STATE OF TEXAS §

October 1, 2007

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 1, 2007.

MEMBERS PRESENT: MAYOR BILL MAGERS; DEPUTY MAYOR CHIP ADAMI. COUNCIL MEMBERS HUGHES, SMITH, T. STEELE, W. STEELE, WACKER.

MEMBERS ABSENT: NONE.

CALL TO ORDER

CALL TO ORDER
Mayor Bill Magers called the meeting to order at 5:00 p.m. The Pledge of Allegiance and Invocation were given by Council Member Terrence Steele.

APPROVE MINUTES

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 14, 2007 and the Regular City Council Meeting of September 17, 2007. Deputy Mayor Adami moved to approve the Minutes as presented; Second by Council Member Willie Steele. All present voted AYE.
MOTION CARRIED.

PROCLAMATION

"TEXOMA NIGHT OUT" – OCTOBER 6, 2007

TEXOMA NIGHT OUT (OCT. 6, 2007)

Council Member Curt Hughes presented a proclamation to Tom Watt, Police Chief, proclaiming October 6, 2007, as "Texoma Night Out."

"LIONS WHITE CANE DAY" – OCTOBER 13, 2007

LIONS WHITE CANE DAY (OCT. 13, 2007)

Mayor Magers presented a proclamation to Dr. Jerry Gundersheimer, Lions Club White Cane Days Chairman, proclaiming October 13, 2007, as "Lions White Cane Day."

Dr. Gundersheimer thanked the City Council for partnering in their effort to provide eye glasses and eye exams to underprivileged individuals in Grayson County.

INTRODUCTION AND PUBLIC HEARING OF ORDINANCES

ORD 5486 SALES TAX ELECTION

Mayor Magers introduced Ordinance 5486 and called for a public hearing:
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING ORDINANCE NO. 5481; ORDERING AN ELECTION OF THE QUALIFIED VOTERS OF THE CITY OF SHERMAN, TEXAS, ON THE 6TH DAY OF NOVEMBER, 2007, FOR THE PURPOSE OF ADOPTING A LOCAL SALES AND USE TAX TO PROVIDE REVENUE FOR MAINTENANCE AND REPAIR OF MUNICIPAL STREETS; PROVIDING THAT SAID ELECTION BE HELD JOINTLY WITH THE COUNTY OF GRAYSON, TEXAS; DESIGNATING

ELECTION PRECINCTS; APPOINTING ELECTION OFFICIALS; PROVIDING FOR NOTICE OF SAID ELECTION; PROVIDING FOR USE OF DIRECT RECORDING ELECTRONIC (DRE) EQUIPMENT; PROVIDING FOR EARLY VOTING.

No citizens appeared before the City Council to discuss Ordinance 5486.

ORD 5488
SUP FOR
GOLF COURSE
(2500-2600 BLOCKS
OF US HWY 75)

Mayor Magers introduced Ordinance 5488 and called for a public hearing:
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280, SO AS TO GRANT A SPECIFIC USE PERMIT TO SHERMAN HILLS, LLC (OWNER), DAN MURRAY (REPRESENTATIVE) AND TEAGUE, NALL AND PERKINS (ENGINEER) TO ALLOW A CLUBHOUSE FOR A GOLF COURSE IN AN R-1 (ONE AND TWO FAMILY RESIDENTIAL) DISTRICT AND THE O-1.2 (SAM RAYBURN) OVERLAY DISTRICT IN THE 2500-2600 BLOCKS OF U.S. HIGHWAY 75 SOUTH; PROVIDING FOR A REPEALER; PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED $2,000.

Dan Murray, representative for Sherman Hills, asked to speak concerning both Ordinance 5488 and Ordinance 5489.

No other citizens appeared before the City Council to discuss Ordinance 5488.

ORD 5489
ZONE CHANGE
(2500-2600
BLOCKS OF US
HWY 75)

Mayor Magers introduced Ordinance 5489 and called for a public hearing:
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 12, ORDINANCE NO. 2280, SO AS TO INCLUDE CERTAIN PROPERTIES WITHIN THE C-1 (RETAIL BUSINESS) DISTRICT IN THE 2500-2600 BLOCKS OF U.S. HIGHWAY 75 SOUTH; PROVIDING FOR A REPEALER.

