

STATE OF TEXAS

§

September 4, 2012

COUNTY OF GRAYSON

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BE IT REMEMBERED THAT A Called 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 4, 2012.

MEMBERS PRESENT: MAYOR BILL MAGERS; DEPUTY MAYOR WILLIE STEELE.
COUNCIL MEMBERS HOWETH, PLYLER, 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 Pam Howeth. She asked members of a local Boy Scout Troop to assist her in the Pledge of Allegiance.

CALL TO ORDER

APPROVE MINUTES

The Council reviewed the Minutes of the Regular City Council Meeting of August 20, 2012. Council Member Smith moved to approve the Minutes as presented; Second by Deputy Mayor Steele. All present voted AYE.
MOTION CARRIED.

APPROVE MINUTES

PUBLIC HEARING

CAPITAL IMPROVEMENT PROGRAM 2012-2017

Mayor Magers called for a public hearing on the 2012-2017 Capital Improvement Program.

**CAPITAL
IMPROVEMENT
PROGRAM**

Aubrey Page, 5207 W. Meadowridge Road

Mr. Page addressed a water pressure issue residents are having in the Western Acres Subdivision. When the area was annexed the residents warned the City that the problem was due to a "bad design" and would need to be repaired.

Mr. Page said his home is at an elevation of 840 feet and his water is fed from the water tower past Texas Instruments on Shepherd Drive. He currently has a water pressure of approximately 33 psi. The City's standard is 45 psi for water pressure.

He explained that the City worked with residents for the first five or six years after their annexation. They ran a line from Rolling Hills Drive to Meadowridge Road, which did help the water pressure. They also added a larger tap on the water line in front of Mr. Page's home. At that point, the City said that was all they could do.

According to Mr. Page, then the Wilsonwood Estates Subdivision was established. At that time a new water line was added for the new addition, which "tapped" off the Western Acres water line.

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The City then said they would “loop” the water line as it passed Friendship Road, which was supposed to be the ultimate solution to the problem. At the time, there was \$5,000 in the Capital Improvement Program for this four-tenths of a mile loop.

Mr. Page said the money stayed in the CIP for two years, but nothing ever happened and the money disappeared. He asked that the City honor their commitment and put the money back in the CIP and that it not be “cut” again.

Mayor Magers said he was aware of the issues and that it has been an ongoing situation. He said if the cost was really \$5,000, it was not a CIP issue, but would be a maintenance issue.

Mark Gibson, Director of Utilities and Engineering, said one reason the project has not been pursued is because of the right-of-way and easements needed for the water line. Mayor Magers questioned the \$5,000 estimate for the project.

George Olson, City Manager, suggested that Mr. Gibson and Daryl Baker, Utility Field Superintendent, meet with Mr. Page and determine what has been done and said over the years for the project.

No other citizens appeared before the City Council to discuss the City's Capital Improvement Program for 2012-2017.

SECOND PUBLIC HEARING OF ORDINANCE

Mayor Magers called for the second public hearing of 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

No citizens appeared before the City Council to discuss Ordinance 5752.

Mayor Magers said the City Council will consider the adoption of the tax rate ordinance at the called meeting scheduled for 5:00 p.m. on Monday, September 17, 2012, at Sherman City Hall, 220 West Mulberry Street, Sherman, Texas.

INTRODUCTION AND PUBLIC HEARING OF ORDINANCES

Mayor Magers introduced Ordinance 5753 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF

ORD 5753
WATER AND
SEWER RATES

SHERMAN, TEXAS, AMENDING CHAPTER 13 OF THE CODE OF ORDINANCES, ENTITLED “UTILITIES”, ARTICLE 13.08, ENTITLED “UTILITY BILLING”, AT SECTIONS 13.08.005 AND 13.08.006, REVISING RATES FOR WATER AND SEWER AND PROVIDING FOR BULK WATER SALES; 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 5753.

The Public Hearing was closed.

ADOPTION OF ORDINANCES

Ordinance 5753

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 13 OF THE CODE OF ORDINANCES, ENTITLED “UTILITIES”, ARTICLE 13.08, ENTITLED “UTILITY BILLING”, AT SECTIONS 13.08.005 AND 13.08.006, REVISING RATES FOR WATER AND SEWER AND PROVIDING FOR BULK WATER SALES; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

**ORD 5753
WATER AND
SEWER RATES**

Mayor Magers explained that this is the third year of a three year program to increase water rates to recoup the lost water revenue after the closing of two industries that were big water users. Revenue was also lost when another industry began recycling 30% of their water.

