

STATE OF TEXAS

§

November 2, 2009

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 2, 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 5:00 p.m. The Pledge of Allegiance and the Invocation were given by Council Member Cary Wacker.

CALL TO ORDER

Mayor Magers announced that, starting with the November 2, 2009 Council Meeting, the meetings will now be shown at 6:30 p.m. on the Tuesday after the meeting on Cable channel 96 instead of channel 29.

APPROVE MINUTES

The Council reviewed the Minutes of the Regular City Council Meeting of October 19, 2009. Council Member Wacker moved to approve the Minutes as presented; Second by Council Member Adami. All present voted AYE.
MOTION CARRIED.

APPROVE MINUTES

INTRODUCTION AND PUBLIC HEARING OF ORDINANCES

Mayor Magers introduced Ordinance 5629 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, REDUCING AND RELEASING TO THE CITY OF HOWE, TEXAS, ALL EXTRATERRITORIAL JURISDICTION LOCATED GENERALLY SOUTH OF A COMMON BOUNDARY LINE BETWEEN THE CITIES; AUTHORIZING EXECUTION OF A BOUNDARY AGREEMENT WITH THE CITY OF HOWE; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; PROVIDING AN EFFECTIVE DATE.

ORD 5629
EXTRATERRITORIAL
JURISDICTION
WITH HOWE

No citizens appeared before the City Council to discuss Ordinance 5629.

The Public Hearing was closed.

**CLOSE PUBLIC
HEARING**

ADOPTION OF ORDINANCES

Ordinance 5629

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, REDUCING AND RELEASING TO THE CITY OF HOWE, TEXAS, ALL EXTRATERRITORIAL JURISDICTION LOCATED GENERALLY SOUTH OF A

ORD 5629
EXTRATERRITORIAL
JURISDICTION
WITH HOWE

COMMON BOUNDARY LINE BETWEEN THE CITIES;
AUTHORIZING EXECUTION OF A BOUNDARY AGREEMENT
WITH THE CITY OF HOWE; PROVIDING FOR SEVERABILITY;
PROVIDING FOR A REPEALER; PROVIDING AN EFFECTIVE
DATE.

Mayor Magers explained that there have been a couple of
issues with Howe for about 35 years involving the southern
border and wastewater. He thanked the City staff for
resolving both these issues.

With the approvals tonight, Sherman will have a long-term
wastewater contract with the City of Howe and the border
issues have been resolved. Sherman now has “clean”
borders at Highway 691 and F.M. 902. The City can now
concentrate on the western expansion to Highway 289.

ACTION TAKEN.

Motion by Council Member Steele to approve
Ordinance No. 5629, as presented. Second by Deputy
Mayor Smith.

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

VOTING NAY: None.

MOTION CARRIED.

CONSENT AGENDA

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

CONSENT AGENDA

RESOLUTIONS

**RESOLUTION NO. 5432 – AUTHORIZING EXECUTION OF A
BOUNDARY AGREEMENT BETWEEN THE CITY OF
SHERMAN AND THE CITY OF HOWE**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
SHERMAN, TEXAS, AUTHORIZING EXECUTION OF
BOUNDARY AGREEMENT BETWEEN THE CITY OF
SHERMAN AND THE CITY OF HOWE.

**RES 5432
BOUNDARY LINE
AGREEMENT
WITH HOWE**

**RESOLUTION NO. 5433 – AUTHORIZING EXECUTION OF AN
AGREEMENT WITH THE CITY OF HOWE FOR THE
TREATMENT AND PROCESSING OF WASTEWATER**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN
AGREEMENT WITH THE CITY OF HOWE FOR THE
TREATMENT AND PROCESSING OF WASTEWATER.

**RES 5433
WASTEWATER
TREATMENT
AGREEMENT
WITH HOWE**

ACTION TAKEN.

Motion by Council Member Wacker to approve
Resolution Nos. 5432 and 5433, as presented. Second
by Council Member Softly.

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

VOTING NAY: None.

MOTION CARRIED.

RESOLUTION NO. 5434 – AWARDING A BID TO AND AUTHORIZING THE PURCHASE OF A NEW 1-TON TRUCK AND DUMP BED FROM BOB UTTER FORD

**RES 5434
PURCHASE OF
TRUCK**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AWARDING A BID TO AND AUTHORIZING THE PURCHASE OF A NEW 1-TON TRUCK AND DUMP BED FROM BOB UTTER FORD.

ACTION TAKEN.

Motion by Council Member Adami to approve Resolution No. 5434, as presented. Second by Deputy Mayor Smith.

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

VOTING NAY: None.

MOTION CARRIED.

RESOLUTION NO. 5435 – AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH JERRY PAUL HIGGINS, LTD. FOR CONSTRUCTION OF THE WILLOW STREET WATER MAIN REPLACEMENT BETWEEN MULBERRY STREET AND PACIFIC STREET

**RES 5435
WILLOW STREET
WATER MAIN
REPLACEMENT**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH JERRY PAUL HIGGINS, LTD. FOR CONSTRUCTION OF THE WILLOW STREET WATER MAIN REPLACEMENT BETWEEN MULBERRY STREET AND PACIFIC STREET.
CONSENT AGENDA.

