

STATE OF TEXAS

§

November 16, 2009

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 16, 2009.

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

MEMBERS ABSENT: NONE.

CALL TO ORDER

Mayor Bill Magers called the meeting to order at 5:01 p.m. The Pledge of Allegiance and the Invocation were given by Council Member Chip Adami.

CALL TO ORDER

APPROVE MINUTES

The Council reviewed the Minutes of the Regular City Council Meeting of November 2, 2009. Council Member Adami moved to approve the Minutes as presented; Second by Deputy Mayor Smith. All present voted AYE.
MOTION CARRIED.

APPROVE MINUTES

SPECIAL PRESENTATION

ANNOUNCING THE WINNER OF THE SECOND ANNUAL
"SHERMAN TODAY" PHOTO CONTEST

Traci Carlson, President of the Sherman Area Chamber of Commerce, announced the winner of the Second Annual "Sherman Today" Photo Contest.

SHERMAN TODAY
PHOTO CONTEST
WINNER

She added that "Sherman Today" now reaches a broader audience and will be renamed "Texoma Today." Circulation has increased from 20,000 copies to 44,000 copies and is distributed in Sherman, Denison, Gainesville, and Durant. The project is managed by the Sherman Chamber of Commerce with cooperation through the other Chambers of Commerce.

Ms. Carlson introduced Jillian Duncan as the winner of the Second Annual Photo Contest. The photo will hang in the Sherman City Hall for the next year.

INTRODUCTION AND PUBLIC HEARING OF ORDINANCES

Mayor Magers introduced Ordinance 5630 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING ORDINANCE NO. 5103 TO PROVIDE FOR THE REMOVAL OF "NO PARKING" SIGNS RESTRICTING PARKING ALONG PORTIONS OF NORTH WALNUT STREET, BETWEEN BROCKETT STREET AND COLLEGE STREET; PROVIDING FOR A REPALER; PROVIDING FOR SEVERABILITY.

ORD 5630
NO PARKING SIGNS
(N. WALNUT ST.)

COUNCIL MINUTES – NOVEMBER 16, 2009

No citizens appeared before the City Council to discuss Ordinance 5630.

Mayor Magers introduced Ordinance 5631 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, ESTABLISHING MAXIMUM, REASONABLE AND PRUDENT RATES OF SPEED ON CERTAIN PORTIONS OF FRISCO ROAD IN THE CITY OF SHERMAN; FIXING PENALTIES FOR VIOLATION THEREOF; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

ORD 5631
SPEED LIMITS
(FRISCO RD.)

No citizens appeared before the City Council to discuss Ordinance 5631.

The Public Hearing was closed.

CLOSE PUBLIC
HEARING

ADOPTION OF ORDINANCES

Ordinance 5630

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING ORDINANCE NO. 5103 TO PROVIDE FOR THE REMOVAL OF "NO PARKING" SIGNS RESTRICTING PARKING ALONG PORTIONS OF NORTH WALNUT STREET, BETWEEN BROCKETT STREET AND COLLEGE STREET; PROVIDING FOR A REPALER; PROVIDING FOR SEVERABILITY.

ORD 5630
NO PARKING SIGNS
(N. WALNUT ST.)

Council Member Steele asked what the origination was for this proposed ordinance. Jeff Miller, Director of Public Works, said the City has received a request from John Markl, owner of Markl Heating & Air Conditioning, asking to remove the no parking restriction because his employees have no place to park. The signs have been removed for a 90 day trial period and there have been no complaints.

Ordinance 5631

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, ESTABLISHING MAXIMUM, REASONABLE AND PRUDENT RATES OF SPEED ON CERTAIN PORTIONS OF FRISCO ROAD IN THE CITY OF SHERMAN; FIXING PENALTIES FOR VIOLATION THEREOF; PROVIDING FOR SEVERABILITY. PROVIDING FOR A REPEALER.

ORD 5631
SPEED LIMITS
(FRISCO RD.)

