STATE OF TEXAS §

December 1, 2008

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 1, 2008.

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 Joe Smith.

APPROVE MINUTES

The Council reviewed the Minutes of the Regular City Council Meeting of November 17, 2008 and the Called City Council Meeting of November 20, 2008. Council Member Adami moved to approve the Minutes as presented; Second by Deputy Mayor Wacker. All present voted AYE.
MOTION CARRIED.

INTRODUCTION AND PUBLIC HEARING OF ORDINANCES

ORD 5580
STOP SIGNS

Mayor Magers introduced Ordinance 5580 and called for a public hearing:
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, PROVIDING FOR TEMPORARY "STOP" SIGNS AT THE INTERSECTION OF LAKE STREET AND THE BURLINGTON NORTHERN SANTA FE RAILROAD CROSSING WITHIN THE CITY LIMITS OF THE CITY OF SHERMAN; PROVIDING FOR A PENALTY PROVISION; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

No citizens appeared before the City Council to discuss Ordinance 5580.

CLOSE PUBLIC HEARING

The Ordinances were introduced and the Public Hearing was closed.

ADOPTION OF ORDINANCES

ORD 5580
STOP SIGNS

Ordinance 5580
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, PROVIDING FOR TEMPORARY "STOP" SIGNS AT THE INTERSECTION OF LAKE STREET AND THE BURLINGTON NORTHERN SANTA FE RAILROAD CROSSING WITHIN THE CITY LIMITS OF THE CITY OF SHERMAN; PROVIDING FOR A PENALTY PROVISION; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

ACTION TAKEN.

Motion by Council Member Smith to approve Ordinance No. 5580, as presented. Second by Council Member Steele.

VOTING AYE: Adami, Howeth, Smith, Softly, Steele, Wacker.
VOTING NAY: None.
MOTION CARRIED.

CONSENT AGENDA

CONSENT AGENDA

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

RESOLUTIONS

RES 5291
BUDGET AMENDMENT

RESOLUTION NO. 5291 – AMENDING THE 2008-2009 BUDGET OF THE CITY OF SHERMAN, TEXAS, APPROPRIATING AND ALLOCATING ADDITIONAL FUNDS FOR THE PERIOD OF OCTOBER 1, 2008, THROUGH SEPTEMBER 30, 2009

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING THE 2008-2009 BUDGET OF THE CITY OF SHERMAN, TEXAS, APPROPRIATING AND ALLOCATING ADDITIONAL FUNDS FOR THE PERIOD OF OCTOBER 1, 2008, THROUGH SEPTEMBER 30, 2009.

Mayor Magers reiterated that the City has settled a lawsuit and at this time there is no outstanding litigation, other than personnel issues.
CONSENT AGENDA.

RES 5263
ENCROACHMENT
FOR SIGN ON
FM 1417

TABLED AT SEPTEMBER 15, 2008 COUNCIL MEETING: RESOLUTION NO. 5263 – AUTHORIZING EXECUTION OF AN ENCROACHMENT LICENSE AGREEMENT WITH OVERLAND GROUP, LLC FOR A MULTI-TENANT SIGN IN THE UTILITY EASEMENT ALONG F.M. 1417 (HERITAGE PARKWAY) AND OVERLAND TRAIL IN THE O'HANLON RANCH ADDITION, PHASE 2 TO THE CITY OF SHERMAN

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN ENCROACHMENT LICENSE AGREEMENT WITH OVERLAND GROUP, LLC FOR A MULTI-TENANT SIGN IN THE UTILITY EASEMENT ALONG F.M. 1417 (HERITAGE PARKWAY) AND OVERLAND TRAIL IN THE O'HANLON RANCH ADDITION, PHASE 2 TO THE CITY OF SHERMAN.

ACTION TAKEN.

Motion by Council Member Howeth to remove Resolution No. 5263 from table for consideration. Second by Council Member Steele.

VOTING AYE: Adami, Howeth, Smith, Softly, Steele, Wacker.
VOTING NAY: None.
MOTION CARRIED TO REMOVE FROM TABLE.

ACTION TAKEN.
Motion by Council Member Adami to approve Resolution No. 5263, as presented. Second by Deputy Mayor Wacker.
VOTING AYE: Adami, Howeth, Smith, Softly, Steele, Wacker.
VOTING NAY: None.
MOTION CARRIED.

RES 5292
FALLON DRIVE
WATER MAIN

RESOLUTION NO. 5292 – AUTHORIZING EXECUTION OF A CONTRACT WITH TEAGUE NALL & PERKINS FOR PROFESSIONAL ENGINEERING SERVICES TO DESIGN THE FALLON DRIVE WATER MAIN CONSTRUCTION PROJECT
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF A CONTRACT WITH TEAGUE NALL & PERKINS FOR PROFESSIONAL ENGINEERING SERVICES TO DESIGN THE FALLON DRIVE WATER MAIN CONSTRUCTION PROJECT.
CONSENT AGENDA.

