

STATE OF TEXAS §
 August 18, 2008
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 August 18, 2008.

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

MEMBERS ABSENT: NONE.

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 Joe Smith. Council Member Smith also called for 17 seconds of silence in memory of the victims of the recent bus accident in Sherman.

CALL TO ORDER

APPROVE MINUTES

The Council reviewed the Minutes of the Regular City Council Meeting of August 4, 2008. Deputy Mayor Wacker moved to approve the Minutes as presented; Second by Council Member Steele. All present voted AYE.
MOTION CARRIED.

APPROVE MINUTES

PROCLAMATION

"WOMEN'S EQUALITY DAY" – AUGUST 26, 2008

Mayor Magers presented a proclamation to Deana Patterson, President of the Sherman Business and Professional Women, and Lana Bernardin, BPW Legislation Chair, proclaiming August 26, 2008 as "Women's Equality Day."

**WOMEN'S
EQUALITY DAY
AUG. 26, 2008**

Ms. Bernardin thanked the Mayor, City Council, and the citizens of Sherman for their support of women in the community.

SPECIAL PRESENTATION

ANNOUNCING THE WINNER OF THE FIRST "SHERMAN TODAY" PHOTO CONTEST

The Chamber of Commerce asked that this item be postponed to a later date.

**"SHERMAN TODAY"
PHOTO CONTEST**

OTHER BUSINESS

DISCUSSION OF THE SHERMAN DAY CARE

Mayor Magers moved this item up in the agenda to accommodate many citizens that wished to speak.

DAY CARE CENTER

Mayor Magers read a letter from Jack and Jill Day Care Center, Inc., concerning their letter of intent to lease the City's facilities at 1003 N. East Street to operate a non-profit child care center to provide child care to low income and economically disadvantaged families.

COUNCIL MINUTES – AUGUST 18, 2008

Mayor Magers explained that he and Council Member Howeth cannot participate in the discussion and have signed affidavits of conflict of interest. They will abstain from the discussion, however he said he will continue as parliamentarian. Mayor Magers turned the meeting over to Deputy Mayor Wacker.

George Olson, City Manager, said as they began budget proceedings, and when the Day Care Center was identified, the staff began looking for alternatives for additional funding to make up the difference in the match that is given to Child Care Management Services (CCMS) funds. That opportunity would be available through Jack and Jill Day Care Center.

The staff is also looking at other ways, through the proposed lease agreement, that would enhance the in-kind match that would be required to continue that funding.

Deputy Mayor Wacker said there would be a three minute limit on all speakers. Following the public input, she said the City Council will hold a discussion on the item.

Montorya Akers, 1414 N. Throckmorton

Ms. Akers said she is a single mother of three and has previously used the City's Day Care Center for two of her children. At this time her children do not attend the Day Care Center and are in private day care.

The private day care did have frequent employee turn-over and most of the employees were of a young age. She gave examples of the lower quality care her children received, including soiled clothes and less than nutritional meals.

Ms. Akers said the City's Day Care teachers are not just day care workers they are teachers and they really care about the children. They participate in training and continuing education to keep their jobs. She would rather have an educated person with knowledge of child care responsible for her children rather than an 18 or 19 year old, just out of high school and in need of a job.

Children from low income families do not deserve less than adequate child care.

Council Member Adami asked if the City was able to procure the same employees for the new facility, would that be a benefit. Ms. Akers said that was a big factor, but she was also disappointed in the frequent turn-over of the employees.

Wanda Banks, 1816 Westside

Ms. Banks is a director of a child care center in Sherman and has submitted a letter of interest in leasing the Sherman Day Care facility. She is opposed to closing the Center because there is a great community need.

She has operated Harmony Academy in Sherman, a non-profit Center, and is a local taxpayer interested in taking over the City's facility. Ms. Banks said she would also keep the current staff. Council Member Smith verified that Ms. Banks would interview the current staff before she decided to retain them.

Ramonda Brooks, 2223 Alma

Ms. Brooks has been a City employee at the Sherman Day Care Center for the past 12 years. She is proud to work at the City's Day Care Center and felt it should be an asset that Sherman is unique in operating a day care center. She felt that shows that the City cares for their citizens.

Ms. Brooks said budget decisions are difficult, however minimal funding is required for the Day Care Center compared to the overall budget. The Center also has so many positive "ripple" effects throughout the community. She asked the City Council to reconsider their decision and restore funding for the Day Care Center.

David Cortinas, 713 E. Brockett

Mr. Cortinas appeared representing United Way of Grayson County, and urged the City to find a solution for the needs of the community.

