

STATE OF TEXAS

§

September 17, 2012

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 17, 2012.

MEMBERS PRESENT:

MAYOR BILL MAGERS.
COUNCIL MEMBERS HOWETH, PLYLER, SMITH, SOFTLY,
WACKER.

MEMBERS ABSENT:

DEPUTY MAYOR WILLIE STEELE.

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 Mayor Bill Magers.

CALL TO ORDER

APPROVE MINUTES

The Council reviewed the Minutes of the Called City Council Meeting of September 4, 2012. Council Member Wacker moved to approve the Minutes as presented; Second by Council Member Softly. All present voted AYE.
MOTION CARRIED.

APPROVE MINUTES

PROCLAMATION

"TEXOMA NIGHT OUT" – OCTOBER 2, 2012

Council Member Smith presented a proclamation to Police Sergeant D.M. Hampton designating October 2, 2012 as "Texoma Night Out" in Sherman.

TEXOMA NIGHT OUT
(OCT. 2, 2012)

Sgt. Hampton thanked the City Council for their support of "Texoma Night Out", adding that it is a great opportunity for the officers to go out in the community and work with the citizens to say they don't want crime in Sherman.

OTHER BUSINESS

RECEIVE CITY MANAGER GEORGE OLSON'S COMMENTS
ON VARIOUS CIVIL SERVICE AGENDA ITEMS

Mayor Magers said George Olson, City Manager, was going to comment on two ordinances and a resolution concerning Civil Service issues for police officers and firefighters.

CIVIL SERVICE
AGENDA ITEMS

Mr. Olson explained that Ordinance 5754 and 5755 are administrative and deal mainly with title changes and operations strategy.

In the Police Department, the staff is proposing a title change for the rank of captain. Currently there are two captains, however the duties they perform are not accurately reflected with that title. The title change will be from captain to assistant chief and will affect two positions. Mayor Magers confirmed that there will be no pay change.

COUNCIL MINUTES – SEPTEMBER 17, 2012

Mr. Olson said that, in the Fire Department, the staff is proposing a title change too. In 2009, title changes were made from captain to battalion chief, and a new rank of division chief was created.

In 2011, the City Council authorized the reduction of division chiefs from four to three, in order to allow time for personnel to gain experience and meet the qualifications to take the promotional examination. This goal has now been met, and the staff is asking to revert back to four division chiefs and three battalion chiefs.

Additionally, the Fire Department has historically assigned an engineer to drive and operate each fire apparatus and ambulance. The staff is proposing to eventually eliminate the assignment of having engineers drive ambulances. Assigning two firefighters to an ambulance allows the personnel to rotate duties and responsibilities and is consistent with industry standards.

The plan is to accomplish this by reducing the allocated number of engineers from 27 to 15. This will be done through attrition over the next two or three years.

Resolution 5699 deals with multiple pay issues for Civil Service employees. The City is required by State law to establish salary structures and incentive certification pay schedules for members of the classified service. The resolution establishes previously discussed market adjustments for certain positions. It also applies the 2.5% across-the-board pay increase for all employees, that was approved by the City Council, and will take effect on October 1, 2012.

INTRODUCTION AND PUBLIC HEARING OF ORDINANCES

Mayor Magers introduced Ordinance 5754 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, REPEALING ORDINANCE NO. 5626 IN ITS ENTIRETY; ESTABLISHING ASSIGNMENT PAY SCHEDULES FOR FIREFIGHTERS AND POLICE OFFICERS; PROVIDING FOR AN EFFECTIVE DATE.

**ORD 5754
FIRE & POLICE
PAY SCHEDULES**

No citizens appeared before the City Council to discuss Ordinance 5754.

Mayor Magers introduced Ordinance 5755 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 9 OF THE CODE OF ORDINANCES, ENTITLED "PERSONNEL", ARTICLE 9.05, ENTITLED "CIVIL SERVICE FOR FIREFIGHTERS AND POLICE OFFICERS", AT SECTION 9.05.026, ENTITLED "AUTHORIZED NUMBER OF POSITIONS", TO AMEND THE NUMBER OF AUTHORIZED POSITIONS IN THE FIRE AND POLICE DEPARTMENTS; PROVIDING FOR INCLUSION IN

**ORD 5755
FIRE & POLICE
POSITIONS**

COUNCIL MINUTES – SEPTEMBER 17, 2012

THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

No citizens appeared before the City Council to discuss Ordinance 5755.

