

STATE OF TEXAS

§

August 17, 2009

COUNTY OF GRAYSON

§

BE IT REMEMBERED THAT A Regular Meeting of the City Council of the City of Sherman, Grayson County, Texas was begun and held in the Council Chambers of City Hall on August 17, 2009.

MEMBERS PRESENT:

MAYOR BILL MAGERS; DEPUTY MAYOR JOE SMITH.
COUNCIL MEMBERS ADAMI, HOWETH, SOFTLY, STEELE,
WACKER.

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 Chip Adami.

CALL TO ORDER

Mayor Magers welcomed Grayson County Commissioner Gene Short and Grayson County Sheriff Keith Gary to the Council Meeting.

APPROVE MINUTES

The Council reviewed the Minutes of the Called City Council Meeting of August 3, 2009 and the Regular City Council Meeting of August 3, 2009. Council Member Wacker moved to approve the Minutes as presented; Second by Council Member Softly. All present voted AYE.
MOTION CARRIED.

APPROVE MINUTES

INTRODUCTION AND PUBLIC HEARING OF ORDINANCES

Mayor Magers said this Budget will raise more total property taxes than last year's budget by \$211,000 and 3.1%, and of that amount \$156,681 is tax revenue to be raised from new property added to the roll this year. He emphasized that the City has not changed their tax rate, however because of the growth in Sherman, the revenue has increased.

Mayor Magers introduced Ordinance 5614 and called for a public hearing:

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, 2009, AND ENDING SEPTEMBER 30, 2010; PROVIDING FOR A REPEALER.

ORD 5614
ANNUAL BUDGET

ACTION TAKEN.

Motion by Deputy Mayor Smith to call for the final vote on Budget adoption at the September 8, 2009 Council Meeting. Second by Council Member Wacker.

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

VOTING NAY: None.

MOTION CARRIED.

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No citizens appeared before the City Council to discuss Ordinance 5614.

Mayor Magers introduced Ordinance 5615 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 LAZY L ENTERPRISES (OWNERS), GREG EDWARDS ENGINEERING SERVICES, INC. (ENGINEER), AND COX LAND SURVEYING COMPANY (SURVEYORS) TO ALLOW PATIO HOMES IN AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT AND THE COLLEGE PARK OVERLAY DISTRICT IN THE 600 BLOCK OF EAST CARTER STREET, THE 600 BLOCK OF EAST COLLEGE STREET, AND THE 800 BLOCK OF NORTH BROUGHTON STREET, BEING LOTS 13-21, BLOCK 4, W.P. CARTER'S ADDITION AND 0.90 ACRES IN THE J.B. McANAIR SURVEY, ABSTRACT NO. 763 FOR A TOTAL OF 1.20 ACRES; 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 5615
SUP FOR PATIO
HOMES**

No citizens appeared before the City Council to discuss Ordinance 5615.

Mayor Magers introduced Ordinance 5616 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 13 OF THE CODE OF ORDINANCES, ENTITLED "UTILITIES", ARTICLE 13.06, ENTITLED "SOLID WASTE," AT SECTION 13.06.051(B) TO PROVIDE FOR MODIFIED CONDITIONS FOR OBTAINING A RECYCLING WAIVER FOR THE PRIMARY RESIDENCES ONLY OF CUSTOMERS AGED 65 AND OVER; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

**ORD 5616
RECYCLING
WAIVER FOR
AGE 65 AND
OVER**

No citizens appeared before the City Council to discuss Ordinance 5616.

