STATE OF TEXTS §

September 21, 2009

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 September 21, 2009.

MEMBERS PRESENT: **MAYOR BILL MAGERS; DEPUTY MAYOR JOE SMITH. COUNCIL MEMBERS HOWETH, SOFTLY, STEELE, WACKER.**

MEMBERS ABSENT: **COUNCIL MEMBER ADAMI.**

CALL TO ORDER

Mayor Bill Magers called the meeting to order at 5:00 p.m. The Pledge of Allegiance and the Invocation were given by Council Member Pam Howeth.

APPROVE MINUTES

The Council reviewed the Minutes of the Called City Council Meeting of September 8, 2009. Council Member Wacker moved to approve the Minutes as presented; Second by Council Member Softly. All present voted AYE.
MOTION CARRIED.

PROCLAMATION
"NATIONAL NIGHT OUT – TEXAS" – OCTOBER 6, 2009

NATIONAL NIGHT OUT – TEXAS (OCT. 6, 2009)

Deputy Mayor Smith presented a proclamation to Tom Watt, Police Chief, designating October 6, 2009 as "National Night Out – Texas."

Chief Watt thanked the City Council for the proclamation and invited everyone to attend the various block parties. At this time there are six different locations that will be celebrating the National Night Out – Texas.

INTRODUCTION AND PUBLIC HEARING OF ORDINANCES

ORD 5624 SOLID WASTE FEES

Mayor Magers introduced Ordinance 5624 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 13.06, ENTITLED "SOLID WASTE", AT SECTIONS 13.06.005, 13.06.086, 13.06.087, AND 13.06.088 TO INCREASE CERTAIN SOLID WASTE FEES; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

No citizens appeared before the City Council to discuss Ordinance 5624.

CLOSE PUBLIC HEARING

The Public Hearing was closed.

ADOPTION OF ORDINANCES

Ordinance 5624

ORD 5624 SOLID WASTE FEES

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 13 OF THE CODE OF ORDINANCES, ENTITLED "UTILITIES", AT ARTICLE 13.06, ENTITLED "SOLID WASTE", AT SECTIONS 13.06.005, 13.06.086, 13.06.087, AND 13.06.088 TO INCREASE CERTAIN SOLID WASTE FEES; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

Mayor Magers reiterated that the Solid Waste fee increase was a "pass through" and is strictly to cover the City's cost increase for the Texoma Area Solid Waste Authority's landfill rates. The City did not increase rates last year even though the TASWA rates were increased to the City. Mayor Magers also said as a representative to TASWA, he voted against the rate increase.

ACTION TAKEN.

Motion by Council Member Steele to approve Ordinance No. 5624, as presented. Second by Deputy Mayor Smith.

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

Ordinance 5619

ORD 5619 LEVY OF AD VALOREM TAXES

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, PROVIDING FOR THE LEVY OF AD VALOREM TAXES FOR THE CITY OF SHERMAN, TEXAS, FOR THE TAX YEAR 2009; DISTRIBUTING THE SAME AMONG THE VARIOUS FUNDS; PROVIDING FOR A PENALTY AND INTEREST FOR FAILURE TO PAY THE TAXES LEVIED WITHIN THE TIME PROVIDED BY LAW; PROVIDING FOR A REPEALER.

Mayor Magers said the tax rate for 2009 is not changing. Deputy Mayor Smith said the increase is due primarily to new property on the tax rolls. Robby Hefton, Assistant City Manager/CFO, said three-fourths of the increase is due to new property added to the tax rolls and was not from a tax increase. Mayor Magers reiterated that the rate is not changing.

ACTION TAKEN.

Motion by Council Member Wacker to approve Ordinance No. 5619, as presented. Second by Council Member Howeth.