RES 5293
OAK CREEK DRIVE
WATER MAIN

RESOLUTION NO. 5293 – AUTHORIZING EXECUTION OF A CONTRACT WITH TEAGUE NALL & PERKINS FOR PROFESSIONAL ENGINEERING SERVICES TO DESIGN THE OAK CREEK DRIVE WATER MAIN REPLACEMENT PROJECT
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF A CONTRACT WITH TEAGUE NALL & PERKINS FOR PROFESSIONAL ENGINEERING SERVICES TO DESIGN THE OAK CREEK DRIVE WATER MAIN REPLACEMENT PROJECT.
CONSENT AGENDA.

RES 5294
RELIEF SEWER “C”

RESOLUTION NO. 5294 – AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH TIMOTHY L. MORRIS, P.E. D/B/A MORRIS ENGINEERS FOR DESIGN OF THE RELIEF SEWER “C” 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. D/B/A MORRIS ENGINEERS FOR DESIGN OF THE RELIEF SEWER “C” PROJECT.
CONSENT AGENDA.

RES 5295
FINANCIAL
ADVISORY
SERVICES

RESOLUTION NO. 5295 – AUTHORIZING EXECUTION OF AN AGREEMENT WITH SPECIALIZED PUBLIC FINANCE, INC. FOR FINANCIAL ADVISORY SERVICES
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN AGREEMENT WITH SPECIALIZED PUBLIC FINANCE, INC. FOR FINANCIAL ADVISORY SERVICES.

Garry Kimball, Managing Director, Specialized Public Finance, Inc., announced the formation of a new financial advisory firm. The company has moved toward the Government Finance Officer’s Association recommended best practice of being unaffiliated with a broker/dealer.

This requirement helps them give better independent advice and they won't be competing against institutions that place the bonds. Specialized Public Finance, Inc. has basically the same team that has previously represented the City.

Mr. Kimball said the proposal is the same as before and is a contingency fee based arrangement that only applies if they are successful in placing the debt to the City's satisfaction. It is an "at-will" engagement.

Robby Hefton, Assistant City Manager/CFO, added that the City received the announcement about the new firm approximately one month ago and Mr. Kimball already has almost three dozen clients that have signed on with the firm. He added that the City staff feels very comfortable with Mr. Kimball and the services he offers.

ACTION TAKEN.
Motion by Deputy Mayor Wacker to approve Resolution No. 5295, as presented. Second by Council Member Softly.
VOTING AYE: Adami, Howeth, Smith, Softly, Steele, Wacker.
VOTING NAY: None.
MOTION CARRIED.

RES 5296
PURCHASE OF
LOADER BACKHOE

RESOLUTION NO. 5296 – AUTHORIZING THE PURCHASE OF A LOADER BACKHOE THROUGH THE HOUSTON-GALVESTON AREA COUNCIL OF GOVERNMENTS (H-GAC) FOR THE DISTRIBUTION SERVICES DEPARTMENT
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE PURCHASE OF A LOADER BACKHOE THROUGH THE HOUSTON-GALVESTON AREA COUNCIL OF GOVERNMENTS (H-GAC) FOR THE DISTRIBUTION SERVICES DEPARTMENT.
CONSENT AGENDA.

RES 5297
PURCHASE OF
COMMERCIAL FRONT
LOADER BODY

RESOLUTION NO. 5297 – AUTHORIZING THE PURCHASE OF A 40-YARD HEIL COMMERCIAL FRONT LOADER BODY THROUGH THE TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (BUYBOARD) FOR THE SOLID WASTE SERVICES DEPARTMENT
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE PURCHASE OF A 40-YARD HEIL COMMERCIAL FRONT LOADER BODY THROUGH THE TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (BUYBOARD) FOR THE SOLID WASTE SERVICES DEPARTMENT.
CONSENT AGENDA.

RES 5298
PURCHASE OF
COMMERCIAL FRONT
LOAD TRUCK CHASSIS

RESOLUTION 5298 – AUTHORIZING THE PURCHASE OF A 2010 MACK COMMERCIAL FRONT LOAD TRUCK CHASSIS THROUGH THE HOUSTON-GALVESTON AREA COUNCIL OF GOVERNMENTS (H-GAC) FOR THE SOLID WASTE SERVICES DEPARTMENT
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE PURCHASE OF A

2010 MACK COMMERCIAL FRONT LOAD TRUCK CHASSIS THROUGH THE HOUSTON-GALVESTON AREA COUNCIL OF GOVERNMENTS (H-GAC) FOR THE SOLID WASTE SERVICES DEPARTMENT.
CONSENT AGENDA.

REQ TO ADVERTISE BROCKETT STREET IMPROVEMENT PROJECT

<u>REQUEST TO ADVERTISE</u>
<u>BROCKETT STREET IMPROVEMENT PROJECT</u>
Mayor Magers verified that the bonds for the Brockett Street Improvement Project have been issued and the money is in the bank.

Mr. Hefton said bids are expected back in January 2009, with a contract to the Council in February 2009, and moving dirt in March 2009.

