

STATE OF TEXAS

§

August 20, 2012

COUNTY OF GRAYSON

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BE IT REMEMBERED THAT A Regular Meeting of the City Council of the City of Sherman, Grayson County, Texas was begun and held in the Council Chambers of City Hall on August 20, 2012.

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

MEMBERS ABSENT: COUNCIL MEMBER PLYLER.

CALL TO ORDER

Mayor Magers called the meeting to order at 5:01 p.m. The Pledge of Allegiance and the Invocation were given by Council Member Robert Softly.

CALL TO ORDER

APPROVE MINUTES

The Council reviewed the Minutes of the Regular City Council Meeting of August 6, 2012. Council Member Wacker moved to approve the Minutes as presented; Second by Council Member Softly. All present voted AYE.
MOTION CARRIED.

APPROVE MINUTES

SECOND PUBLIC HEARING OF ORDINANCE

Mayor Magers called for the second public hearing of Ordinance 5750:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, PROVIDING FOR THE APPROPRIATION OF FUNDS FOR OPERATING AND CAPITAL EXPENDITURES FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2012, AND ENDING SEPTEMBER 30, 2013; PROVIDING FOR A REPEALER.

ORD 5750
ANNUAL BUDGET

No citizens appeared before the City Council to discuss Ordinance 5750.

INTRODUCTION AND FIRST PUBLIC HEARING OF ORDINANCE

Mayor Magers introduced Ordinance 5752 and called for the first public hearing:

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.

COUNCIL MINUTES – AUGUST 20, 2012

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.

The Public Hearing was closed.

OTHER BUSINESS

PROVIDING FOR THE RATIFICATION OF THE PROPERTY TAX INCREASE

PROPERTY TAX INCREASE

Mayor Magers said the Council will consider the ratification of the property tax increase. He added that the property tax is \$0.32 per \$100 valuation, the same as it has been for the last five years. The reason there is an increase is because the values have increased even though the tax rate has remained consistent.

ACTION TAKEN.

Motion by Council Member Wacker to ratify the property tax increase, as presented. Second by Council Member Howeth.

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

VOTING NAY: None.

MOTION CARRIED.

Ordinance 5750

**ORD 5750
ANNUAL BUDGET**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, PROVIDING FOR THE APPROPRIATION OF FUNDS FOR OPERATING AND CAPITAL EXPENDITURES FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2012, AND ENDING SEPTEMBER 30, 2013; PROVIDING FOR A REPEALER.

Mayor Magers said the Budget is balanced and its adoption is required by State Law. The tax rate remains the same and the City is not cutting any services. There is an increase for the staff, the first time in several years.

ACTION TAKEN.

Motion by Deputy Mayor Steele to approve Ordinance No. 5750, as presented. Second by Council Member Smith.

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

VOTING NAY: None.

MOTION CARRIED.

CONSENT AGENDA

CONSENT AGENDA

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

RESOLUTIONS

RESOLUTION NO. 5691 – AUTHORIZING EXECUTION OF A DEVELOPMENT AGREEMENT WITH SHERMAN COMMONS, LP. BY AND THROUGH ITS AGENT, FOUR PARTNERS, LLC

**RES 5691
SHERMAN COMMONS
RELOCATION OF**

DBA UCR ASSET SERVICES, FOR THE RELOCATION OF PUBLIC FACILITIES WITHIN THE CITY OF SHERMAN

PUBLIC FACILITIES

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF A DEVELOPMENT AGREEMENT WITH SHERMAN COMMONS, LP. BY AND THROUGH ITS AGENT, FOUR PARTNERS, LLC DBA UCR ASSET SERVICES, FOR THE RELOCATION OF PUBLIC FACILITIES WITHIN THE CITY OF SHERMAN.

Mayor Magers moved the agenda item forward for discussion and consideration.

Council Member Wacker verified that these improvements were already slated and they are changing the slope and relocating the water line in conjunction with Sherman Commons, on the east side of US Highway 75.

Clay Barnett, City Engineer, explained that UCR is doing a lot of work at Sherman Commons that has been needed for a long time. They are removing the failing retaining walls and “benching” back the area. The 16” water line was too close to the surface and they will be lowering it.

Mayor Magers said another project, as slated by the Metropolitan Planning Organization, is to widen Loy Lake Road. Other additional improvements are anticipated.

