

STATE OF TEXAS

§

January 17, 2011

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 17, 2011.

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

MEMBERS ABSENT: NONE.

CALL TO ORDER

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

CALL TO ORDER

APPROVE MINUTES

The Council reviewed the Minutes of the Regular City Council Meeting of December 6, 2010. Council Member Wacker moved to approve the Minutes as presented; Second by Council Member Softly. All present voted AYE.
MOTION CARRIED.

APPROVE MINUTES

CONSENT AGENDA

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

CONSENT AGENDA

RESOLUTIONS

RESOLUTION NO. 5554 – SUSPENDING THE FEBRUARY 14, 2011 EFFECTIVE DATE OF ONCOR ELECTRIC DELIVERY COMPANY LLC’S REQUESTED RATE CHANGE TO PERMIT THE CITY TIME TO STUDY THE REQUEST AND TO ESTABLISH REASONABLE RATES; APPROVING COOPERATION WITH THE STEERING COMMITTEE OF CITIES SERVED BY ONCOR TO HIRE LEGAL AND CONSULTING SERVICES AND TO NEGOTIATE WITH THE COMPANY AND DIRECT ANY NECESSARY LITIGATION AND APPEALS; REQUIRING REIMBURSEMENT OF CITY’S RATE CASE EXPENSES; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL FOR THE STEERING COMMITTEE

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, SUSPENDING THE FEBRUARY 14, 2011 EFFECTIVE DATE OF ONCOR ELECTRIC DELIVERY COMPANY LLC’S REQUESTED RATE CHANGE TO PERMIT THE CITY TIME TO STUDY THE REQUEST AND TO ESTABLISH REASONABLE RATES; APPROVING COOPERATION WITH STEERING COMMITTEE OF CITIES SERVED BY ONCOR TO HIRE LEGAL AND CONSULTING SERVICES AND TO NEGOTIATE WITH THE COMPANY AND

RES 5554
ONCOR RATE
REQUEST

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DIRECT ANY NECESSARY LITIGATION AND APPEALS; REQUIRING REIMBURSEMENT OF CITY'S RATE CASE EXPENSES; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL FOR THE STEERING COMMITTEE.

Todd Thompson, Oncor Area Director, was available for any questions the Council might have.

Mayor Magers said Oncor is seeking a rate increase and the resolution is administrative and would suspend the rate increase for 90 days. George Olson, City Manager, added that during that period the Steering Committee would review the request and make adjustments or appeals.

Mayor Magers said if the City were not members of the Steering Committee, the Council would deny the request. The Coalition has asked that the request be suspended for 90 days.

Deputy Mayor Steele verified that Sherman itself is a part of the Committee and Brandon Shelby, City Attorney, attends the meetings. Robby Hefton, Assistant City Manager/CFO, added that there is a law firm that represents the many Texas cities that are part of the Coalition.

Mayor Magers verified that the question will eventually be decided by the Public Utilities Commission at the State level. The Steering Committee will make recommendations and negotiate with Oncor.

ACTION TAKEN.

Motion by Deputy Mayor Steele to approve Resolution No. 5554, as presented. Second by Council Member Adami.

VOTING AYE: Adami, Howeth, Smith, Softly, Steele, Wacker.

VOTING NAY: None.

MOTION CARRIED.

RESOLUTION NO. 5555 – AUTHORIZING THE ACCEPTANCE OF FISCAL YEAR 2010 ASSISTANCE TO FIREFIGHTERS GRANT AGREEMENT NUMBER EMW-2010-FO-02149 FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY AND THE U.S. DEPARTMENT OF HOMELAND SECURITY

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE ACCEPTANCE OF FISCAL YEAR 2010 ASSISTANCE TO FIREFIGHTERS GRANT AGREEMENT NUMBER EMW-2010-FO-02149 FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY AND THE U.S. DEPARTMENT OF HOMELAND SECURITY.

CONSENT AGENDA.