Dan Murray, 2414 Monte Cristo, presented a map outlining the area affected by the ordinances, which is known as Sunrise Tract. Gateway Boulevard is the entrance to the area and they hope to start construction on the street this week.

No other citizens appeared before the City Council to discuss Ordinance 5489.

ORD 5490
ZONE CHANGE
(5400 BLOCK OF
US HWY 82 WEST)

Mayor Magers introduced Ordinance 5490 and called for a public hearing:
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 12, ORDINANCE NO. 2280, SO AS TO INCLUDE CERTAIN PROPERTIES WITHIN THE C-1 (RETAIL BUSINESS) DISTRICT AND R-2 (MULTI-FAMILY RESIDENTIAL) DISTRICT IN THE 5400

BLOCK OF U.S. HIGHWAY 82 WEST; PROVIDING FOR A REPEALER.

No citizens appeared before the City Council to discuss Ordinance 5490.

Mayor Magers introduced Ordinance 5491 and called for a public hearing:
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 12, ORDINANCE NO. 2280, SO AS TO INCLUDE CERTAIN PROPERTIES WITHIN THE C-1 (RETAIL BUSINESS) DISTRICT AT 1020 SOUTH AUSTIN STREET; PROVIDING FOR A REPEALER.

ORD 5491
ZONE CHANGE
(1020 S. AUSTIN)

No citizens appeared before the City Council to discuss Ordinance 5491.

The Ordinances were introduced and the Public Hearing was closed.

CLOSE PUBLIC HEARING

ADOPTION OF ORDINANCES
Ordinance 5486
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING ORDINANCE NO. 5481; ORDERING AN ELECTION OF THE QUALIFIED VOTERS OF THE CITY OF SHERMAN, TEXAS, ON THE 6TH DAY OF NOVEMBER, 2007, FOR THE PURPOSE OF ADOPTING A LOCAL SALES AND USE TAX TO PROVIDE REVENUE FOR MAINTENANCE AND REPAIR OF MUNICIPAL STREETS; PROVIDING THAT SAID ELECTION BE HELD JOINTLY WITH THE COUNTY OF GRAYSON, TEXAS; DESIGNATING ELECTION PRECINCTS; APPOINTING ELECTION OFFICIALS; PROVIDING FOR NOTICE OF SAID ELECTION; PROVIDING FOR USE OF DIRECT RECORDING ELECTRONIC (DRE) EQUIPMENT; PROVIDING FOR EARLY VOTING.

ORD 5486
SALES TAX
ELECTION

Mayor Magers explained that the amendment removes language in the ordinance and allows the sales tax for street maintenance, if approved, to sunset in four years. He reiterated that the sales tax for street maintenance will expire in four years and there are absolutely no plans by this City Council to bring the measure back to voters after the sunset period.

Ordinance 5488
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280, SO AS TO GRANT A SPECIFIC USE PERMIT TO SHERMAN HILLS, LLC (OWNER), DAN MURRAY (REPRESENTATIVE) AND TEAGUE, NALL AND PERKINS (ENGINEER) TO ALLOW A CLUBHOUSE FOR A GOLF COURSE IN AN R-1 (ONE AND TWO FAMILY RESIDENTIAL) DISTRICT AND THE O-1.2 (SAM RAYBURN) OVERLAY DISTRICT IN THE 2500-2600 BLOCKS OF U.S. HIGHWAY 75 SOUTH; PROVIDING FOR A REPEALER;

ORD 5488
SUP FOR
GOLF COURSE
(2500-2600 BLOCKS OF US HWY 75)

PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED $2,000.

ORD 5489 ZONE CHANGE (2500-2600 BLOCKS OF US HWY 75)

Ordinance No. 5489
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 12, ORDINANCE NO. 2280, SO AS TO INCLUDE CERTAIN PROPERTIES WITHIN THE C-1 (RETAIL BUSINESS) DISTRICT IN THE 2500-2600 BLOCKS OF U.S. HIGHWAY 75 SOUTH; PROVIDING FOR A REPEALER.

ORD 5490 ZONE CHANGE (5400 BLOCK OF US HWY 82 WEST)

Ordinance No. 5490
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 12, ORDINANCE NO. 2280, SO AS TO INCLUDE CERTAIN PROPERTIES WITHIN THE C-1 (RETAIL BUSINESS) DISTRICT AND R-2 (MULTI-FAMILY RESIDENTIAL) DISTRICT IN THE 5400 BLOCK OF U.S. HIGHWAY 82 WEST; PROVIDING FOR A REPEALER.

