

STATE OF TEXAS

§

December 2, 2013

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 2, 2013.

MEMBERS PRESENT:

MAYOR CARY WACKER; DEPUTY MAYOR ROBERT
SOFTLY.
COUNCIL MEMBERS DAVIS, JOHNSON, PLYLER, SOFEY,
WATT.

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 Mayor Cary Wacker.

CALL TO ORDER

APPROVE MINUTES

The Council reviewed the Minutes of the Regular City Council Meeting of November 18, 2013. Council Member Plyler moved to approve the Minutes as presented; Second by Council Member Johnson. All present voted AYE.
MOTION CARRIED.

APPROVE MINUTES

INTRODUCTION AND PUBLIC HEARING OF ORDINANCES

Mayor Wacker introduced Ordinance 5804 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, PROVIDING FOR PERMANENT "STOP" SIGNS AT THE INTERSECTIONS OF CHARLES STREET AND TURLEY STREET, AND CHARLES STREET AND ROSEDALE STREET WITHIN THE CITY LIMITS OF THE CITY OF SHERMAN; PROVIDING FOR A PENALTY PROVISION; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

ORD 5804
STOP SIGNS

Mayor Wacker verified that the signs had already been in place for 90 days.

No citizens appeared before the City Council to discuss Ordinance 5804.

Mayor Wacker introduced Ordinance 5805 and called for a public hearing:

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 INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

ORD 5805
CURFEW HOURS

COUNCIL MINUTES – DECEMBER 2, 2013

Mayor Wacker said the renewal of the curfew ordinance is required by State law every three years or it expires.

No citizens appeared before the City Council to discuss Ordinance 5805.

The Public Hearing was closed.

ADOPTION OF ORDINANCES

Ordinance 5804

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, PROVIDING FOR PERMANENT “STOP” SIGNS AT THE INTERSECTIONS OF CHARLES STREET AND TURLEY STREET, AND CHARLES STREET AND ROSEDALE STREET WITHIN THE CITY LIMITS OF THE CITY OF SHERMAN; PROVIDING FOR A PENALTY PROVISION; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

**ORD 5804
STOP SIGNS**

Ordinance 5805

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 INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

**ORD 5805
CURFEW HOURS**

ACTION TAKEN.

Motion by Council Member Watt to approve Ordinance Nos. 5804 and 5805, as presented. Second by Council Member Johnson.

VOTING AYE: Davis, Johnson, Plyler, Sofey, Softly, Watt.

VOTING NAY: None.

MOTION CARRIED.

CONSENT AGENDA

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

CONSENT AGENDA

RESOLUTIONS

RESOLUTION NO. 5829 – SUPPORTING THE NOMINATION AND CONFIRMATION OF A FEDERAL JUDICIAL NOMINEE FOR THE SHERMAN DIVISION OF THE EASTERN DISTRICT OF TEXAS SITTING AT SHERMAN, TEXAS, WITH STRONG PREFERENCE BEING GIVEN TO A NOMINEE RESIDING IN GRAYSON COUNTY, TEXAS

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, SUPPORTING THE NOMINATION AND CONFIRMATION OF A FEDERAL JUDICIAL NOMINEE FOR THE SHERMAN DIVISION OF THE EASTERN DISTRICT OF TEXAS SITTING AT SHERMAN, TEXAS, WITH STRONG PREFERENCE BEING GIVEN TO A NOMINEE RESIDING IN GRAYSON COUNTY, TEXAS.

**RES 5829
FEDERAL JUDICIAL
NOMINEE
PREFERENCE**

COUNCIL MINUTES – DECEMBER 2, 2013

Mayor Wacker said a forum was recently held to encourage an appointment to the vacancy on the Federal Bench. It has been at least seven years since Judge Paul Brown retired from the position.

It is extremely important that this position be filled, she added, but even more so, that it be filled by a nominee residing in Grayson County. The appointee needs to be committed to living here and working through the agenda, but needs to be committed to serving the local area.

Mayor Wacker said this resolution, if approved by the City Council, will be forwarded on to our two State Senators and our United States Representative to let them know that the Sherman City Council supports this effort. She said that interviews are currently ongoing for the position. There are two Sherman candidates.

ACTION TAKEN.

Motion by Council Member Johnson to approve Resolution No. 5829, as presented. Second by Council Member Sofey.

VOTING AYE: Davis, Johnson, Plyler, Sofey, Softly, Watt.

VOTING NAY: None.

MOTION CARRIED.

RESOLUTION NO. 5830 – AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH JERRY PAUL HIGGINS, LTD. FOR INSTALLATION OF NINE WATER METERS AT PUMP STATIONS THROUGHOUT THE CITY

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH JERRY PAUL HIGGINS, LTD. FOR INSTALLATION OF NINE WATER METERS AT PUMP STATIONS THROUGHOUT THE CITY.
CONSENT AGENDA.