Mayor Magers verified that the speed limit on Frisco Road is now 30 miles per hour. Tom Watt, Police Chief, said Frisco Road has been 30 mph with some variations at the curves. The proposed change would increase the speed limit to 35 mph behind where the old Sher-Den Mall was located.

Deputy Mayor Smith expressed concern that the speed limits would change from 30 to 35 and back to 30. Chief Watt said they had received a complaint on the 30 mph limit in that location, which is pretty slow since the area is wide open and there is less traffic since the mall has closed.

COUNCIL MINUTES – NOVEMBER 16, 2009

A speed survey showed that 85% of the people are driving 38 mph. This is generally the method used to determine speed limits. Chief Watt felt the 35 mph speed limit would be adequate in the proposed area. His concerns were for the portion of road north of Gallagher Road which is reduced in width and includes a curve near Dripping Springs Road. There have also been a couple of fatality accidents in that area and he felt it should remain at 30 mph.

Council Member Howeth clarified that the speed limit change would basically be from Baker Road to Gallagher Road.

ACTION TAKEN.

Motion by Council Member Steele to approve Ordinance Nos. 5630 and 5631, as presented. Second by Council Member Adami.

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

VOTING NAY: None.

MOTION CARRIED.

CONSENT AGENDA

The Council reviewed the Consent Agenda. Council Member Steele asked to remove Item D-1 entitled "Request to Advertise – Construct Phase IV Concrete Solid Waste Parking Lot" from the Consent Agenda for consideration in its regular order of business.

Council Member Wacker moved to approve the Consent Agenda, with the exception of Item D-1, which will be considered in its regular order of business. Second by Council Member Adami. All present voted AYE.

RESOLUTIONS

RESOLUTION NO. 5436 -- APPOINTING A SUCCESSOR PAYING AGENT/REGISTRAR FOR THE "CITY OF SHERMAN, TEXAS, COMBINATION TAX AND TAX INCREMENT REVENUE CERTIFICATES OF OBLIGATION, SERIES 2004 (REINVESTMENT ZONE NUMBER ONE)"; APPROVING AND AUTHORIZING THE EXECUTION OF A PAYING AGENT/REGISTRAR AGREEMENT WITH SAID BANK; RESOLVING OTHER MATTERS INCIDENT AND RELATED THERETO

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, APPOINTING A SUCCESSOR PAYING AGENT/REGISTRAR FOR THE "CITY OF SHERMAN, TEXAS, COMBINATION TAX AND TAX INCREMENT REVENUE CERTIFICATES OF OBLIGATION, SERIES 2004 (REINVESTMENT ZONE NUMBER ONE)"; APPROVING AND AUTHORIZING THE EXECUTION OF A PAYING AGENT/REGISTRAR AGREEMENT WITH SAID BANK; RESOLVING OTHER MATTERS INCIDENT AND RELATED THERETO.

CONSENT AGENDA.

RESOLUTION NO. 5437 – AUTHORIZING EXECUTION OF A CONTRACT WITH WEISINGER WATER WELL, INC. FOR REPAIRS TO RUSSELL 1 TRINITY WATER WELL

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF

CONSENT AGENDA

RES 5436
CERTIFICATES OF
OBLIGATION

RES 5437
WATER WELL
REPAIRS

SHERMAN, TEXAS, AUTHORIZING EXECUTION OF A CONTRACT WITH WEISINGER WATER WELL, INC. FOR REPAIRS TO RUSSELL 1 TRINITY WATER WELL.
CONSENT AGENDA.

REQUEST TO ADVERTISE

CONSTRUCT PHASE IV CONCRETE SOLID WASTE PARKING LOT

Council Member Steele asked to remove Item D-1 from the Consent Agenda for consideration in its regular order of business.

He asked if this was a Capital Improvement Project. He remembered that the City recently reconstructed some ramps at the Solid Waste facility with money that was left from a previous project.

