

STATE OF TEXAS

§

January 5, 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 5, 2009.

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

MEMBERS ABSENT: NONE.

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 Chip Adami.

CALL TO ORDER

APPROVE MINUTES

The Council reviewed the Minutes of the Regular City Council Meeting of December 15, 2008. Council Member Steele moved to approve the Minutes as presented; Second by Deputy Mayor Wacker. All present voted AYE.
MOTION CARRIED.

APPROVE MINUTES

PROCLAMATION

"DR. MARTIN LUTHER KING, JR. DAY" – JANUARY 19, 2009
Council Member Softly read the proclamation designating January 19, 2009 as "Dr. Martin Luther King, Jr. Day" in Sherman.

DR. MARTIN LUTHER
KING, JR. DAY
(JAN. 19, 2009)

INTRODUCTION AND PUBLIC HEARING OF ORDINANCES

Deputy Mayor Wacker introduced Ordinance 5583 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 12, ORDINANCE NO. 2280, SO AS TO INCLUDE CERTAIN PROPERTIES WITHIN THE C-2 (GENERAL COMMERCIAL) DISTRICT AT 1905 EAST LAMAR STREET, BEING LOTS 5 AND 7, BLOCK 17 OF THE CHRISTIAN COLLEGE ADDITION (OUTPOST/LAZY L ENTERPRISES, OWNERS); PROVIDING FOR A REPEALER.

ORD 5583
ZONE CHANGE

Mayor Magers abstained from the public hearing on Ordinance 5583 because of an interest in real property. Deputy Mayor Wacker introduced the ordinance.

No citizens appeared before the City Council to discuss Ordinance 5583.

Deputy Mayor Wacker introduced Ordinance 5584 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 8, SUBSECTION

ORD 5584
SUP FOR
AUTO REPAIR

(5)(A), ORDINANCE NO. 2280, SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW AUTOMOTIVE REPAIR IN A C-2 (GENERAL COMMERCIAL) DISTRICT AT 1905 EAST LAMAR STREET, BEING LOTS 5 AND 7, BLOCK 17 OF THE CHRISTIAN COLLEGE ADDITION (OUTPOST/LAZY L ENTERPRISES, OWNERS); PROVIDING FOR A REPEALER. PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED \$2,000.

(1905 E. LAMAR)

Mayor Magers abstained from the public hearing on Ordinance 5584 because of an interest in real property. Deputy Mayor Wacker introduced the ordinance.

No citizens appeared before the City Council to discuss Ordinance 5584.

Mayor Magers introduced Ordinance 5585 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, PROVIDING FOR PERMANENT “NO PARKING” SIGNS RESTRICTING PARKING ALONG PORTIONS OF WEST FERN STREET WITHIN THE CITY LIMITS OF THE CITY OF SHERMAN.

ORD 5585
NO PARKING SIGNS

No citizens appeared before the City Council to discuss Ordinance 5585.

The Ordinances were introduced and the Public Hearing was closed.

CLOSE PUBLIC
HEARING

ADOPTION OF ORDINANCES

Ordinance 5583

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 12, ORDINANCE NO. 2280, SO AS TO INCLUDE CERTAIN PROPERTIES WITHIN THE C-2 (GENERAL COMMERCIAL) DISTRICT AT 1905 EAST LAMAR STREET, BEING LOTS 5 AND 7, BLOCK 17 OF THE CHRISTIAN COLLEGE ADDITION (OUTPOST/LAZY L ENTERPRISES, OWNERS); PROVIDING FOR A REPEALER.

ORD 5583
ZONE CHANGE

Mayor Magers abstained from the discussion and consideration of Ordinance 5583 because of an interest in real property. Deputy Mayor Wacker presided over the item.

Ordinance 5584

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280, SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW AUTOMOTIVE REPAIR IN A C-2 (GENERAL COMMERCIAL) DISTRICT AT 1905 EAST LAMAR STREET, BEING LOTS 5 AND 7, BLOCK 17 OF THE CHRISTIAN COLLEGE ADDITION (OUTPOST/LAZY L ENTERPRISES, OWNERS); PROVIDING FOR A REPEALER. PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE

ORD 5584
SUP FOR
AUTO REPAIR
(1905 E. LAMAR)

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GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED \$2,000.

Mayor Magers abstained from the discussion and consideration of Ordinance 5584 because of an interest in real property. Deputy Mayor Wacker presided over the item.

ACTION TAKEN.

Motion by Council Member Steele to approve Ordinance Nos. 5583 and 5584, as presented. Second by Council Member Smith.

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

VOTING NAY: None.

ABSTAIN: Magers.

MOTION CARRIED.