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

CONSENT AGENDA

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

RESOLUTIONS

RESOLUTION NO. 5410 – RELATING TO GREATER TEXOMA UTILITY AUTHORITY CONTRACT REVENUE BONDS, SERIES 2009-A (CITY OF SHERMAN PROJECT); APPROVING THE ISSUANCE THEREOF AND THE FACILITIES TO BE CONSTRUCTED OR ACQUIRED BY SUCH AUTHORITY

RES 5410 REVENUE BONDS GTUA PROJECT

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, RELATING TO GREATER TEXOMA UTILITY AUTHORITY CONTRACT REVENUE BONDS, SERIES 2009-A (CITY OF SHERMAN PROJECT); APPROVING THE ISSUANCE THEREOF AND THE FACILITIES TO BE CONSTRUCTED OR ACQUIRED BY SUCH AUTHORITY.
CONSENT AGENDA.

Mayor Magers asked Mr. Hefton to verify the rate that the City is receiving on the bond sale. Mr. Hefton said the City received a very favorable rate of 3.8% on the 20 year bond.

RESOLUTION NO. 5411 – APPROVING THE GREATER TEXOMA UTILITY AUTHORITY'S INTENTION TO ENTER INTO AN AGREEMENT WITH ASSOCIATED CONSTRUCTION PARTNERS, LTD. FOR WASTEWATER TREATMENT PLANT DIGESTER IMPROVEMENTS

RES 5411 GTUA PROJECT FOR WWTP DIGESTER

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, APPROVING THE GREATER TEXOMA UTILITY AUTHORITY'S INTENTION TO ENTER INTO AN AGREEMENT WITH ASSOCIATED CONSTRUCTION PARTNERS, LTD. FOR WASTEWATER TREATMENT PLANT DIGESTER IMPROVEMENTS.
CONSENT AGENDA.

RESOLUTION NO. 5412 – ADOPTING A LONG-TERM DEBT GOVERNING POLICY FOR THE CITY OF SHERMAN

RES 5412 DEBT POLICY

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, ADOPTING A LONG-TERM DEBT GOVERNING POLICY FOR THE CITY OF SHERMAN.

Mr. Hefton presented the proposed Long-Term Debt Policy to the City Council. There is one slight change from the previous draft of the Policy. The draft Policy included a cap on the issuance of Certificates of Obligation of 2% of the assessed valuation. The City's Charter limits the cap to 1%. Therefore the Policy was changed to comply with the Charter.

The staff will bring back a recommendation to amend the Charter with the new cap because the old cap was set many years ago when conditions were different.

Mayor Magers explained that the Debt Policy is one part of an attempt to boost the City's bond rating.

ACTION TAKEN.
Motion by Deputy Mayor Smith to approve Resolution No. 5412, as presented. Second by Council Member Wacker.
VOTING AYE: Howeth, Smith, Softly, Steele, Wacker.
VOTING NAY: None.
MOTION CARRIED.

RES 5413 RESALE OF PROPERTIES SEIZED FOR DELINQUENT TAXES

RESOLUTION NO. 5413 – AUTHORIZING THE EXECUTION OF DEEDS FOR THE RESALE OF PROPERTIES SEIZED FOR DELINQUENT TAXES
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE EXECUTION OF DEEDS FOR THE RESALE OF PROPERTIES SEIZED FOR DELINQUENT TAXES.
CONSENT AGENDA.

RES 5414 SOLID WASTE TRANSFER STATION

RESOLUTION NO. 5414 – AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH VESSELS CONSTRUCTION, INC. TO CONSTRUCT THE SOLID WASTE TRANSFER STATION CONCRETE PAD AND RAMP
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH VESSELS CONSTRUCTION, INC. TO CONSTRUCT THE SOLID WASTE TRANSFER STATION CONCRETE PAD AND RAMP.
CONSENT AGENDA.