He said Tammy Davis, Grant Writer for the City, called him to discuss grant and funding opportunities for the Day Care Program. He felt it would be hard to find funding since the City is not a 501c3 entity.

Mr. Cortinas said there are some non-profit day care centers that might be able to "fill the gap." There is a growing need for quality, affordable child care in the community. He felt it would be best to match the need with a current non-profit organization that could absorb or take over the facility.

Charla Hain, 1931 W. Taylor, Apt. 232

Ms. Hain is a single parent of three children, works, and is a full-time student at Grayson County College. She discussed the quality of the Sherman Day Care Center as compared to other day care centers. She feels secure with the City's Day Care Center and the staff makes it safe.

Ms. Hain said even though they are low income, they still deserve better for their children. Her children feel secure there and are happy to be left with the staff at the facility. She must use a day care that accepts CCMS. She wants to finish school and give her children everything she can.

Amanda Harvey, 303 S. Hwy 1417, Apt. A4

Ms. Harvey is a single parent and has a 15 month old son that attends the Sherman Day Care Center. As a single parent her income goes to support herself and her child, and

COUNCIL MINUTES – AUGUST 18, 2008

she can't afford the \$120 or more per week that other day care centers charge. Without day care, she will not be able to stay employed.

As a parent she must be able to trust her child care providers. The staff at Sherman's Day Care Center are certified and provide good care. Other day care centers are also not as clean. She asked the City Council to reconsider their decision to close the Day Care Center.

Shawna Mathenia, 1200 W. Taylor, Apt. 339

Ms. Mathenia has two children that attend the Day Care Center and the teachers have made a huge impact on them. She felt the Day Care Center was unique for Sherman and they should be proud of that service.

When she heard that Jack and Jill Day Care might take over the Day Care, she researched their rating through the Texas Department of Family and Protective Services. She was concerned that the City of Sherman would replace a Day Care Center with three years of no violations, with one that has had 12 violations during that same period. Four of the violations were for employees not complying with laws and rules and having bad background checks. Other issues were sanitary issues.

Ms. Mathenia said Sherman Day Care employees might get paid more than most similar employees, but they give more than most too.

Dr. Cynthia Manley, 618 W. Brockett

Dr. Manley is a 31 year resident of Sherman and is impressed with the Sherman Day Care Center. She thought it was a distinction for a City to have a day care, now she finds that it is a defect.

She added that the Day Care Center began with Edna Gladney, which is a part of history. Sherman is a City of family values and it is a major policy change if the Day Care Center is determined not to be a function of City government. She felt the Council should give more time to the decision in order for the citizens to voice their opinion.

In a budget of \$74 million, the \$200,000 needed for the Day Care Center is .027% of the budget. She asked the City Council to reconsider finding \$200,000 for one of the best programs the City has had for 90 years.

Rachel Mitchell, 2510 N. Alexander

Ms. Mitchell appeared representing Workforce Solutions Texoma. She said the families that are being served by the Sherman Day Care Center are all receiving services and assistance through Workforce Solutions Texoma to pay for their child care.

COUNCIL MINUTES – AUGUST 18, 2008

That is made possible through an agreement approved annually by the City Council in which the City certifies the money spent on the Day Care Center to bring in additional Federal funds for child care assistance.

Out of that the City agreed to certify approximately \$178,000 that brought in \$180,000 in Federal funds that will go directly back to the Sherman Day Care Center by the end of the fiscal year. This served about 55 children per month.

It also brought in an additional \$210,000 serving approximately 75 additional children every month that attend other day care centers in Sherman. This accounts for approximately half of the children Workforce Solutions Texoma funds every month in Sherman. The remaining children are funded through discretionary funds.

Ms. Mitchell said the certification that is done with the City of Sherman can only be done with a public entity, such as a City, County, or a local college that provides direct child care services to families. It can also be done through donations from private organizations, however those donations must be in cash and must not go back to the original donor.

According to Ms. Mitchell, the impact of closing the Sherman Day Care Center and providing the match with other entities will be that they can't serve all families through Sherman and will probably cut the number of families served in Sherman in half.

Linda Mulder, 1105 S. Valentine

Ms. Mulder is a retired teacher and expressed concern that the City couldn't find \$200,000 in a budget of \$74 million. She felt there was something that could be delayed in the Capital Improvement Program of \$7.1 million to fund this needed service. She also suggested using money out of the \$5.9 million reserve fund in that budget.

