STATE OF TEXAS §

December 3, 2007

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 December 3, 2007.

MEMBERS PRESENT: **MAYOR BILL MAGERS; DEPUTY MAYOR CHIP ADAMI. COUNCIL MEMBERS HUGHES, SMITH, T. STEELE, W. STEELE, WACKER.**

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 Pledge to the Texas Flag were led by Members of Boy Scout Troop 15 from St. Mary's Catholic Church. Boy Scouts attending were Jimmy Curtis, Nate Allen, Ryan Williams, Preston Dunavan, Anthony White, James Griffin, Henry Philips, and Mark Cappio. The Invocation was given by Deputy Mayor Chip Adami.

APPROVE MINUTES — **APPROVE MINUTES**

The Council reviewed the Minutes of the Regular City Council Meeting of November 19, 2007. Council Member Terrence Steele moved to approve the Minutes as presented; Second by Council Member Hughes. All present voted AYE. MOTION CARRIED.

SPECIAL PRESENTATION

INTRODUCTION OF SHERMAN POLICE OFFICER MICHAEL YOUNG AND HIS NEW K-9 PARTNER, "DUDE" — **K-9 OFFICER "DUDE"**

Tom Watt, Police Chief, introduced Police Officer Michael Young and his new K-9 partner "Dude." Officer Young introduced Dude, a 2½ year old German Shepherd and a dual purpose dog. Dude is trained in narcotics tracking and criminal apprehension.

Officer Young said he and Dude completed 12 days of training on November 22, 2007. Generally a K-9 has a 7 to 7½ year career.

Council Member Wacker verified that Officer Young and Dude will visit schools in Sherman.

INTRODUCTION AND PUBLIC HEARING OF ORDINANCES

Mayor Magers introduced Ordinance 5499 and called for a public hearing: — **ORD 5499 CURFEW FOR MINORS**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, READOPTING CHAPTER 8, ARTICLE 8.04, DIVISION 2 OF THE CODE OF ORDINANCES, ENTITLED "CURFEW HOURS FOR MINORS," WITH NO MODIFICATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

No citizens appeared before the City Council to discuss Ordinance 5499.

Mayor Magers introduced Ordinance 5500 and called for a public hearing:
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 14, EXHIBIT A OF THE CODE OF ORDINANCES, ENTITLED "GENERAL ZONING ORDINANCE," AT SECTION 6.8.3 TO AMEND THE REQUIREMENTS FOR THE COLLEGE PARK OVERLAY DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

ORD 5500 COLLEGE PARK OVERLAY DISTRICT

No citizens appeared before the City Council to discuss Ordinance 5500.

Mayor Magers introduced Ordinance 5501 and called for a public hearing:
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 14, EXHIBIT A OF THE CODE OF ORDINANCES, ENTITLED "GENERAL ZONING ORDINANCE," AT SECTION 6.2 TO AMEND THE REQUIREMENTS FOR ONE-FAMILY RESIDENTIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

ORD 5501 DUPLEX REQUIREMENTS

No citizens appeared before the City Council to discuss Ordinance 5501.

Mayor Magers introduced Ordinance 5502 and called for a public hearing:
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 14, EXHIBIT A OF THE CODE OF ORDINANCES, ENTITLED "GENERAL ZONING ORDINANCE," AT SECTION 8(5)(A) TO AMEND THE REQUIREMENTS FOR TWO-FAMILY DWELLINGS (DUPLEX); PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

ORD 5502 DUPLEX REQUIREMENTS

No citizens appeared before the City Council to discuss Ordinance 5502.

The Ordinances were introduced and the Public Hearing was closed.

CLOSE PUBLIC HEARING

<u>ADOPTION OF ORDINANCES</u>

Ordinance 5499
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, READOPTING CHAPTER 8, ARTICLE 8.04, DIVISION 2 OF THE CODE OF ORDINANCES, ENTITLED "CURFEW HOURS FOR MINORS," WITH NO MODIFICATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

ORD 5499 CURFEW FOR MINORS

Council Member Terrence Steele verified that the ordinance pertaining to minors was for children 17 years old or

younger. Chief Watt verified that at 18, they are considered adults by law. The law also states that curfew is 11 p.m. on Sunday, Monday, Tuesday, Wednesday, or Thursday, and 12 midnight on Friday or Saturday night.