ORD 5491 ZONE CHANGE (1020 S. AUSTIN)

Ordinance No. 5491
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 12, ORDINANCE NO. 2280, SO AS TO INCLUDE CERTAIN PROPERTIES WITHIN THE C-1 (RETAIL BUSINESS) DISTRICT AT 1020 SOUTH AUSTIN STREET; PROVIDING FOR A REPEALER.

ACTION TAKEN.

> Motion by Council Member Hughes to approve Ordinance Nos. 5486, 5488, 5489, 5490, and 5491, as presented. Second by Council Member Wacker.

VOTING AYE: Adami, Hughes, Smith, T. Steele, W. Steele, Wacker.
VOTING NAY: None.
MOTION CARRIED.

CONSENT AGENDA

<u>CONSENT AGENDA</u>
The Council reviewed the Consent Agenda. Mayor Magers removed Item C-2 entitled “Resolution 5096 – Authorizing Execution of a Fire Fighting Service Agreement with Grayson County for the period of October 1, 2007, through September 30, 2010” and Item C-3 entitled “Resolution 5097 – Awarding a Bid to and Authorizing Execution of a Service Contract and an Addendum to the Contract with Revenue Rescue L.L.C.; Providing for Billing and Collection Services for Assistance Rendered by the Sherman Fire Department” for discussion during their regular order of business.

Council Member Wacker moved to approve the Consent Agenda, except for Item C-2 and Item C-3, which will be considered in their regular order of business. Second by Deputy Mayor Adami. All present voted AYE.

<u>RESOLUTIONS</u>

<u>RESOLUTION NO. 5095 – AUTHORIZING THE CITY MANAGER TO EXECUTE CONTRACTS WITH THE TOURISM DIRECTOR, THE SHERMAN COUNCIL OF ARTS AND HAMANITIES, INC., THE RED RIVER HISTORICAL MUSEUM, AND DOWNTOWN SHERMAN PRESERVATION AND REVITALIZATION</u>

RES 5095 CONTRACTS WITH TOURISM, SCAH, MUSEUM, & DSP&R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE CONTRACTS WITH THE TOURISM DIRECTOR, THE SHERMAN COUNCIL OF ARTS AND HUMANITIES, INC., THE RED RIVER HISTORICAL MUSEUM, AND DOWNTOWN SHERMAN PRESERVATION AND REVITALIZATION.

Deputy Mayor Adami asked what the differences were between the item as discussed at the Budget Work Session and as presented for approval tonight. Council Member Wacker said these were the same amounts that were approved at the Budget Work Session including the amended budget for Tourism and the Museum.

Deputy Mayor Adami confirmed that there were no reallocations of money between the groups. Council Member Wacker confirmed that the City is receiving quarterly reports from the entities in a timely manner.

ACTION TAKEN.

Motion by Council Member Terrence Steele to approve Resolution No. 5095, as presented. Second by Council Member Wacker.

VOTING AYE: Adami, Hughes, Smith, T. Steele, W. Steele, Wacker.
VOTING NAY: None.
MOTION CARRIED.

<u>RESOLUTION NO. 5096 – AUTHORIZING EXECUTION OF A FIRE FIGHTING SERVICE AGREEMENT WITH GRAYSON COUNTY FOR THE PERIOD OF OCTOBER 1, 2007 THROUGH SEPTEMBER 30, 2010</u>

RES 5096 FIREFIGHTING AGREEMENT WITH GRAYSON COUNTY

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF A FIRE FIGHTING SERVICE AGREEMENT WITH GRAYSON COUNTY FOR THE PERIOD OF OCTOBER 1, 2007, THROUGH SEPTEMBER 30, 2010.

Item C-2 was removed from the Consent Agenda for discussion during its regular order of business.

Deputy Mayor Adami asked if the staff tracked the number of fire fighting calls that were performed under the service agreement with Grayson County. Jeff Jones, Fire Chief, said the calls are tracked and this will be the first year that the City has not been required by Grayson County to turn in a quarterly report.

Last year the County proposed a three-year EMS contract and up until then the City was reporting calls to the County on a quarterly basis. Last year the fire coverage area was decreased by excluding a portion of the western County. Therefore there has been a decrease in County calls. In addition, there have not been nearly as many grass fires as in the past.