Mayor Magers said the intersection at Loy Lake Road and US Highway 75 will feature some public/private improvements. The MPO has allocated public funds to widen the bridge and the private sector will also be making some improvements. The projects should relieve a lot of traffic at the bridge.

ACTION TAKEN.

Motion by Council Member Wacker to approve Resolution No. 5691, as presented. Second by Council Member Howeth.

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

VOTING NAY: None.

MOTION CARRIED.

RESOLUTION NO. 5690 – AUTHORIZING EXECUTION OF AN ADVANCE FUNDING AGREEMENT BETWEEN THE CITY OF SHERMAN AND THE STATE OF TEXAS, ACTING BY AND THROUGH THE TEXAS DEPARTMENT OF TRANSPORTATION, FOR AN URBAN AREA CORRIDOR PROJECT (RELOCATION OF THE SOUTHBOUND US 75 EXIT RAMP TO FM 1417)

**RES 5690
RELOCATION OF
SOUTHBOUND US 75
EXIT RAMP TO FM 1417**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN ADVANCE FUNDING AGREEMENT BETWEEN THE CITY OF SHERMAN AND THE STATE OF TEXAS, ACTING BY AND

THROUGH THE TEXAS DEPARTMENT OF TRANSPORTATION, FOR AN URBAN AREA CORRIDOR PROJECT (RELOCATION OF THE SOUTHBOUND US 75 EXIT RAMP TO FM 1417).

Mayor Magers explained that three years ago the City approached the Blalock plant managers asking about changes at the US Highway 75 and FM 1417 intersection. The Blalock community “got behind” the initiative and the Planning and Zoning Commission put together the highest level of commercial standards at the City’s southern gateway. The area was rezoned and then the recession “hit.”

Mayor Magers said Jeff Harkinson, an Austin College graduate whose wife is a Sherman native, acquired the property and is moving forward with development. The project is truly a public/private partnership. The Texas Department of Transportation is funding a portion of the ramp and the Sherman Economic Development Corporation has contributed money to move the ramp due to a safety issue with traffic “stacking.” The private developer has also contributed significant dollars on the project.

TxDOT, SEDCO, and the private developer are working together to create an environment to stimulate retail and commercial growth at that intersection, to make it safer for the Blalock Industrial District, and to extend the life of the FM 1417 overpass for additional years so a very expensive overpass will not have to be reconstructed.

Jeff Harkinson, 5109 Palomar Lane, Dallas, Texas 75229

Mr. Harkinson said he was very excited about the public/private partnership. He felt it was an appropriate cost sharing and would allow the money to go farther to improve the safety of a dangerous intersection and to create more economic development for the City of Sherman.

Mr. Harkinson said when he was looking at the property he tried to determine what would be the highest and best use. They wanted to be patient and do things right to attract a higher quality of development.

He added that this was the southern gateway to Sherman and he would like to see something happen that would be very positive to the community. When looking at the frontage on US Hwy 75, there is no way to access the northern boundary of that property without moving the off-ramp back.

During his due diligence on the property, he found that it was already part of TxDOT’s plan to move the ramp. Since the competition for public dollars is great, he realized it might be a long time before the project moved up on the priority list.

COUNCIL MINUTES – AUGUST 20, 2012

By working together with the City of Sherman, SEDCO, and TxDOT, Mr. Harkinson said they were able to move the project forward. He also thanked State Representative Larry Phillips for his help working with TxDOT. He asked to continue the close working relationship with the City and said he welcomed their ideas on what they would like the southern gateway to look like.

Mr. Harkinson also thanked Mayor Magers for his leadership on the project. Mayor Magers said the City is a “pass through” conduit for this financing and no property tax or General Fund dollars are being spent on the project. The operation is fully funded by TxDOT, SEDCO, and Mr. Harkinson’s group.

Mayor Magers added that TxDOT has a “placeholder” for 2013 and the project should be completed by Spring.

ACTION TAKEN.

Motion by Council Member Smith to approve Resolution No. 5690, as presented. Second by Council Member Softly.

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

VOTING NAY: None.

MOTION CARRIED.

RESOLUTION NO. 5692 – APPOINTING AND AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH PATTILLO, BROWN & HILL, L.L.P. TO PERFORM THE FISCAL YEAR 2012 AUDIT

RES 5692
ANNUAL AUDIT

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, APPOINTING AND AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH PATTILLO, BROWN & HILL, L.L.P. TO PERFORM THE FISCAL YEAR 2012 AUDIT.
CONSENT AGENDA.