RES 5555
HOMELAND SECURITY
GRANT

RESOLUTION NO. 5556 – AUTHORIZING EXECUTION OF A DEED FOR THE RESALE OF ONE TRACT OF LAND AND ITS IMPROVEMENTS LOCATED AT 711 NORTH CROCKETT STREET WITHIN THE SHERMAN CITY LIMITS SEIZED FOR

RES 5556
RESALE OF SEIZED
PROPERTY

DELINQUENT TAXES

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF A DEED FOR THE RESALE OF ONE TRACT OF LAND AND ITS IMPROVEMENTS LOCATED AT 711 NORTH CROCKETT STREET WITHIN THE SHERMAN CITY LIMITS SEIZED FOR DELINQUENT TAXES.

CONSENT AGENDA.

RESOLUTION NO. 5557 – AUTHORIZING 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 1205 NORTH BROUGHTON STREET

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING 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 1205 NORTH BROUGHTON STREET.

CONSENT AGENDA.

RES 5557
RESIDENTIAL TAX
ABATEMENT
(1205 N. BROUGHTON)

RESOLUTION NO. 5558 – AUTHORIZING EXECUTION OF AN AGREEMENT WITH U.S. INVESTED INTEREST, LLC FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 510 NORTH HARRISON AVENUE

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN AGREEMENT WITH U.S. INVESTED INTEREST, LLC FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 510 NORTH HARRISON AVENUE.

CONSENT AGENDA.

RES 5558
RESIDENTIAL TAX
ABATEMENT
(510 N. HARRISON)

RESOLUTION NO. 5559 – AUTHORIZING EXECUTION OF AN AGREEMENT WITH U.S. INVESTED INTEREST, LLC FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 516 NORTH HARRISON AVENUE

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN AGREEMENT WITH U.S. INVESTED INTEREST, LLC FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 516 NORTH HARRISON AVENUE.

CONSENT AGENDA.

RES 5559
RESIDENTIAL TAX
ABATEMENT
(516 N. HARRISON)

RESOLUTION NO. 5560 – AWARDING BIDS TO AND AUTHORIZING EXECUTION OF CONTRACTS WITH MULTIPLE VENDORS FOR AN ANNUAL SUPPLY OF CHEMICALS FOR THE SHERMAN WATER TREATMENT PLANT

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AWARDING BIDS TO AND AUTHORIZING EXECUTION OF CONTRACTS WITH

RES 5560
ANNUAL SUPPLY
OF CHEMICALS

MULTIPLE VENDORS FOR AN ANNUAL SUPPLY OF
CHEMICALS FOR THE SHERMAN WATER TREATMENT
PLANT.
CONSENT AGENDA.

OTHER BUSINESS

RECEIVE THE PARKS AND RECREATION BOARD'S
PRESENTATION ON THE PROPOSED ACQUISITION OF
RAILROAD RIGHTS-OF-WAY

RAILROAD R-O-W

Trent Bass, Parks and Recreation Board Member, presented the Board's proposal on the possible acquisition of railroad rights-of-way to connect the City's trail system with a new trail.

Larry Ward also serves on the Parks and Recreation Board and has experience in the donation of railroad corridors for City trail systems. He currently works for the Internal Revenue Service and is experienced in the available tax breaks for this type of donation. Mr. Ward was unable to attend the Council Meeting tonight.

The railroad corridor in question is located behind the City's Youth Center and runs beside Washington Street from Walnut Street, parallel to Birge Street, and into a grove of trees where the railroad trestle is located. West of that location the railroad bed has already been abandoned and has reverted back to the ownership of the adjacent property owners.

The trestle is still there and Mr. Bass says it is in pretty good shape. The Board is proposing that this trail, at some point, follow a route and connect with Fairview Park. Mr. Bass reiterated that this project is in the early stages and they do not know if the railroad is "on board" with the project, however Mr. Ward has some expertise in explaining tax benefits that might be available to them.

Mr. Bass asked the Council to indicate whether or not this is a project that has merit or interest. If the Council would like the Parks Board to move forward with this project, they need to grant authority to the Board to pursue it on behalf of the City. Mayor Magers verified that "pursue it" meant approaching the railroad to see if they are interested in the project. Currently the railroad is leased to another company and used for storage.

The route included would be from Walnut Street to the trestle before the Western Hills area. The proposed trail would then cut back to Fairview Park. The corridor is abandoned to the west of Washington Street.