Mayor Magers introduced Ordinance 5756 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING ORDINANCE NO. 5751; APPOINTING ELECTION OFFICIALS AND PROVIDING A SCHEDULE FOR EARLY VOTING FOR AN ELECTION OF THE QUALIFIED VOTERS OF THE CITY OF SHERMAN, TEXAS, ON THE 6TH DAY OF NOVEMBER, 2012, FOR THE PURPOSE OF ELECTING A MAYOR AND TWO (2) AT-LARGE CITY COUNCIL MEMBERS.

**ORD 5756
ELECTION JUDGES
& EARLY VOTING
SCHEDULE**

No citizens appeared before the City Council to discuss Ordinance 5756.

Mayor Magers introduced Ordinance 5757 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 ALLOW AN AUTOMOTIVE REPAIR AND DETAIL CENTER IN A C-2 (GENERAL COMMERCIAL) DISTRICT AT 3520 TEXOMA PARKWAY, SUITE A, BEING LOT 6A, BLOCK 1, REDICK ADDITION, REPLAT OF LOT 6, BLOCK 1 (JOHN SHOULDERS, OWNER; DAVID SHOULDERS, REPRESENTATIVE); PROVIDING FOR A REPEALER; PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00.

**ORD 5757
SUP FOR
AUTO REPAIR
(3520 TEXOMA PKWY)**

No citizens appeared before the City Council to discuss Ordinance 5757.

Mayor Magers introduced Ordinance 5758 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 1702 AND 1706 EAST HOUSTON STREET (KRISTI D. CORDELL AND DONALD W. MAKINSON, OWNERS; DOMINIC TORNAMBE, AVENTINE DEVELOPMENT CORPORATION, REPRESENTATIVE / PROSPECTIVE BUYER); PROVIDING FOR A REPEALER.

**ORD 5758
ZONE CHANGE
(1702 & 1706
E. HOUSTON)**

Mayor Magers announced that Ordinance 5758 was withdrawn from the Agenda at the request of Aventine Development.

The Public Hearing was closed.

ADOPTION OF ORDINANCES

Ordinance 5754

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, REPEALING ORDINANCE NO. 5626 IN ITS ENTIRETY; ESTABLISHING ASSIGNMENT PAY SCHEDULES FOR FIREFIGHTERS AND POLICE OFFICERS; PROVIDING FOR AN EFFECTIVE DATE.

**ORD 5754
FIRE & POLICE
PAY SCHEDULES**

Ordinance 5755

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 9 OF THE CODE OF ORDINANCES, ENTITLED "PERSONNEL", ARTICLE 9.05, ENTITLED "CIVIL SERVICE FOR FIREFIGHTERS AND POLICE OFFICERS", AT SECTION 9.05.026, ENTITLED "AUTHORIZED NUMBER OF POSITIONS", TO AMEND THE NUMBER OF AUTHORIZED POSITIONS IN THE FIRE AND POLICE DEPARTMENTS; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

**ORD 5755
FIRE & POLICE
POSITIONS**

Ordinance 5756

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING ORDINANCE NO. 5751; APPOINTING ELECTION OFFICIALS AND PROVIDING A SCHEDULE FOR EARLY VOTING FOR AN ELECTION OF THE QUALIFIED VOTERS OF THE CITY OF SHERMAN, TEXAS, ON THE 6TH DAY OF NOVEMBER, 2012, FOR THE PURPOSE OF ELECTING A MAYOR AND TWO (2) AT-LARGE CITY COUNCIL MEMBERS.

**ORD 5756
ELECTION JUDGES
& EARLY VOTING
SCHEDULE**

Ordinance 5757

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 ALLOW AN AUTOMOTIVE REPAIR AND DETAIL CENTER IN A C-2 (GENERAL COMMERCIAL) DISTRICT AT 3520 TEXOMA PARKWAY, SUITE A, BEING LOT 6A, BLOCK 1, REDICK ADDITION, REPLAT OF LOT 6, BLOCK 1 (JOHN SHOULDERS, OWNER; DAVID SHOULDERS, REPRESENTATIVE); PROVIDING FOR A REPEALER; PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00.

**ORD 5757
SUP FOR
AUTO REPAIR
(3520 TEXOMA PKWY)**

Mayor Magers said the Planning and Zoning Commission is requiring the requestor to place stucco on the back of a building that will be seen from the street and he felt this would help the aesthetics of Texoma Parkway.

ACTION TAKEN.

Motion by Council Member Smith to approve Ordinance Nos. 5754, 5755, 5756, and 5757, as presented. Second by Council Member Softly.