The Day Care Center provides a service to parents at a reduced cost while they work or attend school. It also offers nutritious meals and a curriculum of learning to help prepare these children for kindergarten.

She felt the Day Care Center has more value than repairing a street or building a hiking trail. She felt the City should be expanding the Day Care not getting rid of it. If the other day care centers were meeting the needs of the public, the Sherman Day Care Center would not be there.

The proposed lease to Jack and Jill Day Care will be for minimum wage employees which produces a different level of care. She asked if the City will be offering a severance package to the 12 employees that are being released. Will Ruth Gray, Social Services Administrator, see a reduced salary of 1/3 since that portion of her job duty is gone? Is the City saving money at the expense of the children?

COUNCIL MINUTES – AUGUST 18, 2008

She asked if the City had given them a chance to cut costs or to pursue other grants. Are there other private areas that could fund the Day Care Center? She asked about other items in the budget that might be cut too. Ms. Mulder said this is a disproportionate burden on the poor in Sherman and she asked the City Council to take another look at the situation.

Deputy Mayor Wacker said there is presently no agreement but the City only has a letter of intent with Jack and Jill Day Care. The Council Members have not discussed the proposal yet.

Randy Nelson, Jr. 1105 N. Branch

Mr. Nelson said he and his wife have four children, two of which attend the Sherman Day Care Center. While they were on the waiting list they were paying \$800 per month for in-home child care. At a Day Care Center it would have cost \$1,100 to \$1,500 per month for two children. It will be hard for parents currently using the Day Care Center to afford other day care when it closes.

He said the current program is working and asked why the City needs to cut the program that has been working for so long. He added that the rumor is that the City wants to build a new park and a new jail.

Mayor Magers said the jail is being considered by Grayson County and has nothing to do with the City of Sherman. Mr. Nelson said the Day Care Center benefits the future of Sherman. Without it parents will have to drop out of school. He asked the Council to look out for the best interest of the citizens.

Claudia Prado, 1407 S. Walnut

Ms. Prado addressed the quality staff at the Day Care Center and said it is an asset to the community. She urged the City Council to support the Day Care program.

R.A. Sommers, Sr., 2117 N. Duchess

Mr. Sommers has been a resident of Sherman since 1978 and said it would be a tragedy to the neighborhood to close the Day Care Center. Generations have attended the Day Care Center and he felt it would be a tragedy to the neighborhood and the community to close it.

LaQueta Wilson, 1010 N. East

Ms. Wilson is the mother of three children, two of which attend the Sherman Day Care Center. She said the goal of the City is to maintain services at the current level and enhance services where appropriate. She felt the City needs to maintain the current services.

If a non-profit comes in, how will the employees keep their wages and benefits? She questioned the quality of care for the children if the United Way took over the program.

COUNCIL MINUTES – AUGUST 18, 2008

Ms. Wilson asked where the money is going to be used if it is not being spent on the Day Care Center. She said the citizens of Sherman are voters and are expressing their concerns to the City Council. She asked the City Council to review their decision to close the Day Care Center.

She understood that it costs \$600,000 to operate the Day Care Center, and Ms. Wilson asked what the net cost to the City was to operate the Day Care Center. According to the 2007 Audit, the City ended the 2007 Fiscal Year with a balance of \$10.8 million. If the City used this money to maintain services at the Day Care Center, it would not be “used up” for 40 years.

Ms. Wilson felt there was a way to keep the Day Care Center open, to keep the employees, and to keep it operational without United Way.

Tony Beaverson, 2609 Fair Oaks Circle

Mr. Beaverson has pride in Sherman but he said part of the problem with the budget was caused by the decision to change the taxing system by cutting property tax rates and replacing them with sales tax rates. If that change had not been made, programs might not have had to be cut. He added that the citizens did vote for that change.

He said the budget is a set of priorities and will reflect the priorities of the City Council. He felt cutting the Day Care Center would be a “sad commentary” on the priorities of the current City Council.

Across the nation we are seeing the setting of public needs and services, not by the needs of people, but by the tax rate. We need to support the needs of the citizens. Sherman is a community made up of families and we need to support all the citizens.

He urged the Council not to allow Sherman to lose its morality when it stops at the pocketbook. He urged the City Council to keep the Day Care Center open because it is good for the community.

David Cortinas, 713 E. Brockett

Mr. Cortinas congratulated those citizens that have appeared. It shows that the community cares. He urged citizens to trust and believe that their elected officials will do the best for them.

Shanegua Knight, 1215 N. Woods

Ms. Knight is a former student of Council Member Howeth's and her children previously attended her day care center, when it was open. Currently her children are cared for by family members. She said she refused to take her children to anyone other than family or the Sherman Day Care Center.

