STATE OF TEXAS §

November 18, 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 November 18, 2013.

MEMBERS PRESENT: **MAYOR CARY WACKER; DEPUTY MAYOR PAM HOWETH. COUNCIL MEMBERS JOHNSON, PLYLER, SMITH, SOFEY, SOFTLY.**

MEMBERS ABSENT: **NONE.**

CALL TO ORDER

<u>CALL TO ORDER</u>
Mayor Wacker called the meeting to order at 5:00 p.m. The Pledge of Allegiance and the Invocation were given by Deputy Mayor Pam Howeth.

APPROVE MINUTES

<u>APPROVE MINUTES</u>
The Council reviewed the Minutes of the Regular City Council Meeting of November 4, 2013. Deputy Mayor Howeth moved to approve the Minutes as presented; Second by Council Member Smith. All present voted AYE.
MOTION CARRIED.

CANVASS OF ELECTION RETURNS

<u>DECLARE RESULTS OF NOVEMBER 5, 2013 REGULAR MUNICIPAL ELECTION</u>
<u>CANVASS OF ELECTION RETURNS</u>
Mayor Wacker canvassed the Election returns of the November 5, 2013 Regular Municipal Election by asking Council Member Smith to read the number of early votes, Election Day votes, and total votes received for each candidate.

The detail of the Election returns are maintained in the permanent record file entitled "Elections" in the Office of the City Clerk. The canvass statistics are attached and made a part of these Minutes. (Exhibit A)

Mayor Wacker asked for a motion accepting Resolution 5827, declaring the official results of the November 5, 2013 Regular Municipal Election.

RES 5827 DECLARING ELECTION RESULTS

<u>RESOLUTION NO. 5827 – DECLARING THE RESULTS OF THE NOVEMBER 5, 2013 REGULAR MUNICIPAL ELECTION HELD IN THE CITY OF SHERMAN, GRAYSON COUNTY, TEXAS</u>
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, DECLARING THE RESULTS OF THE NOVEMBER 5, 2013 REGULAR MUNICIPAL ELECTION HELD IN THE CITY OF SHERMAN, GRAYSON COUNTY, TEXAS.

ACTION TAKEN.
Motion by Council Member Smith to approve Resolution

No. 5827, as presented. Second by Council Member Plyler.
VOTING AYE: Howeth, Johnson, Plyler, Smith, Sofey, Softly.
VOTING NAY: None.
MOTION CARRIED.

RECOGNITION OF OUTGOING COUNCIL MEMBERS

RECOGNITION OF OUTGOING COUNCIL MEMBERS
Mayor Wacker presented Deputy Mayor Pam Howeth and Council Member Joe Smith with plaques, thanking them for their service on the City Council.

She recognized Council Member Smith for some key ordinances that have made Sherman a safer place to live, and Deputy Mayor Howeth for her work in helping Sherman look better and for serving as a role model in the classroom for her students. She thanked both Council Members for their service to the citizens of Sherman.

OATH OF OFFICE

OATH OF OFFICE
OATH OF OFFICE AND PRESENTATION OF CERTIFICATE OF ELECTION
Linda Ashby, City Clerk, administered the Oath of Office to the following Council-elect positions.

Council Member, District 1	**Lawrence Davis**
Council Member, District 3	**Tom Watt**

A Certificate of Election was presented to each of the newly sworn-in Council Members. The new members were seated at the Council table.

NEW COUNCIL SEATED
MEMBERS PRESENT: Mayor Cary Wacker.
Council Members Davis, Johnson, Plyler, Sofey, Softly, Watt.

MEMBERS ABSENT: None.

DEPUTY MAYOR ELECTION

COUNCIL ELECTION OF DEPUTY MAYOR
Mayor Wacker asked for nominations for the Office of the Deputy Mayor.

