

STATE OF TEXAS                    §                    October 5, 2015  
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 October 5, 2015.

MEMBERS PRESENT:                    MAYOR CARY WACKER; DEPUTY MAYOR DAVID PLYLER.  
COUNCIL MEMBERS DAVIS, SOFEY, STEELE, WATT.

MEMBERS ABSENT:                    COUNCIL MEMBER JOHNSON.

CALL TO ORDER

Mayor Wacker called the meeting to order at 5:00 p.m. The Pledge of Allegiance and Invocation were given by Council Member Tom Watt.

CALL TO ORDER

APPROVE MINUTES

The Council reviewed the Minutes of the Called City Council Meeting (Held Jointly with the Sherman Economic Development Corporation Board of Directors) of September 15, 2015 and the Regular City Council Meeting of September 21, 2015. Council Member Steele moved to approve the Minutes as presented; Second by Council Member Davis. All present voted AYE.  
MOTION CARRIED.

APPROVE MINUTES

SPECIAL PRESENTATION

RECOGNIZING    OUTGOING    SHERMAN    ECONOMIC  
DEVELOPMENT   CORPORATION   BOARD   CHAIRMAN  
BROOKS HULL

Mayor Wacker presented a crystal paperweight to Brooks Hull, outgoing Sherman Economic Development Corporation Board Chairman, for his service on the Board. She said it has been a time of significant growth and they appreciated the work that he has accomplished for Sherman.

RECOGNIZING  
OUTGOING SEDCO  
CHAIRMAN BROOKS  
HULL

Mayor Wacker said Mr. Hull has accepted a position with Louisiana Tech University and will be leaving Sherman.

Willie Steele, SEDCO Vice Chairman, also presented him with a gift for his service on the Board.

Mr. Hull thanked the Mayor and City Council Members, adding that it had been a pleasure to serve on SEDCO, which is an outstanding organization.

He said he is also very excited about the incoming leadership of John Plotnik, the new President, and Willie Steele, who will serve as the new Chairman. He said the City is in great shape and SEDCO has had great collaboration with the City Council over the past two years.

**PROCLAMATION**

**“LIONS WHITE CANE DAY” – OCTOBER 10, 2015**

Mayor Wacker presented a proclamation designating October 10, 2015 as “Lions White Cane Day” to Dr. Jerry Gundersheimer, Sherman Noon Lions Club Chairman of “White Cane Day”.

Dr. Gundersheimer thanked the City Council for the great support they have provided to the Sherman Noon Lions Club for their sight conservation efforts. He thanked them for helping them get “set up” especially after the ordinance changes a couple of years ago.

**INTRODUCTION AND PUBLIC HEARING OF ORDINANCES**

Mayor Wacker introduced Ordinance 5903 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 13 OF THE CODE OF ORDINANCES, ENTITLED “UTILITIES”, AT ARTICLE 13.09, ENTITLED “SERVICE FEES”, AT SECTION 13.09.001 TO REVISE MISCELLANEOUS UTILITY FEES; AT SECTION 13.09.002 TO REVISE LABORATORY FEES; AND AT SECTION 13.09.003 TO REVISE WATER AND SEWER TAP FEES; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

Don Keene, Director of Administration and Finance, said the proposed revisions were outlined at the last City Council Meeting and will help the City cover the cost of services.

No citizens appeared before the City Council to discuss Ordinance 5903.

Mayor Wacker introduced Ordinance 5904 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 1 OF THE CODE OF ORDINANCES, ENTITLED “GENERAL PROVISIONS”, AT ARTICLE 1.02, ENTITLED “ADMINISTRATION”, AT SECTION 1.02.002, ENTITLED “RETURN CHECK CHARGE”; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

Mr. Keene said currently the City’s returned check fee is \$25 and Grayson County charges \$30. The proposed ordinance would simplify the fee by being consistent with Grayson County.

No citizens appeared before the City Council to discuss Ordinance 5904.

**PROCLAMATION  
LIONS WHITE  
CANES DAY  
(OCT. 10, 2015)**

**ORD 5903  
WATER & SEWER  
TAP FEE &  
LAB FEES**

**ORD 5904  
RETURN CHECK FEE**

The Public Hearing was closed.