He added that the sale of water is a fixed cost business and the increase was needed when Sherman lost the big water users. Instead of initiating a large rate increase, it was spread out over several years to reduce the impact on citizens.

ACTION TAKEN.

Motion by Council Member Smith to approve Ordinance No. 5753, as presented. Second by Council Member Howeth.

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

VOTING NAY: None.

MOTION CARRIED.

RESOLUTIONS

RESOLUTION NO. 5693 – APPROVING AND ADOPTING A FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM FOR THE CITY OF SHERMAN, TEXAS

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, APPROVING AND ADOPTING A FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM FOR THE CITY OF SHERMAN, TEXAS. PROVIDING FOR AN EFFECTIVE DATE.

**RES 5693
CIP**

Mayor Magers asked if Mr. Page’s issue would be in the CIP or would it be a utility issue. Mr. Olson said it would not be

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a CIP project and he did not recommend a change in the CIP program.

Mayor Magers said the Western Acres drainage issues have been a problem for some time. The City has limited funding and unlimited needs. He asked Mr. Gibson to meet with Mr. Page after the meeting and see what can be done to put a cost effective plan together to address the problem.

Mayor Magers said the CIP is a five-year plan, but it is reviewed on an annual basis. The City is still catching up from the recent “downturn” so the projects are pretty modest for 2012-2013.

ACTION TAKEN.

Motion by Council Member Wacker to approve Resolution No. 5693, as presented. Second by Council Member Softly.

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

VOTING NAY: None.

MOTION CARRIED.

PROCLAMATION

“TEXTING & DRIVING – IT CAN WAIT DAY” – SEPTEMBER 19, 2012

Mayor Magers presented a proclamation to David Arbuckle, AT&T Vice President of External Affairs, designating September 19, 2012 as “Texting & Driving – It Can Wait Day” in the City of Sherman.

“TEXTING & DRIVING –
IT CAN WAIT DAY”
(SEPT. 19, 2012)

Mr. Arbuckle said the proclamation is very important, especially to young people, who think they can do everything. He recognized employees from the local AT&T store: Henrietta Fulendwider, Matthew Passanis, Brett Bennett, and Michael Reed.

He urged all citizens not to text and drive and asked them to go online and take the pledge. The goal is to have no accidents from texting and driving.

CONSENT AGENDA

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

CONSENT AGENDA

RESOLUTION NO. 5694 – AMENDING THE 2011-2012 BUDGET OF THE CITY OF SHERMAN, TEXAS, APPROPRIATING AND ALLOCATING ADDITIONAL FUNDS FOR THE PERIOD OF OCTOBER 1, 2011, THROUGH SEPTEMBER 30, 2012

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING THE 2011-2012 BUDGET OF THE CITY OF SHERMAN, TEXAS, APPROPRIATING AND

RES 5694
BUDGET
AMENDMENT

ALLOCATING ADDITIONAL FUNDS FOR THE PERIOD OF OCTOBER 1, 2011, THROUGH SEPTEMBER 30, 2012.
CONSENT AGENDA.

RESOLUTION NO. 5695 – FINDING AND DETERMINING A PUBLIC PURPOSE AND PUBLIC NECESSITY EXISTS FOR CONSTRUCTION OF CITY PROJECT “STATE HIGHWAY 289 WATER LINE”; APPOINTING AN APPRAISER AND NEGOTIATOR AS NECESSARY; AUTHORIZING THE CITY MANAGER TO ESTABLISH JUST COMPENSATION FOR THE PROPERTY RIGHTS TO BE ACQUIRED; AUTHORIZING THE CITY MANAGER TO TAKE ALL STEPS NECESSARY TO ACQUIRE THE NEEDED PROPERTY RIGHTS IN COMPLIANCE WITH ALL APPLICABLE LAWS AND REGULATIONS

RES 5695
SH 289 WATER LINE

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, FINDING AND DETERMINING A PUBLIC PURPOSE AND PUBLIC NECESSITY EXISTS FOR CONSTRUCTION OF CITY PROJECT “STATE HIGHWAY 289 WATER LINE”; APPOINTING AN APPRAISER AND NEGOTIATOR AS NECESSARY; AUTHORIZING THE CITY MANAGER TO ESTABLISH JUST COMPENSATION FOR THE PROPERTY RIGHTS TO BE ACQUIRED; AUTHORIZING THE CITY MANAGER TO TAKE ALL STEPS NECESSARY TO ACQUIRE THE NEEDED PROPERTY RIGHTS IN COMPLIANCE WITH ALL APPLICABLE LAWS AND REGULATIONS.