COUNCIL MINUTES – AUGUST 18, 2008

She praised the Day Care Center for actually teaching the children and not setting them in front of the television all day.

Ms. Knight is attending Texas A&M Commerce to obtain her Master's Degree. Without the Sherman Day Care Center her education would not be possible. She asked the City Council to help the single parents and low income families that rely on the Day Care Center.

Jane Bylander, 1501 Ridgeway

Ms. Bylander is a retired teacher and said the most important time for children is from age one to pre-kindergarten. This is an important time for the children and the Sherman Day Care Center is doing a marvelous job with them. Children need that training early to succeed in kindergarten and in school.

Deputy Mayor Wacker opened the discussion to Council Members.

Council Member Adami asked if there had been discussion about maintaining the current staff under the proposed letter of intent. Mr. Olson said there have only been preliminary discussions with Jack and Jill Day Care, but there was an interest in retaining the staff. Council Member Adami felt that could be a condition of any agreement that is made.

Council Member Steele asked if the City could advertise for bids and look at proposals from other entities that might be interested. Robby Hefton, Assistant City Manager/CFO, said non-profit organizations are exempt from the State law that requires bidding. Council Member Steele said even though it's not required, there might be a possibility for another third party to bid. Mr. Hefton said even though the City isn't required to bid the service, they could do so.

Council Member Smith said Ms. Banks indicated she was interested in operating the Day Care Center and would be interested in keeping the current staff.

Council Member Smith felt this could be a "win-win" situation in that they are removing an annual on-going cost to the City and moving it to the private sector, which is what the Master Plan calls for. This is one area that could be privatized, while maintaining the same geographic location. He commended the staff for their hard work in finding an alternative to closing the Day Care Center. He said there is obviously interest in maintaining that service at a lower cost to everyone.

He felt the City needs to move forward with review of a lease agreement with Ms. Banks or with the Jack and Jill Day Care Center, which would remove the burden from the City.

Deputy Mayor Wacker said the Council is prohibited by Charter from discussing personnel issues, such as setting

COUNCIL MINUTES – AUGUST 18, 2008

salaries and determining who can be hired. That is a staff decision. The staff would be the ones involved in those negotiations.

Linda Mulder, 1105 S. Valentine

Ms. Mulder said she understood that Jack and Jill Day Care Center had said they would be hiring people only at minimum wage. Deputy Mayor Wacker said that has not been presented to the City Council. There has been no formal discussion other than the letter of intent.

Ms. Mulder was concerned that the employees would not be guaranteed the same salary. Deputy Mayor Wacker said that will be negotiated by staff.

Deputy Mayor Wacker asked if the City provides the building to another entity would that qualify as an in-kind match. Mr. Hefton said it perhaps would qualify. The staff hopes to work with Workforce Texoma Solutions to find a solution for in-kind matches. In-kind matches could also be providing free water service or free trash service.

Council Member Softly recommended that the Council look at all avenues to see if the needs can be met in a win-win situation. Council Member Adami would like to see if the new operators could retain the same staff.

Deputy Mayor Wacker asked if the Council would like to direct the staff to research the situation further and see what arrangement might be feasible that would serve the need and continue to provide day care services at the Sherman Day Care Center.

Council Member Adami said this was a difficult decision and was not taken lightly by the City Council. He acknowledged how important the decision is to the citizens and said the Council will take their comments under consideration. He said they will do their best to provide a good solution for those needing the service and those providing the service.

ACTION TAKEN.

Motion by Council Member Smith to direct the staff to research partnership options to meet the needs and continue to provide day care services. Second by Council Member Softly.

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

VOTING NAY: None.

ABSTAIN: Magers, Howeth.

MOTION CARRIED.

The gavel was passed back to Mayor Magers.

CONSENT AGENDA

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

CONSENT AGENDA

INTRODUCTION AND PUBLIC HEARING OF ORDINANCES

Mayor Magers introduced Ordinance 5551 and called for a public hearing:

**ORD 5551
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, 2008, AND ENDING SEPTEMBER 30, 2009; PROVIDING FOR A REPEALER.

Linda Mulder, 1105 S. Valentine

Ms. Mulder expressed concern that a disproportionate amount of money was being spent on building parks and recreational facilities, while other City services are being cut. There are reductions in staff at the Library, Engineering, Parks and Recreation, Grounds Maintenance, the Day Care Center and an EMS unit that is being redirected. She said jobs are hard to find these days. She was concerned about a City that "puts things in front of people."