**ADOPTION OF ORDINANCES**

**Ordinance 5903**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 13 OF THE CODE OF ORDINANCES, ENTITLED "UTILITIES", AT ARTICLE 13.09, ENTITLED "SERVICE FEES", AT SECTION 13.09.001 TO REVISE MISCELLANEOUS UTILITY FEES; AT SECTION 13.09.002 TO REVISE LABORATORY FEES; AND AT SECTION 13.09.003 TO REVISE WATER AND SEWER TAP FEES; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

ORD 5903  
WATER & SEWER  
TAP FEE &  
LAB FEES

**Ordinance 5904**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 1 OF THE CODE OF ORDINANCES, ENTITLED "GENERAL PROVISIONS", AT ARTICLE 1.02, ENTITLED "ADMINISTRATION", AT SECTION 1.02.002, ENTITLED "RETURN CHECK CHARGE"; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

ORD 5904  
RETURN CHECK FEE

**ACTION TAKEN.**

Motion by Council Member Sofey to approve Ordinance Nos. 5903 and 5904, as presented. Second by Council Member Watt.

VOTING AYE: Davis, Plyler, Sofey, Steele, Watt.

VOTING NAY: None.

MOTION CARRIED.

**CONSENT AGENDA**

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

CONSENT AGENDA

Mayor Wacker said Item E-5, concerned the purchase of a truck for the Street Department, which was purchased from a local vendor. She said it was always great to support the local vendors when they are able to bid on a vehicle.

**RESOLUTIONS**

**RESOLUTION NO. 6022 – IN SUPPORT OF A CONSTITUTIONAL AMENDMENT FOR INCREASED STATE FUNDING FOR TRANSPORTATION**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, IN SUPPORT OF A CONSTITUTIONAL AMENDMENT FOR INCREASED STATE FUNDING FOR TRANSPORTATION.

RES 6022  
INCREASE STATE  
TRANSPORTATION  
FUNDING

Larry Phillips, Texas State Representative, appeared to ask the City Council to support Proposition 7 on the November ballot for Constitutional Amendments.

He explained that Constitutional Amendments require 2/3 vote of the Legislature and then it comes to the people for support.

He explained that Proposition 7 would allow for additional transportation funding. Two years ago another proposition increased transportation funding and Resolution 6023 on tonight's agenda is a result of that initiative.

Representative Phillips said with the number of people moving to Texas today, it is expected that there will be 20 million more vehicles on Texas roads by 2040. Texas needs to stay ahead of this growth, but there is already a shortfall.

Proposition 7 was passed this last session, and would guarantee a certain amount of money that will go to the Transportation Fund for the funding process. The gasoline tax and the vehicle registration fee also go to this fund. However, since cars are more fuel efficient, less gas is being used.

Proposition 7 would guarantee that \$2.5 billion annually would be dedicated to the Transportation Fund for transportation projects and to pay off bonds that are held. The money cannot be used for toll roads. This money would come from the general sales tax of the State and would not affect the local sales tax. It would be dedicating a portion of the State sales tax.

Under the law, if the State sales tax received is over \$28 billion annually, then the next \$2.5 billion would be dedicated to transportation. The second component of the law would be to take the excess automobile sales tax, which is 6.25%, and also dedicate that for transportation. If approved, 35% of the revenue raised by automobile sales tax, that exceeds \$5 billion annually, would also be set aside for transportation needs.

Representative Phillips said the proposed proposition would dedicate a portion of the general sales tax and the automobile sales tax to be set aside for transportation. He felt this plan would get the State closer to what is needed to maintain the infrastructure and deal with the future.

He said that this would "tie the hands" of future legislators, however the plan can be continued on a 10 year basis. If, 10 years from now, Texas does not have the growth, and if there are needs that have a higher priority than the transportation needs, then the Legislature does not have to renew the plan.

During that time, if there is a period where the amount needs to be reduced, it can be done by a vote. Representative Phillips said they tried to include some "safety valves" in the plan so future Legislator's hands are not tied.

Again, Representative Phillips asked for the City Council's support for Proposition 7, which is on the November 3, 2015 ballot. He said Early Voting begins October 19 through 30, 2015.

**ACTION TAKEN.**

Motion by Council Member Watt to approve Resolution No. 6022, as presented. Second by Council Member Sofey.

VOTING AYE: Wacker, Davis, Plyler, Sofey, Steele, Watt.

VOTING NAY: None.