RES 5830
WATER METERS
AT PUMP STATIONS

RESOLUTION NO. 5831 – AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH TIMOTHY L. MORRIS, P.E., DBA MORRIS ENGINEERS FOR THE SOUTH SHERMAN RELIEF SEWER PROJECT

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH TIMOTHY L. MORRIS, P.E., DBA MORRIS ENGINEERS FOR THE SOUTH SHERMAN RELIEF SEWER PROJECT.
CONSENT AGENDA.

RES 5831
SOUTH SHERMAN
RELIEF SEWER
PROJECT

RESOLUTION NO. 5832 – AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH TIMOTHY L. MORRIS, P.E., DBA MORRIS ENGINEERS FOR THE EASTSIDE OUTFALL RETURN SEWER PROJECT

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH TIMOTHY L.

RES 5832
EASTSIDE OUTFALL
RETURN SEWER
PROJECT

MORRIS, P.E., DBA MORRIS ENGINEERS FOR THE
EASTSIDE OUTFALL RETURN SEWER PROJECT.
CONSENT AGENDA.

CHANGE ORDER NO. 1

2010-2013 BIOSOLIDS PROJECT; RENDA
ENVIRONMENTAL, INC.; \$455,840.00, INCREASE

BIOSOLIDS PROJECT

Mark Gibson, Director of Utilities, said the proposed Change Order is an extension of an ongoing process at the Wastewater Treatment Plant. In 2010, the City began a project to clean out four basins that were full of sludge. The City contracted with Renda Environmental to handle that project and it has now been completed. The contract also included treating the sludge that developed on a daily basis and process it with the material removed from the basin.

The basins are now clean and the City is producing sludge from the digesters that must be treated. Rather than putting more sludge in the basins that were just cleaned, the City would like to continue to contract with Mr. Renda to treat the sludge over the next two year period.

Mr. Gibson said by continuing the process over the next two years, the City will have time to set up a master plan to treat the biosolids in the future. By continuing with Renda Environmental, the City will have a contractor that already knows the operation and the City knows how he operates. His equipment is already in place.

The price differential is also reasonable and has only increased \$10 per ton over the last three years. Mr. Gibson added that the City doesn't want to fill up the basins that have just been cleaned out.

The difference in the contract is that the City will be adding 1,400 tons of sludge over a two year period. The contract will be increased by \$455,840.00, which is based on the unit price of \$310 per ton. The original contract was \$2.7 million, so the increase is in line with the amount.

There are some protections for the City. After the first year, the rate will go to a CPI adjustment, which will not exceed 3.5% for the second year.

Mr. Gibson said the City feels that it is a reasonable contract for both parties and will allow the City to get the plan for the biosolids underway. He asked the City Council to consider approval of Change Order No. 1.

Mayor Wacker verified that the biosolid removal is a process that the City must perform, and this is the best solution for this interim period. Eventually there will be a long term solution in place, but there will also be a cost attached to that solution.

COUNCIL MINUTES – DECEMBER 2, 2013

Mr. Gibson said this contract will allow the City time to decide on the best solution, which may be a private contractor or the City, or a combination of both.

Council Member Johnson verified that the increase is not for work that is already completed, but for work going forward over the next two year period. Mr. Gibson said it is for the treatment of the sludge that is being produced now.

Robby Hefton, Assistant City Manager/CFO, said the amounts for the Change Order are already reflected in the budget.

ACTION TAKEN.

Motion by Council Member Plyler to approve Change Order No. 1 to Renda Environmental, Inc. for an increase of \$455,840.00 for the 2010-2013 Biosolids Project, as presented. Second by Council Member Johnson.

VOTING AYE: Davis, Johnson, Plyler, Sofey, Softly, Watt.

VOTING NAY: None.

MOTION CARRIED.

PAYMENT APPROVAL

AUTHORIZING PAYMENT OF THE CITY OF SHERMAN'S WATER SYSTEM FEE TO THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Mayor Wacker explained that the payment approvals to the Texas Commission on Environmental Quality are for their oversight and monitoring to ensure high quality services in both the water treatment and wastewater treatment processes for Sherman citizens.

Mr. Gibson said in order to fund their operations, the TCEQ charges a fee for their services. The State fee for water systems is \$2.15 per connection, which makes Sherman's fee \$40,407 for fiscal year 2014.

TCEQ WATER FEE

AUTHORIZING PAYMENT OF THE CITY OF SHERMAN'S WASTEWATER SYSTEM FEE TO THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Mr. Gibson said the fee for wastewater treatment is also used to fund TCEQ operations. The fee is derived from the flow capacity of the Wastewater Treatment Plant. Sherman's plant has a flow capacity of 16 million gallons per day. It is also based on pollutant loadings, including BOD, total suspended solids, and ammonia that are put out from the plant. Sherman's wastewater system fee for fiscal year 2014 is \$83,574.

TCEQ WASTEWATER FEE

ACTION TAKEN.