Ordinance 5500 — **ORD 5500 COLLEGE PARK OVERLAY DISTRICT**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 14, EXHIBIT A OF THE CODE OF ORDINANCES, ENTITLED "GENERAL ZONING ORDINANCE," AT SECTION 6.8.3 TO AMEND THE REQUIREMENTS FOR THE COLLEGE PARK OVERLAY DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

Ordinance 5501 — **ORD 5501 DUPLEX REQUIREMENTS**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 14, EXHIBIT A OF THE CODE OF ORDINANCES, ENTITLED "GENERAL ZONING ORDINANCE," AT SECTION 6.2 TO AMEND THE REQUIREMENTS FOR ONE-FAMILY RESIDENTIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

Ordinance 5502 — **ORD 5502 DUPLEX REQUIREMENTS**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 14, EXHIBIT A OF THE CODE OF ORDINANCES, ENTITLED "GENERAL ZONING ORDINANCE," AT SECTION 8(5)(A) TO AMEND THE REQUIREMENTS FOR TWO-FAMILY DWELLINGS (DUPLEX); PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

Deputy Mayor Adami asked Doreen McGookey, City Attorney, if she had any legal concerns that this ordinance wouldn't hold up if challenged. Ms. McGookey said the primary concern would be for fair housing and fair housing is still available throughout the City under the R-2 District. She said the ordinance also wouldn't implicate any one sector of society, so there should be no problem. There is also a rational basis for enacting the ordinance.

ACTION TAKEN.

Motion by Council Member Wacker to approve Ordinance Nos. 5499, 5500, 5501, and 5502, as presented. Second by Deputy Mayor Adami.

VOTING AYE: Adami, Hughes, Smith, T. Steele, W. Steele, Wacker.
VOTING NAY: None.
MOTION CARRIED.

<u>CONSENT AGENDA</u> — **CONSENT AGENDA**

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

RESOLUTIONS

RESOLUTION NO. 5130 – AUTHORIZING EXECUTION OF A DEED WITHOUT WARRANTY TO RUSSEY LLC DBA GREENLEAF LANDSCAPE COMPANY FOR THE CONVEYANCE OF PROPERTY BEING THROCKMORTON STREET FROM MULBERRY STREET TO THE RAILROAD RIGHT-OF-WAY OWNED BY THE BURLINGTON-NORTHERN SANTA FE RAILROAD; THAT ALL SURVEYING COSTS INCURRED WILL BE PAID BY RUSSEY LLC DBA GREENLEAF LANDSCAPE COMPANY

RES 5130 CONVEY RAILROAD R-O-W

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF A DEED WITHOUT WARRANTY TO RUSSEY LLC DBA GREENLEAF LANDSCAPE COMPANY FOR THE CONVEYANCE OF PROPERTY BEING THROCKMORTON STREET FROM MULBERRY STREET TO THE RAILROAD RIGHT-OF-WAY OWNED BY THE BURLINGTON-NORTHERN SANTA FE RAILROAD; THAT ALL SURVEYING COSTS INCURRED WILL BE PAID BY RUSSEY LLC DBA GREENLEAF LANDSCAPE COMPANY.

CONSENT AGENDA.

RESOLUTION NO. 5131 – AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH MANUEL LEON FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 803 SOUTH THROCKMORTON STREET

RES 5131 RESIDENTIAL TAX ABATEMENT (803 S. THROCKMORTON)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH MANUEL LEON FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 803 SOUTH THROCKMORTON STREET.

CONSENT AGENDA.