MOTION CARRIED.

Representative Phillips added that there was no tax increase required for the proposition.

**RESOLUTION NO. 6023 – AUTHORIZING EXECUTION OF AN AGREEMENT TO CONTRIBUTE RIGHT OF WAY FUNDS (FIXED PRICE) BETWEEN THE STATE OF TEXAS, ACTING BY AND THROUGH THE TEXAS DEPARTMENT OF TRANSPORTATION, (THE "STATE"), AND CITY OF SHERMAN, TEXAS, FOR CERTAIN HIGHWAY IMPROVEMENTS ON HIGHWAY NO. US 82 FROM FRISCO ROAD (SHERMAN) EAST TO FM 1417 EAST**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN AGREEMENT TO CONTRIBUTE RIGHT OF WAY FUNDS (FIXED PRICE) BETWEEN THE STATE OF TEXAS, ACTING BY AND THROUGH THE TEXAS DEPARTMENT OF TRANSPORTATION, (THE "STATE"), AND CITY OF SHERMAN, TEXAS, FOR CERTAIN HIGHWAY IMPROVEMENTS ON HIGHWAY NO. US 82 FROM FRISCO ROAD (SHERMAN) EAST TO FM 1417 EAST.

Clay Barnett, Director of Public Works and Engineering, explained that this resolution would use Proposition 1 funds that Representative Phillips mentioned, were passed several years ago.

The Texas Department of Transportation has identified US Highway 82, between Frisco Road and FM 1417 East, to complete the main lane. Currently as you approach that area, you must exit onto the service road. This will construct the main lanes in that area.

There is also a large electric power line in a private easement that will require relocation. TxDot will be required to pay for that relocation since it's in a private easement. It is typical for the local entity to split the cost of the relocation with TxDot.

Mayor Wacker said the staff has just received word that the City's obligation on the project was lowered by about \$2,000. Originally the City's portion was \$12,900 and it has been lowered to \$10,800.

**RES 6023  
US HWY 82  
RELOCATION OF  
UTILITIES**

COUNCIL MINUTES – OCTOBER 5, 2015

ACTION TAKEN.

Motion by Deputy Mayor Plyler to approve Resolution No. 6023, as presented. Second by Council Member Davis.

VOTING AYE: Davis, Plyler, Sofey, Steele, Watt.

VOTING NAY: None.

MOTION CARRIED.

RESOLUTION NO. 6024 – AUTHORIZING EXECUTION OF A PROFESSIONAL ENGINEERING SERVICES AGREEMENT WITH FREEMAN-MILLICAN, INC. FOR THE DESIGN OF THE HARRISON ELEVATED TANK PAINTING IMPROVEMENTS

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 DESIGN OF THE HARRISON ELEVATED TANK PAINTING IMPROVEMENTS. CONSENT AGENDA.

RES 6024  
HARRISON ELEVATED  
TANK PAINTING

RESOLUTION NO. 6025 – AUTHORIZING THE PURCHASE OF A 2016 DODGE RAM 4500 6.7 LITER DIESEL CHASSIS FOR REMOUNTING AND REFURBISHING AN EXISTING FRAZER 12' 4" GENERATOR POWERED MODULE AMBULANCE BOX FOR THE SHERMAN FIRE DEPARTMENT FROM MAC HAIK DODGE CHRYSLER JEEP AND THROUGH THE HOUSTON-GALVESTON AREA COUNCIL OF GOVERNMENTS (H-GAC)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE PURCHASE OF A 2016 DODGE RAM 4500 6.7 LITER DIESEL CHASSIS FOR REMOUNTING AND REFURBISHING AN EXISTING FRAZER 12' 4" GENERATOR POWERED MODULE AMBULANCE BOX FOR THE SHERMAN FIRE DEPARTMENT FROM MAC HAIK DODGE CHRYSLER JEEP AND THROUGH THE HOUSTON-GALVESTON AREA COUNCIL OF GOVERNMENTS (H-GAC). CONSENT AGENDA.

RES 6025  
REFURBISH  
AMBULANCE BOX

RESOLUTION NO. 6026 – AUTHORIZING THE PURCHASE OF A NEW RAM 4500 TRUCK FOR THE STREET MAINTENANCE DEPARTMENT FROM HOYTE DODGE

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE PURCHASE OF A NEW RAM 4500 TRUCK FOR THE STREET MAINTENANCE DEPARTMENT FROM HOYTE DODGE. CONSENT AGENDA.