Chief Jones said the proposed contract is for three years and there will be a Consumer Price Index adjustment annually. The Council will not need to revisit this item until 2010.

RES 5097
BILLING SERVICE
FOR FIRE DEPT.

RESOLUTION NO. 5097 – AWARDING A BID TO AND AUTHORIZING EXECUTION OF A SERVICE CONTRACT AND AN ADDENDUM TO THE CONTRACT WITH REVENUE RESCUE L.L.C.; PROVIDING FOR BILLING AND COLLECTION SERVICES FOR ASSISTANCE RENDERED BY THE SHERMAN FIRE DEPARTMENT

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AWARDING A BID TO AND AUTHORIZING EXECUTION OF A SERVICE CONTRACT AND AN ADDENDUM TO THE CONTRACT WITH REVENUE RESCUE L.L.C.; PROVIDING FOR BILLING AND COLLECTION SERVICES FOR ASSISTANCE RENDERED BY THE SHERMAN FIRE DEPARTMENT.

Item C-3 was removed from the Consent Agenda for discussion during its regular order of business.

Deputy Mayor Adami said the Council discussed the contract for billing and collection services several years ago. He has heard complaints, probably since the nature is bill collecting. He asked about the impact of the program.

Chief Jones said last year the City established fees for fire inspection, after hour inspections, permit fees, and the assessment of fees specifically related to large incidents. The Council also adopted a recovery process so that on large incidents, especially where multiple stations or pieces of equipment respond, the City could invoice the end users.

The Council also authorized discretion in who would be billed and how they would be billed. For example, if more than one station is sent, but it was for the City's convenience rather than a need, it would not be billed. Invoices are sent for incidents on high-speed roadways, such as on Highway 75, Highway 82, or Highway 56, where additional manpower and resources are required.

Primarily the invoices are sent to insurance companies and are usually either paid or negotiated at a lower rate. Sometimes if the end user doesn't have insurance they direct bill and sometimes that is also negotiated at a lower fee or not paid.

Chief Jones said for a nine-month period, they have grossed approximately $61,000, which nets about $50,000. He estimated that collections would be about $70,000 for the end of the year.

He added that on one major accident involving two 18-wheelers on Highway 82, the City was able to recover about $20,000 in actual costs incurred, from an insurance company.

The City is just trying to recover some of the costs involved in hazardous materials incidents, motor vehicle accidents that cost the City additional resources, and vehicle fires that involve clean-up.

ACTION TAKEN.
Motion by Deputy Mayor Adami to approve Resolution Nos. 5096 and 5097, as presented. Second by Council Member Wacker.
VOTING AYE: Adami, Hughes, Smith, T. Steele, W. Steele, Wacker.
VOTING NAY: None.
MOTION CARRIED.

RES 5098
ANNUAL AUDIT

<u>RESOLUTION NO. 5098 – APPOINTING AND AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH PATILLO, BROWN & HILL, LLP TO PERFORM THE FISCAL YEAR 2007 AUDIT</u>
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, APPOINTING AND AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH PATILLO, BROWN & HILL, LLP TO PERFORM THE FISCAL YEAR 2007 AUDIT.
CONSENT AGENDA.

RES 5099
ATMOS ENERGY
RATE REQUEST

<u>RESOLUTION NO. 5099 – SUSPENDING THE OCTOBER 25, 2007 EFFECTIVE DATE OF ATMOS ENERGY CORP., MID-TEX DIVISION REQUESTED RATE CHANGE TO PERMIT THE CITY TIME TO STUDY THE REQUEST AND TO ESTABLISH REASONABLE RATES; APPROVING COOPERATION WITH ATMOS CITIES STEERING COMMITTEE AND OTHER CITIES IN THE ATMOS ENERGY CORP., MID-TEX DIVISION SERVICE AREA TO HIRE LEGAL AND CONSULTING SERVICES AND TO NEGOTIATE WITH THE COMPANY AND DIRECT ANY NECESSARY LITIGATION AND APPEALS; REQUIRING REIMBURSEMENT OF CITIES' RATE CASE EXPENSES; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL</u>
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, SUSPENDING THE OCTOBER 25, 2007 EFFECTIVE DATE OF ATMOS ENERGY CORP., MID-TEX DIVISION REQUESTED RATE CHANGE TO PERMIT THE CITY TIME TO STUDY THE REQUEST AND TO ESTABLISH REASONABLE RATES; APPROVING COOPERATION WITH ATMOS CITIES STEERING COMMITTEE AND OTHER CITIES IN THE ATMOS ENERGY CORP., MID-TEX DIVISION SERVICE AREA TO HIRE LEGAL AND CONSULTING SERVICES AND

TO NEGOTIATE WITH THE COMPANY AND DIRECT ANY NECESSARY LITIGATION AND APPEALS; REQUIRING REIMBURSEMENT OF CITIES' RATE CASE EXPENSES; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL.