OTHER BUSINESS

RECEIVE UPDATE FROM PUBLIC WORKS DIRECTOR JEFF MILLER ON CITY STREET PROJECTS AND INITIATIVES

**STREET PROJECT
UPDATE**

Jeff Miller, Director of Public Works, presented an update on street projects and initiatives, saying that the City has made tremendous progress in the past couple of years in efforts to improve Sherman streets. He thanked the City Council for their support and effort to make the projects happen.

Mr. Miller said organizational changes have been made in the Street Maintenance Department and they have emphasized “better service, high quality work.” One of the changes has been to assign specific work crews to specific sections of the City.

This section then becomes the responsibility of that crew and they take care of everything including the repair of potholes, street repair, and drainage work. This allows the crew to have a sense of ownership and pride in their section of town and they provide better performance.

During the last Budget Work Session, Mr. Miller said the Street Maintenance Department was given a new responsibility to repair all street utility cuts. The crew is in place and the program has begun. The Department’s goal is to repair the utility cuts within ten days.

COUNCIL MINUTES – NOVEMBER 2, 2009

When this crew is not repairing utility cuts, they will be repairing broken or damaged curb and gutter. There is a backlog of this type of needed repair.

The new street sweeper will arrive in about four to six weeks and will be much more efficient than past equipment. The goal is to sweep all streets a minimum of four times annually and to sweep the downtown area as needed, at least once each week.

Mr. Miller said two years ago the Thoroughfare Improvement Plan was enacted. The Plan includes building new streets, rebuilding existing streets, and an aggressive mill and overlay program.

With the downturn in the economy, the City was able to bid these projects way under budget. There was a tremendous amount of savings on the projects which was turned into additional projects, and the City was able to resurface an additional nine miles of streets with the money saved.

With the additional streets, the City was able to mill and overlay 25 miles of streets, including all thoroughfares and other highly traveled areas. Other projects that are ongoing include Lamberth Road, Washington Street, and Brockett Street.

Mr. Miller reminded Council Members that there was a short section of Center Street that was still asphalt and they planned to replace it with concrete. The staff feels that it would be more cost effective not to replace this asphalt now since it is still in good shape, since there's not much traffic on Center Street, and since ultimately Center Street will be expanded to four lanes with a center median.

If the Council approves, Mr. Miller said the staff would like to use that money for a project on Loy Lake Road instead. The last section of Loy Lake Road, from Highway 82 almost to Pecan Grove Road, is still asphalt, and is in very bad shape. The area at the intersection with Gallagher Road has possible base failure and pushing of the asphalt.

This project would also allow an opportunity to improve the entrance into Sam's Club, which is sometimes a congested turn. Council Members did feel this would be a better use of the money. Mr. Miller said with Council approval, as funds become available, they would begin the Loy Lake Road project.

ACTION TAKEN.

Motion by Deputy Mayor Smith to take the funds allocated for the Center Street project and move them to the Loy Lake Road project, from Highway 82 to almost Pecan Grove Road, as presented. Second by Council Member Steele.

COUNCIL MINUTES – NOVEMBER 2, 2009

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

VOTING NAY: None.

MOTION CARRIED.

Mr. Miller updated the Council on the other Capital Improvement Street Projects. Brockett Street started very slowly due to major utility relocations that had to occur. The City was not in control of this part of the project and it moved very slowly. The staff is now seeing a lot of progress on the project. With cooperation from the weather, Mr. Miller felt the project could still be completed by December 31, 2009.

The Taylor Street project is now complete and the dips at intersections from Travis Street to Woods Street have been removed. The intersections are now concrete to better control storm water.

The design on Washington Street is now complete and the City is in the process of obtaining right-of-way. There are ten parcels that need to be purchased and the appraisals are complete. The City has obtained one parcel. Construction should begin in early Spring of 2010.

The Lamberth Road project is at about 80% or 85% on the design phase and the appraisal company is working with the land owners to obtain the right-of-way. Construction on this project should also begin in early Spring 2010. The Lamberth Road extension will include a median and two more lanes.

Mr. Miller said the staff has been able to complete all water utility line work along Travis Street and the temporary patches are in place. He hoped to request to advertise in February 2010 to get the mill and overlay completed as early in the Spring 2010 as possible. The only thing keeping the mill and overlay from being completed now is good weather.

Mayor Magers said he has gotten very positive feedback on the work being done on Travis Street. He said citizens are understanding and excited about the project.

Council Member Steele asked about the process and timing for re-striping the streets. Mr. Miller said with the equipment the City had it was hard to lay down a straight stripe for a long distance. Since that time they have redesigned and rebuilt an older piece of equipment and it does a better job on long straight striping. However, now the staff needs good weather to complete the striping projects.

Council Member Steele asked if it would be better to have the contractor handle the re-striping too. Mr. Miller said it was very costly and he and Robby Hefton, Assistant City Manager/CFO, felt it was better to save that money.