RES 6026  
STREET MAINT.  
VEHICLE

RESOLUTION NO. 6027 – AUTHORIZING THE PURCHASE OF A NEW AUTOCAR ACX64 FRONT LOAD CHASSIS FOR THE SOLID WASTE SERVICES DEPARTMENT FROM CHASTANG FORD/AUTOCAR THROUGH THE HOUSTON-GALVESTON AREA COUNCIL OF GOVERNMENTS (H-GAC)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE PURCHASE OF A NEW AUTOCAR ACX64 FRONT LOAD CHASSIS FOR THE

RES 6027  
SOLID WASTE  
VEHICLE

SOLID WASTE SERVICES DEPARTMENT FROM CHASTANG FORD/AUTOCAR THROUGH THE HOUSTON-GALVESTON AREA COUNCIL OF GOVERNMENTS (H-GAC).  
CONSENT AGENDA.

RESOLUTION NO. 6028 – AUTHORIZING THE PURCHASE OF A NEW AUTOCAR ACX64 AUTOMATED SIDE LOAD CHASSIS FOR THE SOLID WASTE SERVICES DEPARTMENT FROM CHASTANG FORD/AUTOCAR THROUGH THE HOUSTON-GALVESTON AREA COUNCIL OF GOVERNMENTS (H-GAC)

RES 6028  
SOLID WASTE  
VEHICLE

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE PURCHASE OF A NEW AUTOCAR ACX64 AUTOMATED SIDE LOAD CHASSIS FOR THE SOLID WASTE SERVICES DEPARTMENT FROM CHASTANG FORD/AUTOCAR THROUGH THE HOUSTON-GALVESTON AREA COUNCIL OF GOVERNMENTS (H-GAC).  
CONSENT AGENDA.

RESOLUTION NO. 6029 – AUTHORIZING THE PURCHASE OF A NEW WILKENS STEEL FRONT LOAD EJECTOR TRANSFER TRAILER FOR THE SOLID WASTE SERVICES DEPARTMENT FROM WILKENS INDUSTRIES, INC. THROUGH THE TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (BUYBOARD)

RES 6029  
SOLID WASTE  
TRANSFER TRAILER

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE PURCHASE OF A NEW WILKENS STEEL FRONT LOAD EJECTOR TRANSFER TRAILER FOR THE SOLID WASTE SERVICES DEPARTMENT FROM WILKENS INDUSTRIES, INC. THROUGH THE TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (BUYBOARD).  
CONSENT AGENDA.

RESOLUTION NO. 6030 – AUTHORIZING THE PURCHASE OF A HEIL AUTOMATED SIDE LOAD BODY FOR THE SOLID WASTE SERVICES DEPARTMENT FROM HEIL OF TEXAS THROUGH THE TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (BUYBOARD)

RES 6030  
SOLID WASTE  
VEHICLE

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE PURCHASE OF A HEIL AUTOMATED SIDE LOAD BODY FOR THE SOLID WASTE SERVICES DEPARTMENT FROM HEIL OF TEXAS THROUGH THE TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (BUYBOARD).  
CONSENT AGENDA.

RESOLUTION NO. 6031 – AUTHORIZING THE PURCHASE OF A NEW HEIL FULL EJECT FRONT LOAD TRUCK BODY FOR THE SOLID WASTE SERVICES DEPARTMENT FROM HEIL OF TEXAS THROUGH THE TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (BUYBOARD)

RES 6031  
SOLID WASTE  
VEHICLE

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE PURCHASE OF A NEW HEIL FULL EJECT FRONT LOAD TRUCK BODY FOR THE SOLID WASTE SERVICES DEPARTMENT FROM HEIL

OF TEXAS THROUGH THE TEXAS LOCAL GOVERNMENT  
PURCHASING COOPERATIVE (BUYBOARD).  
CONSENT AGENDA.

