

STATE OF TEXAS

§

November 21, 2011

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 November 21, 2011.

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

MEMBERS ABSENT: NONE.

CALL TO ORDER

Mayor Magers called the meeting to order at 5:00 p.m. The Pledge of Allegiance and the Invocation were given by Deputy Mayor Willie Steele.

CALL TO ORDER

Deputy Mayor Steele introduced Rowdy Butler, Webelos Den, Pack 9, to lead the Pledge of Allegiance.

Mayor Magers recognized Don Eldredge, Herald Democrat Editor, who was in attendance to cover the City Council Meeting.

APPROVE MINUTES

The Council reviewed the Minutes of the Regular City Council Meeting of November 7, 2011 and the Called City Council Meeting (Election Canvass) of November 16, 2011. Deputy Mayor Steele moved to approve the Minutes as presented; Second by Council Member Softly. All present voted AYE.
MOTION CARRIED.

APPROVE MINUTES

PROCLAMATION

"SHERMAN HOUSEHOLDS AND INDUSTRIES FOR TAX RELIEF AND STREETS - SHIFTRS"

Mayor Magers congratulated newly elected Council Members Robert Softly and David Plyler.

SHIFTRS

At the November 8, 2011 Election, the ballot also included an initiative to reauthorize the use of sales tax for the repair and maintenance of streets. The initiative is a million dollar savings for property tax owners and it passed by 89%.

Mayor Magers wanted to recognize the citizens and entities that participated financially in the campaign to reauthorize the sales tax. He read a proclamation listing the contributors to the specific purpose committee, SHIFTRS, Sherman Households and Industries for Tax Relief and Streets.

He thanked all who provided financial support adding that it was his goal to make this an afterthought. It is very

important to “shift” the revenues for streets from a property tax base to a sales tax base. Every four years the citizens have a chance to “grade” the City Council on the job they have done. He added that four years from now he looked forward to another successful sales tax initiative. “It’s a great policy.”

RESOLUTION NO. 5637 – CASTING VOTES TO ELECT A CANDIDATE TO SERVE AS A MEMBER OF THE GRAYSON CENTRAL APPRAISAL DISTRICT BOARD OF DIRECTORS
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, CASTING VOTES TO ELECT A CANDIDATE TO SERVE AS A MEMBER OF THE GRAYSON CENTRAL APPRAISAL DISTRICT BOARD OF DIRECTORS.

**RES 5637
GRAYSON APPRAISAL
DISTRICT BOARD
OF DIRECTORS**

Mayor Magers said Kiki Osterman, President of the Sherman School Board, contacted him asking if the City Council would be willing to support a candidate for the Grayson Appraisal District Board of Directors.

In the past, the City Council has not used their votes because they have an issue with the way property taxes are allocated in Texas. It is not based on value, but on tax levy. Therefore if an entity has higher taxes, they get more votes.

However, the SISD did support the sales tax initiative. Ms. Osterman has put together a coalition of the County and the School District to use their excess votes to elect another Appraisal District Board Member. She asked the City to include their votes toward the election too.

Lynn Mitchusson, 1716 Robin Drive

Mr. Mitchusson introduced himself saying he currently serves on the Sherman School Board and has been a lifelong resident of Sherman.

He worked at the Grayson Appraisal District in 1980 and previously worked at the County Tax Office and the Denison School District. He knows how the office operates and has knowledge of the process from appraisals to management.

Mayor Magers asked where he stood on keeping the Appraisal District in downtown Sherman. Mr. Mitchusson said it needs to stay downtown where the Court House is located.

ACTION TAKEN.

Motion by Council Member Smith to approve Resolution No. 5637, casting the City’s votes for Lynn Mitchusson to serve on the Grayson Central Appraisal District Board of Directors. Second by Council Member Howeth.

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

VOTING NAY: None.

MOTION CARRIED.

COUNCIL ELECTION OF DEPUTY MAYOR

Mayor Magers asked for nominations for the Office of Deputy Mayor.

**ELECTION OF
DEPUTY MAYOR**

ACTION TAKEN.