Ordinance 5585

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, PROVIDING FOR PERMANENT “NO PARKING” SIGNS RESTRICTING PARKING ALONG PORTIONS OF WEST FERN STREET WITHIN THE CITY LIMITS OF THE CITY OF SHERMAN.

ORD 5585

NO PARKING SIGNS

ACTION TAKEN.

Motion by Council Member Smith to approve Ordinance No. 5585, as presented. Second by Council Member Steele.

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

VOTING NAY: None.

MOTION CARRIED.

CONSENT AGENDA

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

CONSENT AGENDA

RESOLUTIONS

RESOLUTION NO. 5307 – AUTHORIZING EXECUTION OF AN END USER LICENSE AGREEMENT WITH AFIX TECHNOLOGIES, INC. FOR AN AFIX TRACKER REMOTE WORKSTATION TO BE USED FOR ADVANCED FINGERPRINT ANALYSIS IN CRIMINAL INVESTIGATION BY THE SHERMAN POLICE DEPARTMENT

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN END USER LICENSE AGREEMENT WITH AFIX TECHNOLOGIES, INC. FOR AN AFIX TRACKER REMOTE WORKSTATION TO BE USED FOR ADVANCED FINGERPRINT ANALYSIS IN CRIMINAL INVESTIGATION BY THE SHERMAN POLICE DEPARTMENT.

CONSENT AGENDA.

RES 5307

**AFIX TRACKER
REMOTE WORK-
STATION FOR
POLICE DEPT.**

RESOLUTION NO. 5308 -- AUTHORIZING THE PURCHASE OF A MOTOROLA CONSOLE RADIO THROUGH THE HOUSTON-GALVESTON AREA COUNCIL OF GOVERNMENTS (H-GAC) FOR THE SHERMAN POLICE/FIRE

RES 5308

**POLICE DEPT.
CONSOLE RADIO**

DISPATCH COMMUNICATION SERVICES

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE PURCHASE OF A MOTOROLA CONSOLE RADIO THROUGH THE HOUSTON-GALVESTON AREA COUNCIL OF GOVERNMENTS (H-GAC) FOR THE SHERMAN POLICE/FIRE DISPATCH COMMUNICATION SERVICES.

CONSENT AGENDA.

REQUEST TO ADVERTISE

POLICE UNIFORMS

The City Council approved the request of the staff to exercise the option to not renew the existing contract for police uniforms and to advertise for bids seeking a new uniform supplier.

After a bid process, the City enters into a one-year initial contract, including four one-year renewal options, with a vendor to supply uniforms.

CONSENT AGENDA.

REQ TO ADVERTISE

POLICE UNIFORMS

OTHER BUSINESS

RECEIVE DIRECTOR OF UTILITIES AND ENGINEERING
MARK GIBSON'S PRESENTATION ON THE LAKE TEXOMA
PIPELINE EVALUATION PROJECT

Mark Gibson, Director of Utilities and Engineering, briefed the City Council on the Lake Texoma Pipeline Evaluation Project.

LAKE TEXOMA
PIPELINE
EVALUATION
PROJECT

Sherman has two zones for water, the ground water zone in the east and south part of Sherman, and the surface zone in the west and north part of Sherman. The surface water comes from Lake Texoma to the Water Treatment Plant through a single pipeline which has been in service for approximately 20 years.

The North Texas Municipal Water District is proposing to install two larger pumps to increase the capacity from 90 million gallons a day to 125 million gallons a day, which will increase the pressure on this pipeline.

Since the line has been underground for 20 years and has not seen that amount of pressure, it has been recommended that the line be removed from service and reviewed for any possible problem areas. These problems would then be addressed prior to the new pumps coming on line.

Mr. Gibson said the City will receive 20% of the increased capacity if they decide to participate in the project. The City is unable to pump their allotment with the pumps that are in place now.

The pipeline evaluation project should take approximately two weeks and the line will be out of service during that period. This means that no surface water will be available during that period.

In the past the entire City was served by ground water. With the two zones, changes had been made to the system to separate the ground water zone from the surface water zone. The system can be adapted to serve the entire City with ground water during the pipeline evaluation project.

The City is in the process of working with a consultant to develop a computer model of the water system. As a part of that project, the consultant, using normal February water demands, has manipulated the computer model to see if it is possible to serve all citizens with ground water. The results of the study indicate that it is possible.

The City has notified major industries to make sure there would not be a problem with their particular processes. All are able to adapt to the change in water sources. The City has also contacted secondary water users such as dialysis centers and hospitals and they are also able to adapt to the change.

The distribution system and the production facilities have been checked and repaired or cleaned as needed for the project.

Mayor Magers asked if citizens will see a decrease in water pressure. Mr. Gibson said some areas in the extreme southeast of Sherman along First Street, and maybe in the Constitution Village area may see a slight decrease in water pressure. There may be a slight increase in the southwest areas such as Country Ridge. Everyone will have adequate pressure, above 30 psi.