Mayor Magers introduced Ordinance 5617 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 CIRCLE SHERMAN, LLC (OWNERS), DAYS INN HOTEL & SUITES (TENANT), AND ZONA SANDERS (REPRESENTATIVE) TO ALLOW A COMMERCIAL AMUSEMENT CENTER (BINGO GAMES) IN A C-2 (GENERAL COMMERCIAL) DISTRICT, THE O-1.2 (SAM RAYBURN) OVERLAY DISTRICT, AND THE O-1.1 (FM 1417) OVERLAY DISTRICT AT 3605 U.S. HIGHWAY 75 SOUTH, BEING 4.59 ACRES IN THE PRESTON KITCHEN SURVEY, ABSTRACT NO. 667; PROVIDING FOR A REPEALER; PROVIDING THAT

**ORD 5617
SUP FOR
BINGO GAMES**

COUNCIL MINUTES – AUGUST 17, 2009

THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED \$2,000.

No citizens appeared before the City Council to discuss Ordinance 5617.

Mayor Magers introduced Ordinance 5618 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 12, OF THE CODE OF ORDINANCES, ENTITLED "TRAFFIC AND VEHICLES", PROVIDING FOR A NEW ARTICLE 12.06, TO BE ENTITLED "USE OF HAND-HELD WIRELESS COMMUNICATION DEVICES PROHIBITED IN ACTIVE SCHOOL ZONES"; PROVIDING FOR EXCEPTIONS; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED TWO HUNDRED DOLLARS (\$200.00) FOR EACH OFFENSE; PROVIDING FOR SIGNAGE; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

**ORD 5618
USE OF CELL
PHONES IN
SCHOOL ZONES**

No citizens appeared before the City Council to discuss Ordinance 5618.

The Public Hearing was closed.

**CLOSE PUBLIC
HEARING**

ADOPTION OF ORDINANCES

Ordinance 5615

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 LAZY L ENTERPRISES (OWNERS), GREG EDWARDS ENGINEERING SERVICES, INC. (ENGINEER), AND COX LAND SURVEYING COMPANY (SURVEYORS) TO ALLOW PATIO HOMES IN AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT AND THE COLLEGE PARK OVERLAY DISTRICT IN THE 600 BLOCK OF EAST CARTER STREET, THE 600 BLOCK OF EAST COLLEGE STREET, AND THE 800 BLOCK OF NORTH BROUGHTON STREET, BEING LOTS 13-21, BLOCK 4, W.P. CARTER'S ADDITION AND 0.90 ACRES IN THE J.B. McANAI SURVEY, ABSTRACT NO. 763 FOR A TOTAL OF 1.20 ACRES; 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 5615
SUP FOR PATIO
HOMES**

ACTION TAKEN.

Motion by Deputy Mayor Smith to approve Ordinance No. 5615, as presented. Second by Council Member Softly.

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

VOTING NAY: None.

ABSTAIN: Magers.

MOTION CARRIED.

Ordinance 5616

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 13 OF THE CODE OF ORDINANCES, ENTITLED "UTILITIES", ARTICLE 13.06, ENTITLED "SOLID WASTE," AT SECTION 13.06.051(B) TO PROVIDE FOR MODIFIED CONDITIONS FOR OBTAINING A RECYCLING WAIVER FOR THE PRIMARY RESIDENCES ONLY OF CUSTOMERS AGED 65 AND OVER; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

**ORD 5616
RECYCLING
WAIVER FOR
AGE 65 AND
OVER**

ACTION TAKEN.

Motion by Council Member Adami to approve Ordinance No. 5616, as presented. Second by Council Member Steele.

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

VOTING NAY: None.

MOTION CARRIED.

Ordinance 5617

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 CIRCLE SHERMAN, LLC (OWNERS), DAYS INN HOTEL & SUITES (TENANT), AND ZONA SANDERS (REPRESENTATIVE) TO ALLOW A COMMERCIAL AMUSEMENT CENTER (BINGO GAMES) IN A C-2 (GENERAL COMMERCIAL) DISTRICT, THE O.1.2 (SAM RAYBURN) OVERLAY DISTRICT, AND THE O-1.1 (FM 1417) OVERLAY DISTRICT AT 3605 U.S. HIGHWAY 75 SOUTH, BEING 4.59 ACRES IN THE PRESTON KITCHEN SURVEY, ABSTRACT NO. 667; 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 5617
SUP FOR
BINGO GAMES**

Council Member Steele wanted to be sure that the 8-liner machines and the gambling machines will not be allowed. He asked how that would be enforced.