ACTION TAKEN.
Motion by Council Member Sofey to nominate Council Member Robert Softly to serve as Deputy Mayor, for a term from November 18, 2013 to November 4, 2014. Second by Council Member Plyler.
VOTING AYE: Davis, Johnson, Plyler, Sofey, Softly, Watt.
VOTING NAY: None.
MOTION CARRIED.

CONSENT AGENDA

CONSENT AGENDA
The Council reviewed the Consent Agenda. Council Member Johnson moved to approve the Consent Agenda, as presented. Second by Deputy Mayor Softly. All present voted AYE.

RESOLUTIONS

RESOLUTION NO. 5826 – ABANDONING A PORTION OF A SANITARY SEWER EASEMENT CROSSING LOT 1 IN BLOCK 2 OF INDEPENDENCE SQUARE ADDITION SECTION THREE AS FULLY DESCRIBED IN VOLUME 865, PAGE 640 OF THE DEED RECORDS OF GRAYSON COUNTY, TEXAS

RES 5826 ABANDONING A SANITARY SEWER EASEMENT (INDEPENDENCE SQUARE ADDITION)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, ABANDONING A PORTION OF A SANITARY SEWER EASEMENT CROSSING LOT 1 IN BLOCK 2 OF THE INDEPENDENCE SQUARE ADDITION SECTION THREE AS FULLY DESCRIBED IN VOLUME 865, PAGE 640 OF THE DEED RECORDS OF GRAYSON COUNTY, TEXAS.
CONSENT AGENDA.

RESOLUTION NO. 5828 – AUTHORIZING EXECUTION OF A PROFESSIONAL ENGINEERING SERVICES AGREEMENT WITH FREEMAN-MILLICAN, INC. FOR THE WASTEWATER TREATMENT PLANT HEADWORKS LIFT STATION AND ELECTRICAL UPGRADE IMPROVEMENTS

RES 5828 WWTP HEADWORKS LIFT STATION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF A PROFESSIONAL ENGINEERING SERVICES AGREEMENT WITH FREEMAN-MILLICAN, INC. FOR THE WASTEWATER TREATMENT PLANT HEADWORKS LIFT STATION AND ELECTRICAL UPGRADE IMPROVEMENTS.
CONSENT AGENDA.

OTHER BUSINESS

RECOGNITION OF CITY OF SHERMAN AWARD: "CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING"

CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING

Mayor Wacker explained that the City participates each year in submitting Sherman's financial reporting to the Government Finance Officers Association. For the 26th consecutive year, Sherman has received the "Certificate of Achievement for Excellence in Financial Reporting."

Mayor Wacker presented the award to Mary Lawrence, Controller, in recognition of the Comprehensive Annual Financial Report for the Fiscal Year ending September 30, 2012. She congratulated Mrs. Lawrence and the financial staff for their outstanding work.

Mrs. Lawrence thanked George Olson, City Manager, and Robby Hefton, Assistant City Manager/CFO, for their leadership and hard work.

CONSIDER REQUEST OF NEXT MEDIA RADIO GROUPS 93.1 KATY COUNTRY, 92.5 KLAK AND 102.5 MADROCK TO TEMPORARILY CLOSE CERTAIN STREETS FOR A 5K RADIO RUN ON SATURDAY, MARCH 29, 2014

CLOSE STREETS FOR 5K RADIO RUN

The City Council approved the request of Next Media Radio Groups 93.1 Katy Country, 97.5 KLAK and 102.5 MADROCK, to temporarily close certain streets for a 5K Radio Run on Saturday, March 29, 2014, to benefit the Boys and Girls Clubs of Grayson and Collin Counties.

The event will require traffic control assistance, barricades, and cones from the City of Sherman. Barricade placement and removal and police support will also be provided by the City.
CONSENT AGENDA.

