

STATE OF TEXAS

§

October 18, 2010

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 October 18, 2010.

MEMBERS PRESENT: MAYOR BILL MAGERS; DEPUTY MAYOR WILLIE STEELE.
COUNCIL MEMBERS ADAMI, HOWETH, 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 Council Member Cary Wacker.

CALL TO ORDER

APPROVE MINUTES

The Council reviewed the Minutes of the Regular City Council Meeting of October 4, 2010. Council Member Wacker moved to approve the Minutes as presented; Second by Council Member Adami. All present voted AYE.
MOTION CARRIED.

APPROVE MINUTES

PROCLAMATION

"CHAMBER OF COMMERCE WEEK" – OCTOBER 18-22, 2010
Council Member Softly presented a proclamation to Traci Carlson, President of the Sherman Chamber of Commerce, designating October 18 through 22, 2010 as "Chamber of Commerce Week." Ms. Carlson thanked the Mayor, City Council, and City staff for their support.

**CHAMBER OF
COMMERCE WEEK
(OCT. 18-22, 2010)**

She also introduced Janie Bates, Judy Gharis and Brad Douglass, Chamber Board Members, and Brittany Fulton, Event Coordinator.

CONSENT AGENDA

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

CONSENT AGENDA

RESOLUTIONS

**RESOLUTION NO. 5531 – APPROVING THE FORM OF
RESOLUTION OF THE TEXOMA AREA SOLID WASTE
AUTHORITY AUTHORIZING THE ISSUANCE OF REFUNDING
BONDS TO REFUND ALL OR A PORTION OF THE
AUTHORITY'S REGIONAL SOLID WASTE DISPOSAL
CONTRACT REVENUE BONDS, SERIES 2004 (INITIAL
FACILITY PROJECT) AND THE AUTHORITY'S REGIONAL
SOLID WASTE DISPOSAL CONTRACT REVENUE BONDS,
SERIES 2008; APPROVING THE FORM OF OFFERING
DOCUMENT TO BE USED IN THE MARKETING OF SUCH
REFUNDING BONDS; AND CONTAINING OTHER**

**RES 5531
TASWA BOND
REFUNDING**

PROVISIONS RELATING TO THE SUBJECT

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS APPROVING THE FORM OF RESOLUTION OF THE TEXOMA AREA SOLID WASTE AUTHORITY AUTHORIZING THE ISSUANCE OF REFUNDING BONDS TO REFUND ALL OR A PORTION OF THE AUTHORITY'S REGIONAL SOLID WASTE DISPOSAL CONTRACT REVENUE BONDS, SERIES 2004 (INITIAL FACILITY PROJECT) AND THE AUTHORITY'S REGIONAL SOLID WASTE DISPOSAL CONTRACT REVENUE BONDS, SERIES 2008; APPROVING THE FORM OF OFFERING DOCUMENT TO BE USED IN THE MARKETING OF SUCH REFUNDING BONDS; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT.

Robby Hefton, Assistant City Manager/CFO, introduced Jason Hughes, First Southwest; Sara Tangen, McCall, Parkhurst & Horton, L.L.P.; and Dale Sissney, Texoma Area Solid Waste Authority Executive Director.

He explained that the issue is consideration for the City to approve and authorize TASWA through First Southwest, to review the market for six months to see if TASWA could capitalize on opportunities to refinance.

TASWA was originally funded with a \$19 million facility and it now appears there is an opportunity for savings. The Resolution sets parameters by which debt can be reissued if the savings are at least 3.5%. Mr. Hefton said they have set the interest rate at 4.75% which would be a savings of about \$600,000.

Mr. Hughes added that TASWA currently has two outstanding issues. The 2004 is the only issue they are reviewing, given the interest rates. There is no extension of debt and this involves no new money components. It is simply a refunding for savings for TASWA and their three member cities.

Mayor Magers reiterated that there is no new debt and he said TASWA is moving away from borrowing 20 year money for 5 year cells. This will make TASWA more of a "pay as you go" entity.

Council Member Adami asked about the rate differential. Mr. Hughes said the interest rate on the remaining 2004 bonds is about 5.35% and they would be considering refinancing at 4.25% or less. Mr. Hefton confirmed that the City has been able to get better interest rates on projects subsidized through the Texas Water Development Board.