George Olson, City Manager, said they have applied for a bingo hall and no illegal gambling machines. Council Member Adami verified what bingo games actually are. Deputy Mayor Smith added that places holding bingo games must also be licensed by the State of Texas and subject to State regulations too. Council Member Wacker asked if the State inspectors also inspected the facilities.

Tom Watt, Police Chief, said there are State inspectors but he did not believe they would make a lot of on-site visits. The Police Department responds to complaints.

Council Member Howeth asked about their hours of operation. Scott Shadden, Director of Developmental

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Services, said the ordinance states they will close at midnight.

Council Member Adami asked if any of the neighbors objected. Mr. Shadden said one neighbor was concerned about the screening device and the hotel agreed to make sure the device was in good repair. Council Member Steele verified that those items were included in the Review Letter.

ACTION TAKEN.

Motion by Council Member Adami to approve Ordinance No. 5617, as presented. Second by Deputy Mayor Smith.
VOTING AYE: Adami, Howeth, Smith, Softly, Steele, Wacker.
VOTING NAY: None.
MOTION CARRIED.

Ordinance 5618

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 12, OF THE CODE OF ORDINANCES, ENTITLED "TRAFFIC AND VEHICLES", PROVIDING FOR A NEW ARTICLE 12.06, TO BE ENTITLED "USE OF HAND-HELD WIRELESS COMMUNICATION DEVICES PROHIBITED IN ACTIVE SCHOOL ZONES"; PROVIDING FOR EXCEPTIONS; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED TWO HUNDRED DOLLARS (\$200.00) FOR EACH OFFENSE; PROVIDING FOR SIGNAGE; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

**ORD 5618
USE OF CELL
PHONES IN
SCHOOL ZONES**

Council Member Adami asked if the request for this ordinance came from the State and the Police Department. Mr. Olson said previously the control was optional. During this Legislative Session it was passed and made a misdemeanor.

The staff tried to get clarification on whether this was now required or was still optional, however the staff felt they should err on the side of safety for the kids.

Council Member Adami asked if the City would keep the money from fines or would it go to the State. Chief Watt said there was nothing included in the law to designate, however he felt it would be handled as other fines with a percentage going to the State.

Deputy Mayor Smith questioned giving a municipal ticket for the same offense where they could be charged under a State statute. Chief Watt said all traffic offenses covered under ordinances are State laws. This would be a Class C Misdemeanor with a fine up to \$200. The Municipal Judge sets the actual fine.

Council Member Steele asked what the consequences were if the City did not approve the ordinance. Brandon Shelby,

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City Attorney, explained that there is some confusion with the way the law was written and the Texas Municipal League says cities are split as to whether it is a requirement or not. The staff feels it would be better to err on the side of safety.

Council Member Howeth verified that if a car is parked, the law would not apply. Chief Watt said there are several exceptions to the law including for emergency vehicles, if the person themselves are experiencing an emergency, or if the car is stopped. A hands-free device is also allowed.

ACTION TAKEN.

Motion by Council Member Steele to approve Ordinance No. 5618, as presented. Second by Council Member Wacker.

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

VOTING NAY: None.

MOTION CARRIED.

CONSENT AGENDA

The Council reviewed the Consent Agenda. Council Member Adami asked to remove Item D-2 entitled "Request to advertise – Construction of a concrete pad and ramp for the Solid Waste Transfer Station" from the Consent Agenda for consideration in its regular order of business.

Council Member Adami moved to approve the Consent Agenda, with the exception of Item D-2, which will be discussed in its regular order of business. Second by Council Member Wacker. All present voted AYE.