Motion by Council Member Johnson to authorize payment of the City's Water System Fee and the Wastewater System Fee to the Texas Commission on Environmental Quality, as presented. Second by Council Member Plyler.

COUNCIL MINUTES – DECEMBER 2, 2013

VOTING AYE: Davis, Johnson, Plyler, Sofey, Softly, Watt.
VOTING NAY: None.
MOTION CARRIED.

OTHER BUSINESS

RECEIVE THE SHERMAN CHAMBER OF COMMERCE'S
PRESENTATION ON THE SHERMAN CHRISTMAS PARADE
AND SNOWFLAKE FESTIVAL ON DECEMBER 6, 2013

CHRISTMAS PARADE
& SNOWFLAKE
FESTIVAL

Lauren Roth, Events Coordinator for the Sherman Chamber of Commerce, updated the Council on the Christmas Parade and Snowflake Festival that is scheduled for December 6, 2013.

Ms. Roth said the Parade and Snowflake Festival are scheduled for Friday, even though the weather is in question. A final decision will be made on Wednesday, December 4, 2013, on whether or not to reschedule the event.

Currently there are 100 floats, about 20 more than last year, and about 30 Snowflake Festival vendors.

Mayor Wacker confirmed that the alternate date for the Parade and Snowflake Festival will be December 13, 2013 if the weather forces cancellation. She added that Christmas decorations are being hung on the downtown square today.

CONSIDER REQUEST OF THE NEIGHBORHOOD
RECREATIONAL COMMITTEE TO TEMPORARILY CLOSE
CERTAIN STREETS FOR THE 2014 MARTIN LUTHER KING,
JR. PARADE ON SATURDAY, JANUARY 18, 2014, WITH A
RAINOUT DATE OF MONDAY, JANUARY 20, 2014

MARTIN LUTHER KING,
JR. PARADE

Reverend Charles Brown asked the City Council to temporarily close certain streets for the 2014 Martin Luther King, Jr. Parade on January 18, 2014, with a rainout date of January 20, 2014.

ACTION TAKEN.

Motion by Council Member Watt to approve the request of the Neighborhood Recreational Committee to temporarily close certain streets for the 2014 Martin Luther King, Jr. Parade on January 18, 2014, with a rainout date on January 20, 2014, as presented. Second by Council Member Sofey.

VOTING AYE: Davis, Johnson, Plyler, Sofey, Softly, Watt.
VOTING NAY: None.
MOTION CARRIED.

CITIZENS REQUESTS

There were no citizens requests.

CITIZENS REQUESTS

MEDIA QUESTIONS

There were no media questions.

MEDIA QUESTIONS

COUNCIL COMMENTS

CHRISTMAS PARADE AND SNOWFLAKE FESTIVAL

Council Member Davis urged citizens to dress warmly for the Christmas Parade and Snowflake Festival on Friday.

CHRISTMAS PARADE

CHRISTMAS PARADE AND SNOWFLAKE FESTIVAL

Deputy Mayor Softly said with the prediction of snow, there might be a white Christmas as well as a white parade.

CHRISTMAS PARADE

CHRISTMAS PARADE AND SNOWFLAKE FESTIVAL

Council Member Sofey said the parade was very nice last year and with even more floats this year, he was really looking forward to the event.

CHRISTMAS PARADE

REMEMBER THE TROOPS

Council Member Watt reminded everyone that there were still American troops overseas and as we move into the Christmas season, he asked everyone to remember them in their prayers.

REMEMBER THE
TROOPS

ANNOUNCEMENTS

Mayor Wacker announced the following:

ANNOUNCEMENTS

- The City has made a significant investment in the downtown area with the Streetscape Project. The Street Maintenance Department is currently installing internally illuminated street name signs. Hopefully they will be lighted prior to the Christmas Parade.
- The Fire Department will be holding an Open House on December 11, 2013, from 1 p.m. until 3 p.m. at Central Fire Station. The event will be in celebration of 140 years of service to the community. The Fire Department was originally established in 1873 as the Sam Houston Steam Fire Department.
- The Greater Texoma Utility Authority's Sherman bond rating has been upgraded to A+ from AA-, by Standard & Poor's. This is a significant change and will save the City about \$500,000 in interest costs. The bond rating is a reflection of the credit worthiness of the City and is a "fiscal scorecard" of the City's finances and policies, and is based in part on maintaining the appropriate utility rates.

Mr. Hefton said when the bond companies determine the ratings, they are really looking at the Council's attitudes and willingness to make hard decisions, such as rates. This rate for GTUA hasn't been increased in many years and is a testament to the City Council and all City departments that work to hold costs down and assure that the City is efficient.

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.

SECTION 551.071

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

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 5:39 p.m. and reconvened in Open Meeting.

OPEN MEETING

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

ADJOURNMENT

On Motion duly made and carried, the meeting adjourned at 5:40 p.m.

EXECUTIVE SESSION

OPEN MEETING

ADJOURNMENT

MAYOR

CITY CLERK