RESOLUTION NO. 5132 – AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH TXA HOLDINGS LLC FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 1507 NORTH BRENTS AVENUE

RES 5132 RESIDENTIAL TAX ABATEMENT (1507 N. BRENTS)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH TXA HOLDINGS LLC FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 1507 NORTH BRENTS AVENUE.

CONSENT AGENDA.

OTHER BUSINESS

RECEIVE FIRE CHIEF J.J. JONES' BRIEFING ON THE HOMELAND SECURITY GRANT AUDIT AND COMPLIANCE VISIT

HOMELAND SECURITY GRANT AUDIT

Jeff Jones, Fire Chief, presented a briefing on the Homeland Security Grant Audit and Compliance visit. Since September 11, 2001, the Department of Homeland Security has provided

funding to State and local governments to prepare for and reduce the risk of terrorism. Initially the funds were dedicated to enhance the ability of first responders to react to an attack from weapons of mass destruction. After the 2001 attacks it was found that a critical need was for communications between the various entities.

Since 2002, the City of Sherman has been awarded $856,500 in grant funding. The awards were not automatic and the City spent many man-hours writing and administering the grants. Past grants have been awarded through the Governor's Office and administered by the Texoma Council of Governments. Each year the requirements are increased.

This year one change is that the elected officials and many department heads must complete National Incident Management System, NIMS training. Some managers involved in the Emergency Operations will be required to attend additional training outside the City.

Grant funding is based on population and need, and projects are identified in advance and approved by the State office. Projects must fall into one of three categories: to prepare for or reduce the threat of terrorist attack, to increase the local capability, or to improve the capability to react to a regional problem.

In the past, the City has used grant money to purchase new communications equipment for the Police Department, equipment to communicate directly with the State and other County departments, and to purchase search and rescue equipment.

A compliance audit was held October 16, 2007 to review purchasing procedures, training, and ability to use the equipment that was purchased with grant funding. In that audit, it was found that Sherman met or exceeded all standards, regulations, and grant guidelines and no items were identified as needing improvement.

The City's communications ability was rated at a Level 4 out of 6. Level 5 would require fixed assets and a communications facility. Level 6 means the City could communicate throughout the State on a single channel.

Last year, the City of Sherman, City of Denison, City of Gainesville, and Grayson County pooled their money and purchased three mobile command trailers. On December 17, 2007, the City Council will be asked to spend this year's grant money, $163,000, to complete the command project.

In addition, the City of Sherman has been awarded additional funding to provide the fixed communication equipment that will bring Sherman to a Level 5 on their communications ability.

Chief Jones said future projects will include enhancement of security to the City infrastructure such as the Water Treatment Plant.

Also, as of Saturday, the Reverse 911 system is now operational. This system was approved by the City Council at the FY 2007 Budget Work Sessions. The database includes over 17,000 residential telephone numbers which can be contacted with a pre-recorded message during a local emergency in less than two minutes.

Soon citizens will be able to add cellular telephone numbers, business numbers, or alternate numbers to the database through the City's website. They can also opt for a "do not call" feature to remove their telephone number from the list.

Council Member Terrence Steele verified that the City will still have the ability to override the local cable television system to alert citizens. Chief Jones added that the outdoor warning sirens will also continue to be used.

Mayor Magers verified that the command trailers and the tow vehicles were purchased with last year's grant funding. They hope to add additional communication equipment to the trailers this year to complete the project.

SET CALLED MEETING FOR DEVELOPMENT STANDARDS FOR MAJOR HIGHWAYS

CONSIDER CALLING A SPECIAL MEETING OF THE CITY COUNCIL FOR TUESDAY, DECEMBER 11, 2007, TO REVIEW AND DISCUSS DEVELOPMENT STANDARDS FOR SHERMAN'S MAJOR HIGHWAYS AND THOROUGHFARES

Mayor Magers felt there were issues that needed to be discussed and he asked Council Members if they planned to provide direction to the Planning and Zoning Commission. Deputy Mayor Adami felt they should provide direction to the Commission.

Council Member Smith felt there were issues on Texoma Parkway and on Highway 75 that need to be addressed to maintain a proper aesthetic look to the City.