CONSENT AGENDA

RESOLUTIONS

RESOLUTION NO. 5400 – AUTHORIZING EXECUTION OF AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF SHERMAN AND GRAYSON COUNTY FOR A MULTI-JURISDICTIONAL CODERED® EMERGENCY NOTIFICATION SYSTEM

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF SHERMAN AND GRAYSON COUNTY FOR A MULTI-JURISDICTIONAL CODERED® EMERGENCY NOTIFICATION SYSTEM.

RES 5400
CODE RED
EMERGENCY
NOTIFICATION
SYSTEM

Council Member Wacker asked how this would coordinate with the City's current system. Mr. Olson said it would blend with the City's system. The City has had their system for two years and now the County Emergency Management Operations will have a system countywide.

The County's system will include a weather warning notification system that the City does not have. Citizens would be required to sign up for the new notification. The City will keep their current protocol for issuing emergency management notification within Sherman.

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Mr. Olson said the City now pays \$15,000 annually, but will not pay anything this year because the County has a grant. In future years the cost will be pro-rata and the City will pay about \$15,000 per year but the system will include the weather notification.

ACTION TAKEN.

Motion by Council Member Wacker to approve Resolution No. 5400, as presented. Second by Council Member Adami.

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

VOTING NAY: None.

MOTION CARRIED.

RESOLUTION NO. 5401 – AUTHORIZING THE ACCEPTANCE AND EXECUTION OF A GRANT AWARDED TO THE CITY OF SHERMAN FOR FY 09 RECOVERY ACT EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM FUNDS DISTRIBUTED BY THE U.S. DEPARTMENT OF JUSTICE AND TO BE ALLOCATED TO THE CITY OF SHERMAN, THE CITY OF DENISON, AND GRAYSON COUNTY

**RES 5401
ACCEPTANCE OF
JUSTICE GRANT
FUNDS**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE ACCEPTANCE AND EXECUTION OF A GRANT AWARDED TO THE CITY OF SHERMAN FOR FY 09 RECOVERY ACT EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM FUNDS DISTRIBUTED BY THE U.S. DEPARTMENT OF JUSTICE AND TO BE ALLOCATED TO THE CITY OF SHERMAN, THE CITY OF DENISON, AND GRAYSON COUNTY.

ACTION TAKEN.

Motion by Council Member Wacker to approve Resolution No. 5401, as presented. Second by Council Member Softly.

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

VOTING NAY: None.

MOTION CARRIED.

RESOLUTION NO. 5398 – AUTHORIZING EXECUTION OF AN AGREEMENT WITH THE STATE OF TEXAS, ACTING BY AND THROUGH THE TEXAS DEPARTMENT OF TRANSPORTATION, FOR THE TEMPORARY CLOSURE OF STATE RIGHT OF WAY, BEING PORTIONS OF WEST BOUND HIGHWAY 56, AND AGREEING TO CLOSE PORTIONS OF TRAVIS AND CROCKETT STREETS FOR THE ANNUAL HISPANIC HERITAGE FESTIVAL ON SATURDAY, SEPTEMBER 19, 2009

**RES 5398
ANNUAL HISPANIC
HERITAGE FESTIVAL**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN AGREEMENT WITH THE STATE OF TEXAS, ACTING BY AND THROUGH THE TEXAS DEPARTMENT OF TRANSPORTATION, FOR THE TEMPORARY CLOSURE OF STATE RIGHT OF WAY, BEING PORTIONS OF WEST BOUND HIGHWAY 56, AND AGREEING TO CLOSE PORTIONS OF

TRAVIS AND CROCKETT STREETS FOR THE ANNUAL
HISPANIC HERITAGE FESTIVAL ON SATURDAY,
SEPTEMBER 19, 2009.
CONSENT AGENDA.

RESOLUTION NO. 5402 – APPOINTING AND AUTHORIZING
THE EXECUTION OF AN AGREEMENT WITH PATTILLO,
BROWN & HILL, L.L.P. TO PERFORM THE FISCAL YEAR
2009 AUDIT

RES 5402
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 2009 AUDIT.
CONSENT AGENDA.