ACTION TAKEN.

Motion by Council Member Adami to approve Resolution No. 5531, as presented. Second by Council Member Wacker.

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VOTING AYE: Adami, Howeth, Smith, Softly, Steele, Wacker.
VOTING NAY: None.
MOTION CARRIED.

RESOLUTION NO. 5532 – AUTHORIZING EXECUTION OF DEEDS FOR THE RESALE OF SIX TRACTS OF LAND WITHIN THE SHERMAN CITY LIMITS SEIZED FOR DELINQUENT TAXES

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF DEEDS FOR THE RESALE OF SIX TRACTS OF LAND WITHIN THE SHERMAN CITY LIMITS SEIZED FOR DELINQUENT TAXES.
CONSENT AGENDA.

RES 5532
SALE OF PROPERTY
FOR DELINQUENT
TAXES

REQUEST TO ADVERTISE
ANNUAL SUPPLY OF CHEMICALS

The City Council approved the request to advertise for the annual supply of chemicals used primarily for the Water Treatment Plant and the Wastewater Treatment Plant. The chemicals will be used during FY 2010-2011.
CONSENT AGENDA.

ANNUAL SUPPLY
OF CHEMICALS

SUBMERSIBLE PUMP FOR THE WASTEWATER TREATMENT PLANT HEADWORKS

The City Council approved the request to advertise for a submersible pump for the Wastewater Treatment Plant Headworks. One of the pumps at the Wastewater Treatment Plant has failed and requires immediate replacement.
CONSENT AGENDA.

WWTP HEADWORKS

OTHER BUSINESS
RECEIVE PRESENTATION FROM PARKS AND RECREATION ADMINISTRATOR KEVIN WINKLER ON THE GROUNDS MAINTENANCE DEPARTMENT

Kevin Winkler, Parks and Recreation Administrator, presented an update on the Grounds Maintenance Department.

GROUNDS MAINT.
UPDATE

Currently the Grounds Maintenance Department mows, trims, and maintains 22 parks totaling 458 acres, 15 acres of City facilities, and 120 acres in West Hill Cemetery, for a total of 593 acres. The Department also performs burials at the Cemetery.

They prepare and facilitate sports fields for the many local organizations, including 30 fields that saw 2,762 games this year alone.

According to Mr. Winkler, the Department spends 26% of their time mowing and trimming parks, 24% of the time preparing sports fields, 18% mowing and trimming the Cemetery, 15% on repairs and vandalism, 10% on burials, and 7% on trash removal.

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The Grounds Maintenance Department tries to maintain an eight day mowing cycle on the parks. However, sometimes special events prohibit this schedule.

Preparation of the sports fields includes games for the Sherman Independent School District baseball and softball teams, Austin College softball team, Sherman Youth Sports, Texoma Soccer Association, and the Parks and Recreation sponsored events.

In the Cemetery, Mr. Winkler said there are almost 30,000 grave sites that must be maintained. They try to maintain the eight day cycle in the Cemetery too.

Mr. Winkler said the staff usually receives one major vandalism or graffiti incident each week. During the winter, one restroom in Fairview Park had all the sinks and three toilets broken off the wall. Deputy Mayor Steele verified that the restrooms are locked at approximately 10:30 p.m. each night and reopened about 7:30 a.m. or 8:00 a.m. The vandalized restroom was closed during the winter and the water was turned off.

George Olson, City Manager, assured the City Council that the vandalism also happens in the summer. Mr. Winkler added that the vandalism is a continuous cycle. Council Member Howeth verified that there has been an increase in park vandalism. She asked if the City could initiate a reward program to offer cash rewards for information. Mr. Winkler outlined several ways the staff is trying to combat the vandalism.

Mr. Winkler said the City handles approximately 160 burials annually, which require a minimum of four workers for four hours. Currently there are only three employees in the Cemetery area, so they borrow one worker from Grounds Maintenance.

Trash removal is a full-time job for one person, and that person spends each day emptying trash and picking up loose trash. During special events, additional personnel are required to help with the trash removal.