<u>REPLAT APPROVAL OF LOTS 6 & 7 OF THE PARK PLAZA ADDITION, CONTAINING 4.70 ACRES IN THE ELIZABETH JONES SURVEY, ABSTRACT NO. 625; WALT DeRONDE, OWNER; GREG EDWARDS ENGINEERING SERVICES, INC., ENGINEER; AND COX LAND SURVEYING COMPANY, SURVEYORS (1800-1900 BLOCKS OF SOUTH FM 1417/HERITAGE PARKWAY)</u>

APPROVE REPLAT PARK PLAZA ADDITION

The City Council approved the Replat of Lots 6 and 7 of the Park Plaza Addition, containing 4.70 acres in the Elizabeth Jones Survey, Abstract No. 625, located in the 1800 to 1900 blocks of South FM 1417/Heritage Parkway.

The owner would like to replat the property into three lots for commercial development. The Planning and Zoning Commission recommended approval of the replat, subject to the Staff Review Letter.
CONSENT AGENDA.

<u>SITE PLAN APPROVAL AND EXCEPTIONS FOR SHERMAN ECONOMIC DEVELOPMENT CORPORATION, OWNERS; W.T. BROGDON, SOUTHEASTERN FREIGHT LINES, INC., APPLICANT/TENANT; DAVID MOLLENKOPF, ARCHITECT; SCHWOB BUILDING COMPANY, LTD, CONTRACTOR; WIER & ASSOCIATES, INC., ENGINEERS/LAND PLANNERS; AND UNDERWOOD DRAFTING & SURVEYING, INC., SURVEYORS; UNDER ORDINANCE NO. 2252, ARTICLE IV, SECTIONS 410(2)(J), 410(2)(M), 410(2)(I), 410(2)(L) AND 410(2)(G)(1) TO ALLOW ARCHITECTURAL PANELS WITH THE CONDITION THE METAL PANELS HAVE A STUCCO FINISH IN LIEU OF MASONRY OR FACTORY FINISHED METAL PANELS; OVERHEAD DOORS, LOADING DOCKS AND TRACTOR AND DOLLY PARKING FACING NORTHGATE DRIVE, A CHAIN LINK FENCE ON THE PROPERTY LINE IN LIEU OF 100' SETBACK REQUIRED ON THE WEST SIDE; A CHAIN LINK FENCE ON THE PROPERTY LINE IN LIEU OF 55.7' SETBACK REQUIRED ON THE NORTH SIDE; AND A 74' FRONT LAWN, LANDSCAPE AND GREEN AREA IN LIEU OF 100' REQUIRED IN THE BLALOCK INDUSTRIAL PARK DISTRICT FOR SOUTHEASTERN FREIGHT LINES, INC. AT 3209 NORTHGATE DRIVE</u>

APPROVE SITE PLAN SOUTHEASTERN FREIGHT LINES (3209 NORTHGATE)

<u>Micah Davenport, Chief Estimator, Schwob Building Company, Ltd, 2349 Glenda Lane, Dallas, Texas</u>
Mr. Davenport appeared to represent the request of Southeastern Freight Lines, Inc., for Site Plan approval and Exceptions for their proposed facility located at 3209 Northgate Drive.

The item was heard by the Planning and Zoning Commission, who placed some qualifications on the

request, concerning the architectural finishes on the panels. The approval was contingent on the company providing examples of the panels.

Council Member Sofey asked what the cost difference would be between the textured panels and the EFIS (exterior building finish system) panels. Mr. Davenport said the difference is about $4 per square foot on the surface area.

Council Member Plyler asked how long the warranty would be for the panels. Mr. Davenport said there is a standard 20 year colorfast warranty.

Mayor Wacker added that the proposed facility will be a nice addition to the Progress Park industrial area.