RESOLUTION NO. 5403 – RELATING TO GREATER TEXOMA
UTILITY AUTHORITY CONTRACT REVENUE BONDS, SERIES
2009 (CITY OF SHERMAN PROJECT); APPROVING THE
ISSUANCE THEREOF AND THE FACILITIES TO BE
CONSTRUCTED OR ACQUIRED BY SUCH AUTHORITY

RES 5403
GTUA BONDS

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

REQUEST TO ADVERTISE
CONSTRUCTION OF WASHINGTON STREET FROM
HERITAGE PARKWAY TO THE WEST CITY LIMITS

REQ TO ADVERTISE
WASHINGTON
STREET
CONSTRUCTION

The staff requested permission to advertise for the
construction of Washington Street from Heritage Parkway to
the west City Limits.

Council Member Adami said he removed Item D-2 from the
Consent Agenda because he felt the large and small
concrete jobs should be grouped together to get a better
total bid. He felt the City could save money if they combined
jobs such as the Washington Street construction and the
pad and ramp for the Solid Waste Transfer Station.

Mr. Olson explained that the Washington Street project was
being paid for from bond money and the Solid Waste
Transfer Station was being paid from regular Capital
Improvement Project money.

He said the staff would work toward combining these types
of projects in the future. The money for the Solid Waste
Transfer Station was from good bid performance on another
project for the Transfer Station and the money originally
saved was being used for this project.

CONSTRUCTION OF A CONCRETE PAD AND RAMP FOR
THE SOLID WASTE TRANSFER STATION

SOLID WASTE
TRANSFER STATION
PAD AND RAMP

The staff requested permission to advertise for the

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construction of a concrete pad and ramp for the Solid Waste Transfer Station.

ACTION TAKEN.

Motion by Council Member Adami to approve the request to advertise for the construction of Washington Street from Heritage Parkway to the West City Limits and for the construction of a concrete pad and ramp for the Solid Waste Transfer Station, as presented. Second by Council Member Howeth.

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

VOTING NAY: None.

MOTION CARRIED.

CHANGE ORDER NO. 1

TEXOMA PARKWAY WATERLINE, PHASE III – FRISCO ROAD TO FALLON DRIVE; COOK CONCRETE, L.P.; \$452.47, INCREASE

The City Council approved Change Order No. 1 which is a final reconciliatory change order to adjust the final project quantities for the Texoma Parkway Phase III (Frisco Road to Fallon Drive) Water Main Replacement Project.

The project was funded through debt issued by Greater Texoma Utility Authority on the City's behalf. The change order results in a \$452.47 increase in the contract amount, yielding a final contract price of \$212,357.54.

CONSENT AGENDA.

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 17, 2009, TO REVIEW SEDCO'S ANNUAL BUDGET AND WORK PLAN

Council Members considered scheduling a Joint Meeting with the Sherman Economic Development Corporation Board of Directors for Thursday, September 17, 2009 at 12:00 noon, to review their Annual Budget and Work Plan.

ACTION TAKEN.

Motion by Council Member Steele to schedule a Joint Meeting of the City Council and the Sherman Economic Development Corporation Board of Directors for Thursday, September 17, 2009 at 12:00 noon, as presented. Second by Council Member Wacker.

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

VOTING NAY: None.

MOTION CARRIED.

SCHEDULING PUBLIC HEARINGS FOR THE PROPOSED TAX RATE FOR FISCAL YEAR 2009-2010

Because more property tax revenues will be generated in the upcoming fiscal year, compared to the current year, a series of public hearings must be held, even though the proposed tax rate of \$0.32 per \$100 valuation will be maintained.

CHANGE ORDER
TEXOMA PKWY
WATERLINE

SET JOINT MEETING
WITH SEDCO

TAX RATE FOR
FY 2009-2010

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ACTION TAKEN.