George Olson, City Manager, explained that the rate request was rejected by the Railroad Commission last year, with changes. The proposed rate increase is 8.27% for residential customers, 22% for commercial customers, and 39% for industrial customers.

The resolution suspends the rate request and allows the steering committee time to study the issue and make a recommendation. The vote would be to suspend the rate increase at this time.

ACTION TAKEN.
Motion by Council Member Hughes to approve Resolution No. 5099, as presented. Second by Council Member Smith.
VOTING AYE: Adami, Hughes, Smith, T. Steele, W. Steele, Wacker.
VOTING NAY: None.
MOTION CARRIED.

RES 5100
SOLID WASTE
EQUIPMENT

<u>RESOLUTION NO. 5100 – AUTHORIZING THE PURCHASE OF TWO BRUSH TRUCK CHASSIS AND LOADERS FOR THE SOLID WASTE SERVICES DEPARTMENT THROUGH THE TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (BUYBOARD)</u>
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE PURCHASE OF TWO BRUSH TRUCK CHASSIS AND LOADERS FOR THE SOLID WASTE SERVICES DEPARTMENT THROUGH THE TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (BUYBOARD).
CONSENT AGENDA.

RES 5101
TIRES & TUBES

<u>RESOLUTION NO. 5101 – AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH DAYTON TIRE SALES, INC. FOR AN ANNUAL SUPPLY OF TIRES AND TUBES</u>
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH DAYTON TIRE SALES, INC. FOR AN ANNUAL SUPPLY OF TIRES AND TUBES.
CONSENT AGENDA.

RES 5102
DEVELOPERS
AGREEMENT
O'HANLON RANCH

<u>RESOLUTION NO. 5102 – AUTHORIZING EXECUTION OF A DEVELOPER'S AGREEMENT WITH DGR DEVELOPMENT GROUP, LTD. FOR CONSTRUCTION OF PUBLIC FACILITIES IN THE O'HANLON RANCH PHASE II ADDITION TO THE CITY OF SHERMAN</u>
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF

SHERMAN, TEXAS, AUTHORIZING EXECUTION OF A DEVELOPER'S AGREEMENT WITH DGR DEVELOPMENT GROUP, LTD. FOR CONSTRUCTION OF PUBLIC FACILITIES IN THE O'HANLON RANCH PHASE II ADDITION TO THE CITY OF SHERMAN.
CONSENT AGENDA.

RES 5103
RESIDENTIAL
TAX ABATEMENT
(615 S. VADEN)

RESOLUTION NO. 5103 – AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH BARTON CAPITAL, LTD. FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 615 SOUTH VADEN STREET
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH BARTON CAPITAL, LTD. FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 615 SOUTH VADEN STREET.
CONSENT AGENDA.

RES 5104
RESIDENTIAL
TAX ABATEMENT
(617 S. VADEN)

RESOLUTION NO. 5104 – AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH BARTON CAPITAL, LTD. FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 617 SOUTH VADEN STREET
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH BARTON CAPITAL, LTD. FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 617 SOUTH VADEN STREET.
CONSENT AGENDA.

REQ TO ADVERTISE
COMPREHENSIVE
PLAN UPDATE

REQUEST TO ADVERTISE
2008 COMPREHENSIVE PLAN UPDATE
Mayor Magers commended the staff on the detailed request for quote that was prepared for the update of the Comprehensive Plan. He felt that it was a very thorough plan and was well documented.

Mr. Olson added that the contract should be brought back to the Council in January 2008 for awarding.

ACTION TAKEN.
Motion by Council Member Wacker to approve the request to advertise for the 2008 Comprehensive Plan Update, as presented. Second by Deputy Mayor Adami.
VOTING AYE: Adami, Hughes, Smith, T. Steele, W. Steele, Wacker.
VOTING NAY: None.
MOTION CARRIED.