VOTING AYE: Howeth, Plyler, Smith, Softly, Wacker.

VOTING NAY: None.

MOTION CARRIED.

Ordinance 5758

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 1702 AND 1706 EAST HOUSTON STREET (KRISTI D. CORDELL AND DONALD W. MAKINSON, OWNERS; DOMINIC TORNAMBE, AVENTINE DEVELOPMENT CORPORATION, REPRESENTATIVE / PROSPECTIVE BUYER); PROVIDING FOR A REPEALER.

**ORD 5758
ZONE CHANGE
(1702 & 1706
E. HOUSTON)
(WITHDRAWN FROM
AGENDA)**

Ordinance 5758 was withdrawn from the Agenda at the request of Aventine Development.

Mayor Magers explained that the developer had some property rezoned from residential to commercial. Once property is rezoned it doesn't revert back, but he said they had an agreement that if the deal didn't go through, the property would revert back to residential. The developer withdrew their request, so the zoning doesn't change.

Ordinance 5752

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 2012; 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.

**ORD 5752
LEVY OF AD
VALOREM TAXES**

Mayor Magers verified that the ordinance keeps the tax rate at \$0.32 per \$100 valuation.

ACTION TAKEN.

Motion by Council Member Wacker to approve Ordinance No. 5752, as presented. Second by Council Member Howeth.

VOTING AYE: Howeth, Plyler, Smith, Softly, 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.

CONSENT AGENDA

RESOLUTIONS

**RESOLUTION NO. 5699 – REVOKING AND REPLACING
RESOLUTION NO. 5425; ESTABLISHING SALARY
STRUCTURES AND INCENTIVE / CERTIFICATION PAY
SCHEDULES FOR FIREFIGHTERS AND POLICE OFFICERS**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, REVOKING AND REPLACING RESOLUTION NO. 5425; ESTABLISHING SALARY

**RES 5699
FIRE & POLICE
PAY SCHEDULES**

STRUCTURES AND INCENTIVE / CERTIFICATION PAY
SCHEDULES FOR FIREFIGHTERS AND POLICE OFFICERS;
PROVIDING FOR AN EFFECTIVE DATE.
CONSENT AGENDA.

RESOLUTION NO. 5700 – AUTHORIZING EXECUTION OF AN
AGREEMENT FOR FIRE PROTECTION SERVICES BETWEEN
GRAYSON COUNTY AND THE CITY OF SHERMAN FOR THE
PERIOD OF OCTOBER 1, 2012 THROUGH SEPTEMBER 30,
2013

RES 5700
COUNTY FIRE
PROTECTION
CONTRACT

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN
AGREEMENT FOR FIRE PROTECTION SERVICES BETWEEN
GRAYSON COUNTY AND THE CITY OF SHERMAN FOR THE
PERIOD OF OCTOBER 1, 2012 THROUGH SEPTEMBER 30,
2013.

Jeff Jones, Fire Chief, explained that this resolution is the
annual renewal of the fire services agreement with Grayson
County. Previously the contract has been for three years,
however this year the contract is for one year but is
renewable. It does not include any cost increase or any
change in revenue from the County.

RESOLUTION NO. 5701 – AUTHORIZING EXECUTION OF AN
AGREEMENT FOR AMBULANCE SERVICES WITH
GRAYSON COUNTY FOR THE PERIOD OF OCTOBER 1, 2012
THROUGH SEPTEMBER 30, 2013

RES 5701
COUNTY AMBULANCE
SERVICES
CONTRACT

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN
AGREEMENT FOR AMBULANCE SERVICES WITH
GRAYSON COUNTY FOR THE PERIOD OF OCTOBER 1, 2012
THROUGH SEPTEMBER 30, 2013.

Chief Jones said the only difference in the annual contract
with Grayson County for ambulance service is that it doesn't
include the corporate limits of the City of Southmayd.

Mayor Magers verified that there is no cost increase to the
City of Sherman from Grayson County for ambulance
service or fire service. It is revenue for the City.

ACTION TAKEN.

Motion by Council Member Smith to approve
Resolution Nos. 5700 and 5701, as presented. Second
by Council Member Howeth.

VOTING AYE: Howeth, Plyler, Smith, Softly, Wacker.

VOTING NAY: None.

MOTION CARRIED.