RES 5415 FIRE ENGINE

RESOLUTION NO. 5415 – AUTHORIZING THE PURCHASE OF A 2009 PIERCE AERIAL PLATFORM FIRE ENGINE AND EQUIPMENT FOR THE SHERMAN FIRE DEPARTMENT 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 2009 PIERCE AERIAL PLATFORM FIRE ENGINE AND EQUIPMENT FOR THE SHERMAN FIRE DEPARTMENT THROUGH THE TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (BUYBOARD).
CONSENT AGENDA.

RES 5416 GRAYSON COUNTY JAIL FEASIBILITY STUDY (TABLED)

RESOLUTION NO. 5416 – AUTHORIZING EXECUTION OF AN INTERLOCAL COOPERATION AGREEMENT BETWEEN THE CITY OF SHERMAN AND GRAYSON COUNTY FOR A STUDY OF THE EXISTING GRAYSON COUNTY JAIL TO BE PERFORMED BY WIGINTON HOOKER JEFFRY, PC ARCHITECTS
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN INTERLOCAL COOPERATION AGREEMENT BETWEEN THE CITY OF SHERMAN AND GRAYSON COUNTY FOR A STUDY

OF THE EXISTING GRAYSON COUNTY JAIL TO BE PERFORMED BY WIGINTON HOOKER JEFFRY, PC ARCHITECTS.

Mayor Magers said two weeks ago the Council voted unanimously to partner with Grayson County to fund a Downtown Study for the Jail. This morning the Commissioner's Court decided, on a four-to-one vote, not to move forward with the Interlocal Agreement.

Mayor Magers said the City Council feels they have a vested interest in keeping the Jail in Downtown Sherman. Sherman is the only City in Grayson County that pays to house their prisoners in that Jail. Sherman was asked to help pay for the Study and they agreed to pay 25% of the cost. The Sherman Economic Development Corporation also agreed to pay 25% of the cost. Both offers were rejected.

He added that the Commissioner's Court still advocates that the Jail is their responsibility. Mayor Magers recommended that Council Members table Resolution 5416 authorizing the Interlocal Agreement for the Study to send a message that the City is ready, willing, and able to help in the future, if and when they decide to move forward with the Study.

ACTION TAKEN.

Motion by Deputy Mayor Smith to table Resolution No. 5416. Second by Council Member Wacker.

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

CHANGE ORDER TAYLOR ST. INTERSECTION PROJECT

CHANGE ORDER NO. 1
TAYLOR STREET INTERSECTION PROJECT BETWEEN CROCKETT AND ALEXANDER; LYNN VESSELS CONSTRUCTION, LLC; $10,643.21 INCREASE

The City Council approved Change Order No. 1 to Lynn Vessels Construction, LLC, for the Taylor Street Intersection Project between Crockett and Alexander Streets. The change order is a final closeout to adjust the final contract amount and results in an increase of $10,643.21.

During reconstruction of the two intersections, additional work was necessary including the relocation of two water lines encountered in an unanticipated location, a design change to the handicap ramps, and an adjustment of material quantities in several areas.

The final contract price was $208,458.36 and funds are available in the current Budget for the change order.

Council Member Steele asked what the overage was for. George Olson, City Manager, explained that during the project they found two water lines that were not indentified

and they changed the ADA ramps to meet the new standards. Council Member Steele verified that these were items for which the City wasn't prepared.
CONSENT AGENDA.

OTHER BUSINESS
RECEIVE PRESENTATION FROM SOLID WASTE SUPERINTENDENT AUBREY HENDERSON ON THE CITY OF SHERMAN'S RESIDENTIAL BULK TRASH COLLECTION PROGRAM

BULK TRASH PROGRAM

Jeff Miller, Director of Public Works, made the commitment at the Budget Work Shop earlier this year, to develop and implement a residential bulk trash collection program by October. That will happen.

He introduced Aubrey Henderson, Solid Waste Superintendent, and Michael Springer, Solid Waste Supervisor.

Mr. Henderson presented an overview of the proposed Residential Bulk Trash Collection Program. With the success of the Brush Collection Program that was instigated last year, the staff considered ways to help citizens dispose of bulky trash on a regular basis, which in turn keeps the City cleaner.