ACTION TAKEN.

Motion by Council Member Smith to set a Called Council Meeting for December 11, 2007 at 12 noon, to discuss development standards for Sherman's major highways and thoroughfares. Second by Deputy Mayor Adami.

VOTING AYE: Adami, Hughes, Smith, T. Steele, W. Steele, Wacker.
VOTING NAY: None.
MOTION CARRIED.

SET CALLED MEETING DUE TO CONFLICT

CONSIDER CALLING A SPECIAL MEETING OF THE CITY COUNCIL FOR TUESDAY, JANUARY 22, 2008, DUE TO CONFLICT WITH A FEDERAL HOLIDAY

The City Council called a Special Council Meeting for Tuesday, January 22, 2008, at 5:00 p.m. to make up for the

second regular meeting in January, which falls on the Federal Holiday, Martin Luther King, Jr. Day.
CONSENT AGENDA.

APPROVE FINAL PLAT ROLLING MEADOWS ESTATES

FINAL PLAT APPROVAL OF THE ROLLING MEADOWS ESTATES, PHASE I IN THE CITY OF SHERMAN'S EXTRA TERRITORIAL JURISDICTION, BEING 14.112 ACRES IN THE BUFFALO BAYOU, BRAZOS & COLORADO RAILROAD CO. SURVEY, ABSTRACT NO. 149; DAVID HOWERTON, OWNER (5300-5600 BLOCKS OF DRIPPING SPRINGS ROAD)

The City Council approved the Final Plat of the Rolling Meadows Estates, Phase I in the City's extra territorial jurisdiction. The property consists of 14.112 acres in the Buffalo Bayou, Brazos & Colorado Railroad Co. Survey, Abstract No. 249, which is located in the 5300 to 5600 blocks of Dripping Springs Road.

The owner, David Howerton, would like to plat the property into twelve lots for residential development. The Planning and Zoning Commission recommended approval of the Final Plat.
CONSENT AGENDA.

SITE PLAN FOR PROGRESS RAIL

SPECIAL CONSIDERATION TO ORDINANCE NO. 2252, ARTICLE IV, SECTION 410(2)(J) AND 510 OF THE CODE OF ORDINANCES FOR SITE PLAN APPROVAL TO EXTEND THE DRIVEWAY FOR A SHIPPING AND RECEIVING CRANE AND A CONCRETE PAD FOR A HOLDING STATION FOR STORAGE IN THE BLALOCK INDUSTRIAL PARK DISTRICT AT 525 PROGRESS DRIVE (PROGRESS RAIL, OWNER)

The City Council approved the request of Progress Rail for special consideration for site plan approval to extend the driveway for a shipping and receiving crane and a concrete pad for a holding station for storage at 525 Progress Drive, in the Blalock Industrial District. The Planning and Zoning Commission recommended approval of the site plan.
CONSENT AGENDA.

CITIZENS REQUESTS

CREEK FLOODING

CREEK FLOODING

Alvin W. Keele, 1700 Stephen Circle, addressed the City Council concerning flooding in the City and especially in the creek behind his home. He distributed photographs to the City Council.

Mr. Keele also expressed concern about the new homes being constructed in the North Haven Addition by Spavinaw Development. He added that there will be no storm drains in the Addition. Mr. Keele has met with Jeff Miller, Director of Public Works, who worked with the developer to get crews to clean the debris from the creeks and install a silt fence.

Mr. Keele was concerned about trash and the lack of storm drains causing flooding in the future. There is also concrete and discarded pipe lying in the creek.

Mr. Keele's concerns are attached to and made a part of these Minutes.

Mayor Magers said that since the floods, the City has had many creek cleaning crews working to relieve problem areas and help with flooding issues. The City is also in the process of updating the Master Plan and this will include a hydrological study.

He said he would talk with the City Manager about the situation and contact Mr. Keele at a later date to discuss his issues.

