

STATE OF TEXAS

§

December 3, 2012

COUNTY OF GRAYSON

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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 December 3, 2012.

MEMBERS PRESENT: MAYOR CARY WACKER; DEPUTY MAYOR PAM HOWETH.
COUNCIL MEMBERS JOHNSON, PLYLER, SMITH, SOFEY,
SOFTLY.

MEMBERS ABSENT: NONE.

CALL TO ORDER

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

CALL TO ORDER

APPROVE MINUTES

The Council reviewed the Minutes of the Regular City Council Meeting of November 19, 2012. Deputy Mayor Howeth moved to approve the Minutes as presented; Second by Council Member Smith. All present voted AYE. MOTION CARRIED.

APPROVE MINUTES

CONSENT AGENDA

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

CONSENT AGENDA

RESOLUTIONS

RESOLUTION NO. 5731 – AUTHORIZING THE PURCHASE OF A 2013 FORD F-350 CAB AND CHASSIS TRUCK FOR THE STREET MAINTENANCE DEPARTMENT FROM BOB UTTER FORD

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE PURCHASE OF A 2013 FORD F-350 CAB AND CHASSIS TRUCK FOR THE STREET MAINTENANCE DEPARTMENT FROM BOB UTTER FORD.

RES 5731
VEHICLE PURCHASES

Clay Barnett, City Engineer, explained that the City had the opportunity to bid the purchase of this vehicle locally. Bob Utter Ford's price was approximately \$250 more than the bid through BuyBoard. The ability to work with a local vendor, spur the economy, and take possession of the vehicle more quickly was a benefit to the City and he asked the Council to approve the purchase.

Mayor Wacker said the Council is always happy to work with local vendors.

ACTION TAKEN.

Motion by Council Member Plyler to approve Resolution No. 5731, as presented. Second by Council Member Sofey.

VOTING AYE: Howeth, Johnson, Plyler, Smith, Sofey, Softly.

VOTING NAY: None.

MOTION CARRIED.

RESOLUTION NO. 5732 – ACCEPTING THE CONTRACT WITH VESSELS CONSTRUCTION COMPANY, A DIVISION OF VESCOR, AS COMPLETE FOR THE WASTEWATER TREATMENT PLANT PEAK FLOW PHASE II IMPROVEMENTS

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, ACCEPTING THE CONTRACT WITH VESSELS CONSTRUCTION COMPANY, A DIVISION OF VESCOR, AS COMPLETE FOR THE WASTEWATER TREATMENT PLANT PEAK FLOW PHASE II IMPROVEMENTS.

CONSENT AGENDA.

RES 5732
WWTP PEAK FLOW
IMPROVEMENTS

OTHER BUSINESS

RECEIVE PRESENTATION FROM CUSTOMER SERVICE MANAGER ANGELA GURLEY ON AN INTERACTIVE VOICE RESPONSE SYSTEM FOR THE UTILITY BILLING DEPARTMENT

Angela Gurley, Customer Service Manager, briefed the Council on the Interactive Voice Response (IVR) System for the Utility Billing Department.

UTILITY BILLING
VOICE RESPONSE
SYSTEM

She explained that the City will enter into an agreement with Tele-Works for a system that will allow citizens to pay their utility bills over the telephone 24 hours a day, seven days a week. This will add to the other options for bill payment which include mail in, front counter, call into Utility Office and pay with a credit card, drop box, online through the website, and through bank and credit card drafts.

Customers will access the IVR System through a prompt in the voice mail system, through a 1-800 telephone number, or transferred by a Utility representative.

Tele-Works will provide the software integration and the training at no cost to the City. The agreement will be a transaction based agreement and each successful transaction will cost \$1.25, which will be paid by the customer. This is currently the same amount that the customer would pay online and by calling into the office.

Customers will get their account information in “real” time meaning they will get their current account balance. Payments can be made with VISA, MasterCard, Discover, and electronic checks. The system will also be in English and Spanish and will increase credit card security since the customer will be entering the information directly.

Ms. Gurley said the new system will also increase staff productivity with the speed processing a payment.

Tele-Works also offers a bonus enhancement of an outbound notification system, via phone, text, or email. This will allow the City to make automated, after-hour notification calls, which will help reduce the terminations for non-payment.

She also discussed ways the new IVR System will be advertised to citizens. The software integration and training will take about two months, so the system should be implemented by February 2013.

Council Member Smith verified that the \$1.25 fee is charged by the vendor and not a way for the City to make additional money. Mayor Wacker added that the fee is passed along to the customer.

RECEIVE CITY ATTORNEY BRANDON SHELBY'S BRIEFING ON THE CITY'S TAXICAB ORDINANCE

TAXICAB ORDINANCE

Brandon Shelby, City Attorney, briefed the City Council on the status of the City's Taxicab Ordinance. He asked for input from the Council on how to move forward with the taxicab ordinance.

The City of Sherman has a duty to protect the citizen's health, safety, and welfare, which is the purpose of a taxicab ordinance. Currently there are several taxicabs operating in the City and none are operating legally. The taxicab ordinance is on the books, but is unenforceable as it is. Even the rates haven't been updated since 1995.

The current ordinance has an application and licensing process. The application is cumbersome and would include a public hearing before the City Council. The Council would make the decision on who would operate a taxicab in Sherman and would issue the certificate of convenience and necessity. The ordinance is cumbersome and hard to enforce.

The current ordinance also has a system of insurance and inspection. Taxicabs are required to keep certain insurance certificates on file with the City and must be inspected monthly by the Police Department. That would be impossible to enforce with the City's current staff size and the financial constraints placed on the City.