Motion by Council Member Howeth to elect Council Member Willie Steele to serve as Deputy Mayor, for a term from November 21, 2011 to November 6, 2012.

Second by Council Member Smith.

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

VOTING NAY: None.

MOTION CARRIED.

INTRODUCTION AND PUBLIC HEARING OF ORDINANCES

Mayor Magers introduced Ordinance 5728 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 13 OF THE CODE OF ORDINANCES, ENTITLED "UTILITIES", ARTICLE 13.07, ENTITLED "WATER, SEWERS AND SEWAGE DISPOSAL", DIVISION 5, ENTITLED "REGULATIONS FOR DISPOSAL OF INDUSTRIAL WASTE", PART II, ENTITLED "GENERAL SEWER USE REQUIREMENTS", AT SECTION 13.07.356, ENTITLED "SPECIFIC POLLUTANT LIMITATIONS"; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

**ORD 5728
DISPOSAL OF
INDUSTRIAL WASTE**

Mark Gibson, Director of Engineering and Public Works, explained the proposed revision for the allocation of local limits for the City's Pretreatment Program. He said the proposed changes will make it more efficient and equitable for all industries and those industries are in agreement with the proposed changes. Mr. Gibson said it will also provide stability and predictability for the industries.

Local limits apply to the ability of the City's Wastewater Treatment Plant to treat the wastewater entering the plant. The City must comply with the criteria set by the State pertaining to any stream in which they discharge.

Waste entering the plant is either commercial, residential, or industrial and the proposed changes apply only to the industrial component. Only 13 industries are currently permitted in the City of Sherman. Texas Instruments and Texas Health have two discharge points so they have two permits. There are also 13 pollutants for which the City issues permits.

Under the current system, Industrial Contributory Flow, the pollutants are allocated out to each industry based on their need. This allocation must then be reallocated for all 13 industries any time an industry leaves town, a new industry locates in town, or they change their product lines and the pollutants change. Every one of the permits must be

reissued, which is a very labor intensive process. Mr. Gibson added that this happens approximately four times annually. It's not stable and it's not predictable.

The proposal is to move to a Uniform Concentration Method, where everyone receives an equal allocation of all pollutants. The limits do not change with new industries entering, leaving, or changing processes. There will be no changes to permits, only the flow will vary. These proposed limits exceed the industries' existing discharge concentrations, which means no industry will need to put in treatment equipment to meet these levels at the current time.

Mayor Magers asked if the industries have a pretty good margin between their pollutants and the discharge level of the pollutant. Mr. Gibson said some are closer than others, but all industries are below the level at the current time. He added that generally only their flow will change and be affected.

The proposed system would be much fairer and gives everyone a "level playing field." The Industrial Contributory Flow system is very resource intensive for both the industry and the regulator. Mr. Gibson added that the State also recommends conversion to the Uniform Concentration Method and 95% of all pretreatment facilities in the United States use this method. In Texas, 68 out of 72 industrial pretreatment programs use the proposed method.

He outlined benefits of the proposed change for both the industries and the City including relaxed limits for some industries and a streamlined permit process, as well as a reduction in workload and the possible development of standardized reporting. The proposed change will have no effect on commercial or residential wastewater.

Mayor Magers verified that instead of looking at each industry's output, the City would be looking at the totals. Mr. Gibson said the staff has met with all affected industries and the proposed change is acceptable to them and will be more equitable and efficient. He added that it provided stability for industries and their future operations.

Mayor Magers asked what would happen if an industry exceeded the level. Mr. Gibson explained that all industries have the same level of each pollutant, only the flow will vary. If they have a process that will discharge above that level, they will need to put in some type of pretreatment to reduce that pollutant. Council Member Wacker verified that industries will not be allowed to "trade" pollutants to meet the discharge levels.

Council Member Howeth felt this would be a positive change to attract new businesses to Sherman.

COUNCIL MINUTES – NOVEMBER 21, 2011

No citizens appeared before the City Council to discuss Ordinance 5728.