In FY 2007-2008, the City purchased two brush trucks with loaders to begin the Brush Collection Program. The trucks handle a greater capacity and allow one operator to perform the job.

Since the Brush Collection Program began in January 2009, the City has collected 17,000 cubic yards or 2,143 tons of brush. This brush has been ground and recycled, saving $37,000 in landfill tipping fees.

On October 5, 2009 the City's Bulk Collection Program will begin and will provide once a month collection on the same schedule as the Brush Collection, which divides the City into four sections. Citizens should have their items ready for collection by 7 a.m. on their collection day and waste and brush must be separated. Two trucks will make the collections, one for brush and one for bulky items.

Small items must be bagged or boxed. Each residence can set out up to five cubic yards of waste per month. Tires, concrete, shingles, liquids, batteries, dirt, rock, and railroad crossties will not be picked up. Items containing Freon must be certified by a licensed company saying that the Freon has been removed. Both programs are for Sherman residents only.

Council Member Howeth said she recently went to the City's website to determine her scheduled week for the Brush Collection. She was concerned that the website was not user friendly and might need to be adjusted to make finding

the information easier. She also wanted to be sure the program was advertised well.

Mr. Henderson added that with the current program the citizens can receive a 15-yard free pickup and have the Spring Clean-Up. With the new programs there is a combined brush and bulky trash pickup of up to 180 yards per year.

Mayor Magers said it is a great program and very valuable to the citizens. Council Member Softly added that the Solid Waste drivers do an excellent job.

FIRE DEPT. POSITION CHANGES

RECEIVE BRIEFING FROM FIRE CHIEF JEFFREY J. JONES ON PROPOSED CHANGES TO CHAPTER 9 OF THE CODE OF ORDINANCES AND THE AUTHORIZED NUMBER OF POSITIONS IN THE FIRE DEPARTMENT

Mayor Magers said Jeff Jones, Fire Chief, serves on the Homeland Security Advisory Committee and he recently "found some money on the table to the tune of six figures" that can be used for activities by member Cities in the Committee. He thanked Chief Jones for his hard work and dedication on the Committee.

Chief Jones briefed the City Council on proposed changes he was recommending to the ordinance authorizing the number of positions in the Fire Department.

In a recent Civil Service test, 76 applicants showed up for an entry level firefighter position, which is an increase over the past several years. He felt part of this increase was due to changes in the requirements that have been made by the City Council such as eliminating the residency requirement from the firefighter entry level position, reducing the age requirement to 18, and creating pay steps within each rank.

Challenges still exist and the number of minority, female and Paramedic applicants need to be increased. During the FY 2009-2010 Budget Workshop, the staff proposed the addition of three new firefighters. This change will add one person per shift, allow the Department to maintain the 20 man minimum staffing with no reduction in the level of service, increase in-house training, and reduce overtime.

The City must update the Code of Ordinances to add these three additional positions. Members of the City staff met with a Civil Service Expert to review needed changes to the ordinance.

Currently the ordinance includes job descriptions and according to the Civil Service Expert, these need to be deleted from the ordinance and moved to the Standard Operating Procedures. As education requirements change and certifications become available, any change to the job descriptions must result in an amendment to the ordinance.

The ordinance also includes the use of assignment pay and outlines the departmental organization chart. Part of the ordinance has not been changed since 1991.

Chief Jones said that assignment pay can be used for positions within the same rank. He explained that there are some Captains that lead a shift and work 24 hours on and 48 hours off as the shift does. There are other Captains that serve as Staff Captains and are responsible for EMS, training, operations, or prevention.

These Captains are the same rank, but the Staff Captains receive assignment pay because they are working days rather than working shift. Civil Service allows this difference however it creates people with the same rank receiving a different annual pay.