TEXOMA REGIONAL
AIR SUPPORT
UNIT

OTHER BUSINESS
RECEIVE POLICE CHIEF TOM WATT'S PRESENTATION ON THE CREATION OF THE TEXOMA REGIONAL AIR SUPPORT UNIT

Tom Watt, Police Chief, presented a report on the creation of the Texoma Regional Air Support Unit and the opportunity it would afford the City. About three months ago, representatives from the City of Sherman attended a meeting with Bryan County, Oklahoma, City of Durant, Grayson County, Fannin County, and the City of Denison to discuss the formation of the Air Support Unit.

The Unit would include a helicopter and, in a limited role, two fixed wing aircraft. The smaller plane would be used to backup the helicopter, if needed. The larger plane is really designed for prisoner transport.

The helicopter could be used for fugitive manhunts, pursuits, missing person searches, surveillance, limited search and rescue, disaster survey, and patrol support.

Chief Watt said the response time for State helicopters to reach Sherman is generally two to three hours. The response time for this helicopter would be between 30 and 45 minutes. This would not replace the use of the State helicopters, but would fill the void before the State aircraft arrive. The helicopter would be hangared at either the Grayson County Airport or in Durant.

Originally the Unit included six members, but since that time the City of Denison and Fannin County have decided not to be involved. Financially it won't be a problem because the original amount needed from each entity was $5,000, for a total of $30,000 to be used for fuel and routine maintenance. Last week the participants were notified that they have received a Federal grant of $12,000 for fuel. This grant offsets the $10,000 loss from the two entities dropping out.

Chief Watt added that the memorandum of understanding contains a good walk-out clause, and the City's cost is only $5,000. An interlocal agreement would be needed to participate in the Texoma Regional Air Support Unit and he recommended that the Council participate in the program.

Mayor Magers verified that the grant is a one-year grant only. Chief Watt said the cost of the Unit would be analyzed after the first year anyway to see if the program should be continued. He said since it is a new program there is no way to tell if the $5,000 from each entity would be enough to fund the annual use.

Mayor Magers confirmed that Bryan County owns the aircraft and will be donating the use of the equipment. They have a commitment from the City of Durant for "at-cost" fuel and a hangar; maintenance is donated by local mechanics; and parts are obtained at substantially reduced costs from military surplus. With the donations, they have reduced the cost from a commercial operation of about $265 per hour to about $150 per hour.

Chief Watt clarified that the City would only pay the $5,000 to participate in the program. The $150 per hour is not a chargeable fee, just an estimate of the cost of operation. They feel they can operate the Unit with the $20,000 from the entities and the $12,000 Federal grant for fuel.

A Board comprised of Chiefs and Sheriffs from each of the participating entities will set priorities as to when the Unit is operated.

Council Member Hughes asked how many times air support was used during the last year. Chief Watt said air support could have been used three or four times this past year. He did not see a heavy use of the Unit, but there are calls where it would be very helpful.

Mayor Magers expressed concern that the $5,000 would not be enough to fund the operation for a year and the Unit would come back to the participants for additional money. He asked who would decide which hangar the helicopter would be located in. Chief Watt said the governing Board will decide the types of calls where the helicopter will be used. He felt the helicopter would probably be parked at the closest hangar when the operation was complete.

Council Member Willie Steele verified that the small plane would be used as a back-up to the helicopter and is cheaper to operate.

Chief Watt recommended that the Council move forward with the next meeting of the governing body and present the memorandum of understanding and interlocal agreement to the City Attorney for review. The item will then be presented to the City Council for approval.

LIONS CLUB "WHITE CANE DAY"

<u>CONSIDER REQUEST OF THE SHERMAN NOON LIONS CLUB TO SOLICIT FUNDS FOR "WHITE CANE DAYS" AT TWO STREET CORNERS ON SATURDAY, OCTOBER 13, 2007</u>
The City Council approved the request of the Sherman Noon Lions Club to solicit funds at two street corners for "White Cane Days" on Saturday, October 13, 2007. With their approval, the Council authorized the necessary traffic support and control, with the understanding that the Sherman Noon Lions Club accepts total responsibility for pedestrian exposure to traffic.
CONSENT AGENDA.