RESOLUTION NO. 6032 – AUTHORIZING THE PURCHASE  
OF A NEW INTERNATIONAL 4300 PETERSON LIGHTNING  
LOADER CAB AND CHASSIS FOR THE SOLID WASTE  
SERVICES DEPARTMENT FROM SOUTHWEST  
INTERNATIONAL TRUCKS THROUGH THE TEXAS LOCAL  
GOVERNMENT PURCHASING COOPERATIVE (BUYBOARD)  
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
SHERMAN, TEXAS, AUTHORIZING THE PURCHASE OF A  
NEW INTERNATIONAL 4300 PETERSEN LIGHTNING  
LOADER CAB AND CHASSIS FOR THE SOLID WASTE  
SERVICES DEPARTMENT FROM SOUTHWEST  
INTERNATIONAL TRUCKS THROUGH THE TEXAS LOCAL  
GOVERNMENT PURCHASING COOPERATIVE (BUYBOARD).  
CONSENT AGENDA.

RES 6032  
SOLID WASTE  
VEHICLE

CHANGE ORDER NO. 2  
APPROVING THE GREATER TEXOMA UTILITY  
AUTHORITY'S INTENTION TO EXECUTE CHANGE ORDER  
NO. 2 FOR CONSTRUCTION OF THE SHERMAN  
WASTEWATER TREATMENT PLANT HEADWORKS LIFT  
STATION REPLACEMENT AND ELECTRICAL UPGRADE  
The City Council approved the Greater Texoma Utility  
Authority's intention to execute Change Order No. 2 for  
construction of the Wastewater Treatment Plant Headworks  
Lift Station Replacement and Electrical Upgrade.

CHANGE ORDER  
WWTP HEADWORKS  
LIFT STATION  
REPLACEMENT

The new pumps bid for the project required base elbows on  
the pumps and pump adapters to facilitate bids from several  
potential pump bidders. The Flygt pumps proposed for use  
in the project do not require the base elbows with adapters.  
Flygt is offering a credit of \$43,686.92 to delete the elbows  
and adapters that are not needed with their pump system.

The change order results in a decrease in the project price  
of \$43,686.92, yielding a revised contract amount of  
\$4,616,245.94.  
CONSENT AGENDA.

OTHER BUSINESS  
CONSIDER APPROVAL OF THE ANNEXATION SCHEDULING  
PLAN FOR ADOPTION OF APPROXIMATELY 200 ACRES OF  
LAND NEAR LAMBERTH ROAD AND SHADY OAKS DRIVE,  
ADJACENT TO THE SHERMAN CITY LIMITS AND IN THE  
CITY OF SHERMAN'S EXTRA TERRITORIAL JURISDICTION;  
AND DIRECTING THE DEPARTMENT OF ENGINEERING  
SERVICES TO DEVELOP A SERVICE PLAN FOR THE AREA  
TO BE ANNEXED UPON APPROVAL OF THE ANNEXATION  
SCHEDULING PLAN

ANNEXATION OF  
CARRIAGE ESTATES,  
LAMBERTH ROAD  
ESTATES, SHADY  
OAKS SUBDIVISION,  
& UNPLATTED  
PROPERTIES

Mayor Wacker explained that the City Council should  
consider approval of the Annexation Plan for approximately  
200 acres of land near Lamberth Road and Shady Oaks  
Drive.

Robby Hefton, City Manager, explained that the staff has been in discussions with the residents of the Carriage Estates area, which encompasses Carriage Estates, Lamberth Road Estates, and Shady Oaks Lane and Shady Oaks Circle. They have received a petition signed by many of the residents in this area asking for be annexed into the City of Sherman.

These residents have had significant issues with their water system and are currently under a “boil water” notice for the fourth or fifth time in the last month or two. The process for annexation is set out by the State. Since the residents have petitioned the City for annexation, it is considered a voluntary annexation.

The City is required by law to receive over 50% of the property owners signatures to consider the annexation. The City has received about 93 signatures, or a little over 60% of the residents of the area. He displayed a map of the residents that have signed the petition. Approximately 150 homes and properties are included in the proposed annexation.

Mr. Hefton said tonight’s agenda item is to set the schedule for the annexation proceedings, which will happen over the next two months. There are certain notifications that must be made to the public in this area and certain timelines for the actions. This Annexation Plan designates these timelines.

The first public hearing will be held at the November 2, 2015 City Council Meeting. Prior to that, notices will be sent to property owners advising them of the public hearing and inviting them to voice their opinion.

Mr. Hefton added that annexation can occur without taking on the water system, but the reason for doing so was that the residents were tired of having bad water, no water, or low pressure.