RESOLUTION NO. 5702 – AUTHORIZING EXECUTION OF AN
ENCROACHMENT EASEMENT TO ROBERT W. MINSHEW,
PRESIDENT OF KELLY SQUARE, INC., FOR THE
CONSTRUCTION OF BALCONIES AND SUPPORTS INTO A
DOWNTOWN CITY SIDEWALK

RES 5702
ENCROACHMENT FOR
DOWNTOWN
BALCONIES

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN ENCROACHMENT EASEMENT TO ROBERT W. MINSHEW, PRESIDENT OF KELLY SQUARE, INC., FOR THE CONSTRUCTION OF BALCONIES AND SUPPORTS INTO A DOWNTOWN CITY SIDEWALK.

Robert W. Minshew, 206 W. Belden

Mr. Minshew told the Council the Downtown Sitescape Program is a mess right now, but it will be great. The goal is to have an attractive downtown that encourages citizens to come to the downtown area all day and at night. He felt the pedestrian traffic, trees, and one-way traffic will encourage people to visit downtown.

He added that Fulbelli's Restaurant, located in Kelly's Square, would like to expand and add a piano lounge. They have asked if two New Orleans' style balconies could be located in place of the present canopies. The balconies would be the same size as the canopies.

The balconies would be 11 feet wide, the same as the current canopies, however the canopies extend five feet over the sidewalk and the balconies would extend eight feet over the sidewalk. That would still be four feet from the curb and no vehicle bumpers should extend far enough in to hit the post.

Mr. Minshew said two exterior doors will also be added on the mezzanine level to open onto the balconies. The north balcony would be for smoking and the south balcony will be non-smoking, since Sherman normally has prevailing south winds. He added that the piano lounge should be open by the end of September 2012.

Mr. Minshew said the balconies would require an exception on the encroachment because, for safety reasons, they want to put two posts into the sidewalk, under each balcony. He felt there would be a lot of people crowding onto the balconies during the annual Christmas parade and they did not want the balconies to collapse. The posts would be four or five inch engineered steel and would not allow the balconies to collapse.

The building was constructed in 1870 and the brick wall tying the buildings together was constructed in 1919, so Mr. Minshew said he did not feel a cantilevered balcony tied back to a wall that old would be secure enough to ensure it would not fall. He added that the balcony would not fall with the steel posts in the sidewalk. If approved, the balconies should be completed within two months.

He said no engineering has been done at this point. Requesting the encroachment was the first step. The request will be heard by the Planning and Zoning Commission at the September 18, 2012 Meeting.

COUNCIL MINUTES – SEPTEMBER 17, 2012

Council Member Smith confirmed that the sidewalks are approximately 12 feet wide, so the 8 foot balcony will leave 4 feet to the curb. There will be four total posts, one at the corner of each balcony.

Council Member Smith asked if the posts will be in the pedestrian walkway. Council Member Wacker said they will probably be in line with the existing planter boxes. Mr. Minshew said the posts will be at the same distance from the building as the planter boxes are now. He said the same travel walkway is about eight feet and it will still be there.

ACTION TAKEN.

Motion by Council Member Wacker to approve Resolution No. 5702, as presented. Second by Council Member Howeth.

VOTING AYE: Howeth, Plyler, Smith, Softly, Wacker.

VOTING NAY: None.

MOTION CARRIED.

RESOLUTION NO. 5703 – AUTHORIZING EXECUTION OF AN AGREEMENT WITH CURT SIMMONS FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 1109 NORTH BRENTS AVENUE

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN AGREEMENT WITH CURT SIMMONS FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 1109 NORTH BRENTS AVENUE.

CONSENT AGENDA.

RES 5703
RESIDENTIAL TAX
ABATEMENT
(1109 N. BRENTS)

RESOLUTION NO. 5704 – AWARDING BIDS TO AND AUTHORIZING EXECUTION OF CONTRACTS WITH DIAMOND SERVICE CENTER FOR AN ANNUAL SUPPLY OF TIRES AND TUBES

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AWARDING BIDS TO AND AUTHORIZING EXECUTION OF CONTRACTS WITH DIAMOND SERVICE CENTER FOR AN ANNUAL SUPPLY OF TIRES AND TUBES.

CONSENT AGENDA.

RES 5704
ANNUAL SUPPLY OF
TIRES & TUBES

RESOLUTION NO. 5705 – AUTHORIZING THE PURCHASE OF A 2013 CHEVROLET TAHOE SSV 4X4 FOR THE SHERMAN FIRE DEPARTMENT FROM CALDWELL COUNTRY CHEVROLET 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 2013 CHEVROLET TAHOE SSV 4X4 FOR THE SHERMAN FIRE DEPARTMENT FROM CALDWELL COUNTRY CHEVROLET THROUGH THE HOUSTON-GALVESTON AREA COUNCIL OF GOVERNMENTS (H-GAC).