APPROVE FINAL PLAT NORTHGATE BUSINESS PARK, PHASE TWO (3207 NORTHGATE)

FINAL PLAT APPROVAL OF NORTHGATE BUSINESS PARK, PHASE TWO, BEING 14.335 ACRES IN THE ELIZABETH JONES SURVEY, ABSTRACT NO. 625; SHERMAN ECONOMIC DEVELOPMENT CORPORATION, OWNERS; AND UNDERWOOD DRAFTING & SURVEYING, INC., SURVEYORS (3209 NORTHGATE DRIVE)

Frank Gadek, Sherman Economic Development Corporation, presented the request for final plat approval of the Northgate Business Park, Phase Two. This will allow Southeastern Freight to build their facility and will allow for an approximate 300 foot extension of Northgate Drive, including the utilities and curb and gutter.

ACTION TAKEN.

> **Motion by Council Member Sofey to approve the Site Plan and Exceptions for the Sherman Economic Development Corporation for Southeastern Freight Lines, Inc. at 3209 Northgate Drive and the Final Plat of Northgate Business Park, Phase Two, at 3209 Northgate Drive, as presented. Second by Deputy Mayor Softly.**

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

WATER WELL REPAIRS

CONTINUE THE REPAIR AND REWORKING OF THREE CITY WATER WELLS UNDER AN EMERGENCY DESIGNATION

Mark Gibson, Director of Utilities, said the City recently had three water wells inspected for repairs. One well was over 60 years old and the other two were almost 50 years old. Two of the wells did not have a bottom pump ball assembly attached. There were also some screen plugging problems and some inflow problems.

He asked the City Council to continue these existing projects on an emergency basis. On January 13, 2014, the pipeline from the Water Treatment Plant to the Lake Texoma Pump Station will be down for two weeks to construct a crossing under a railroad track between Pottsboro and Denison. During that time, the City will be completely dependent on well water.

Hopefully, with the emergency designation, at least one of the wells will be repaired and functioning. If possible, they would like to have all three running.

Another reason for the emergency designation is warranty issues. One contractor has pulled all the well components out of the well. They also have a geologist's report that has made recommendations about how to repair the well. If the work is bid, there will be a "time problem" and the work will not be done as quickly as needed. Also if another contractor wins the bid for repair of the wells, the original contractor will not want to honor the warranties.

Mr. Gibson said a third issue is the resolution of any future problems with the well. If one contractor completes one part and another contractor completes a different part, if there is a problem later on, it will be hard to get the issue resolved.

He added that there is a Capital Improvement Project for $625,000, which funds well repairs. The money already spent on the project and the additional money required to remove the pumps should be under that budgeted amount. Any additional work would require a change order, which would be presented to the City Council for approval at that time.

Council Member Plyler asked Mr. Gibson if he was comfortable with the pricing and felt it was a good value for the City. Mr. Gibson said the proposal was a unit price proposal and he felt it was a good price. The staff will monitor the project and only pay for work done.

ACTION TAKEN.

> **Motion by Council Member Plyler to continue the repair and reworking of three City water wells under an Emergency Designation, as presented. Second by Council Member Johnson.**

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

<u>CITIZENS REQUESTS</u> **CITIZENS REQUESTS**

There were no citizens requests.

<u>MEDIA QUESTIONS</u> **MEDIA QUESTIONS**

There were no media questions.

<u>APPOINT/REMOVE OR CONSIDER QUALIFICATIONS TO BOARDS AND COMMISSIONS:</u>

<u>PARKS AND RECREATION ADVISORY BOARD (3)</u> **PARKS & RECREATION BOARD**

ACTION TAKEN.

> **Motion by Council Member Sofey to reappoint Michael Gillum to the Parks and Recreation Advisory Board for a term from October 4, 2013 to October 4, 2015; to reappoint John Murphy for a term from October 6, 2013 to October 6, 2015; and to reappoint Trent Bass for a**

term from November 8, 2013 to November 8, 2015. Second by Deputy Mayor Softly.
VOTING AYE: Davis, Johnson, Plyler, Sofey, Softly, Watt.
VOTING NAY: None.
MOTION CARRIED.