**ACTION TAKEN.**

Motion by Council Member Davis to approve the Annexation Scheduling Plan for the annexation of approximately 200 acres of land near Lamberth Road and Shady Oaks Drive in the City’s Extra Territorial Jurisdiction, as presented. Second by Council Member Steele.

VOTING AYE: Davis, Plyler, Sofey, Steele, Watt.

VOTING NAY: None.

MOTION CARRIED.

**RECEIVE DIRECTOR OF ADMINISTRATION AND FINANCE  
DON KEENE’S PRESENTATION ON PROPOSED FIRE  
INSPECTION FEES**

**FIRE INSPECTION  
FEES**

Mr. Keene presented the proposed commercial fire inspection fees for the City. He said the City has adopted

the International Fire Code, which establishes some minimum requirements to provide a reasonable level of safety for business owners, patrons, and emergency responders.

The inspections would include things such as open flames, ignition sources, fire extinguishers, and sprinkler systems. The City has the authority to implement and enforce these provisions of the Code, and inspections are a part of that authority.

Currently the staff completes about 1,800 inspections annually. The question is how these inspections are funded, which is currently through overtime in the Fire Department. There is not enough personnel on staff to handle these inspections.

The staff reviewed the procedures for inspections in other peer cities and found that most don't charge a fee for the inspections. There are options on ways to fund this service, but Mr. Keene said at \$0.372 per \$100 on the tax rate, this resource is limited.

Mr. Keene said the staff is proposing that the people that benefit from these inspections, the business owners, help cover the cost of the business inspections. He presented the proposed fee structure. Any inspection from zero to 3,000 square feet would cost \$75, from 3,001 to 24,000 square feet would cost \$100, and anything greater than 24,000 square feet would cost \$150.

He said the fee structure is simple and would allow the City to recover the cost of the inspections. Based on the number of inspections, this proposed fee would generate between \$140,000 and \$160,000 annually. This would allow the City to hire two full-time inspectors, whose main responsibility would be to assure that these 1,800 inspections are completed on an annual basis. The cost of the inspections would be paid by the businesses receiving them.

Mr. Keene emphasized that these inspections are performed on commercial businesses only and are fire safety inspections.

Council Member Watt asked about the credentials of the inspectors and would they be full-time certified firefighters. Danny Jones, Fire Chief, said yes, and they would come from within the Fire Department. The plan is that they would be at the rank of Captain so they have the officer authority.

He said these inspectors would cover three critical roles in the Fire Department. They would be fire inspectors; incident safety officers, dedicated to the safety of the scene of either a fire or accident; and will be trained as a fire investigator.

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The inspectors would come from the ranks of the Department and would be replaced with entry level new hires.

Council Member Watt confirmed that two new Captain positions would be added to the Fire Department.

Council Member Steele asked about the current procedure for commercial inspections and would an entire truck crew be sent for the inspection. Chief Jones said this past year was the first time the inspections have been completed in five or six years. In a nine month time, about 1,600 inspections were completed and 90% of those were non-compliant.

This past year Chief Jones said they had a pilot program and used three engineers who are certified inspectors and brought them “up to the front” for inspections. They were replaced on shift with overtime people.

The proposal is that the inspectors would report to the Fire Marshal and some of the inspections would be accomplished in the evenings or on weekends. Their focus would be the inspection of these businesses, then the incident safety officer, and eventually fire investigators.

Council Member Davis verified that a business is supposed to be inspected annually and if they are not in compliance they are given the opportunity to become compliant. The inspectors would schedule a revisit to confirm compliance.

Some typical noncompliant items might be blocked exits, no exit signs, fire extinguishers that haven't been tested and tagged, and sprinkler systems that haven't been tested and tagged.

Council Member Davis asked if a small business would be checked every year just like a large manufacturing business. Chief Jones said every commercial business would be inspected annually. They make sure the business is in compliance for their safety, for their customer's safety, and for the Fire Department's safety.

Mr. Hefton said the goal is from a public safety standpoint because these are businesses that are open to the public and are frequented by the public. These public places have a duty to ensure the safety of their own employees as well as their customers. He said some inspections may take an hour and some may take days, depending on the size of the business. He said most businesses want to be safe and he felt the success rate for failure or violations will be reduced over time as the inspections are completed.