R-O-W & PROPERTY MOWING

<u>CITY RIGHT-OF-WAY AND PROPERTY MOWING</u>
Mayor Magers said Council Member Adami had suggested combining the mowing of the City's right-of-way and property to obtain a better cost.

George Olson, City Manager, explained that the staff had combined all contracts for private mowing to obtain a better economy of scale.

ACTION TAKEN.
> **Motion by Council Member Howeth to approve the request to advertise for the Brockett Street Improvement Project and the City Right-of-Way and Property Mowing, as presented. Second by Council Member Softly.**

VOTING AYE: Adami, Howeth, Smith, Softly, Steele, Wacker.
VOTING NAY: None.
MOTION CARRIED.

POLICE PATROL VEHICLES

<u>PURCHASE OF THREE POLICE PATROL VEHICLES</u>
The City Council approved the request to advertise for the purchase of three police patrol vehicles. The Police Department rotates the older patrol vehicles out of the patrol fleet each year to insure reliable and safe transportation for our first responders and the citizens they transport.
CONSENT AGENDA.

RELIEF SEWER K-4 PHASE TWO

<u>RELIEF SEWER K-4 PHASE TWO</u>
The City Council approved the request to advertise for the construction of Relief Sewer K-4 Phase Two. The existing sewer main is deteriorated and becoming overloaded as more development occurs in northwest Sherman. Relief Sewer K-4 will replace an existing sewer along Post Oak Creek, between Taylor Street and Lamberth Road.

The project is funded at $900,000 in this year's Capital Improvement Program through bonds previously issued by the Greater Texoma Utility Authority on behalf of the City of Sherman.
CONSENT AGENDA.

OTHER BUSINESS

CONSIDER SCHEDULING A JOINT MEETING WITH THE PLANNING AND ZONING COMMISSION FOR 12:00 NOON ON MONDAY, JANUARY 26, 2009

SET JOINT MEETING WITH P&Z

Mayor Magers verified that the joint meeting would be held to discuss the Comprehensive Master Plan.

ACTION TAKEN.

> **Motion by Council Member Adami to schedule a Joint Meeting with the Planning and Zoning Commission for January 26, 2009 at 12:00 noon, to discuss the City's Comprehensive Master Plan. Second by Council Member Steele.**

VOTING AYE: Adami, Howeth, Smith, Softly, Steele, Wacker.
VOTING NAY: None.
MOTION CARRIED.

APPROVAL OF THE 2008 AD VALOREM TAX ROLL VALUE AND TAX LEVY

TAX ROLL VALUE & TAX LEVY

The City Council approved the Ad Valorem Tax Roll Value and Tax Levy for Fiscal Year 2008-2009. The 2008 tax year represents taxes that will be collected during the City's 2008-2009 fiscal year.

The Grayson County Tax Assessor's Office has provided the taxable value at $2,070,800,426 with equates to a levy of $6,608,956.06 based on the City's tax rate of $0.32 per $100 valuation.

Mayor Magers reiterated that the City's ad valorem property tax has been reduced 20% from previous years.
CONSENT AGENDA.

CITIZENS REQUESTS

CITIZENS REQUESTS

There were no citizen's requests.

MEDIA QUESTIONS

MEDIA QUESTIONS

There were no media questions.

COUNCIL COMMENTS

CHRISTMAS PARADE

CHRISTMAS PARADE

Council Member Smith reminded everyone about the Christmas Parade that will be held Friday, December 5, 2008.

THANKSGIVING HOLIDAY

THANKSGIVING HOLIDAY

Mayor Magers said he hoped everyone had a nice Thanksgiving and said we have a lot to be thankful for.

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 551.074 -- PERSONNEL MATTERS: CONSIDER THE QUALIFICATIONS, APPOINTMENT AND REMOVAL OF MEMBERS TO BOARDS AND COMMISSIONS: GREATER TEXOMA UTILITY AUTHORITY BOARD OF DIRECTORS (1)

Mayor Magers said Council Members did not need an Executive Session to consider an appointment to the Greater Texoma Utility Authority Board of Directors.

CONSIDER THE QUALIFICATIONS, APPOINTMENT AND REMOVAL OF MEMBERS TO BOARDS AND COMMISSIONS: GREATER TEXOMA UTILITY AUTHORITY BOARD OF DIRECTORS (1) GTUA

ACTION TAKEN.

Motion by Council Member Smith to reappoint Joe Henderson to the Greater Texoma Utility Authority Board of Directors for a term from December 31, 2008 to December 31, 2010. Second by Council Member Steele.

VOTING AYE: Adami, Howeth, Smith, Softly, Steele, Wacker.
VOTING NAY: None.
MOTION CARRIED.

Mayor Magers said the Greater Texoma Utility Authority is in the midst of several water projects that benefit surface water from Lake Texoma and the Water Conservation District. He recognized the importance of GTUA and thanked Mr. Henderson for continuing to serve on the Board.

ADJOURNMENT ADJOURNMENT

On Motion duly made and carried, the meeting adjourned at 5:12 p.m.

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MAYOR

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CITY CLERK