Mr. Miller said earlier in the year there was a project to rebuild the wall at the Transfer Station. With savings from that project, the staff was able to rebuild a ramp and pad on top of the Transfer Station. These projects were completed during the last Fiscal Year.

This project is in the CIP for the current Fiscal Year. There is an area of asphalt that is not holding up to the weight of the trucks. Robby Hefton, Assistant City Manager/CFO, added that this project is phase four of five phases and would reconstruct the specified area in concrete.

ACTION TAKEN.

Motion by Council Member Steele to approve the request to advertise for the construction of Phase IV, which is the concrete Solid Waste parking lot, as presented.

Second by Council Member Wacker.

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

VOTING NAY: None.

MOTION CARRIED.

REPAIR OF A DAMAGED STORM SEWER AT ARCHER DRIVE

The City Council approved the request to advertise for bids to repair a damaged storm sewer near Archer Drive. Recent heavy rains and high water levels in Sand Creek have contributed to significant bank erosion and the failure of a portion of the storm sewer constructed from Archer Drive to Sand Creek, located near Westwood Village Shopping Center. Funding is available in this year's Capital Improvement Program Budget.

CONSENT AGENDA.

PAYMENT APPROVAL

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ) ANNUAL CONSOLIDATED WATER QUALITY ASSESSMENT FEE FOR FISCAL YEAR 2009-2010; \$69,645.00

The City Council approved payment of the Annual

REQ TO ADVERTISE
SOLID WASTE
PARKING LOT

ARCHER DR.
STORM SEWER

PAYMENT APPROVAL
TCEQ WATER
QUALITY FEE

COUNCIL MINUTES – NOVEMBER 16, 2009

Consolidated Water Quality Assessment Fee to the Texas Commission on Environmental Quality for Fiscal Year 2009-2010 in the amount of \$69,645.

The fee is imposed to fund the Clean Rivers Program and to pay TCEQ expenses for administering water quality programs, including the City's Wastewater Permit.

CONSENT AGENDA.

OTHER BUSINESS

CONSIDER REQUEST OF THE SHERMAN CHAMBER OF COMMERCE AND THE SHERMAN TOURISM DEPARTMENT TO TEMPORARILY CLOSE CERTAIN STREETS FOR THE ANNUAL SHERMAN CHRISTMAS PARADE ON FRIDAY, DECEMBER 4, 2009

CLOSE STREETS
FOR CHRISTMAS
PARADE

Mr. Hefton said the normal parade route will be used, but the staff wanted to announce that the parade will be held on Friday, December 4, 2009 at 7 p.m.

Council Member Wacker confirmed that parade entries will be accepted through November 19, 2009. Mayor Magers said it was nice that the Chamber of Commerce was once again involved in the Christmas Parade.

ACTION TAKEN.

Motion by Council Member Wacker to close certain streets for the Annual Sherman Christmas Parade on December 4, 2009, as presented. Second by Council Member Howeth.

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

VOTING NAY: None.

MOTION CARRIED.

REPLAT APPROVAL OF CARRUS MEDICAL PLAZA, A REPLAT OF LOT 2 OF POST OAK CROSSING EAST ADDITION, BEING 19.749 ACRES IN THE URIAH BURNS SURVEY, ABSTRACT NO. 121; SDB PARTNERS DBA CARRUS SPECIALTY HOSPITAL, OWNERS; STERLING ENGINEERING & DESIGN GROUP, LTD, DEVELOPER; TEAGUE, NALL AND PERKINS, INC., ENGINEERS; AND UNDERWOOD DRAFTING AND SURVEYING, SURVEYORS (1810 U.S. HIGHWAY 82 WEST)

APPROVE REPLAT
CARRUS MEDICAL
PLAZA
(1810 HWY 82 WEST)

The City Council approved the Replat of Carrus Medical Plaza, a Replat of Lot 2 of Post Oak Crossing East Addition, which is 19.749 acres in the Uriah Burns Survey, Abstract No. 121. The property is located at 1810 U.S. Highway 82 West.