Mayor Wacker said one of the most important functions of City government is to ensure the life, health, and safety of

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the citizens. The goal is to get businesses in compliance and not to fine or punish them.

Mr. Hefton said this is another example of the staff trying to cover the cost of the service. He said the fee could be revisited annually and seemed to be in line with what other cities charged. He asked if the City Council wanted the staff to move forward and bring back a resolution for their consideration.

Council Member Davis didn't feel that the charge for a small office that took a short period of time was fair compared with the fee for a large company that might take a week to complete the inspection.

Mr. Hefton said they could come up with a more complex fee schedule, but the thought was to keep it simple and at a rate that wouldn't be burdensome to anyone. He felt \$75 was reasonable for all businesses.

Council Member Watt said the staff has a program "on the books" that they haven't been doing and they either need to do it or remove it from the books. He agreed that the cost per square footage seemed to be out of proportion.

Council Member Steele did not want to stop inspecting the businesses because it is a safety issue and businesses need to repair faulty equipment. Mayor Wacker said the City was required to perform inspections by the International Fire Code.

Mr. Hefton confirmed that the Council's concern was that the fee wasn't proportional enough and not opposition to the program itself. He said the staff can provide alternate recommendations for their consideration.

Council Member Sofey said the inspection was well worth the money and they should keep the program. He did question the fee schedule and said it should be appropriate. He asked how the fee would be billed out.

Mr. Hefton said notifications could be handled through water bills, feature stories, and letters to businesses. From a billing standpoint, he felt it should be billed annually and said a second notice might need to be sent.

He said if the Council felt that the higher end fees should be a little higher, that could be done. These are the inspections that take additional time to complete.

Chief Jones said many businesses are glad that these inspections are done annually.

Council Member Steele verified that if a business fails the inspection and needs to do something to become compliant, the City would not charge any additional fee for the re-

inspection. He asked if the business still doesn't comply, would there be penalties?

Chief Jones said there could be penalties. Brandon Shelby, City Attorney, said if the Fire Marshal finds that the business is in violation of the City's Code of Ordinances, it would be a Class C Misdemeanor. Council Member Watt said an ordinance without teeth to back it up is a useless ordinance.

Council Member Davis felt most business owners would be happy to have their business inspected for fire hazards, however his concern was that a small business was being charged \$75 for a quick inspection while a huge manufacturing company was being charged \$150 for an inspection that took a lot longer.

Mayor Wacker said everyone seemed to think it was important to implement this program in order to maintain fire safety. She asked the staff to look at adding one or two more levels to get more separation between the smallest businesses and the larger ones. She said there would be fewer businesses at the higher end anyway. She asked that the recommendation be brought back for the Council's consideration.

Council Member Steele asked if the Fire Department had the square footage of the 1,600 inspections that they had done this year. He asked what percentage of these businesses were less than 3,000 square foot in size. Chief Jones said he thought it was between 50% and 60% that would be in the "less than 3,000 square foot" category.

Mr. Hefton said the staff would get better numbers to present to the Council. He said the intent of the fee is not to cover the cost on every single inspection. They want to keep it reasonable while having the correct separation between the size of businesses.

He said the staff will bring back more information on the fee structure options, as well as more information about the size and number of businesses based on the categories.

**CONSIDER REQUEST OF ST. MARY'S CATHOLIC SCHOOL TO TEMPORARILY CLOSE CERTAIN STREETS FOR THE "RUN RUN RUDOLPH 5K AND FAMILY FUN RUN/WALK" ON SATURDAY, DECEMBER 5, 2015**

The City Council approved the request of St. Mary's Catholic School to temporarily close certain streets for the "Run Run Rudolph 5K and Family Fun Run/Walk" on December 5, 2015.

The event will require barricade placement and removal, as well as police officers to maintain safety at certain points along the route.

CONSENT AGENDA.

CLOSE STREETS  
ST. MARY'S SCHOOL  
FUN RUN  
(DEC. 5, 2015)

CITIZENS REQUESTS

There were no citizen's requests.

MEDIA QUESTIONS

There were no media questions.

COUNCIL COMMENTS

EMPLOYEE PICNIC

Council Member Steele said he was unable to attend the recent Employee Picnic because he was participating in Manufacturing Day activities. He said he appreciated all the hard work the City staff does to make Sherman the City it is.

