STATE OF TEXAS §

November 19, 2012

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 November 19, 2012.

MEMBERS PRESENT: MAYOR CARY WACKER.
COUNCIL MEMBERS HOWETH, JOHNSON, PLYLER, SMITH, SOFEY, SOFTLY.

MEMBERS ABSENT: NONE.

CALL TO ORDER — 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 Council Member Robert Softly.

Mayor Wacker welcomed new Council Members Jason Sofey and Ryan Johnson adding that she looked forward to working with them in the future.

APPROVE MINUTES — APPROVE MINUTES

The Council reviewed the Minutes of the Regular City Council Meeting of November 5, 2012 and the Called City Council Meeting (Election Canvass) of November 14, 2012. Council Member Smith moved to approve the Minutes as presented; Second by Council Member Softly. All present voted AYE.
MOTION CARRIED.

COUNCIL ELECTION OF DEPUTY MAYOR — ELECTION OF DEPUTY MAYOR

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

ACTION TAKEN.

Motion by Council Member Smith to elect Council Member Pam Howeth to serve as Deputy Mayor, for a term from November 19, 2012 to November 5, 2013. Second by Council Member Softly.

VOTING AYE: Howeth, Johnson, Plyler, Smith, Sofey, Softly.
VOTING NAY: None.
MOTION CARRIED.

CONSENT AGENDA — CONSENT AGENDA

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

RESOLUTIONS

RESOLUTION NO. 5726 – AUTHORIZING EXECUTION OF AN ADVANCE FUNDING AGREEMENT BETWEEN THE CITY OF SHERMAN AND THE STATE OF TEXAS, ACTING BY AND — RES 5726 HWY 75 EXIT RAMP RELOCATION

THROUGH THE TEXAS DEPARTMENT OF TRANSPORTATION, FOR AN URBAN AREA CORRIDOR PROJECT (RELOCATION OF THE SOUTHBOUND U.S. 75 EXIT RAMP TO F.M. 1417)
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN ADVANCE FUNDING AGREEMENT BETWEEN THE CITY OF SHERMAN AND THE STATE OF TEXAS, ACTING BY AND THROUGH THE TEXAS DEPARTMENT OF TRANSPORTATION, FOR AN URBAN AREA CORRIDOR PROJECT (RELOCATION OF THE SOUTHBOUND U.S. 75 EXIT RAMP TO F.M. 1417).

George Olson, City Manager, explained that the project was brought forward by the Sherman-Denison Metropolitan Planning Organization and will move the exit ramp at F.M. 1417, Heritage Parkway, back about a mile to the north.

The advance funding agreement is required for the Texas Department of Transportation to begin the planning and design process for the project. It requires a $400,000 local match. The Sherman Economic Development Corporation and the developer have agreed to split the match, which will be brought back for Council consideration in March 2013.

Mr. Olson said that tonight the Council needs to consider the advance funding agreement so the project can move forward.

Mayor Wacker said this is a good example of the public/ private partnership that the Council likes to see to make improvements to the City.

ACTION TAKEN.
Motion by Deputy Mayor Howeth to approve Resolution No. 5726, as presented. Second by Council Member Plyler.
VOTING AYE: Howeth, Johnson, Plyler, Smith, Sofey, Softly.
VOTING NAY: None.
MOTION CARRIED.

RES 5727
FAIRVIEW ELEVATED WATER TANK

RESOLUTION NO. 5727 – AUTHORIZING EXECUTION OF AN AMENDMENT TO THE FAIRVIEW ELEVATED WATER TANK USE AGREEMENT WITH AT&T MOBILITY TEXAS LLC
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN AMENDMENT TO THE FAIRVIEW ELEVATED WATER TANK USE AGREEMENT WITH AT&T MOBILITY TEXAS LLC.

Mr. Olson said AT&T Mobility has requested to amend their current agreement with the City for antennas at the Fairview Elevated Water Tank. They are requesting more ground space for their box, as well as three additional antennas.

The amendment will increase the City's income from the agreement by $800 per month for a total monthly income of

$2,700 for the use of this tower. The agreement also includes a 3% annual increase in the lease amount.

ACTION TAKEN.

Motion by Council Member Smith to approve Resolution No. 5727, as presented. Second by Council Member Softly.

VOTING AYE: Howeth, Johnson, Plyler, Smith, Sofey, Softly.
VOTING NAY: None.
MOTION CARRIED.