CONSENT AGENDA.

RES 5705
FIRE VEHICLE
PURCHASE

RESOLUTION NO. 5706 – AUTHORIZING THE PURCHASE OF A 2013 PIERCE IMPEL PUMPER 3P/358 AND EQUIPMENT FOR THE SHERMAN FIRE DEPARTMENT FROM SIDDONS-MARTIN EMERGENCY GROUP THROUGH THE HOUSTON-GALVESTON AREA COUNCIL (H-GAC)

**RES 5706
FIRE PUMPER
PURCHASE**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE PURCHASE OF A 2013 PIERCE IMPEL PUMPER EP/358 AND EQUIPMENT FOR THE SHERMAN FIRE DEPARTMENT FROM SIDDONS-MARTIN EMERGENCY GROUP THROUGH THE HOUSTON-GALVESTON AREA COUNCIL (H-GAC).
CONSENT AGENDA.

**CHANGE ORDER NO. 2
DOWNTOWN SHERMAN STREETSCAPE IMPROVEMENTS
PROJECT; VESCOR, INC. DBA VESSELS CONSTRUCTION;
\$47,127.99 INCREASE**

**DOWNTOWN
SHERMAN
STREETSCAPE
IMPROVEMENTS**

Clay Barnett, City Engineer, presented an update on the Downtown Streetscape Improvements Project. He showed a video of the project completed by Red Letter Media. He also showed before and after photos of the project.

Mr. Barnett said the project is approximately 50% complete and all 15 pedestrian refuge areas have been poured, as well as 2,590 square yards of concrete.

Change Order No. 1 did not go before the City Council, but was a deduction of \$17,960.08 for Value Engineering and for removing the trees from the contract. Downtown Sherman Preservation and Revitalization has expressed an interest in planting trees in the downtown area.

He also presented a schedule for the remaining work on the project saying it should be completed by Thanksgiving. Work continues on the traffic signal wiring, water line replacement by City crews, and the walks and planters along Houston and Lamar Streets.

Change Order No. 2 will include the mill and overlay of Houston, Lamar, and Crockett Streets. Mr. Barnett explained that the water lines on those three streets were originally installed in the early 1900's. Water lines under Travis Street were replaced in 2011.

The water line on Crockett Street, north of Lamar Street has currently failed at the valve and the one at Houston Street failed during the construction. Because of the age of the lines and the fact that the City doesn't want to replace them after the project is completed, Mr. Barnett recommended that City crews replace the older pipes at a cost of \$43,500. Funding is available in the FY 2012 operating budget.

Council Member Smith asked if temporary lane striping could be completed to help citizens understand the current traffic flow. He said some have expressed confusion and think there is currently one lane of traffic, especially at

COUNCIL MINUTES – SEPTEMBER 17, 2012

Crockett and Lamar Streets. He said the pedestrian refuge area blocks the right lane of traffic and it appears to be one lane of traffic. Mr. Barnett said there is \$550 in the change order to cover striping, which will be completed after the mill.

Mayor Magers confirmed that this will complete the mill and overlay of the downtown area. Mr. Barnett confirmed that the mill and overlay should also be completed by Thanksgiving.

Mr. Barnett outlined the costs for Change Order No. 2, which results in an increase of \$47,127.99. The total project cost is \$285,376.82, which is close to the original cost.

Council Member Howeth asked what type of trees DSP&R would plant downtown and would the falling leaves be a problem on the streets and cause additional street sweeping. Mr. Barnett said they are looking at a combination of Texas Red Oak and Crepe Myrtle.

ACTION TAKEN.

Motion by Council Member Smith to approve Change Order No. 2 for a \$47,127.99 increase for the Downtown Sherman Streetscape Improvements Project, as presented. Second by Council Member Plyler.

VOTING AYE: Howeth, Plyler, Smith, Softly, Wacker.

VOTING NAY: None.

MOTION CARRIED.