MANUFACTURING DAY

Council Member Steele said the first annual Manufacturing Day event was held recently and they have received positive feedback. They are trying to expose children to manufacturing jobs and show them these jobs include high tech jobs too.

The event will be an annual event and next year will include all school districts in Grayson County, as well as more industries.

EMPLOYEE PICNIC

Council Member Watt said the Employee Picnic was a great event and the staff did a good job.

FIRE INSPECTION PROGRAM

Council Member Watt said when there is a program that has not been utilized for several years because there aren't resources to get it done, it takes a lot to resuscitate the program.

EMPLOYEE PICNIC

Council Member Sofey said he enjoyed participating in the Employee Picnic and said they appreciate everything the staff and the employees do.

EMPLOYEE PICNIC

Deputy Mayor Plyler said he enjoyed the Employee Picnic.

HISTORY COMES ALIVE EVENT

Deputy Mayor Plyler thanked the Sherman Museum and staff for the History Comes Alive event, held recently at West Hill Cemetery. He said it was a great event.

EMPLOYEE PICNIC

Council Member Davis enjoyed the Employee Picnic and enjoyed visiting with employees, the staff, and members of the Council.

EMPLOYEE PICNIC

Mayor Wacker said it was nice to see the City family celebrating together.

CITIZENS REQUESTS

MEDIA QUESTIONS

EMPLOYEE PICNIC

MANUFACTURING  
DAY

EMPLOYEE PICNIC

FIRE INSPECTION  
PROGRAM

EMPLOYEE PICNIC

EMPLOYEE PICNIC

HISTORY COMES  
ALIVE

EMPLOYEE PICNIC

EMPLOYEE PICNIC

**MANUFACTURING DAY**

Mayor Wacker recognized the Sherman Economic Development Corporation for Manufacturing Day and said it is a blessing in the community to have such a great manufacturing base and so many diversified industries. She said that is part of what makes this community successful.

**MANUFACTURING  
DAY**

**ANNOUNCEMENTS**

Mayor Wacker announced the following:

- The annual Fright Fest event will be held on Friday, October 30, 2015. She said there are many Halloween events that will be coming up.

**ANNOUNCEMENTS**

**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:  
CONSIDER THE  
QUALIFICATIONS, APPOINTMENT  
AND REMOVAL OF MEMBERS TO  
BOARDS AND COMMISSIONS:  
SHERMAN ECONOMIC  
DEVELOPMENT CORPORATION  
BOARD OF DIRECTORS (3)**

**DELIBERATE THE APPOINTMENT,  
EMPLOYMENT, EVALUATION,  
REASSIGNMENT, DUTIES,  
DISCIPLINE OR DISMISSAL OF A  
PUBLIC OFFICER OR EMPLOYEE**

**SECTION 551.087**

**DELIBERATION REGARDING  
ECONOMIC DEVELOPMENT  
NEGOTIATIONS:  
DELIBERATE REGARDING  
COMMERCIAL OR FINANCIAL  
INFORMATION THAT THE CITY  
HAS RECEIVED FROM A  
BUSINESS PROSPECT AND  
DELIBERATE ANY OFFERS OR  
INCENTIVES TO THE BUSINESS  
PROSPECT**

On Motion duly made and carried, the Open Meeting recessed and reconvened in Executive Session at 6:02 p.m.

On Motion duly made and carried, the Executive Session recessed at 7:16 p.m. and reconvened in Open Meeting.

**OPEN MEETING**

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

**MUNICIPAL COURT JUDGE**

**ACTION TAKEN.**

Motion by Council Member Watt to appoint Scott Smith as Municipal Court Judge. Second by Deputy Mayor Plyler.

VOTING AYE: Davis, Plyler, Sofey, Steele, Watt.

VOTING NAY: None.

MOTION CARRIED.

**SHERMAN ECONOMIC DEVELOPMENT CORPORATION BOARD OF DIRECTORS (3)**

Mayor Wacker said since one Council Member was absent, they would postpone appointments for the Sherman Economic Development Corporation Board of Directors until the next meeting. The current members will continue to serve until the new appointments are made.

**ADJOURNMENT**

On Motion duly made and carried, the meeting adjourned at 7:17 p.m.

OPEN MEETING

MUNICIPAL COURT  
JUDGE

SEDCO BOARD  
OF DIRECTORS

ADJOURNMENT

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CITY CLERK