

STATE OF TEXAS

§

October 4, 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 4, 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 Joe Smith.

CALL TO ORDER

APPROVE MINUTES

The Council reviewed the Minutes of the Regular City Council Meeting of September 20, 2010; the Called City Council Meeting (held Jointly with the Sherman Economic Development Corporation Board of Directors) of September 23, 2010; and the Called City Council Meeting (Fair Housing Impediment Analysis Focus Group Session for Sherman Government Agencies) of September 23, 2010. Council Member Adami moved to approve the Minutes as presented; Second by Council Member Wacker. All present voted AYE. MOTION CARRIED.

APPROVE MINUTES

PROCLAMATION

"DOMESTIC VIOLENCE AWARENESS MONTH" – OCTOBER 2010

Mayor Magers presented a proclamation to Misty Thompson, Family Violence Program Director, Crisis Center, designating October 2010 as "Domestic Violence Awareness Month." Ms. Thompson thanked the Mayor and Council for the proclamation.

DOMESTIC VIOLENCE
AWARENESS MONTH
(OCTOBER 2010)

INTRODUCTION AND PUBLIC HEARING OF ORDINANCES

Mayor Magers introduced Ordinance 5673 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING ORDINANCE NO. 5064 TO INCREASE THE RATES CHARGED FOR CEMETERY SPACES AND SERVICES; PROVIDING SEVERABILITY; PROVIDING FOR A REPEALER.

ORD 5673
CEMETERY FEES

No citizens appeared before the City Council to discuss Ordinance 5673.

The Public Hearing was closed.

CLOSE PUBLIC
HEARING

ADOPTION OF ORDINANCES

Ordinance 5673

ORD 5673
CEMETERY FEES

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING ORDINANCE NO. 5064 TO INCREASE THE RATES CHARGED FOR CEMETERY SPACES AND SERVICES; PROVIDING SEVERABILITY; PROVIDING FOR A REPEALER.

Council Member Adami said the Capital Improvement Program includes updates to some of the buildings around the Cemetery. He said if the Council is going to increase the rates that are charged, they need to make sure there is a quality facility. The grounds crew has done a fantastic job of maintaining the grounds.

ACTION TAKEN.

Motion by Council Member Adami to approve Ordinance No. 5673, as presented. Second by Deputy Mayor Steele.

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

VOTING NAY: None.

MOTION CARRIED.

CONSENT AGENDA

CONSENT AGENDA

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

RESOLUTIONS

RESOLUTION NO. 5528 – AUTHORIZING EXECUTION OF AN AGREEMENT WITH THE SHERMAN INDEPENDENT SCHOOL DISTRICT FOR THE NON-EXCLUSIVE USE OF PORTIONS OF THE CITY’S GALLAGHER ROAD ELEVATED WATER TANK FOR THE INSTALLATION AND OPERATION OF A COMMUNICATIONS SYSTEM

RES 5528
SISD USE
OF WATER
TOWER FOR
COMMUNICATIONS

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN AGREEMENT WITH THE SHERMAN INDEPENDENT SCHOOL DISTRICT FOR THE NON-EXCLUSIVE USE OF PORTIONS OF THE CITY’S GALLAGHER ROAD ELEVATED WATER TANK FOR THE INSTALLATION AND OPERATION OF A COMMUNICATIONS SYSTEM.

CONSENT AGENDA.

RESOLUTION NO. 5529 – AUTHORIZING THE CITY MANAGER TO EXECUTE CONTRACTS WITH THE SHERMAN COUNCIL FOR THE ARTS & HUMANITIES, INC. AND THE FRIENDS OF THE RED RIVER HISTORICAL MUSEUM (AKA RED RIVER HISTORICAL MUSEUM)

RES 5529
SHERMAN COUNCIL
FOR THE ARTS &
HUMANITIES &
RED RIVER
HISTORICAL MUSEUM

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE CONTRACTS WITH THE SHERMAN COUNCIL FOR THE ARTS & HUMANITIES, INC. AND THE FRIENDS OF THE

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RED RIVER HISTORICAL MUSEUM (AKA RED RIVER HISTORICAL MUSEUM).
CONSENT AGENDA.