Mayor Magers said when changes were originally made to the program, they were trying to reward the "hard chargers" with an incentive. Chief Jones said assignment pay is generally for those employees that contribute "above and beyond." Assignment pay is used for the Klown Kompany, for the Tactical Medics, and the Technical Rescue Team.

Chief Jones said he currently has seven Captains. Four of those are Staff Captains and work Monday through Friday, 8 a.m. to 5 p.m. They receive a base pay, plus assignment pay for their annual total gross salary. The other three are Shift Captains who work 24 hours on and 48 hours off, just as their shift does.

The Civil Service Expert that reviewed the ordinance felt using assignment pay in this way "clouds" the fact that there are two Civil Service ranks receiving different pay.

Also, there are currently seven Captains that report directly to Chief Jones. The proposal is to update the number of authorized positions, move the job descriptions for both Police and Fire to Standard Operating Procedures, create a new Civil Service classification instead of the assignment pay, and will make the organizational chart more functional to better reflect how they actually operate.

The Staff Captains will receive a new annual gross salary base pay which is equal to their current base pay plus the assignment pay. This is no increase to the pay they currently receive.

Deputy Mayor Smith expressed concern that if the Staff Captain decided he didn't want the extra duty, the City would be "locked into" the additional salary because it was now considered base pay. Chief Jones said the assignment is their current duty. If they decide they don't want to do that job anymore, they return to a Shift Captain position at the lower salary.

The Shift Captain position will be renamed Battalion Chief, but will receive no increase in pay. Assignment pay will continue to be used for those "stellar" employees that serve on the Klown Kompany, the Tactical Medics, and the Technical Rescue Team. Assignments to these positions change and the assignment pay will also change as people are reassigned.

These four Staff Captains will be directly accountable to Chief Jones and the Battalion Chiefs will be accountable to the Operations Staff Captain.

Chief Jones reiterated that there will be new titles but the pay for all Captains will remain the same. The organization will be different and there is a change in their accountability and responsibility. This plan will also include succession planning.

Mayor Magers reiterated that Chief Jones is proposing another level of executive leadership in the organization. George Olson, City Manager, added that Civil Service law requires that the City must test for those positions. Chief Jones said they will test for the Staff Captain positions and the four people currently holding those positions will have the opportunity to compete against the other Captains.

Mayor Magers said Chief Jones will go from seven to four Captains reporting directly to him. He asked what Chief Jones would do with the extra time. Chief Jones said his duties wouldn't change but the extra time would allow him to provide more long-range planning such as station locations, where the Fire Department will be in 2015, and the H1N1 pandemic. He added that it's not what more is he going to do, but what he's going to do better.

Mayor Magers said normally when levels of bureaucracy are added, in time those personnel costs also increase. He asked if Chief Jones saw personnel costs increasing over time with the new organizational chart. Chief Jones said he did not anticipate any additional personnel costs, and any change in personnel cost must be presented to and approved by this City Council. He said at some point, a salary survey may create some salary costs. Chief Jones said his plan is not to come back and say these guys need more money.

Chief Jones said on October 5, 2009 the staff will present two ordinances and one resolution for consideration. One ordinance deals with the number of assigned positions and the other is the assignment pay ordinance. The resolution will need to be amended because the positions are being renamed. There is no anticipated cost associated with this program change.

Mayor Magers and Deputy Mayor Smith discussed changes they originally made during the salary survey a few years

ago. Some discussion concerned job duties versus job titles. For example, some Cities had Battalion Chiefs and some didn't. Chief Jones said the proposed changes "fix" that.

The duties, assignment, and title will now be consistent with the industry. Chief Jones reiterated that the proposed changes are not about a cost increase or a salary survey. They are about creating a level of management within the Department that should increase accountability and productivity.

Chief Jones said this change will also boost the morale of the officers. He described a current situation with Captain Gregg Loyd. Currently Captain Loyd cannot get into the National Fire Academy because of his title. The National Fire Academy does not allow people below the rank of Battalion Chief to enter the Academy.