COUNCIL MINUTES – NOVEMBER 2, 2009

Mayor Magers recognized the good job on the various street projects and said he gets lots of positive feedback from residents. He said it was also good to get the extra street repairs out of the money saved from the bid jobs.

Council Member Howeth said there are areas that have curbs mixed in with streets where sections of curb are missing. She asked how it was decided where the curb and gutter repairs were made. Mr. Miller said there is a backlog of needed curb and gutter repairs, but they repair the curb that is already there, not build new curbs where they don't currently exist.

CONSIDER CANCELLATION OF THE FIRST REGULAR MEETING IN JANUARY, 2010

Mayor Magers asked why the last Council Meeting for this year on December 21, 2009, was not being cancelled. Scott Shadden, Director of Development Services, said there will be some Planning and Zoning items that need to be on that agenda prior to the Planning and Zoning Commission Meeting on December 22, 2009.

CANCELLATION OF
COUNCIL MEETING
FOR JAN. 4, 2010

ACTION TAKEN.

Motion by Deputy Mayor Smith to cancel the first Regular City Council Meeting on January 4, 2010, as presented. Second by Council Member Steele.

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

VOTING NAY: None.

MOTION CARRIED.

APPROVE QUARTERLY INVESTMENT REPORTS FOR PERIOD ENDING SEPTEMBER 30, 2009

The City Council approved the Investment Reports for the quarterly period ending September 30, 2009. At the ending of the period, the Operating Portfolio, Debt Proceeds Portfolio, and Tax Note Debt Proceeds Portfolio were all in compliance with applicable State laws and the City's internal Investment Policy.

QUARTERLY
INVESTMENT
REPORT

The Operating Portfolio had a book value of about \$19.9 million, down about \$3 million from three months ago, due to seasonally slow property tax collections. This portfolio is appropriately liquid and its weighted-average maturity decreased to about 70 days, from about 94 days last period, because of maturing securities during the quarter.

The portfolio yield of 0.71% for the quarter is higher than the benchmark yield of 0.17% and the value on the City's books is essentially equal to the market value of the overall portfolio.

The Debt Proceeds Portfolio balance increased about \$2.3 million due to the net effect of bond issuance proceeds received and construction during the period. The portfolio remains adequately liquid and the yield of 0.3% for the

quarter is higher than the benchmark yield of 0.17%. The portfolio value on the City's books is essentially equal to the market value of the overall portfolio.

The Tax Note Debt Proceeds Portfolio balance for the period was \$0, because the remaining funds that existed at June 30 were spent during the quarter on street related projects. This portfolio, which was used to invest funds received from issuance of debt related to the 1/8 cent street sales tax, will no longer be used in the future since those funds have been fully spent.

CONSENT AGENDA.

CITIZENS REQUESTS

VETERAN'S DAY MEMORIAL SERVICES

April Patterson, Tourism Director, appeared on behalf of the Sherman VFW veterans to remind citizens about the Veteran's Day Memorial Service on November 11, 2009, at 11 a.m. at Fairview Park. Congressman Ralph Hall will be the featured speaker.

VETERAN'S DAY
MEMORIAL SERVICES

Prior to that event, at 10 a.m., the Red River Valley Military Vehicle Preservation Association will sponsor a procession from the downtown area to Fairview Park.

MEDIA QUESTIONS

HOWE CONTRACTS

Kathy Williams, Herald Democrat Reporter, asked if the City of Howe has also approved the Boundary Agreement and the Wastewater Treatment Agreement that was considered earlier by the City Council.

HOWE CONTRACTS

George Olson, City Manager, said Howe had approved the agreements at their October 27, 2009 Council Meeting.

COUNCIL COMMENTS

ANNUAL FRIGHT FEST

Council Member Howeth congratulated the staff on a well attended Fright Fest on the Municipal Building grounds.

ANNUAL FRIGHT
FEST

ANNUAL FRIGHT FEST

Council Member Wacker thanked area community groups and the City staff for their participation in the Annual Fright Fest.

ANNUAL FRIGHT
FEST

AUSTIN COLLEGE CELEBRATION

Council Member Wacker said the Austin College community will be celebrating the inauguration of the 15th President, Dr. Marjorie Hass on November 5, 2009.

AUSTIN COLLEGE
CELEBRATION

ANNUAL FRIGHT FEST

Council Member Adami thanked the City staff that worked on the Annual Fright Fest. It was a great success.

ANNUAL FRIGHT
FEST

CENTER STREET PARK

Mayor Magers said his wife attended a soccer game recently at Center Street Park and she was impressed with what a first rate park it was. People were using the walking trail as soccer games were being played and she was impressed with the first rate, busy park.

**CENTER STREET
PARK**

BATTLE OF THE AX

Mayor Magers said “Go Sherman,” it’s the Battle of the Ax this weekend.

**BATTLE OF
THE AX**

ADJOURNMENT

On Motion duly made and carried, the meeting adjourned at 5:31 p.m.

ADJOURNMENT

MAYOR

CITY CLERK