Based on the 2005 Parks Master Plan, Mr. Winkler said the national average was one full-time employee for every 10 to 11 acres. In 2005 the City was at one full-time employee for every 21 acres. Today, the City is at approximately one full-time employee for every 31 acres.

Mr. Winkler added that they must find ways to do the best job they can with the resources they have. Currently the Maintenance Superintendent has a Commercial Applicators License so the chemical applications process has been brought in-house. This has helped reduce the cost of chemical applications this year.

The Department is also testing the use of chemical applications around the headstones in the Cemetery to help reduce maintenance. They have reduced the number of seasonal employees by half to offset budget concerns. Schedules and hours have been modified to reduce overtime by 40%. One security camera has already been purchased and they plan to purchase a second camera to help deter vandalism.

Council Member Howeth reiterated the possibility of creating a “crime watchers” program with a reward for information about vandalism. Mayor Magers verified that the penalty for vandalizing City property depends on the value of the damage. He asked if there is any way to increase the penalty. Brandon Shelby, City Attorney, said the City might be able to increase the penalty, but he would have to look into the issue.

Mayor Magers said the City could include an on-line camera that shows the park activity in “real time” on the City’s website. He felt this would be a deterrent to vandalism. Mr. Olson said the City is following the newest trends in security cameras, but there are some ideas that he did not want to publicize. Council Member Adami added that if cameras are needed they should be purchased.

Mayor Magers verified that the stainless steel fixtures were less prone to vandalism. Council Members were concerned about the cost of vandalism in the City.

Mr. Hefton said the budget for those two Departments is approximately \$1.5 million, therefore 15% of their time for repairs and vandalism amounts to over \$200,000 annually.

RECEIVE PRESENTATION FROM DEVELOPMENT SERVICES
DIRECTOR SCOTT SHADDEN ON THE DEVELOPMENT
SERVICES AND ANIMAL CONTROL DEPARTMENTS

Scott Shadden, Director of Development Services, presented an update on Development Services and the Animal Control Departments.

DEVELOPMENT SVCS.
& ANIMAL CONTROL
UPDATE

Besides himself, the Development Services Department currently has four inspectors and an administrative assistant, and a budget of \$561,000. Over the years, the number of employees has been reduced as the work load and the size of the City continues to grow.

This year they have issued 2,789 permits, including electrical, plumbing, mechanical, irrigation, building, and Certificates of Occupancy. Inspections include plan review and the review of all construction plans for compliance with the code and with the Comprehensive Master Plan. Currently the City is under the 2006 code series.

The Department also inspects sign placement for businesses and measures distances for alcohol permits. Substandard

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structures are demolished with assistance from the Solid Waste Department, the Legal Department, the Police Department, and the Fire Department. Community Development Block Grant funds are used to demolish several structures annually.

Mr. Shadden added that his Department provides administrative support to several boards and commissions, including the Historical Preservation Board, the Construction Board of Adjustments and Appeals, the Planning and Zoning Commission, and the Zoning Board of Adjustments.

In order to protect the citizens through proper construction and installation of equipment, the Department maintains licenses and registrations for contractors and tradesmen. This year there were 540 licenses and registrations.

This year the Department had 25,480 information requests, mostly for zoning and building permits.

Mr. Shadden also presented an update on the Animal Control Services. This Department has seven employees and an annual budget of \$625,911. The Shelter received over 22,000 requests for information and filed more than 8,400 complaints this year. Complaints include animals at large; animal cruelty; animal bites; improper food, water or shelter; and delivery of traps. Animal Control employees also deal with livestock at large and deceased animals in the roadway. They have received 4,501 animals this year.

The Department has logged 3,598 trips to service traps that have been loaned out to citizens. Deputy Mayor Steele verified that this is a free service offered to citizens. Mr. Shadden said the Animal Control Officers have other duties such as court appearances and control of livestock.

Council Members discussed the “relocation” of the six foot alligator from Pickens Lake in Herman Baker Park in 2009. Mr. Shadden added Animal Control Officers deal with many types of animals and this year they even received 50 chickens. There were 1,624 pet adoptions.

Mayor Magers added that in his interactions with the Animal Control Department, they always act in a professional and compassionate manner and he felt they are a great asset to Sherman.