She asked what percentage was used to figure the interest income in the budget. She asked where the \$85,000 in oil and gas royalties went that is usually listed in the Municipal Airport and why the contractual services have jumped \$158,488 from last year. When establishing the fleet budget, she asked where the \$1.2 million budget came from. Is the \$200,000 from the Day Care Center? If so, she asked the Council to put \$200,000 back in for the Day Care Center and only put \$1 million in the fleet fund.

Mayor Magers asked that Ms. Mulder submit her questions in writing so the City Council could provide answers.

Dr. Cynthia Manley, 618 W. Brockett

Dr. Manley expressed concern about the time frame for the budget process. She felt consideration of the budget has moved too fast. No one wants to close the Day Care Center and the issue is too complex to be voted on so quickly.

She also felt the budget was too heavy on parks and improvements which are not basic needs like water utilities and child care. She also felt 5:30 p.m. would be a better time for the meetings to be held.

Mayor Magers verified that the budget time tables are set by the City Charter and law. Mr. Hefton said the City does not have any flexibility on the budget time schedules.

No other citizens appeared before the City Council to discuss Ordinance 5551.

COUNCIL MINUTES – AUGUST 18, 2008

Mayor Magers introduced Ordinance 5552 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, EXTENDING THE CORPORATE LIMITS OF SAID CITY SO AS TO ANNEX APPROXIMATELY 2.8 ACRES ALONG THE TRAVIS STREET RIGHT-OF-WAY SOUTH OF AUSTIN LANDING (F.M. 131) IN THE CITY OF SHERMAN'S EXTRA TERRITORIAL JURISDICTION; PROVIDING FOR A MUNICIPAL PLAN; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

ORD 5552
ANNEXATION
TRAVIS ST. R-O-W
SOUTH OF
AUSTIN LANDING

No citizens appeared before the City Council to discuss Ordinance 5552.

Mayor Magers introduced Ordinance 5553 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, EXTENDING THE CORPORATE LIMITS OF SAID CITY SO AS TO ANNEX APPROXIMATELY 3.72 ACRES OF LAND AT 5003 TRAVIS STREET (F.M. 131) IN THE CITY OF SHERMAN'S EXTRA TERRITORIAL JURISDICTION; PROVIDING FOR A MUNICIPAL PLAN; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

ORD 5553
ANNEXATION
5003 TRAVIS ST.

No citizens appeared before the City Council to discuss Ordinance 5553.

Mayor Magers introduced Ordinance 5554 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, EXTENDING THE CORPORATE LIMITS OF SAID CITY SO AS TO ANNEX APPROXIMATELY 858.774 ACRES ALONG U.S. HIGHWAY 75, BETWEEN LOY LAKE ROAD AND THE UNION PACIFIC RAILROAD SOUTH OF HIGHWAY 691, IN THE CITY OF SHERMAN'S EXTRA TERRITORIAL JURISDICTION. PROVIDING FOR A MUNICIPAL PLAN; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPALER.

ORD 5554
ANNEXATION
U.S. HWY 75,
BETWEEN LOY LAKE
AND UP RAILROAD

No citizens appeared before the City Council to discuss Ordinance 5554.

Mayor Magers introduced Ordinance 5555 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 BIBLE CHURCH (OWNERS) AND ALLIANCE ARCHITECTS, THOMAS MAXWELL (ARCHITECT), TO ALLOW A CHURCH IN AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT AT 2515 WEST LAMBERTH ROAD, BEING LOT 10, BLOCK 3 OF THE O'HANLON RANCH ADDITION; 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.

ORD 5555
SUP FOR CHURCH
2515 W. LAMBERTH

COUNCIL MINUTES – AUGUST 18, 2008

No citizens appeared before the City Council to discuss Ordinance 5555.