RES 5728
FLEET PURCHASES

RESOLUTION NO. 5728 – AUTHORIZING THE PURCHASE OF A 2013 FORD F-250, A 2013 FORD F-250 XCAB, AND A 2013 FORD F-350 FOR THE WATER PRODUCTION AND PUMP MAINTENANCE DEPARTMENTS FROM HOLIDAY FORD

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE PURCHASE OF A 2013 FORD F-250, A 2013 FORD F-250 XCAB, AND A 2013 FORD F-350 FOR THE WATER PRODUCTION AND PUMP MAINTENANCE DEPARTMENTS FROM HOLIDAY FORD.

CONSENT AGENDA.

RES 5729
STREET MAINT. EQUIPMENT

RESOLUTION NO. 5729 – AUTHORIZING THE PURCHASE OF A BACKHOE FOR THE STREET MAINTENANCE DEPARTMENT FROM HI-WAY EQUIPMENT, CO. THROUGH THE HOUSTON-GALVESTON AREA COUNCIL (H-GAC)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE PURCHASE OF A BACKHOE FOR THE STREET MAINTENANCE DEPARTMENT FROM HI-WAY EQUIPMENT, CO. THROUGH THE HOUSTON-GALVESTON AREA COUNCIL (H-GAC).

CONSENT AGENDA.

RES 5730
FLEET PURCHASES

RESOLUTION NO. 5730 – AUTHORIZING THE PURCHASE OF AN ASPHALT TANK, A 2013 FORD F-350 CHASSIS WITH 1-TON DUMP, AND A 2013 FORD SUPER DUTY BUCKET TRUCK FOR THE STREET MAINTENANCE DEPARTMENT FROM VARIOUS VENDORS THROUGH THE TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (BUYBOARD)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE PURCHASE OF AN ASPHALT TANK, A 2013 FORD F-350 CHASSIS WITH 1-TON DUMP, AND A 2013 FORD SUPER DUTY BUCKET TRUCK FOR THE STREET MAINTENANCE DEPARTMENT FROM VARIOUS VENDORS THROUGH THE TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (BUYBOARD).

CONSENT AGENDA.

REQ TO ADVERTISE
CHEMICALS

REQUEST TO ADVERTISE
ANNUAL SUPPLY OF CHEMICALS

The City Council approved the request to advertise for the annual supply of chemicals, used primarily at the Water Treatment Plant and the Wastewater Treatment Plant.

CONSENT AGENDA.

ANNUAL CONTRACT FOR WATER AND SEWER PARTS AND SUPPLIES

WATER & SEWER PARTS & SUPPLIES

The City Council approved the request to advertise for bids for the annual contract for water and sewer parts and supplies. The water and sewer piping supplies and parts are used in the maintenance of the City's water system and sewer system.
CONSENT AGENDA.

OTHER BUSINESS

RECEIVE UPDATE ON THE BULK WASTE AND BRUSH COLLECTION PROGRAM FROM DIRECTOR OF PUBLIC WORKS DON KEENE

BULK WASTE & BRUSH COLLECTION

Don Keene, Director of Public Works, presented an update on the Bulk Waste and Brush Collection Program. At the June 2012 Budget Work Session, Council Members approved several recommended action items that were proposed by the staff to improve the program.

The five directives were to continue the bulk and brush collection on the same schedule; to further modify and clarify the rules; to continue customer education; to collect all set-outs in the active quadrant; and to increase the enforcement of rules and procedures. Mr. Keene said the staff has achieved success in each of the five areas.

The City is divided into four quadrants with bulk and brush collection beginning on Monday of each week for a different quadrant. There is no collection during any week with a fifth Monday.

There were four rules that citizens seem to have trouble with and those include the volume limits; no mixing of brush and bulk; no unsafe placement under trees, overhead wires, or behind a pole or vehicle; and the set-out times.

Volume limits are five cubic yards for bulk and 10 cubic yards for brush. Set-out times are no earlier than Saturday before the specific collection week and no later than 7:00 a.m. on Monday of the specific collection week.

A flyer was developed to distribute to help citizens remember and understand the rules. Education is also accomplished through the website, special events, and door-hangers for non-compliant set-outs.

The City has also designated a specific person for compliance education. She is responsible for monitoring, conversations, door hangers, flyers, phone calls, data collection, and follow-ups related to education.

Mr. Keene said the City has been focusing more on education than enforcement and they have seen a reduction in non-compliant set-outs. He presented a graph that showed the number of set-outs, the original non-compliant set-outs, and the non-compliant set-outs after intervention.

Originally the program had a 10% rate of non-compliant set-outs but after intervention, non-compliant set-outs are at a rate of 2%.