FEDEX GROUND TRAILER DOCK

<u>SPECIAL CONSIDERATION TO ORDINANCE NO. 2252, ARTICLE IV, SECTION 410 (2)(J), FOR SITE PLAN APPROVAL FOR A PROPOSED TRAILER DOCK IN THE BLALOCK INDUSTRIAL PARK DISTRICT AT 3221 NORTHGATE DRIVE (NORTHGATE DEVELOPMENT TRUST, OWNER; FEDEX GROUND, TENANT)</u>
The City Council approved the request of Northgate Development Trust (owner) and FedEx Ground (Tenant) for

special consideration for site plan approval for a temporary 8' x 53' trailer dock for eleven months in the Blalock Industrial Park District at 3221 Northgate Drive. The request was recommended by the Planning and Zoning Commission. CONSENT AGENDA.

SHERMAN HILLS COUNTRY CLUB GOLF COURSE

<u>REPLAT APPROVAL OF A PORTION OF TRACT 2 OF THE SHERMAN HILLS COUNTRY CLUB ADDITION GOLF COURSE TRACTS, BEING 6.3 ACRES IN A PORTION OF TRACT 2 IN THE SHERMAN HILLS COUNTRY CLUB ADDITION GOLF COURSE TRACTS; SHERMAN HILLS, LLC, OWNER (1800-2600 BLOCKS OF U.S. HIGHWAY 75 SOUTH)</u>
The City Council approved the Replat of a portion of Tract 2 of Sherman Hills Country Club Addition Golf Course Tracts, being 6.3 acres located in the 1800 to 2600 blocks of U.S. Highway 75 South. The owner would like to replat the property to realign the boundaries of the golf course. The request was recommended by the Planning and Zoning Board.
CONSENT AGENDA.

APPROVE FINAL PLAT COUNTRY RIDGE NORTH

<u>FINAL PLAT APPROVAL OF THE PRESERVE, PHASE I, BEING 20.1931 ACRES IN THE ELIZABETH JONES SURVEY, ABSTRACT NO. 625; COUNTRY RIDGE NORTH, LLC, OWNER; TIPTON ENGINEERING, INC., ENGINEERS/ SURVEYORS (4300-4600 BLOCKS OF QUAIL RUN ROAD)</u>
The City Council approved the Final Plat of The Preserve, Phase I, being 20.1931 acres in the Elizabeth Jones Survey, Abstract No. 625, located in the 4300 to 4600 blocks of Quail Run Road in west Sherman between F.M. 1417 South and Friendship Road South. The owner would like to develop the tract into 71 lots for residential development. The request was recommended by the Planning and Zoning Board.
CONSENT AGENDA.

APPROVE FINAL PLAT VISTA NORTE ADDITION, PHASE II

<u>FINAL PLAT APPROVAL OF THE VISTA NORTE ADDITION, PHASE TWO, BEING 43.235 ACRES IN THE W.F. PATTERSON SURVEY, ABSTRACT NO. 969; TRICON SHERMAN I., L.P., OWNER; VILBIG AND ASSOCIATES, ENGINEER; AND HELVEY AND ASSOCIATES SURVEYING, INC., SURVEYOR (4500-4800 BLOCKS OF PECAN GROVE ROAD)</u>
The City Council approved the Final Plat of the Vista Norte Addition, Phase Two, being 43.235 acres in the W.F. Patterson Survey, Abstract No. 969, located in the 4500 to 4800 blocks of Pecan Grove Road south of Vista Norte, Phase I off of Fallon Drive, near Midway Mall. The owner would like to plat the property into 19 lots for residential development. The request was recommended by the Planning and Zoning Board.
CONSENT AGENDA.

APPROVE REPLAT J.D. MILLER ADDITION

<u>REPLAT APPROVAL OF THE J.D. MILLER ADDITION AND THE DERL AND FRANCES TUCKER PROPERTY, BEING 0.27 ACRES IN THE J.B. McANAIR SURVEY, ABSTRACT NO. 763 AND LOTS 1 AND 2, BLOCK 1 OF THE J.D. MILLER</u>

ADDITION; TEAM YOUNG PROPERTIES, LLC AND DERL AND FRANCES TUCKER, OWNERS (900 BLOCK OF WEST BIRGE AND 1014 NORTH LOCKHART)

The City Council approved the Replat of the J.D. Miller Addition and the Derl and Frances Tucker property, being 0.27 acres in the J.B. McAnair Survey, Abstract No. 763 and Lots 1 and 2, Block 1 of the J.D. Miller Addition, at the northeast corner of West Birge Street and Lockhart Street.