The Public Hearing was closed.

ADOPTION OF ORDINANCES

Ordinance 5728

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 13 OF THE CODE OF ORDINANCES, ENTITLED "UTILITIES", ARTICLE 13.07, ENTITLED "WATER, SEWERS AND SEWAGE DISPOSAL", DIVISION 5, ENTITLED "REGULATIONS FOR DISPOSAL OF INDUSTRIAL WASTE", PART II, ENTITLED "GENERAL SEWER USE REQUIREMENTS", AT SECTION 13.07.356, ENTITLED "SPECIFIC POLLUTANT LIMITATIONS"; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

**ORD 5728
DISPOSAL OF
INDUSTRIAL WASTE**

ACTION TAKEN.

Motion by Council Member Smith to approve Ordinance No. 5728, as presented. Second by Council Member Softly.

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

VOTING NAY: None.

MOTION CARRIED.

CONSENT AGENDA

The Council reviewed the Consent Agenda.

CONSENT AGENDA

Deputy Mayor Steele verified that the City had advertised locally to purchase the fleet for the Distribution / Collection Department before it was actually purchased through the Houston-Galveston Area Council of Governments and the Texas Local Government Purchasing Cooperative.

Council Member Smith verified that the equipment being purchased was due to the City moving street and water repairs in-house in an effort to save money.

Council Member Howeth moved to approve the Consent Agenda, as presented. Second by Deputy Mayor Steele. All present voted AYE.

RESOLUTIONS

RESOLUTION NO. 5633 – AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH MUNICIPAL WATER WORKS SUPPLY FOR THE PURCHASE OF WATER METERS AND WATER METER RADIO-READ ENDPOINTS

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH MUNICIPAL WATER WORKS SUPPLY FOR THE PURCHASE

**RES 5633
WATER METERS &
WATER METER
RADIO-READ
ENDPOINTS**

OF WATER METERS AND WATER METER RADIO-READ
ENDPOINTS.
CONSENT AGENDA.

RESOLUTION NO. 5634 – AUTHORIZING THE PURCHASE
OF A REPLACEMENT BACKHOE AND MINI EXCAVATOR
FOR THE DISTRIBUTION / COLLECTION DEPARTMENT
THROUGH THE HOUSTON-GALVESTON AREA COUNCIL OF
GOVERNMENTS (H-GAC)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
SHERMAN, TEXAS, AUTHORIZING THE PURCHASE OF A
REPLACEMENT BACKHOE AND MINI EXCAVATOR FOR
THE DISTRIBUTION / COLLECTION DEPARTMENT
THROUGH THE HOUSTON-GALVESTON AREA COUNCIL OF
GOVERNMENTS (H-GAC).
CONSENT AGENDA.

RES 5634
PURCHASE OF
BACKHOE &
MINI EXCAVATOR

RESOLUTION NO. 5635 – AUTHORIZING THE PURCHASE
OF A 2-½ TON FLAT BED DUMP TRUCK FOR THE
DISTRIBUTION / COLLECTION DEPARTMENT THROUGH
THE TEXAS LOCAL GOVERNMENT PURCHASING
COOPERATIVE (BUYBOARD)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
SHERMAN, TEXAS, AUTHORIZING THE PURCHASE OF A 2-
1/2 TON FLAT BED DUMP TRUCK FOR THE DISTRIBUTION /
COLLECTION DEPARTMENT THROUGH THE TEXAS LOCAL
GOVERNMENT PURCHASING COOPERATIVE (BUYBOARD).
CONSENT AGENDA.

RES 5635
PURCHASE OF
DUMP TRUCK

RESOLUTION NO. 5636 – AUTHORIZING THE PURCHASE
OF REHABILITATION SERVICES FROM FUQUAY, INC. FOR
REPAIRS TO THE FLOCCULATION / SEDIMENTATION
BASINS AND PIPELINE AT THE WATER TREATMENT PLANT
THROUGH THE TEXAS LOCAL GOVERNMENT
PURCHASING COOPERATIVE (BUYBOARD)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
SHERMAN, TEXAS, AUTHORIZING THE PURCHASE OF
REHABILITATION SERVICES FROM FUQUAY, INC. FOR
REPAIRS TO THE FLOCCULATION / SEDIMENTATION
BASINS AND PIPELINE AT THE WATER TREATMENT PLANT
THROUGH THE TEXAS LOCAL GOVERNMENT
PURCHASING COOPERATIVE (BUYBOARD).
CONSENT AGENDA.