Motion by Council Member Wacker to schedule two public hearings on the proposal to increase total tax revenues from properties on the tax roll in the preceding tax year by 3.5 percent. The public hearings will be held in the City Council Chambers at 5:00 p.m. on Tuesday, September 8, 2009 and at 12:00 noon on Monday, September 17, 2009. Second by Deputy Mayor Smith.

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

VOTING NAY: None.

MOTION CARRIED.

Council Members realized that September 17 was actually a Thursday and not a Monday.

ACTION TAKEN.

Motion by Deputy Mayor Smith to amend the motion to schedule two public hearings on the proposal to increase total tax revenues from properties on the tax roll in the preceding tax year by 3.5 percent. The public hearings will be held in the City Council Chambers at 5:00 p.m. on Tuesday, September 8, 2009 and at 12:00 noon on Thursday, September 17, 2009. Second by Council Member Wacker.

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

VOTING NAY: None.

MOTION CARRIED TO AMEND.

Mayor Magers passed the gavel to Deputy Mayor Smith at 5:24 p.m. due to a conflict of interest.

FINAL PLAT APPROVAL OF AUSTIN PARK ADDITION, BEING PART OF A REPLAT OF LOTS 13-21, BLOCK 4, W.P. CARTER'S ADDITION AND 0.90 ACRES IN THE J.B. McANAIR SURVEY, ABSTRACT NO. 763; LAZY L ENTERPRISES, OWNER; GREG EDWARDS ENGINEERING SERVICES, INC., ENGINEER; AND COX LAND SURVEYING COMPANY, SURVEYORS (600 BLOCKS OF EAST COLLEGE AND CARTER STREETS AND 800 BLOCK OF NORTH BROUGHTON)

APPROVE FINAL PLAT
AUSTIN PARK
ADDITION

ACTION TAKEN.

Motion by Council Member Wacker to approve the Final Plat of the Austin Park Addition, as presented. Second by Council Member Softly.

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

VOTING NAY: None.

ABSTAIN: Magers.

MOTION CARRIED.

Deputy Mayor Smith passed the gavel back to Mayor Magers at 5:24 p.m. after the vote was taken.

REPLAT APPROVAL OF LOTS 1, 2 AND 3, BLOCK B, NORTH HAVEN ADDITION, BEING 0.64 ACRES IN THE J.B. McANAIR SURVEY, ABSTRACT NO. 763; SPAVINAW DEVELOPMENT

APPROVE REPLAT
NORTH HAVEN
ADDITION

LLC, OWNERS; AND SARTIN AND ASSOCIATES, INC.,
SURVEYORS (3104, 3108 AND 3112 RIVERCREST DRIVE)

The City Council approved the Replat of Lots 1, 2 and 3, Block B of the North Haven Addition, containing 0.64 acres in the J.B. McAnair Survey, Abstract No. 763, located at 3104, 3108, and 3112 Rivercrest Drive. The owner would like to replat the property into two lots for residential development. The Planning and Zoning Commission recommended approval of the Replat.

CONSENT AGENDA.

MAYOR'S BRIEFING OF COUNCIL CONCERNING THE
MONDAY, AUGUST 10, 2009 MEETING ATTENDED BY
HIMSELF, DEPUTY MAYOR JOE SMITH, CITY MANAGER
GEORGE OLSON, SHERMAN POLICE CHIEF TOM WATT,
GRAYSON COUNTY JUDGE DRUE BYNUM AND GRAYSON
COUNTY SHERIFF KEITH GARY, REGARDING THE
PROPOSED RELOCATION OF THE GRAYSON COUNTY JAIL

Mayor Magers briefed the City Council on a meeting held recently with Grayson County Judge Drue Bynum and Sheriff Keith Gary regarding the proposed relocation of the Grayson County Jail. Deputy Mayor Smith, Mr. Olson and Police Chief Tom Watt also attended the meeting.