FIRST READING, PUBLIC HEARING, AND FIRST VOTE ON ORDINANCE

Mayor Magers called for the first reading and public hearing on Ordinance 5556:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, GRANTING TO ATMOS ENERGY CORPORATION, MID-TEX DIVISION, A TEXAS AND VIRGINIA CORPORATION, ITS SUCCESSORS AND ASSIGNS, A FRANCHISE TO FURNISH, TRANSPORT AND SUPPLY GAS TO THE GENERAL PUBLIC IN THE CITY OF SHERMAN, GRAYSON COUNTY, TEXAS, FOR THE TRANSPORTING, DELIVERY, SALE, AND DISTRIBUTION OF GAS IN, OUT OF, AND THROUGH SAID MUNICIPALITY FOR ALL PURPOSES; PROVIDING FOR THE PAYMENT OF A FEE OR CHARGE FOR THE USE OF THE PUBLIC RIGHTS-OF-WAY; PROVIDING THAT IT SHALL BE IN LIEU OF OTHER FEES AND CHARGES, EXCEPTING AD VALOREM TAXES; REPEALING ALL PREVIOUS ATMOS ENERGY GAS FRANCHISE ORDINANCES; PRESCRIBING THE TERMS, CONDITIONS, OBLIGATIONS AND LIMITATIONS UNDER WHICH SUCH FRANCHISE SHALL BE EXERCISED; PROVIDING A MOST FAVORED NATIONS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

ORD 5556
ATMOS FRANCHISE

No citizens appeared before the City Council to discuss Ordinance 5556.

The Ordinances were introduced and the Public Hearing was closed.

CLOSE PUBLIC
HEARING

ADOPTION OF ORDINANCES

Ordinance 5552

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, EXTENDING THE CORPORATE LIMITS OF SAID CITY SO AS TO ANNEX APPROXIMATELY 2.8 ACRES ALONG THE TRAVIS STREET RIGHT-OF-WAY SOUTH OF AUSTIN LANDING (F.M. 131) IN THE CITY OF SHERMAN'S EXTRA TERRITORIAL JURISDICTION; PROVIDING FOR A MUNICIPAL PLAN; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

ORD 5552
ANNEXATION
TRAVIS ST. R-O-W
SOUTH OF
AUSTIN LANDING

Ordinance 5553

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, EXTENDING THE CORPORATE LIMITS OF SAID CITY SO AS TO ANNEX APPROXIMATELY 3.72 ACRES OF LAND AT 5003 TRAVIS STREET (F.M. 131) IN THE CITY OF SHERMAN'S EXTRA TERRITORIAL JURISDICTION; PROVIDING FOR A MUNICIPAL PLAN; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

ORD 5553
ANNEXATION
5003 TRAVIS ST.

Ordinance 5554

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, EXTENDING THE CORPORATE LIMITS

ORD 5554
ANNEXATION
U.S. HWY 75,

OF SAID CITY SO AS TO ANNEX APPROXIMATELY 858.774 ACRES ALONG U.S. HIGHWAY 75, BETWEEN LOY LAKE ROAD AND THE UNION PACIFIC RAILROAD SOUTH OF HIGHWAY 691, IN THE CITY OF SHERMAN'S EXTRA TERRITORIAL JURISDICTION. PROVIDING FOR A MUNICIPAL PLAN; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPALER.

BETWEEN LOY LAKE
AND UP RAILROAD

ACTION TAKEN.

Motion by Council Member Smith to approve Ordinance Nos. 5552, 5553, and 5554, as presented.

Second by Council Member Adami.

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

VOTING NAY: None.

MOTION CARRIED.

Ordinance 5555

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 BIBLE CHURCH (OWNERS) AND ALLIANCE ARCHITECTS, THOMAS MAXWELL (ARCHITECT), TO ALLOW A CHURCH IN AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT AT 2515 WEST LAMBERTH ROAD, BEING LOT 10, BLOCK 3 OF THE O'HANLON RANCH ADDITION; 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.

ORD 5555
SUP FOR CHURCH
2515 W. LAMBERTH

ACTION TAKEN.

Motion by Council Member Adami to approve Ordinance No. 5555, as presented. Second by Council Member Steele.

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

VOTING NAY: None.

ABSTAIN: Wacker.

MOTION CARRIED.

RESOLUTIONS

RESOLUTION NO. 5246 – AUTHORIZING 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 1532 SOUTH MONTGOMERY STREET

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING 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 1532 SOUTH MONTGOMERY STREET.

CONSENT AGENDA.

RES 5246
RESIDENTIAL TAX
ABATEMENT
(1532 S.
MONTGOMERY)

RESOLUTION NO. 5247 – AUTHORIZING EXECUTION OF AN AGREEMENT WITH BARTON CAPITAL, LTD FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE

RES 5247
RESIDENTIAL TAX
ABATEMENT

CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT
1602 SOUTH MONTGOMERY STREET

(1602 S.
MONTGOMERY)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING 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 1602 SOUTH MONTGOMERY STREET.
CONSENT AGENDA.

