE PLANNING AND ZONING COMMISSION CALLED FOR 12:00 NOON ON MONDAY, JANUARY 26, 2009, TO REVIEW THE DRAFT COMPREHENSIVE MASTER PLAN AND ITS IMPLEMENTATION PRIORITIES</u>

Mr. Olson asked the City Council to consider rescheduling a Joint Meeting between the City Council and the Planning and Zoning Commission to review the Draft Comprehensive Master Plan. There are still two chapters that have not been given to the City to review. The delay will allow more time for the staff and the City Council to review the draft documents.

ACTION TAKEN.

Motion by Council Member Smith to reschedule the Joint Meeting with the Planning and Zoning Commission for Wednesday, February 25, 2009 at 12:00 noon, to review the Draft Comprehensive Master Plan and its implementation priorities. Second by Council Member Steele.

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

CITIZENS REQUESTS — **CITIZENS REQUESTS**

There were no citizen's requests.

MEDIA QUESTIONS — **MEDIA QUESTIONS**

There were no media questions.

COUNCIL COMMENTS

DR. MARTIN LUTHER KING, JR. BREAKFAST — **DR. MARTIN LUTHER KING, JR BREAKFAST**

Deputy Mayor Wacker recognized the excellent event held on the Austin College campus to celebrate Dr. Martin Luther King, Jr. Day. Council Member Softly was the featured speaker for the event.

EXCITING THINGS GOING ON IN SHERMAN — **EXCITING THINGS GOING ON IN SHERMAN**

Council Member Steele said exciting things are going on in Sherman and he urged citizens to look at the local parks. Changes are especially underway at Center Street Park and Pecan Grove Park.

USE OF PARKS — **USE OF PARKS**

Mayor Magers said his family used the tennis courts this weekend and said many other citizens were also using the parks.

His son asked if the City would open The Splash at Fairview Park to skateboarders during the winter months.

HISTORICAL DAY — **HISTORICAL DAY**

Mayor Magers said in 1968, amid the Civil Rights Movement, Dr. Martin Luther King, Jr. was assassinated and in less than a generation later, the first African American will be sworn in as President of the United States. Whether you are conservative, liberal, Republican, or Democrat, we should all be proud of the Country in which we live. Tomorrow will be a historical day.

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 551.071 --	**CONSULTATION WITH CITY ATTORNEY CONCERNING PENDING OR CONTEMPLATED LITIGATION: 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: 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 5:50 p.m.

On Motion duly made and carried, the Executive Session recessed at 6:32 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.

ADJOURNMENT **ADJOURNMENT**

On Motion duly made and carried, the meeting adjourned at 6:33 p.m.

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MAYOR

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CITY CLERK