The owner at 1014 North Lockhart would like to enlarge his lot for his recreational vehicle parking and driveway. The property will be platted into three lots, enlarging Lot 3. The request was recommended by the Planning and Zoning Board.
CONSENT AGENDA.

CITIZENS REQUESTS

STRIPPING OF STREET

STRIPPING OF STREET

Rad Richardson, 2401 Turtle Creek, said he recently spoke with Jeff Miller, Director of Public Works, about some stripping that was needed on Lamberth Road. The project was completed in about 10 days. Mr. Richardson commended Mr. Miller on his quick response.

MEDIA QUESTIONS

THANKS FOR THE TABLE

THANKS FOR THE TABLE

Kathy Williams, Herald Democrat Reporter, thanked the City Council for providing a small desk for her during Council Meetings.

COUNCIL COMMENTS

TEXOMA NIGHT OUT

TEXOMA NIGHT OUT

Council Member Hughes urged all citizens to participate in the annual Texoma Night Out crime prevention effort.

COMPREHENSIVE PLAN

COMPREHENSIVE PLAN

Council Member Wacker thanked the staff for the request for quote that was presented earlier to hire consultants for an update of the Comprehensive Master Plan.

ARTS FESTIVAL

ARTS FESTIVAL

Mayor Magers thanked the City staff for their hard work during the Arts Festival. Volunteers run the event, but the City staff makes it possible.

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

EXECUTIVE SESSION

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.

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)

GRAYSON CENTRAL APPRAISAL DISTRICT BOARD OF DIRECTORS (1)

DISCUSSION OF PERFORMANCE STANDARDS, GOALS AND OBJECTIVES FOR CITY MANAGER

ANNUAL REVIEW OF CITY ATTORNEY

On Motion duly made and carried, the Open Meeting recessed and reconvened in Executive Session at 5:40 p.m.

On Motion duly made and carried, the Executive Session recessed at 7:45 p.m. and reconvened in Open Meeting.

OPEN MEETING

<u>OPEN MEETING</u>
Reconvene into Open Meeting and take action, if any, on items discussed in Executive Session.

SEDCO APPOINTMENTS

<u>CONSIDER THE QUALIFICATIONS, APPOINTMENT AND REMOVAL OF MEMBERS TO BOARDS AND COMMISSIONS: SHERMAN ECONOMIC DEVELOPMENT CORPORATION BOARD OF DIRECTORS (3)</u>
ACTION TAKEN.
> **Motion by Council Member Hughes to reappoint Joe Fallon, Jr. and Andy Olmstead and to appoint Rad Richardson to the Sherman Economic Development Corporation Board of Directors, for a term from October 1, 2007 to October 1, 2009. Second by Deputy Mayor Adami.**

VOTING AYE: Adami, Hughes, Smith, T. Steele, W. Steele, Wacker.
VOTING NAY: None.
MOTION CARRIED.

RES 5105 APPRAISAL DISTRICT NOMINATION

<u>RESOLUTION NO. 5105 – NOMINATING A CANDIDATE TO THE GRAYSON CENTRAL APPRAISAL DISTRICT BOARD OF DIRECTORS</u>
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, NOMINATING A CANDIDATE TO THE GRAYSON CENTRAL APPRAISAL DISTRICT BOARD OF DIRECTORS.

ACTION TAKEN.

Motion by Council Member Wacker to approve Resolution No. 5105, nominating Keith Nathan as a candidate for the Grayson Central Appraisal District Board of Directors. Second by Deputy Mayor Adami.

VOTING AYE: Adami, Hughes, Smith, T. Steele, W. Steele, Wacker.
VOTING NAY: None.
MOTION CARRIED.

COMPENSATION FOR CITY MANAGER

ACTION TAKEN.

Motion by Deputy Mayor Adami to authorize a cost of living adjustment for George Olson, City Manager, at the same level that all other City employees receive for Fiscal Year 2007-2008. Second by Council Member Smith.

VOTING AYE: Adami, Hughes, Smith, T. Steele, W. Steele, Wacker.
VOTING NAY: None.
MOTION CARRIED.

COMPENSATION FOR CITY MANAGER

ADJOURNMENT

On Motion duly made and carried, the meeting adjourned at 7:47 p.m.

ADJOURNMENT

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MAYOR

____
CITY CLERK