Mr. Bass assured the Council that they would not make any commitments for the City. They would discuss with the railroad, their interest in deeding the property to the City. They might need to have some correspondence written by the City Attorney.

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Deputy Mayor Steele asked about another railroad corridor that was discussed several years ago. Mr. Bass said that was a different railroad company and there was no way to tie into this section. Once a railroad bed goes into abandonment status, the property reverts to the adjacent property owners.

Mayor Magers verified that this would be a long term plan. Mr. Bass said the Board will determine if there is interest from the railroad company in deeding the property for trails. If there is, then the City should be “first on the list” to receive the donation.

Mayor Magers reminded Mr. Bass that there was no budget for this project, at this time.

ACTION TAKEN.

Motion by Council Member Wacker to allow the Parks and Recreation Board to proceed on behalf of the City, to investigate this corridor project. Second by Council Member Smith.

VOTING AYE: Adami, Howeth, Smith, Softly, Steele, Wacker.

VOTING NAY: None.

MOTION CARRIED.

CONSIDER APPROVAL OF THE ANNEXATION SCHEDULING PLAN FOR THE ANNEXATION OF APPROXIMATELY 23.065 ACRES SOUTH OF DRIPPING SPRINGS ROAD AND WEST OF CEDAR PARK VILLAGE; AND DIRECTING THE DEPARTMENT OF ENGINEERING SERVICES TO DEVELOP A SERVICE PLAN FOR THE AREA TO BE ANNEXED UPON APPROVAL OF THE ANNEXATION SCHEDULING PLAN

Mr. Shelby said the City has received a request for the voluntary annexation of land, south of Dripping Springs Road and west of Cedar Park Village. All land owners have signed requesting that the City annex the property.

Tonight the Council is considering the Plan for Annexation which will set the schedule for several public hearings in the prescribed timeframe giving the citizens an opportunity to discuss the proposed annexation.

ACTION TAKEN.

Motion by Deputy Mayor Steele to approve the annexation schedule for the proposed annexation of approximately 23.065 acres south of Dripping Springs Road and west of Cedar Park Village, as presented.

Second by Council Member Wacker.

VOTING AYE: Adami, Howeth, Smith, Softly, Steele, Wacker.

VOTING NAY: None.

MOTION CARRIED.

CITIZENS REQUESTS

There were no citizens' requests.

ANNEXATION PLAN
(NEAR DRIPPING
SPRINGS & CEDAR
PARK VILLAGE)

CITIZENS REQUESTS

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MEDIA QUESTIONS

There were no media questions.

MEDIA QUESTIONS

COUNCIL COMMENTS

HAPPY NEW YEAR

Council Member Adami wished everyone a Happy New Year.

HAPPY NEW YEAR

DR. MARTIN LUTHER KING, JR. EVENT

Council Member Wacker commended Council Member Softly on the Dr. Martin Luther King, Jr. Breakfast, held earlier today at Austin College. Justice Carolyn Wright, Chief Justice of the 5th District Court of Appeals, was the speaker. She thanked him for the nice event for the community.

DR. MARTIN
LUTHER KING, JR.
EVENT

DR. MARTIN LUTHER KING, JR. EVENT

Council Member Softly thanked Council Member Wacker for the comment adding that it had been a long, but good day.

DR. MARTIN
LUTHER KING, JR.
EVENT

PUBLIC SAFETY EMPLOYEES

Mayor Magers thanked the City's public safety officers. He praised their hard work during the recent snow adding that there were no serious injuries. He added that there is a generation of "sledders" that haven't experienced the thrill of sliding down Hospital Hill when it's icy.

PUBLIC SAFETY
EMPLOYEES

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 551.071

CONSULTATION WITH CITY
ATTORNEY CONCERNING
PENDING OR CONTEMPLATED
LITIGATION:
RECEIVE THE CITY ATTORNEY'S
BRIEFING ON PENDING
LITIGATION

On Motion duly made and carried, the Open Meeting recessed and reconvened in Executive Session at 5:20 p.m.

On Motion duly made and carried, the Executive Session recessed at 5:31 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

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ADJOURNMENT

On Motion duly made and carried, the meeting adjourned at 5:32 p.m.

ADJOURNMENT

MAYOR

CITY CLERK