Council Member Howeth asked about the most unusual animal the Shelter has had. Scott Parker, Chief Animal Control Officer, said the most unusual was probably a miniature kangaroo or a wallaby.

Council Member Adami verified that the City of Sherman’s Animal Control fees are lower than other surrounding cities. Mr. Shadden said the staff plans to propose a small fee increase for Council consideration. Council Member Adami

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asked for copies of the presentations that have been presented at the City Council Meeting.

CONSIDER SCHEDULING THE CITY COUNCIL'S LONG-TERM PLANNING MEETING FOR FRIDAY, NOVEMBER 19, 2010

Council Members decided to schedule a Long-Term Planning Meeting for Friday, November 19, 2010, at 9:00 a.m.

SCHEDULE LONG-TERM PLANNING MTG.

CITIZENS REQUESTS

CEMETERY COSTS

Eugene Lund, 1815 Sandra, asked if the cost of burials was allowing the City to recover their costs. Mr. Hefton explained that the pie chart used earlier only included time and resources for the burials. Council Member Adami said Sherman's costs were below what other cities were charging and they weren't recovering their costs. That was the reason for the recent fee increase. Mayor Magers added that, with the last fee increase, Sherman should be at a "break-even" cost on the services.

CEMETERY COSTS

MEDIA QUESTIONS

There were no media questions.

MEDIA QUESTIONS

COUNCIL COMMENTS

CITY OF SHERMAN SPECIAL ELECTION

Council Member Smith said today is the first day of Early Voting for the City's Special Election. He urged all citizens to vote and to support the City's Amendments.

CITY OF SHERMAN SPECIAL ELECTION

TEXAS RANGERS

Council Member Wacker said "Go Rangers!" The Texas Rangers are in the American League Championship Series against the New York Yankees for the American League pennant. The winner of the series will advance to the World Series.

TEXAS RANGERS

NEPHEW'S RETURN FROM MILITARY SERVICE

Council Member Howeth said her nephew Bobby, returned today from a tour of duty in Iraq and Afghanistan. He arrived home safe and sound, however a few members from this squadron did not return. She asked everyone to keep all of the men and women serving overseas in their prayers, that they will return safe and sound to their families.

NEPHEW'S RETURN FROM MILITARY SERVICE

ELEMENTARY SCHOOL WATER PROJECT

Mayor Magers said for a school project, his oldest son is testing electrolytes in various drinks with a nine volt battery. He has tested Gatorade, Monster Energy Drink, and various other sports drinks to determine the number of electrolytes in each. He said there are more electrolytes in the City of Sherman's tap water than in any of the sports drinks.

ELEMENTARY SCHOOL WATER PROJECT

EXECUTIVE SESSION – IN ACCORDANCE WITH CHAPTER 551, GOVT. CODE, V.T.C.S., (OPEN MEETINGS LAW)

THE CITY COUNCIL WILL NOW HOLD AN EXECUTIVE

EXECUTIVE SESSION

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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 THE CITY ATTORNEY:
RECEIVE ADVICE FROM THE CITY ATTORNEY FOR MATTERS RELATED TO THE LEGAL STRUCTURE OF THE SHERMAN ECONOMIC DEVELOPMENT CORPORATION

SECTION 551.087 DELIBERATIONS REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS:
DELIBERATE REGARDING COMMERCIAL OR FINANCIAL INFORMATION THAT THE CITY HAS RECEIVED FROM BUSINESS PROSPECTS AND DELIBERATE ANY OFFERS OR INCENTIVES TO THE BUSINESS PROSPECTS, INCLUDING THE FOLLOWING:
TAX ABATEMENT

On Motion duly made and carried, the Open Meeting recessed and reconvened in Executive Session at 5:43 p.m.

On Motion duly made and carried, the Executive Session recessed at 6:44 p.m. and reconvened in Open Meeting.

OPEN MEETING

Reconvene into Open Meeting and take action, if any, on items discussed in Executive Session.

OPENING MEETING

ADJOURNMENT

On Motion duly made and carried, the meeting adjourned at 6:44 p.m.

ADJOURNMENT

MAYOR

CITY CLERK