RESOLUTION NO. 5530 – AUTHORIZING EXECUTION OF AN AGREEMENT WITH HABITAT FOR HUMANITY OF GRAYSON COUNTY FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 707 SOUTH THROCKMORTON STREET

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN AGREEMENT WITH HABITAT FOR HUMANITY OF GRAYSON COUNTY FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 707 SOUTH THROCKMORTON STREET.
CONSENT AGENDA.

RES 5530
RESIDENTIAL TAX
ABATEMENT
(707 S.
THROCKMORTON)

CHANGE ORDER NO. 1
PELTON STREET WATER MAIN REPLACEMENT PROJECT;
DICKERSON CONSTRUCTION CO., INC.; \$2,694.00,
INCREASE

The City Council approved Change Order No. 1 for the Pelton Street Water Main Replacement Project, between Ricketts Street and Travis Street. The change order is a final reconciliatory change order to adjust the final project quantities.

CHANGE ORDER
PELTON ST.
WATER MAIN

The change order results in a \$2,694 increase in the contract amount, yielding a final contract price of \$167,500. The Capital Improvement Program budget for the project is \$250,000.

CONSENT AGENDA.

OTHER BUSINESS
RECEIVE PRESENTATION FROM EXECUTIVE DIRECTOR OF
PLANNING AND PUBLIC WORKS DON W. KEENE ON
PROJECTS AND ACTIVITIES WITHIN THE STREET
DEPARTMENT

Don Keene, Executive Director of Planning and Public Works, presented an update on the Street Department's projects and activities. He introduced Scott Taylor, the City's new Assistant Director of Engineering and Public Works. Mr. Taylor has assumed the duties of Jeff Miller, Director of Public Works, who recently retired. He also introduced Jim Cullen, Street Superintendent.

STREET DEPT.
UPDATE

Mr. Keene presented information that would help the City Council during the November Planning Meeting and also as the City continues to look for ways to more efficiently use its resources.

Currently the Street Department has 23 employees, down from 28 a few years ago. The City has allowed the reduction through attrition. Even with the reduction in staff, the

boundaries, the number of streets, and the services have increased. Mayor Magers confirmed that the City maintains approximately 280 miles of streets in the City limits.

On an annual basis, the Street Department's budget includes 34% spent on seal coating and 24% spent on street or pothole repair. Seal coating is now done internally. The cost for a contractor to provide the service was approximately \$800,000 to \$900,000. By providing the service in-house, the City saves several hundred thousand dollars. This allows the City to sealcoat more miles per year.

During the Summer of 2010, Mr. Keene said the City seal coated about 15 miles of streets, which is about half of what the staff feels they should be doing annually. On the average, a street should be seal coated about every seven years. By seal coating 30 miles annually, the staff could keep up and not get behind on maintaining the streets.

Council Member Smith verified that it was mainly money for materials that has kept the City from seal coating additional streets.

Mayor Magers asked about the mill and overlay that was being paid through the sales tax for street maintenance initiative. Mr. Keene said that money was separate and was outside the money for seal coating. He added that it was important to keep up with the maintenance for City streets so they don't deteriorate.

Deputy Mayor Steele verified that the streets can only be seal coated so many times and then it must have a mill and overlay. Mr. Cullen explained that if the streets aren't maintained as they should be, it will cost more in the long run. The seal coating helps extend the life of the street.

Mayor Magers added that the sales tax for street maintenance expires in 2011. The 26 miles of mill and overlay that were provided with the sales tax money, are a critical part of the street maintenance budget and keep the City moving forward.

Mr. Keene said of the City's 280 miles of streets, approximately 60 miles are concrete and 220 miles are asphalt. Approximately 2,500 potholes are repaired annually.

Street crews also provide drainage maintenance and keep the bridges free of debris after flood events. The City must also meet storm water regulations. There is approximately 100 miles of storm water infrastructure in Sherman and thousands of storm water inlets that must be maintained and cleaned.

The Street Department also handles signals and signs, which is an ongoing task. There are approximately 10,000 signals and signs in the City, including regulatory, warning, and

informational signs. They also provide marking and painting including street lines, parking places, and curbs to designate no parking areas.