OTHER BUSINESS

REPLAT APPROVAL OF LOTS 1 AND 8, BLOCK C OF THE AMENDED REPLAT OF BLOCK C OF SHERMAN COMMONS ADDITION, CONTAINING 2.26 ACRES; SHERMAN COMMONS, LP, OWNERS; McALISTER'S DELI, TENANT; VILBIG & ASSOCIATES, PLLC, ENGINEERS/SURVEYORS; AND SARTIN & ASSOCIATES, INC., SURVEYORS (3801 U.S. HIGHWAY 75 NORTH AND 3806 LOY LAKE ROAD)

The City Council approved the Replat of Lots 1 and 8, Block C of the Amended Replat of Block C of Sherman Commons Addition, located at 3801 U.S. Highway 75 North and 3806 Loy Lake Road.

The property consists of 2.26 acres in the Sherman Commons Addition, just north of Taco Cabana. The owners would like to replat the two lots, moving lot lines to enlarge one of the lots and construct a 3,800 square foot building for McAlister's Deli.

The Planning and Zoning Commission recommended approval of the Replat.

CONSENT AGENDA.

CITIZENS REQUESTS

There were no citizen's requests.

APPROVE REPLAT
SHERMAN COMMONS
ADDITION

CITIZEN'S REQUESTS

MEDIA QUESTIONS

There were no media questions.

PARKS AND RECREATION ADVISORY BOARD (2)

ACTION TAKEN.

Motion by Council Member Smith to table appointments to the Parks and Recreation Advisory Board. Second by Council Member Wacker.

VOTING AYE: Howeth, Plyler, Smith, Softly, Wacker.

VOTING NAY: None.

MOTION CARRIED TO TABLE.

COUNCIL COMMENTS

ARTS FESTIVAL

Council Member Smith said Arts Festival was great and it was the perfect day. He added that the event was well organized.

FAIRVIEW SOCCER FIELDS

Council Member Smith complimented the Parks Department on the condition of the soccer fields at Fairview Park. He said he heard a lot of nice comments about their condition.

ARTS FESTIVAL

Council Member Wacker agreed with the comments about the Arts Festival. She said it was a great day, but there is a lot that goes on behind the scenes to make it happen. She complimented the City staff, Police Department, and the volunteers and organizations that participate in the event.

ARTS FESTIVAL

Council Member Softly agreed and said he had heard nothing but good comments about the Arts Festival. He agreed it was a good job by all those that were involved.

ARTS FESTIVAL

Council Member Howeth was also thankful that the weather was wonderful for Arts Festival.

SHERMAN YOUTH FOOTBALL

Mayor Magers said there was a great article in the Herald Democrat about the Sherman Youth Football program. He added that Sherman did win.

SHERMAN IMPROVEMENTS

Mayor Magers had a comment about tonight's City Council Meeting saying it was great when you see City improvements being done by the City and its partners, Texas Department of Transportation and the Downtown Sherman Preservation & Revitalization, without costing the Sherman taxpayers one nickel of revenue. A private enterprise is also making improvements to their building without "red tape" to jump through.

MEDIA QUESTIONS

**PARKS & RECREATION
ADVISORY BOARD
(TABLED)**

ARTS FESTIVAL

**FAIRVIEW
SOCCER FIELDS**

ARTS FESTIVAL

ARTS FESTIVAL

ARTS FESTIVAL

**SHERMAN YOUTH
FOOTBALL**

**SHERMAN
IMPROVEMENTS**

He confirmed that Mr. Minshew should have the balconies completed at Kelly Square in about a month and a half, if everything is approved.

Mayor Magers said things are happening in downtown Sherman the way it should be, without raising taxes and the citizens paying out of their pockets.

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
DELIBERATE THE EVALUATION
OF A PUBLIC OFFICER OR
EMPLOYEE:
ANNUAL PERFORMANCE
EVALUATION OF THE CITY
MANAGER**

**ANNUAL PERFORMANCE
EVALUATION OF THE CITY
ATTORNEY**

**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 5:42 p.m.

On Motion duly made and carried, the Executive Session recessed at 7:27 p.m. and reconvened in Open Meeting.

OPEN MEETING

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

OPEN MEETING

**SHERMAN ECONOMIC DEVELOPMENT CORPORATION
BOARD OF DIRECTORS (2)**

ACTION TAKEN.

Motion by Council Member Wacker to reappoint Chris Pendergrass and Dean Gilbert, Jr. to the Sherman Economic Development Corporation Board of Directors for a term from October 1, 2012 to October 1, 2014. Second by Council Member Softly.

**SHERMAN ECONOMIC
DEVELOPMENT
CORPORATION**

COUNCIL MINUTES – SEPTEMBER 17, 2012

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

ADJOURNMENT

On Motion duly made and carried, the meeting adjourned at 7:29 p.m.

ADJOURNMENT

MAYOR

CITY CLERK