He is a Captain, performing a management function, senior level staff position, and is denied an opportunity for an educational advancement within his career. These changes will help prevent that.

Mayor Magers also confirmed that the proposal will change the title of Driver to Engineer. The Lieutenant will become Captain. The Captain will become Battalion Chief and the level of Division Chief will be added. These titles will be consistent with the majority of other Fire Departments.

Council Member Steele confirmed that the three new positions will be one firefighter for each shift. He asked if the three new positions will be filled from the 76 applicants. He wanted to be sure this would actually reduce overtime and that the positions could be filled quickly.

Chief Jones said there were 76 applicants, however there were a high number that did not meet expectations. Ten of the applicants were Paramedics, and three of those are ready to go. One will start October 1 and the other two will start October 16. These are Firefighters/Paramedics and will be able to start on shift with minimal orientation.

For the other three, they have exhausted the number of Paramedics that meet the expectations, so the other two candidates will be EMTs and will start on October 16.

Chief Jones said he had a very clear mandate for overtime this next year, and they will maintain that. As of August 31, 2009, if September results are the same, personnel costs will be $3,000 under budget. Council Member Steele verified that the three new positions are directly needed to reduce these overtime costs.

Chief Jones said the job descriptions for the Police Department will also be removed from the ordinance and placed in the Standard Operating Procedures.

Council Member Howeth asked if the Fire Department staff was aware of the proposed changes and if there were any anticipated problems. Chief Jones said they are aware and he did not anticipate any problems.

<u>CITIZENS REQUESTS</u>

<u>CLARIFICATION ON FIRE DEPARTMENT CHANGES</u>

CLARIFICATION ON FIRE DEPARTMENT CHANGES

Eugene Lund, 1815 Sandra Drive, questioned why the changes proposed by the Fire Chief needed approval from the Police Chief.

Mr. Olson said the ordinance in place is dictated by Civil Service and includes both the Fire Department and the Police Department. He said if the staff is removing job descriptions for the Fire Department, they will do the same for the Police Department.

Mr. Lund asked if this was a local ordinance requirement or if it was required by someone higher up. Council Member Wacker said all Civil Service employees fall under the same ordinance. Mr. Lund verified that both Chiefs work for the City Manager. He asked why the Fire Chief had to get approval from the Police Chief and visa versa. Mr. Olson said that was not the case.

Mayor Magers reiterated that both Departments' job descriptions will move from the ordinance to the Standard Operating Procedures. Therefore the "cleaning up" will be equal in both the Fire Department and the Police Department.

Mr. Olson said job descriptions for all Civil Service positions are currently included in the same ordinance. When the process was began to review the ordinance, the Civil Service Expert said job descriptions did not need to be included in the ordinance and should be moved to the Standard Operating Procedures. Then the job descriptions can be changed without formally amending the ordinance. Mayor Magers added that this change is being made for both Departments.

Mr. Lund said he recalled that at one point, one Paramedic position and one ambulance were deleted. He asked if that had been resolved.

Council Member Wacker said that was only discussed during the Budget Work Session, but no changes were ever made. Mr. Olson added that it was left to management to manage the overtime.

<u>MEDIA QUESTIONS</u>

MEDIA QUESTIONS

There were no media questions.

APPOINT/REMOVE OR CONSIDER QUALIFICATIONS TO BOARDS AND COMMISSIONS
LIBRARY BOARD (3)

LIBRARY BOARD

ACTION TAKEN.

Motion by Council Member Wacker to reappoint Kate Whitfield and Mib Garrard, to the Library Board for a term from September 30, 2009 to September 30, 2012. Second by Council Member Softly.

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

RED RIVER GROUNDWATER CONSERVATION DISTRICT BOARD OF DIRECTORS (2)

RED RIVER GROUNDWATER CONSERVATION DISTRICT

ACTION TAKEN.