Citizens currently on well water will probably not notice a difference during the project. Citizens on surface water will move from hard water to soft water.

Because the different waters are disinfected differently, there may be some cloudiness. The water will be safe to drink, however the flow reversals will stir up sediment in the mains. He urged citizens to call the Water Control Department with any problems they may experience during the project. One problem is expected to be the 24 inch water line along FM 1417.

Mr. Gibson said the benefit of the project will be to assure the City's water needs in the future if a big water main happened to break. The City will be prepared for any problems and know how to switch the City to ground water in an emergency.

NTMWD has scheduled their part of the project for February 19 through 28, 2009. The City of Sherman will probably begin the first part of that week so any problems can be dealt with before the Water Treatment Plant goes off-line.

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Mr. Olson said the report tonight is a kick-off to the marketing campaign to make sure citizens are aware of the project and the changes they will encounter. The process will benefit the City in the long run.

Council Member Howeth verified that there will be no impact to fire protection or the response from the Fire Department if any fires occur during the project time period.

Mr. Gibson said the City may experience some water main breaks due to increased pressure. The staff is ready and will try to minimize the inconvenience to citizens.

Mayor Magers asked for a fact sheet with bullet points for the City Council so when citizens call they will have all the information at hand.

FINAL PLAT APPROVAL OF CUPID BROUGHTON TWO ADDITION; BARTON CAPITAL, LTD., OWNER AND SARTIN & ASSOCIATES, SURVEYORS (1201 AND 1205 NORTH BROUGHTON STREET)

The City Council approved the Final Plat of the Cupid Broughton Two Addition, located at 1201 and 1205 North Broughton Street, between Sycamore and Richards Streets. The owner would like to divide the property into two 50 foot lots for residential development. The Planning and Zoning Commission recommended approval of the Final Plat.

CONSENT AGENDA.

APPROVE FINAL PLAT
CUPID BROUGHTON
TWO ADDITION
(1201 & 1205 N.
BROUGHTON)

REPLAT APPROVAL OF LOTS 9 AND 10, BLOCK 3 OF O'HANLON RANCH ESTATES, PHASE 2; SHERMAN BIBLE CHURCH, OWNERS, LESTER TERRELL, REPRESENTATIVE, AND SARTIN & ASSOCIATES, SURVEYORS (2515 WEST LAMBERTH ROAD AND 2916 OVERLAND TRAIL)

APPROVE REPLAT
O'HANLON RANCH
ESTATES
(2515 W. LAMBERTH
& 2916 OVERLAND TR.)

ACTION TAKEN.

Motion by Council Member Steele to approve the Replat of Lots 9 and 10, Block 3 of O'Hanlon Ranch Estates, Phase 2, as presented. Second by Council Member Smith.

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

VOTING NAY: None.

ABSTAIN: Wacker.

MOTION CARRIED.

CITIZENS REQUESTS

There were no citizen's requests.

CITIZENS REQUESTS

MEDIA QUESTIONS

There were no media questions.

MEDIA QUESTIONS

COUNCIL COMMENTS

WATER PROJECT

Mayor Magers said he appreciated the staff input on the water pipeline project. Many towns would have problems switching the water.

WATER PROJECT

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

CONSULTATION WITH CITY
ATTORNEY CONCERNING LEGAL
MATTERS:
GROUNDWATER CONSERVATION
DISTRICT

SECTION 551.072 DELIBERATIONS REGARDING
REAL PROPERTY:
DELIBERATE REGARDING THE
POTENTIAL PURCHASE OF A
PIECE OF REAL PROPERTY:
TXDOT'S SURPLUS PROPERTY
AT 3711 U.S. HIGHWAY 75
SOUTH, SHERMAN, GRAYSON
COUNTY, TEXAS

SECTION 551.087 DELIBERATIONS REGARDING
ECONOMIC DEVELOPMENT
NEGOTIATIONS:
DELIBERATE REGARDING
COMMERCIAL OR FINANCIAL
INFORMATION THAT THE CITY
HAS RECEIVED FROM BUSINESS
PROSPECTS AND DELIBERATE
ANY OFFERS OR INCENTIVES TO
THE BUSINESS PROSPECTS,
INCLUDING THE FOLLOWING:
PROPOSED GRAYSON COUNTY
JAIL

On Motion duly made and carried, the Open Meeting recessed and reconvened in Executive Session at 5:23 p.m.

On Motion duly made and carried, the Executive Session recessed at 6:20 p.m. and reconvened in Open Meeting.

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OPEN MEETING

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

OPEN MEETING

ADJOURNMENT

On Motion duly made and carried, the meeting adjourned at 6:21 p.m.

ADJOURNMENT

MAYOR

CITY CLERK