The rates haven't been updated since 1995 and the current ordinance divides the City into several zones. Rates are based on the number of zones in which the taxicab travels. This would not only be hard to enforce, but hard for the taxicab company too. It would be hard to determine where one zone ends and another begins and it would be hard for citizens to know if they were being charged the correct rate.

COUNCIL MINUTES – DECEMBER 3, 2012

Since the City is not enforcing the current taxicab ordinance, they are also not generating any revenue from it. The City has the power to charge a franchise fee and an application fee for the licensing. The current ordinance suggests a gross receipts tax which would mean that the taxicab companies would submit their accounting and pay 2% of that amount to the City. The City would be in charge of inspecting their books.

Mr. Shelby said there are ways to simplify the ordinance such as charge a flat franchise fee or charge only an application fee which would allow the City to “keep track” of who was operating a taxicab in the City.

He said having an ordinance on the books that the City can’t enforce does no one any good. Several times a year Mr. Shelby said legitimate taxicab companies call and ask about the City’s franchise ordinance and when they are told, they say they don’t want to do business in the City. It’s either too hard to obtain a license or they don’t want to charge rates that were established in 1995.

He suggested that, at the least, the Council should repeal the old ordinance. The Council will need to make the decision about whether or not the ordinance is replaced and if it is replaced, what the requirements will be.

Council Member Smith asked if the ordinance had to be replaced. Mr. Shelby said in Texas, cities are given the duty to have a taxicab ordinance, but they are given great flexibility as to what is included in the ordinance. Many cities in Texas don’t have taxicab ordinances.

Mr. Shelby added that it’s not a bad idea to keep track of taxicabs in Sherman, but the process should be streamlined and enforceable.

Council Member Smith asked Police Chief Tom Watt if they had received complaints about the current taxicab companies operating in Sherman. Chief Watt said they have not received complaints. George Olson, City Manager, confirmed that the City is not receiving complaints.

Mayor Wacker said the complaints she is aware of have actually come through the Texoma Area Paratransit System (TAPS) or the State’s Medicaid Office. There seems to be some correlation with citizens using taxicabs and medical service. She heard people were concerned about who was arriving to pick them up and the use of unmarked taxicabs.

Mayor Wacker’s main concern was that the ordinance not become cumbersome. She did want people to do business in Sherman but she wanted the taxicabs to be safe, reliable, licensed, and visible. They should be able to recommend a

taxicab company to various institutions or groups for after hour events. The City should be able to provide a list of reputable taxicab companies.

Mr. Shelby said it could be as simple as requiring the taxicab companies to apply and make assurances to the City that their cabs have passed a simple State inspection. The names of the cab drivers could be kept on file and they could be required to carry a certain level of liability insurance.

He did receive a complaint from a taxicab company last year about the City not having established fares. Mayor Wacker said the zone system is “crazy” and there is a need for flat fees or time-based fees.

Deputy Mayor Howeth said she would like some type of ordinance because otherwise anyone can put a sign on a car and be a taxicab. She felt taxicabs should be licensed, have insurance, and that a “safe” individual should be driving. Most organizations require some type of criminal background check. She said some form of ordinance is needed.

Mr. Shelby confirmed that the City Council wanted to repeal the current ordinance and asked him to come back at a future Council Meeting with an ordinance that is streamlined and that the City can enforce. Mayor Wacker, Deputy Mayor Howeth, and Council Member Johnson all supported the review of a new ordinance. Council Member Johnson felt it was important to be proactive instead of reactive.

RECEIVE THE SHERMAN CHAMBER OF COMMERCE'S
PRESENTATION ON THE SHERMAN CHRISTMAS PARADE
AND SNOWFLAKE FESTIVAL ON DECEMBER 7, 2012

CHRISTMAS PARADE
& SNOWFLAKE
FESTIVAL

Lauren Roth, Sherman Chamber of Commerce Events Coordinator, briefed the City Council on the upcoming Sherman Christmas Parade and Snowflake Festival. The event will be held Friday, December 7, 2012 with the Snowflake Festival beginning at 3:00 p.m. on the Downtown Square. The Christmas Parade will begin at 7:00 p.m.

Ms. Roth said this is the first year that the Sherman Chamber of Commerce has held the Christmas Parade and Snowflake Festival. In the past the Sherman Tourism Department has been responsible for the event.

This year, Women Rock will sponsor the float that includes Santa Claus and Ms. Roth said in the future the Chamber would like to see the proceeds go to whichever non-profit group sponsors the float with Santa Claus.

Mayor Wacker said the City is excited about the Chamber of Commerce sponsoring the event and appreciated the effort they have made. The tradition goes back many years and she felt the citizens enjoyed it very much.

COUNCIL MINUTES – DECEMBER 3, 2012

CITIZENS REQUESTS

There were no citizen's requests.

CITIZEN'S REQUESTS

MEDIA QUESTIONS

There were no media questions.

MEDIA QUESTIONS

COUNCIL COMMENTS

MERRY CHRISTMAS

Council Member Sofey wished everyone a Merry Christmas, adding that between the City and the State, there have been a lot of improvements in Downtown Sherman and the parade will be a good opportunity for citizens to visit downtown and see the improvements.

MERRY CHRISTMAS

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Council Member Smith wished everyone a Merry Christmas.

MERRY CHRISTMAS

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Council Member Plyler wished everyone a Merry Christmas.

MERRY CHRISTMAS

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Council Member Johnson wished everyone a Merry Christmas and encouraged everyone to support the Christmas Parade.

MERRY CHRISTMAS

ADJOURNMENT

On Motion duly made and carried, the meeting adjourned at 5:21 p.m.

ADJOURNMENT

MAYOR

CITY CLERK