LOCAL VENDOR BIDS

LOCAL VENDOR BIDS

Darrell Ramey, 14 Timbercreek and owner of Ramey Chevrolet/Cadillac, said he appeared before the City Council several months ago about the City's bidding process and the opportunity local bidders would have on City purchases.

Since that time he has submitted many sealed bid proposals. But he asked who is winning the bids on the vehicles and what the price difference is between their bid and his.

Ms. McGookey directed Mr. Ramey to complete a public information request form in the City Clerk's Office, outlining the information that he was interested in receiving. Mayor Magers verified that this information is open to the public.

Mr. Ramey also asked who makes the decision on the purchase of the vehicles. Mr. Olson will meeting with Mr. Ramey and obtain the information for him.

MEDIA QUESTIONS

DISCUSSION OF DEVELOPMENT STANDARDS

DISCUSSION OF DEVELOPMENT STANDARDS

Kathy Williams, Herald Democrat Reporter, asked why the Council decided to hold the Called Meeting to discuss transportation issues prior to the update of the Comprehensive Master Plan.

Mayor Magers said the Council wants to review development standards for the major highways. Several items have recently "passed the code" that probably aren't the intention of the Council. They want to review the current codes and make sure they represent the direction the Council wants to take. It mainly includes aesthetic purposes.

COUNCIL COMMENTS

CHRISTMAS PARADE

CHRISTMAS PARADE

Council Member Wacker reminded everyone that the Christmas Parade is scheduled for Friday, December 7, 2007, at 7 p.m.

BOY SCOUTS PLEDGE

BOY SCOUT PLEDGE

Deputy Mayor Adami thanked members of Boy Scout Troup 15 for leading the Pledge of Allegiance earlier in the meeting.

CHRISTMAS SEASON — **CHRISTMAS SEASON**

Council Member Smith said Christmas is upon us and he reminded everyone to remember "the reason for the season." He also urged everyone to shop locally.

WELCOME TO FAMILY — **WELCOME TO FAMILY**

Council Member Willie Steele welcomed his wife and children to the Council Meeting saying they were curious about what he did as a Council Member.

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 LEGAL MATTERS OR PENDING LITIGATION: DISCUSS PROPOSED SUBSTANDARD STRUCTURE ORDINANCE**
SECTION 551.074 --	**PERSONNEL MATTERS: CONSIDER THE QUALIFICATIONS, APPOINTMENT OR REMOVAL OF MEMBERS TO BOARDS AND COMMISSIONS GREATER TEXOMA UTILITY AUTHORITY BOARD OF DIRECTORS (2)**
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**

Mayor Magers announced that the Council would not be discussing the item concerning the proposed substandard structure ordinance during tonight's Executive Session.

He also invited Jerry Chapman, General Manager of the Greater Texoma Utility Authority, to attend the Executive Session and asked John Boswell, President of the Sherman Economic Development Corporation, and Frank Gadek, Vice

President of SEDCO, to enter the Executive Session when a specific item was discussed.

On Motion duly made and carried, the Open Meeting recessed and reconvened in Executive Session at 5:31 p.m.

On Motion duly made and carried, the Executive Session recessed at 7:53 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.

CONSIDER THE QUALIFICATIONS, APPOINTMENT AND REMOVAL OF MEMBERS TO BOARDS AND COMMISSIONS:

GREATER TEXOMA UTILITY AUTHORITY BOARD OF DIRECTORS (2) — **GTUA BOARD OF DIRECTORS**

ACTION TAKEN.

Motion by Deputy Mayor Adami to reappoint George Rowland and Bill Johnson to the Greater Texoma Utility Authority Board of Directors for a term from December 31, 2007 to December 31, 2009. Second by Council Member Wacker.

VOTING AYE: Adami, Hughes, Smith, T. Steele, W. Steele, Wacker.
VOTING NAY: None.
MOTION CARRIED.

ADJOURNMENT — **ADJOURNMENT**

On Motion duly made and carried, the meeting adjourned at 7:54 p.m.

_____
MAYOR

_____
CITY CLERK