RESOLUTION NO. 5248 – 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 VOLUNTARY LOCAL
GOVERNMENT CONTRIBUTIONS TO TRANSPORTATION
IMPROVEMENT PROJECTS WITH NO REQUIRED MATCH (A
MULTIPLE BOX CULVERT REPLACEMENT PROJECT ON
S.H. 91)

RES 5248
TXDOT LOCAL
MATCH FOR
PROJECT
(S.H. 91 BOX
CULVERT
REPLACEMENT)

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 VOLUNTARY LOCAL GOVERNMENT CONTRIBUTIONS TO TRANSPORTATION IMPROVEMENT PROJECTS WITH NO REQUIRED MATCH (A MULTIPLE BOX CULVERT REPLACEMENT PROJECT ON S.H. 91).
CONSENT AGENDA.

RESOLUTION NO. 5249 – APPROVING THE GREATER
TEXOMA UTILITY AUTHORITY’S INTENTION TO ENTER INTO
AN AGREEMENT WITH COOK CONCRETE FOR
CONSTRUCTION OF THE TEXOMA PARKWAY WATER MAIN,
PHASE III, FROM FRISCO ROAD TO FALLON DRIVE

RES 5249
GTUA PROJECT
FOR TEXOMA PKWY
WATER MAIN

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 COOK CONCRETE FOR CONSTRUCTION OF THE TEXOMA PARKWAY WATER MAIN, PHASE III, FROM FRISCO ROAD TO FALLON DRIVE.
CONSENT AGENDA.

RESOLUTION NO. 5250 – AUTHORIZING THE CITY
MANAGER TO EXECUTE AN AMENDMENT TO THE
CONTRACT WITH ALLIED WASTE SERVICES FOR TWO
ADDITIONAL YEARS OF RESIDENTIAL RECYCLING
PROCESSING SERVICES

RES 5250
RESIDENTIAL
RECYCLING
SERVICES

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT TO THE CONTRACT WITH ALLIED WASTE SERVICES FOR TWO ADDITIONAL YEARS OF RESIDENTIAL RECYCLING PROCESSING SERVICES.

COUNCIL MINUTES – AUGUST 18, 2008

Jeff Miller, Director of Public Works, said he presented the Council with information about the co-mingled residential recycling program. The co-mingled recycling is sent to the Allied Waste Processing Center in Plano, Texas.

The program is working well and collects significant tonnage and generates excess revenue for the program. Deputy Mayor Wacker said citizens have asked her if the recycling collection can be done weekly instead of bi-weekly.

Mayor Magers verified that the revenue has doubled since 2004 and the tonnage has increased.

ACTION TAKEN.

Motion by Council Member Adami to approve Resolution No. 5250, as presented. Second by Council Member Wacker.

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

VOTING NAY: None.

MOTION CARRIED.

**REQUEST TO ADVERTISE
CENTER STREET PARK PROJECT**

The City Council approved permission to advertise for bids for the Center Street Park Project. At the April 7, 2008 Meeting, the City Council approved the Master Plan and required funding for the Project as presented by the City's Park Planner Dunkin Sims Stoffels. Funding has been allocated in the FY 2008-2009 Capital Improvement Program.
CONSENT AGENDA.

REQUEST TO ADV
CENTER ST.
PARK PROJECT

**CHANGE ORDER NO. 1
HILLCREST DRIVE WATER MAIN REPLACEMENT FROM
RICKETTS STREET TO SUNSET AVENUE; \$170.00,
DECREASE**

The City Council approved a change order for the Hillcrest Drive Water Main Replacement Project between Ricketts Street and Sunset Avenue. The change order is a final reconciliatory change order to adjust the final project quantities and results in a \$170 decrease in the contract amount. The final contract price is \$159,850. The project was funded through the Greater Texoma Utility Authority.
CONSENT AGENDA.

CHANGE ORDER
HILLCREST WATER
MAIN REPLACEMENT
(\$170 DECREASE)

OTHER BUSINESS

**CONSIDER SCHEDULING A JOINT MEETING OF THE CITY
COUNCIL AND THE SHERMAN ECONOMIC DEVELOPMENT
CORPORATION BOARD OF DIRECTORS FOR 12:00 NOON
ON THURSDAY, SEPTEMBER 18, 2008, TO REVIEW
SEDCO'S ANNUAL BUDGET AND WORK PLAN**

Council Member Steele asked that the Sherman Economic Development Corporation's budget be made available to the City Council prior to the meeting. Mr. Hefton said copies will be provided to the City Council prior to the meeting.

SET JOINT MEETING
WITH SEDCO

COUNCIL MINUTES – AUGUST 18, 2008

ACTION TAKEN.