OTHER BUSINESS

CONSIDER REQUEST OF THE GRAYSON HISPANIC HERITAGE COUNCIL OF SHERMAN TO TEMPORARILY CLOSE CERTAIN STREETS, AND USE CERTAIN CITY FACILITIES AND SERVICES FOR THE ANNUAL HISPANIC HERITAGE CELEBRATION ON SATURDAY, SEPTEMBER 8, 2012

CLOSE STREETS
HISPANIC HERITAGE
CELEBRATION
(SEPT. 8, 2012)

The City Council approved the request of the Grayson Hispanic Heritage Council of Sherman to temporarily close certain streets and use certain City facilities and services for the Annual Hispanic Heritage Celebration on Saturday, September 8, 2012.

The event will be held in the Municipal Ballroom and on the grounds. Barricades and solid waste containers will also be provided for the event.

CONSENT AGENDA.

CITIZENS REQUESTS

DOWNTOWN GRANT FOR BUSINESS

Jason Sofey, 1401 Avendale, thanked the City Council for approving his grant several months ago, for a business in downtown Sherman. His business is now open, and thanks to the City Council; George Olson, City Manager; Robby Hefton, Assistant City Manager/CFO; and Scott Shadden, Director of Development Services; a 112 year old building has now been remodeled and is back in use. He also thanked Fire Chief J.J. Jones and the Fire Department for working with him on fire codes.

He added that the project would have been tough financially, without the City's grant. He said it was a great project and they are glad to be located in downtown Sherman. He was also glad to see the street work that is now going on around the square.

MEDIA QUESTIONS

There were no media questions

COUNCIL COMMENTS

ONLINE REQUEST SYSTEM

Council Member Wacker thanked the staff for the online request system through the City's website. She said it seemed to be very efficient and work well

SHERMAN INTERDENOMINATIONAL MINISTERIAL ALLIANCE'S SCHOLARSHIP BANQUET

Council Member Softly thanked the citizens, Mayor Magers, and Council Member Wacker for attending the Sherman Interdenominational Ministerial Alliance's Scholarship Banquet recently.

The organization was able to help seven more young people and was able to provide assistance for two adults that wanted to further their education.

FUNDING FOR PROJECTS

Mayor Magers said he recently attended a three-day seminar on transportation and all he heard was now afraid these cities were to increase revenue in these anti-tax times. They didn't seem to understand the difference between investment and expense.

He said the project discussed earlier at the south gateway to Sherman is an investment in the future and an investment in infrastructure, and is really a public/private partnership.

As cities find limited funds from the traditional sources, they will need to "think outside the box" to move projects such as this, along. He thanked the people that made this project happen.

**DOWNTOWN GRANT
FOR BUSINESS**

MEDIA QUESTIONS

**ONLINE REQUEST
SYSTEM**

**SHERMAN INTER-
DENOMINATIONAL
MINISTERIAL
ALLIANCE BANQUET**

**FUNDING FOR
PROJECTS**

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
CONSIDER THE
QUALIFICATIONS, APPOINTMENT
AND REMOVAL OF MEMBERS TO
BOARDS AND COMMISSIONS:
TEXOMA COMMUNITY CENTER
(FORMERLY MHMR SERVICES OF
TEXOMA) BOARD OF DIRECTORS
(1)**

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

**ANNUAL PERFORMANCE
EVALUATION OF THE CITY
ATTORNEY**

On Motion duly made and carried, the Open Meeting recessed and reconvened in Executive Session at 5:22 p.m.

On Motion duly made and carried, the Executive Session recessed at 5:29 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

TEXOMA COMMUNITY CENTER (FORMERLY MHMR SERVICES OF TEXOMA) BOARD OF DIRECTORS (1)
ACTION TAKEN.

Motion by Council Member Smith to reappoint Margie Morris to the Texoma Community Center Board of Directors for a term from August 31, 2012 to August 31, 2014. Second by Deputy Mayor Steele.
VOTING AYE: Howeth, Smith, Softly, Steele, Wacker.
VOTING NAY: None.
MOTION CARRIED.

**TEXOMA COMMUNITY
CENTER BOARD
OF DIRECTORS (1)**

COUNCIL MINUTES – AUGUST 20, 2012

ADJOURNMENT

On Motion duly made and carried, the meeting adjourned at 5:30 p.m.

ADJOURNMENT

MAYOR

CITY CLERK