The Replat will reconfigure four adjacent lots into five lots, realigning the tracts with the creek to maximize the lots for commercial development. The Planning and Zoning Commission recommended approval of the Replat.

CONSENT AGENDA.

REPLAT APPROVAL OF LOTS 1, 2, & 3, BLOCK 5, EXSTEIN'S MAPLE ADDITION, BEING 0.48 ACRES IN THE J.B. McANAIR SURVEY, ABSTRACT NO. 763; HORACE A. ROBERSON, OWNER; AND UNDERWOOD DRAFTING AND SURVEYING, SURVEYORS (316 AND 320 NORTH WOODS STREET)

APPROVE REPLAT
EXSTEIN'S MAPLE
ADDITION
(316 AND 320 N.
WOODS ST.)

The City Council approved the Replat of Lots 1, 2, and 3, Block 5, Exstein's Maple Addition, which is 0.48 acres in the J.B. McAnair Survey, Abstract No. 763. The property is located at 316 and 320 N. Woods Streets.

The owner would like to replat the property into two lots for development possibilities. The Planning and Zoning Commission recommended approval of the Replat.
CONSENT AGENDA.

CITIZENS REQUESTS

CITIZEN'S REQUESTS

There were no citizen's requests.

MEDIA QUESTIONS
CHRISTMAS PARADE

CHRISTMAS PARADE

Kathy Williams, Herald Democrat Reporter, asked what the theme was for the Christmas Parade. April Patterson, Director of Tourism, said the theme is "Old Time Christmas."

COUNCIL COMMENTS

VETERANS DAY MEMORIAL CELEBRATION

VETERANS DAY
MEMORIAL
CELEBRATION

Council Member Steele recently attended the Veterans Day Memorial Celebration in Fairview Park and he said it was a great experience. It was well attended and well planned and he recognized Ms. Patterson for her part in the preparation. He added that the park looked great and the speakers were great.

VETERANS DAY MEMORIAL CELEBRATION

VETERANS DAY
MEMORIAL
CELEBRATION

Council Member Softly added that being a veteran, he also attended the Veterans Day Memorial Celebration. He felt it was well done and he really appreciated it.

FUNKY FEST SIDEWALK FESTIVAL

FUNKY FEST
SIDEWALK
FESTIVAL

Council Member Howeth recently attended the Funky Fest held Downtown and was excited to see some new businesses opening. There is a new restaurant opening Downtown and she felt things were moving in a positive direction.

VETERANS DAY MEMORIAL CELEBRATION

VETERANS DAY
MEMORIAL
CELEBRATION

Mayor Magers said in the past, there has been a concern among veterans that the City did not do a good enough job recognizing Veterans Day. He thanked Ms. Patterson for the good job she did in organizing this year's event.

He added that Hotel/Motel Taxes fund the City's Tourism Department and he said the Council has a responsibility for handling those funds wisely. He thanked Ms. Patterson for

lowering the administrative cost of the Tourism Budget. He said he has heard only positive feedback about the Tourism Department and Ms. Patterson.

LOSS OF CITIZEN

Mayor Magers said the City lost a courageous citizen this weekend. Martha Sutherland had been fighting a courageous fight against ovarian cancer. She went out like a fighter and he offered his condolences to her family.

LOSS OF CITIZEN

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.

EXECUTIVE SESSION

SECTION 551.074

**PERSONNEL MATTERS:
DELIBERATE THE EVALUATION
OF A PUBLIC OFFICER OR
EMPLOYEE:
ANNUAL PERFORMANCE
EVALUATION OF THE CITY
MANAGER**

**SIX-MONTH EVALUATION OF THE
CITY ATTORNEY**

Mayor Magers asked the Council Members if they felt there was any need for an Executive Session. Council Members have turned in their evaluation sheets but did not have any questions at this time.

ADJOURNMENT

On Motion duly made and carried, the meeting adjourned at 5:17 p.m.

ADJOURNMENT

MAYOR

CITY CLERK