RES 5636
WATER TREATMENT
PLANT REPAIRS

OTHER BUSINESS

DISCUSSION OF RIGHT-OF-WAY SAFETY REGULATIONS

Brandon Shelby, City Attorney, said the City has received
complaints from citizens concerning people soliciting on
City streets. These solicitors include charitable
organizations. The City currently has no ordinance to
specifically address soliciting in the right-of-way. The State
Transportation Code prohibits soliciting in the right-of-way
unless the solicitor is from a charitable organization that has
been permitted by the City.

R-O-W SAFETY
REGULATIONS

Mr. Shelby asked for City Council direction to develop an ordinance that will make it easier for the Police Department to enforce the State statute. Also by codifying the State statute under a local ordinance, the City will be allowed to keep more money from the fine.

Mayor Magers said he has received a number of complaints about solicitors on Loy Lake Road and he did feel it was a problem. He understood that if the solicitor was on the sidewalk and not in the street, it was okay.

Police Chief Tom Watt said if they don't have a permit, they can't solicit. If they do have a permit they can't get into the street. Mayor Magers questioned how they would solicit money without going into the street.

Deputy Mayor Steele verified that panhandling by an individual on the street corner is already illegal under the Transportation Code. Mr. Shelby added that codifying it in an ordinance makes it easier to prosecute in Municipal Court.

Mr. Shelby said by using the State statute as a model, the City can control where these charitable organizations can solicit by the permit process.

ACTION TAKEN.

Motion by Council Member Wacker to pursue an ordinance regulating right-of-way safety regulations for consideration by the City Council, as presented. Second by Council Member Softly.

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

VOTING NAY: None.

MOTION CARRIED.

DISCUSSION OF THE SHERMAN MUNICIPAL AIRPORT ADVISORY BOARD

AIRPORT ADVISORY BOARD

Mayor Magers said there is currently one person on the Airport Advisory Board. The City staff has been doing an excellent job of managing the Airport over the past two years. The advisory board is an "advisory board" to the City Council.

Ross Richardson, 2115 Turtle Creek Circle

Mr. Richardson said the Airport Advisory Board recognizes that they are an advisory board and that the City Council has the final word. Since 2010 the terms of board members have been expiring and the City Council should consider the applications and make appointments. The board has not met in 2011 to make any recommendations to the City Council.

Mayor Magers reiterated that the staff has done a great job of managing the Airport for the past few years. The Council will have some very critical decisions in the next couple of years regarding the Airport. In 2015 the Council will be

looking at \$500,000 to repair and remodel some ramps. He said he respected the Airport Board's position, however he felt the Airport is a very small part of City government. There are 13 hangar slots at the Airport, and only six of those are used by Sherman residents.

The decision making needs to be at the City Council level without the politics that might go along with it. Mayor Magers felt the Council needs to begin planning today for what will happen three years from now.

Council Member Smith did not feel he had enough information on how the staff is managing the Airport versus use of the Advisory Board. George Olson, City Manager, explained that the staff has managed the Airport forever and has always been responsible for the facility. The Advisory Board is an advisory board to the City Council.

Mr. Richardson said the advisory board is compiled of people that are interested and knowledgeable of aviation and airport matters and they are the ones that discuss what needs to be done, prioritize items, and then present it to the Council. There are also some generous grants from the Texas Department of Transportation that help with the ramp repairs and improvement programs. Mayor Magers said the Council is aware of the grants.