The Street Department also maintains utility cut repairs, for areas where curbs are cut for a water, sewer, or other utility repair. After the repair the City replaces the curb or any pavement damaged during the repair.

Mr. Keene said the staff also reviewed the cost for internal repairs versus external repairs. The City performs approximately 120 to 140 repairs annually and the staff felt that by providing that service internally, it saves between \$60,000 and \$90,000 per year. Mayor Magers verified that the savings includes labor, materials, and some equipment.

Deputy Mayor Steele said since the City has been repairing utility cuts in-house for about a year, he asked if the repairs were being made faster than previously done. Mr. Keene said he would come back to the Council with data concerning the length of time it took to get the repairs made. He felt the City provided as good or better response time as the contractor did at a higher cost.

Deputy Mayor Steele asked if utility cut repairs were always the City's responsibility or if sometimes it was the contractor's responsibility. Mr. Cullen said the City has a good relationship with Atmos and they usually repair their own utility cuts. Standard plumber cuts are handled by the City, as are internal water or wastewater cuts. Deputy Mayor Steele verified that the City does charge for the repair of cuts by a private contractor.

Mr. Keene said the Street Department also provides tree trimming, mostly safety related, such as a tree that has fallen in the street. A 14 foot clearance must also be maintained for emergency response vehicles and so that trash trucks can operate. They must also trim for visibility issues. The staff also provides street sweeping, alley maintenance, mowing, and they assist with the demolition of substandard structures.

Council Member Howeth verified that the street sweeper runs every day, five days a week. Mr. Cullen said they are tracking the street sweeping and are currently running about three to three and one-half months per cycle. They are covering the community from three to four times annually. George Olson, City Manager, added that the sweeping is performed by quadrant. Mr. Keene added that there are some storm water regulations tied into the street sweeping too.

Mr. Keene said the staff will continue to review the procedures to better utilize the City's resources.

Council Member Howeth said she understood that Federal law was mandated that signs be changed to upper and lower case. Mr. Cullen said the City currently has both types of signs. The mandate says that the signs can be replaced by attrition. Any new signs must be upper and lower case, but there will not need to be a “mass” replacement of signs.

RECEIVE PRESENTATION FROM EXECUTIVE DIRECTOR OF PLANNING AND PUBLIC WORKS DON W. KEENE ON THE CITY OF SHERMAN'S CAPITAL IMPROVEMENT PROJECTS

CIP PROJECTS

Mr. Keene presented an update on the City's Capital Improvement Projects, where the staff continues to strive for cost effectiveness, quality, timeliness, and value. The CIP maintains and upgrades the current infrastructure as well as building new infrastructure. The breakdown of the types of projects are 38% are sewer projects, 25% are water projects, 25% are street projects, 9% are park projects, and 3% are other projects.

Eleven projects have been completed in the past 12 months valued at \$10.6 million. These projects include Pecan Grove Park West, Brockett Street Improvements, Relief Sewer K-4 Phase I, and the Storm Water Drainage near Archer Drive.

Mr. Keene said there are currently 17 projects in progress, valued at approximately \$16 million. Major projects in progress include the Washington Street Rebuild/Resurface Project which includes the rebuild of the bridge which should be completed by the end of November 2010. This project is being completed in two phases.

Another project underway is the Lamberth Road West Expansion, which should be complete in late Spring or Early Summer 2011.

The Waste Water Treatment Plant Fine Screen Installation Project is also underway and will allow for cleaner biosolids and will keep more of the trash and debris out of the system. With cleaner biosolids, the City will have additional options on how those are dispositioned. This should also save the City hundreds of thousands of dollars annually. Another Waste Water Treatment Plant Project is the Digester Roof Replacement.

Also underway, the U.S. Highway 75 Sewer Project will take sewer service to F.M. 691. There are four phases of the project which will include two bores under U.S. 75 and a couple of lift stations. The new sewer line will tie in with the existing sewer line behind Wal-Mart.

He added that the current year is probably the busiest CIP program year the City has ever seen. Mr. Keene outlined a shorter list of projects planned for 2011. Projects for 2011 include the Shade Replacement at Old Settlers Park, a

couple of Texas Department of Transportation related highway projects, a couple of sewer projects, and continued work on the Watershed Management Plan.