Originally the discussion included an ordinance allowing immediate abatement of repeat non-compliant set-outs and collection of the cost of those pick-ups through utility billing at the special pick-up rates. However, Mr. Keene felt it would be better to collect some additional months of data before considering an ordinance with charges to citizens for pick-up of the non-compliant set-outs.

He added that the staff did what they said they would do from the Budget Work Session and said the staff proposed to continue with the program as is and continue to collect data. The staff would update the Council again in early 2013 and possibly have a recommendation.

Council Member Smith asked if the flyers were also distributed with the water bills. Mr. Keene said a one page summary was sent with the water bills. Mayor Wacker confirmed that the flyer was left with the customer when there was a compliance issue and used as door hangers.

She agreed that education was really the key to the program and said it seems to be accomplishing what was intended. Mr. Keene agreed that there will always be compliance issues, but the staff has seen a 30% to 40% reduction in original non-compliance issues.

Deputy Mayor Howeth said it was a very good program and she was surprised that the percentage of non-compliance was as small as it was.

APPOINTMENT TO VARIOUS COUNCIL BOARDS

<u>APPOINT/REMOVE OR CONSIDER QUALIFICATIONS TO BOARDS AND COMMISSIONS</u>
<u>COUNCIL AUDIT COMMITTEE (3)</u>
<u>INVESTMENT COMMITTEE (2)</u>
<u>TAX REINVESTMENT COMMITTEE (2)</u>
<u>TAX INCREMENT FINANCING BOARD #1 (3)</u>
<u>TAX INCREMENT FINANCING BOARD #2 (3)</u>
<u>TAX INCREMENT FINANCING BOARD #3 (3)</u>
Mayor Wacker read a list of proposed appointments to the various boards and commissions.

ACTION TAKEN.

> **Motion by Council Member Smith to appoint Joe Smith, Pam Howeth, and Ryan Johnson to the Council Audit Committee; Robert Softly and Jason Sofey to the Investment Committee; David Plyler and Ryan Johnson to the Tax Reinvestment Committee; and Cary Wacker, Joe Smith and David Plyler to the Tax Increment Financing Boards #1, #2 and #3; for terms from November 19, 2012 to November 2013. Second by Council Member Plyler.**

VOTING AYE: Howeth, Johnson, Plyler, Smith, Sofey, Softly.
VOTING NAY: None.
MOTION CARRIED.

CITIZENS REQUESTS

CITIZEN'S REQUESTS

There were no citizen's requests.

MEDIA QUESTIONS

MEDIA QUESTIONS

There were no media questions.

COUNCIL COMMENTS

LOSS OF FORMER DEPUTY MAYOR'S FATHER

LOSS OF FORMER DEPUTY MAYOR'S FATHER

Mayor Wacker said former Deputy Mayor Willie Steele lost his father over the weekend. She added that Bill Steele was a long-time member of the community and a former plant manager of Texas Instruments. She extended the Council's thoughts and prayers to the family.

HAPPY THANKSGIVING

HAPPY THANKSGIVING

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

EXIT RAMP IMPROVEMENT PROJECT

EXIT RAMP IMPROVEMENT PROJECT

Council Member Smith said he felt the F.M. 1417 Exit Ramp Project was a very important project for Sherman's "southern gateway." Hopefully it will mean a lot for the development in that area, especially at the old Johnson & Johnson plant.

He also thanked SEDCO for their financial participation in the project and the Sherman-Denison MPO for moving the project forward.

HAPPY THANKSGIVING

HAPPY THANKSGIVING

Council Member Smith wished everyone a happy Thanksgiving.

HAPPY THANKSGIVING

HAPPY THANKSGIVING

Council Member Softly wished everyone a happy Thanksgiving and said he was looking forward to serving with the new administration.

HAPPY THANKSGIVING

HAPPY THANKSGIVING

Deputy Mayor Howeth wished everyone a happy Thanksgiving and invited them to support the Bearcats and attend the football game in Allen, Texas at 1:00 p.m. on Friday.

HAPPY THANKSGIVING

HAPPY THANKSGIVING

Council Member Sofey wished everyone a happy Thanksgiving and said he was happy to be serving on the City Council. He added that he has admired the work that has been done previously and is excited to continue those things.

HAPPY THANKSGIVING

Mayor Wacker welcomed new Council Members Johnson and Sofey and said she is looking forward to the next year. She also wished everyone a happy Thanksgiving.

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 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 5:40 p.m. and reconvened in Open Meeting.

OPEN MEETING

OPENING 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 5:41 p.m.

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MAYOR

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CITY CLERK