Deputy Mayor Steele said the funds are available, however there are many strings attached and the City would be "on the hook" for a certain period of time, a certain amount of money, and for maintenance. Council Member Wacker agreed that the Council needs to look at the future of the Airport. She added that if the Council is not going to use the advisory board, then the ordinance should be amended to dissolve the board.

Mayor Magers asked the staff to place an item on the agenda to discuss the Airport situation.

CITIZENS REQUESTS

There were no citizens requests.

CITIZENS REQUESTS

MEDIA QUESTIONS

There were no media questions.

MEDIA QUESTIONS

**APPOINT/REMOVE OR CONSIDER QUALIFICATIONS TO
BOARDS AND COMMISSIONS:**

COUNCIL AUDIT COMMITTEE (3)

INVESTMENT COMMITTEE (2)

TAX REINVESTMENT COMMITTEE (2)

TAX INCREMENT FINANCING BOARD #1 (3)

TAX INCREMENT FINANCING BOARD #2 (3)

TAX INCREMENT FINANCING BOARD #3 (3)

**BOARD
APPOINTMENTS**

ACTION TAKEN.

Motion by Council Member Howeth to reappoint Cary Wacker and Joe Smith and to appoint David Plyler to the

COUNCIL MINUTES – NOVEMBER 21, 2011

Council Audit Committee for a term from November 22, 2011 to November 2012; to reappoint Willie Steele and Robert Softly to the Investment Committee for a term from November 22, 2011 to November 2012; to reappoint Joe Smith and to appoint David Plyler to the Tax Reinvestment Committee for a term from November 22, 2011 to November 2012; to reappoint Bill Magers and Willie Steele and to appoint David Plyler to the Tax Increment Financing Board #1 for a term from November 22, 2011 to November 2012; to reappoint Bill Magers and Willie Steele and to appoint David Plyler to the Tax Increment Financing Board #2 for a term from November 22, 2011 to November 2012; and to reappoint Bill Magers and Willie Steele and to appoint David Plyler to the Tax Increment Financing Board #3 for a term from November 22, 2011 to November 2012. Second by Deputy Mayor Steele.

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

VOTING NAY: None.

MOTION CARRIED.

COUNCIL COMMENTS

GLAD TO SERVE CITIZENS

Council Member Plyler said he was glad to be able to serve the citizens.

GLAD TO SERVE
CITIZENS

THANKS TO WEBELOS

Deputy Mayor Steele thanked the Webelos for attending the City Council Meeting.

THANKS TO
WEBELOS

HAPPY THANKSGIVING

Council Member Wacker wished everyone a safe and happy Thanksgiving week.

HAPPY THANKSGIVING

HAPPY THANKSGIVING

Council Member Softly wished everyone a happy Thanksgiving. The Friendly Church of God in Christ will be distributing 150 Thanksgiving baskets to recipients tomorrow.

HAPPY THANKSGIVING

SHERMAN BEARCATS IN PLAYOFFS

Council Member Howeth said the Sherman Bearcats won in the Area Playoff game against Wichita Falls Rider last Friday night. She invited all citizens to attend the Regional Playoff game against Rockwall Heath in Denton on Saturday, November 26, 2011.

SHERMAN BEARCATS
IN PLAYOFFS

SHERMAN BEARCATS IN PLAYOFFS

Mayor Magers referenced the Sherman-Denison Football Rivalry and showed a photograph of Denison Mayor Robert Brady wearing a Sherman Bearcat jersey. Mayor Brady was showing his support for the Bearcats and called to wish Sherman the best in the playoffs.

SHERMAN BEARCATS
IN PLAYOFFS

SERVICE ON PLANNING AND ZONING COMMISSION

Scott Shadden, Director of Development Services, presented

SERVICE ON
PLANNING & ZONING

COUNCIL MINUTES – NOVEMBER 21, 2011

Council Member David Plyler with a plaque for his service on the Planning and Zoning Commission from June 5, 2007 through November 15, 2011.

COMMISSION

ADJOURNMENT

On Motion duly made and carried, the meeting adjourned at 5:47 p.m.

ADJOURNMENT

MAYOR

CITY CLERK