Motion by Deputy Mayor Wacker to set a Called Council Meeting with the Sherman Economic Development Corporation for September 18, 2008 at 12:00 noon, to review their budget and work plan, as presented.

Second by Council Member Adami.

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

VOTING NAY: None.

MOTION CARRIED.

FINAL PLAT APPROVAL OF THE STURGESS ADDITION; RON BARTON, OWNER (707 SOUTH MONTGOMERY STREET)

The City Council approved the Final Plat for the Sturges Addition, located at 707 S. Montgomery, between Wells and Odneal Streets. The owner would like to plat the property into two 50-foot lots for residential development. The Planning and Zoning Commission recommended approval of the Final Plat.

CONSENT AGENDA.

APPROVE FINAL PLAT
STURGESS ADDITION
(707 S. MONTGOMERY)

FINAL PLAT APPROVAL OF THE CUPID BROUGHTON ADDITION; RON BARTON, OWNER (1217 NORTH BROUGHTON STREET)

The City Council approved the Final Plat of the Cupid Broughton Addition, located at 1217 N. Broughton, between Sycamore and Richards Streets. The owner would like to plat the tract into two 48.5-foot lots for residential development. The Planning and Zoning Commission recommended approval of the Final Plat.

CONSENT AGENDA.

APPROVE FINAL PLAT
CUPID BROUGHTON
ADDITION
(1217 N. BROUGHTON)

REPLAT APPROVAL OF LOTS 9-15, BLOCK 8 OF THE W.P. CARTER'S ADDITION; RON BARTON, OWNER (616 AND 620 EAST SYCAMORE STREET)

The City Council approved the Replat of Lots 9 through 15, Block 8 of the W.P. Carter's Addition, located at the corner of Sycamore and Throckmorton Streets. The owner would like to replat the tract into two 50-foot lots for residential development. The Planning and Zoning Commission recommended approval of the Replat.

CONSENT AGENDA.

APPROVE REPLAT
W.P. CARTER'S
ADDITION
(616 & 620 E.
SYCAMORE)

CITIZENS REQUESTS
BUDGET TIME TABLE

Dr. Cynthia Manley, 618 W. Brockett, said she understood that the City must follow the Charter on the budget time table, however she did not feel that would prevent the City from holding an extra meeting at a more convenient time for citizens to hear additional detail about the budget. She urged the Council to have better communication with the citizens so they would know what is included in the budget.

BUDGET
TIME TABLE

MEDIA QUESTIONS

There were no media questions.

MEDIA QUESTIONS

COUNCIL COMMENTS

BUDGET TIME TABLE

Council Member Steele said sometimes it appears that the Council rushes through the budget process, however there is lots of time, thought, and discussion put into these decisions. No one likes to make hard decisions concerning citizens, but sometimes tough decisions are needed and cuts must be made. Other entities raise taxes where Sherman is fortunate to be able to lower taxes this year and still maintain a balanced budget.

**BUDGET
TIME TABLE**

DAY CARE CENTER

Council Member Softly said the Council has to make a tough decision in tough times, but he is happy they are continuing to review the situation to get the best option to satisfy both sides.

DAY CARE CENTER

DAY CARE CENTER

Council Member Howeth was proud that one of her former students had the courage to appear earlier in the meeting and speak on the Day Care Center.

DAY CARE CENTER

DAY CARE CENTER

Mayor Magers thanked the citizens that appeared earlier to discuss the Day Care Center, for their professionalism.

DAY CARE CENTER

LEGISLATIVE CHANGES FOR BUSES

Mayor Magers said Senator Kay Bailey Hutchison is working to make legislative changes concerning buses, and he spoke with her recently as she commended the Police and Fire Departments for their handling of the recent bus accident in Sherman.

**LEGISLATIVE
CHANGES FOR
BUSES**

He added that Sherman has an ordinance that was approved to make irresponsible companies pay the fees for catastrophic accidents. He felt the recent bus accident would fit that criteria and he asked City Attorney Doreen McGookey to enforce Ordinance 5398 to recover fees that were spent by the City of Sherman pertaining to the bus accident.

PHILOSOPHY OF GOVERNMENT

Mayor Magers said the earlier Day Care Center discussion was an example of the philosophy of what government should or should not do, and citizens can agree to disagree. He also commended the staff for a well thought out good budget.

**PHILOSOPHY OF
GOVERNMENT**

COUNCIL MINUTES – AUGUST 18, 2008

ADJOURNMENT

On Motion duly made and carried, the meeting adjourned at 6:32 p.m.

ADJOURNMENT

MAYOR

CITY CLERK