Deputy Mayor Steele asked if the Canyon Grove to U.S. Highway 82 Access Project would address the intersection or just the road approaching the intersection. Mr. Keene said the project is partnering with TxDOT to bring in a road from Pecan Grove Road to the U.S. 82 Access. There will also be work done at the overpass intersection to keep traffic flowing.

Mayor Magers thanked the Sherman Economic Development Corporation for their participation in the Water and Sewer Project on U.S. 75. The project was a joint effort between SEDCO and the City. He reiterated that when the project is complete, the City will have water and sewer infrastructure for the Commercial District from U.S. 82 to F.M. 691 on both sides of the highway. Developers will be able to run their lines from the water and sewer mains, but the area will be open for development.

CONSIDER REQUEST OF THE AUSTIN COLLEGE KAPPA GAMMA CHI TO TEMPORARILY CLOSE CERTAIN STREETS FOR THE HOMECOMING 2010 'ROO RUN AND JOEY WALK ON SATURDAY, OCTOBER 23, 2010

CLOSE STREETS
AUSTIN COLLEGE
HOMECOMING

The City Council approved the request of Austin College Kappa Gamma Chi to temporarily close certain streets for the Homecoming 2010 'Roo Run and Joey Walk on Saturday, October 23, 2010. The event will require traffic control assistance and barricades from the City.

CONSENT AGENDA.

CITIZENS REQUESTS

CITIZENS REQUESTS

There were no citizens requests.

MEDIA QUESTIONS

MEDIA QUESTIONS

There were no media questions.

COUNCIL COMMENTS

TRAILERS, BOATS, CAMPERS IN THE FRONT YARD OF RESIDENCES

TRAILERS, BOATS,
CAMPERS IN THE
FRONT YARD OF
RESIDENCES

Council Member Adami asked the staff to review the current ordinances dealing with trailers, boats, and campers that are parked in the front yards, on grass, of residences.

COMMERCIAL DISTRICT IN BLALOCK INDUSTRIAL PARK

COMMERCIAL
DISTRICT IN
BLALOCK DISTRICT

Mayor Magers said as of October 1, 2010, the hayfield in front of the old Johnson & Johnson facility was rezoned for commercial or retail development. He thanked the plant managers in Blalock Industrial District for their support of the project. That property can now be developed with something other than manufacturing and agricultural production. He also thanked Scott Shadden, Director of Development Services, for his help with the change.

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 551.071 CONSULTATION WITH CITY
ATTORNEY CONCERNING
PENDING OR CONTEMPLATED
LITIGATION:
RECEIVE THE CITY ATTORNEY'S
BRIEFING ON PENDING
LITIGATION

SECTION 551.074 PERSONNEL MATTERS
CONSIDER THE
QUALIFICATIONS, APPOINTMENT
AND REMOVAL OF MEMBERS TO
BOARDS AND COMMISSIONS:
SHERMAN ECONOMIC
DEVELOPMENT CORPORATION
BOARD OF DIRECTORS (2)

On Motion duly made and carried, the Open Meeting recessed and reconvened in Executive Session at 5:33 p.m.

On Motion duly made and carried, the Executive Session recessed at 6:37 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

APPOINT/REMOVE OR CONSIDER QUALIFICATIONS TO
BOARDS AND COMMISSIONS:

SHERMAN ECONOMIC DEVELOPMENT CORPORATION
BOARD OF DIRECTORS (2)

Mayor Magers said he was abstaining from the vote, however he wanted to state his support for the appointment of Dean Gilbert, Jr.

SEDCO BOARD
OF DIRECTORS

ACTION TAKEN.

Motion by Council Member Smith to appoint Mayor Bill Magers and Dean Gilbert, Jr. to the Sherman Economic Development Corporation Board of Directors for a term from October 5, 2010 to October 1, 2012. Second by Deputy Mayor Steele.

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

VOTING NAY: None.

ABSTAIN: Magers.

MOTION CARRIED.

COUNCIL MINUTES – OCTOBER 4, 2010

ADJOURNMENT

On Motion duly made and carried, the meeting adjourned at 6:38 p.m.

ADJOURNMENT

MAYOR

CITY CLERK