Mayor Magers thanked the Sherman Economic Development Corporation Board of Directors for their support of the project. It will take water and eventually sewer down S.H. 289, which is the western City limits of Sherman.

Mayor Magers said the project will help spur development, and S.H. 289 will be a big part of Sherman, from both a retail and commercial standpoint. He again thanked SEDCO for their leadership with the project.

ACTION TAKEN.

Motion by Council Member Smith to approve Resolution No. 5695, as presented. Second by Deputy Mayor Steele.

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

VOTING NAY: None.

MOTION CARRIED.

RESOLUTION NO. 5696 – AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INTERLOCAL AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION TO ENABLE THE POLICE DEPARTMENT TO BE A PARTICIPANT IN THE STATE WIDE CRASH REPORTING AND ANALYSIS FOR SAFER HIGHWAYS (CRASH) SYSTEM AT NO COST TO THE CITY

RES 5696
STATE WIDE
CRASH REPORTING
FOR POLICE DEPT.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INTERLOCAL AGREEMENT WITH THE

TEXAS DEPARTMENT OF TRANSPORTATION TO ENABLE THE POLICE DEPARTMENT TO BE A PARTICIPANT IN THE STATE WIDE CRASH REPORTING AND ANALYSIS FOR SAFER HIGHWAYS (CRASH) SYSTEM AT NO COST TO THE CITY.

CONSENT AGENDA.

RESOLUTION NO. 5697 – AUTHORIZING THE EXECUTION OF DEEDS FOR THE RESALE OF PROPERTIES WITHIN THE SHERMAN CITY LIMITS 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 WITHIN THE SHERMAN CITY LIMITS SEIZED FOR DELINQUENT TAXES.

CONSENT AGENDA.

RES 5697
SALE OF PROPERTIES
FOR DELINQUENT
TAXES

RESOLUTION NO. 5698 – AUTHORIZING THE EXECUTION OF AGREEMENTS WITH THE SHERMAN HOUSING AUTHORITY, THE TEXOMA AREA PARATRANSIT SYSTEM, INC., THE GRAYSON COUNTY CRISIS CENTER, THE GRAYSON COUNTY SHELTER, INC., CHILD & FAMILY GUIDANCE CENTER OF TEXOMA, AND BOYS & GIRLS CLUB OF SHERMAN, INC. FOR THE USE OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE EXECUTION OF AGREEMENTS WITH THE SHERMAN HOUSING AUTHORITY, THE TEXOMA AREA PARATRANSIT SYSTEM, INC., THE GRAYSON COUNTY CRISIS CENTER, THE GRAYSON COUNTY SHELTER, INC., CHILD & FAMILY GUIDANCE CENTER OF TEXOMA, AND BOYS & GIRLS CLUB OF SHERMAN, INC. FOR THE USE OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS.

CONSENT AGENDA.

RES 5698
CDBG FUNDING

OTHER BUSINESS

RECEIVE PRESENTATION FROM WHITE CANE DAYS DRIVE CHAIRMAN JERRY GUNDERSHEIMER ON THE CITY ORDINANCE REGARDING STREET SOLICITATION

Dr. Jerry Gundersheimer, White Cane Days Drive Chairman, addressed the City Council on the status of their White Cane Days Drive since the City's ordinance regarding street solicitation was enacted.

STREET SOLICITATION
FOR WHITE CANE
DAYS

The Sherman Noon Lions Club annually solicits funds at various street corners for one or two days per year to collect money used for eye exams and glasses for needy school children in Grayson County. Money also goes to other sight projects through the Club.

Several years ago the City changed their ordinance on solicitation on City streets, thereby causing less money to be collected for the club to help the needy children. He presented a handout that listed the money collected through White Cane Day donations from 2004 through 2011.

Dr. Gundersheimer said the Sherman Noon Lions Club is a victim, as are other charitable clubs, of the economy and citizens cutting back on donations. He did not feel that the collection of money for White Cane Days would be such a problem if they could collect money in the streets, as they have been allowed to do in the past.

He added that many local stores, such as Wal-Mart, are not allowing charitable organizations to collect money in their parking lot and there are fewer options to fund needs for the children.

Dr. Gundersheimer asked if there was some way the City could allow the Sherman Noon Lions Club, and other legitimate charities, to collect money in the streets for a day to help the community. He said the Lions Club would be willing to follow whatever guidelines the City feels are appropriate, and already has an insurance policy that would hold the City harmless for any liability that might occur.