HISTORICAL PRESERVATION BOARD

HISTORICAL PRESERVATION BOARD
ACTION TAKEN.
Motion by Council Member Sofey to appoint Jim Jacobs and Ivert Mayhugh to the Historical Preservation Board for a term from November 19, 2013 to November 19, 2017. Second by Council Member Plyler.
VOTING AYE: Davis, Johnson, Plyler, Sofey, Softly, Watt.
VOTING NAY: None.
MOTION CARRIED.

APPOINTMENT TO VARIOUS COUNCIL BOARDS

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)
Mayor Wacker read a list of proposed appointments to the various boards and commissions.

ACTION TAKEN.
Motion by Council Member Johnson to appoint Robert Softly, Ryan Johnson, and Lawrence Davis to the Council Audit Committee; Jason Sofey and Tom Watt to the Investment Committee; David Plyler and Ryan Johnson to the Tax Reinvestment Committee; and Cary Wacker, David Plyler, and Lawrence Davis to the Tax Increment Financing Boards #1, #2 and #3; for terms from November 19, 2013 to November 2014. Second by Council Member Plyler.
VOTING AYE: Davis, Johnson, Plyler, Sofey, Softly, Watt.
VOTING NAY: None.
MOTION CARRIED.

COUNCIL COMMENTS

FINANCE DEPT. AWARD

FINANCE DEPARTMENT AWARD
Council Member Plyler congratulated Mr. Hefton and his entire financial team for the "Certificate of Achievement for Excellence in Financial Reporting." He said they do a great job and he appreciated the effort.

FINANCE DEPT. AWARD

FINANCE DEPARTMENT AWARD
Council Member Johnson also offered congratulations to all departments involved in the financial process. They do an outstanding job and he recognized them for their recent achievement.

WELCOME NEW COUNCIL MEMBERS

WELCOME NEW COUNCIL MEMBERS
Council Member Johnson welcomed new Council Members Tom Watt and Lawrence Davis to the City Council, saying he looked forward to serving with them.

HAPPY THANKSGIVING

Council Member Johnson wished everyone a happy and safe Thanksgiving.

FINANCE DEPARTMENT AWARD

Council Member Davis commended the financial staff on their award adding that it was comforting to know that Sherman's finances are being carefully watched over and are in good shape.

EXCITED TO SERVE ON CITY COUNCIL

Council Member Davis said he is excited to be elected to serve on the City Council and is anxious to learn and work with the Mayor and City Council.

FINANCE DEPARTMENT AWARD

Deputy Mayor Softly thanked the Finance Department for taking care of the books and keeping the City on a good plan.

SERVICE AS DEPUTY MAYOR

Deputy Mayor Softly thanked the City Council for electing him Deputy Mayor.

WELCOME NEW COUNCIL MEMBERS

Council Member Sofey congratulated the new Council Members and commented on their willingness to serve. He wished them good luck.

EXCITED TO SERVE ON CITY COUNCIL

Council Member Watt said this was different because he was used to sitting in the audience. He said he looked forward to working with the staff again.

ANNOUNCEMENTS

Mayor Wacker announced the following:

- **Applications are being accepted through Saturday, November 30, 2013, for the 2014 Tourism Grant Program. Interested organizations should contact the City's Tourism Department for information.**

- **There will be no commercial or residential solid waste or recycling service on Thanksgiving Day. The Thursday collection will move to Wednesday and there is no change in the Friday collection.**

CITY COUNCIL SERVICE

Mayor Wacker thanked the City Council Members that have been serving and for those new members. It is a privilege to be here and is such an important part of American life. We have citizens willing to step in and learn what they need to do, and provide leadership to the Community. It takes everyone working together to make the Community work.

HAPPY THANKSGIVING

Mayor Wacker wished everyone a safe and happy Thanksgiving.

HAPPY THANKSGIVING

ADJOURNMENT

On Motion duly made and carried, the meeting adjourned at 5:27 p.m.

ADJOURNMENT

____
MAYOR

____
CITY CLERK