Motion by Deputy Mayor Smith to appoint George Olson to the Red River Groundwater Conservation District Board of Directors for a term from September 22, 2009 to September 30, 2011 and to appoint David Gattis for a term from September 22, 2009 to September 30, 2013. Second by Council Member Steele.

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

Deputy Mayor Smith asked for an explanation of the Red River Groundwater Conservation District. Mr. Olson explained that Grayson and Fannin Counties have combined with Legislation that created the Red River Groundwater Conservation District.

Grayson County has four appointments, two from Sherman, one from the small municipalities, and one from the small water producers. Fannin County has three appointments, one from the County Commissioners, one from the small municipalities, and one from the small water producers.

The new Conservation District was created to protect the groundwater supply and keep the aquifers from being abused. The Board will establish rules, guidelines, and fees to protect the groundwater.

Mayor Magers said that the City of Sherman has worked for years to reduce their reliance on groundwater however the creation of the Board was mandated by the State. Representatives of Grayson and Fannin Counties worked hard to create this District and they want to make sure the "job gets done right."

Mayor Magers thanked Mr. Olson and David Gattis for agreeing to serve on the Red River Groundwater Conservation District Board of Directors.

COUNCIL COMMENTS
LIVESTOCK IN RESIDENTIAL AREA

LIVESTOCK IN RESIDENTIAL

Council Member Howeth said she has been contacted by

several citizens who are concerned about livestock allowed to live in the residential areas of Sherman. She said she is not talking about the open land, but about actual neighborhoods where chickens, cows, goats, and sheep are allowed to live.

AREAS

She was concerned about the situation and asked the staff to review whether or not the ordinances needed to be clarified. Currently the ordinance only bans pot-bellied pigs and jackasses.

LOSS OF GREAT CITIZEN

Council Member Steele addressed the church bells that were heard earlier in the Meeting adding that Sherman lost a great citizen, a great man, and a great community leader with the passing of Dr. Geer McKee. He asked that his family be kept in our prayers.

LOSS OF GREAT CITIZEN

ARTS FESTIVAL

Deputy Mayor Smith said Arts Festival was held on Saturday and was very good. Council Member Wacker added her thanks to the City staff for their hard work. Mayor Magers said the volunteers and City staff work hard to hold the Arts Festival and the hard work is appreciated.

ARTS FESTIVAL

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 551.072	**DELIBERATION REGARDING REAL PROPERTY DELIBERATE REGARDING THE POTENTIAL PURCHASE, EXCHANGE, LEASE, OR VALUE OF A PIECE OF REAL PROPERTY: BLALOCK FIRE STATION IN THE 100 BLOCK OF HIGHWAY 1417 EAST**
SECTION 551.074	**PERSONNEL MATTERS: CONSIDER THE QUALIFICATIONS, APPOINTMENT OR REMOVAL OF MEMBERS TO BOARDS AND COMMISSIONS: TRI-COUNTY SENIOR UNTRITION BOARD OF DIRECTORS (1)**

On Motion duly made and carried, the Open Meeting recessed and reconvened in Executive Session at 6:07 p.m.

On Motion duly made and carried, the Executive Session recessed at 6:20 p.m. and reconvened in Open Meeting.

OPEN MEETING

OPEN MEETING

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

APPOINT/REMOVE OR CONSIDER QUALIFICATIONS TO BOARDS AND COMMISSIONS
TRI-COUNTY SENIOR NUTRITION BOARD OF DIRECTORS (1)
ACTION TAKEN.

Motion by Council Member Wacker to reappoint Phyllis Hicks to the Tri-County Senior Nutrition Board of Directors for a term from September 30, 2009 to September 30, 2010. Second by Deputy Mayor Smith.

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

ADJOURNMENT

ADJOURNMENT

On Motion duly made and carried, the meeting adjourned at 6:21 p.m.

____
MAYOR

____
CITY CLERK