He said the Lions Club has “played by the City’s rules” and not collected money at street corners, however there are other organizations that do solicit funds where this legitimate charity cannot.

Mayor Magers said it is impossible for the City of Sherman to determine which organization is legitimate and which one is not. He said when one organization solicited at Taylor Street and Loy Lake Road, there were numerous calls to the Police Department and they were “chased off.”

Mayor Magers asked why the commercial businesses weren’t allowing solicitation at their facilities any longer. Dr. Gundersheimer said he did not know, but felt it was a corporate decision and not a local one.

Dr. Gundersheimer asked the City Council to revisit their guidelines and application process to allow the Lions Club to solicit on City streets and he said they “will do what they need to do to be allowed” to solicit.

Deputy Mayor Steele verified that the Lions Club previously collected money on a Friday and Saturday in October, but because of the number of Lions currently in the club, they would like to collect money on one Saturday in October.

Mr. Olson said the City just passed an ordinance this year at the request of the City Council. In 2008, there were some safety issues at major intersections, such as Taylor Street and Loy Lake Road, and Taylor Street and Travis Street. The City was receiving many complaints from the public and traffic was being “tied up” and could not get through. Therefore organizations are not allowed to solicit at those corners.

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He said the Sherman Noon Lions Club has not come back to the City since that time. The City allows solicitation at certain locations in the Sherman Town Center, but are not comfortable allowing citizens to solicit on the streets at busy intersections. For example, the Fire Department collects for the Muscular Dystrophy Association at the Town Center.

Dr. Gundersheimer was interested in soliciting at Sherman Town Center and was under the impression they were not able to solicit anymore on public thoroughfares. Mr. Olson will send an application to Dr. Gundersheimer and discuss options available to the Lions Club.

CONSIDER REQUEST OF THE SHERMAN ARTS FESTIVAL COMMITTEE TO TEMPORARILY CLOSE CERTAIN STREETS AND USE CERTAIN CITY FACILITIES AND SERVICES FOR THE 30TH ANNUAL SHERMAN ARTS FESTIVAL ON SATURDAY, SEPTEMBER 15, 2012

The City Council approved the request of the Sherman Arts Festival Committee to temporarily close certain streets and use certain City facilities and services for the 30th Annual Sherman Arts Festival on September 15, 2012.

Street closures will be around the Municipal Building and they have requested the use of additional barricades, trash carts, a dumpster, tables and chairs, and street sweeping prior to the event.

CONSENT AGENDA.

CONSIDER REQUEST OF ST. MARY'S CATHOLIC PARISH TO TEMPORARILY CLOSE CERTAIN STREETS FOR THEIR ANNUAL FALL FEST ON SUNDAY, SEPTEMBER 30, 2012

The City Council approved the request of St. Mary's Catholic Parish to temporarily close certain streets for their Annual Fall Fest on September 30, 2012.

They have requested the closure of Sparrow Lane, from Travis Street to Walnut Street, during the event. They have also requested the use of traffic control barricades for the event.

CONSENT AGENDA.

CITIZENS REQUESTS

There were no citizen's requests.

MEDIA QUESTIONS

There were no media questions.

COUNCIL COMMENTS

UPCOMING SHERMAN FESTIVALS

Council Member Wacker said she is looking forward to the next couple of weekends and some traditional festivals in Sherman. It will be fun to celebrate.

**CLOSE STREETS FOR
ARTS FESTIVAL
(SEPT. 15, 2012)**

**CLOSE STREETS
FOR ST. MARY'S
FALL FEST
(SEPT. 30, 2012)**

CITIZEN'S REQUESTS

MEDIA QUESTIONS

**UPCOMING SHERMAN
FESTIVALS**

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NEWSPAPER ARTICLE “SHERMAN IS WONDERFUL HOMETOWN”

Mayor Magers referenced a newspaper column that appeared in the Sherman Herald Democrat on Sunday, September 2, 2012, written by William Johnson, retired pastor of Trinity Lutheran Church, about Sherman being his hometown.

He said letters like that are why you serve. Several Council Members had Mrs. Johnson as their first grade teacher at Wakefield Elementary School. He said Mr. and Mrs. Johnson are exceptional people and the article is very touching about “what makes Sherman special.”

ADJOURNMENT

On Motion duly made and carried, the meeting adjourned at 5:33 p.m.

NEWSPAPER ARTICLE
“SHERMAN IS
WONDERFUL
HOMETOWN”

ADJOURNMENT

MAYOR

CITY CLERK