BRIEFING ON MEETING
WITH GRAYSON
COUNTY CONCERNING
THE JAIL LOCATION

The goal of the meeting was to gather information so an informed decision can be made of the cost/benefit of keeping the Jail in Downtown Sherman. He addressed several studies and an engineering report that have been completed for the new Jail. Mayor Magers felt that both reports overstated the population growth and the incarceration rates.

He said there were three factors that should be considered for jail population. Those include population and growth of the County; incarceration rates, typically measured by the beds per 1,000; and operational efficiencies. He addressed the average daily population and the peaks and classification of types of prisoners. Those considerations will give a total capacity of beds needed.

Mayor Magers said the meeting participants agreed that a 20 to 25 year Jail should address the needs of a population between 150,000 and 180,000. Currently Grayson County is using about 350 beds per day. The Bogard Study says by 2010, the County will need 532 beds per day and the Wiginton Study said the County would need between 455 and 464 beds by 2004.

Both estimates are 100 to 180 beds more than the actual average daily population in the County. Both reports agree that Grayson County's three beds per 1,000 is the median State average and they both erroneously projected a dramatic ratio increase from 3.1.

Mayor Magers said in March 1994, 73.3% of the inmates were convicted and 26.7% were unconvicted. In November 2004,

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26.2% of the inmates were convicted and 73.8% were unconvicted. More local inmates are now unconvicted than convicted. He felt this change was caused by several inefficiencies.

He addressed changes that have been made to address these inefficiencies including a new full-time court, a new Federal Magistrate, new part-time District Attorneys, a new drug court, and a reduction in Immigration Services prisoners.

Two additional reports have also been completed by the Texas Commission on Jail Standards. One completed in November 2008 assumes a maximum incarceration rate of 3.20 and suggests a bed size of 528. The other assumes a maximum incarceration rate of 3.35 and suggests a bed size of 720. Both reports project the County population at 140,388.

Mayor Magers asked what changed between the two reports and why did the suggested bed size increase so much. Since the jail system is more efficient today than in previous years, he felt the increase must be based on peaking and classification.

In a side-by-side comparison of the two reports, Mayor Magers found that the November 2008 report was based on “average peak population” and the projected capacity was based on a factor of 6%. The May 2009 report was based on “peak population” and the projected capacity was based on a factor of 20%.

The 2009 report also added a fourth factor in determining the projected capacity needs, “due to Grayson’s county’s close proximity to the Dallas, Fort Worth Metropolitan Area an additional 10% is figured into the calculation.” This would indicate that Grayson County needs 576 beds to accommodate prisoners in 2008. In actuality, Grayson County is currently using about 333 to 350 beds per day.

He referenced a letter written from Southwester Correctional that used the information and recommendations from the Wiginton Report. This report showed bed sizes much larger than the actual jail population. After clarification from Jim Wiginton, author of the report, it appears they were using increased growth rates because of growth in South Grayson County. Apparently Mr. Wiginton is now looking at between 500 and 600 beds between 2020 and 2030.

Mayor Magers also read an email received from Sheriff Gary stating that approximately three beds per 1,000 people residing in the County has been adequate. Based on this historical figure, he felt a facility with 500 beds should be adequate for the County’s needs through a population of at least 140,000.

He questioned whether a larger facility would be needed. With a larger bed facility, there are economies of scale that make it more profitable for a private company.

Mayor Magers felt the City of Sherman was an accessory partner in the Jail project. Sherman is the only City in Grayson County that pays to house their prisoners in the County Jail. The Jail is a cornerstone of Sherman's economy and would cause a significant economic "ripple" if it moves.

He thanked the City Council for their patience and support as he dug for the facts, adding that not all of the Council Members agreed on the issue. He also referenced projects that have been jointly completed between the City of Sherman and Grayson County in the past.

Mayor Magers addressed the inconsistency in the source data for the Jail project and expressed concern that one study recommended a 528 bed facility and six months later recommended a 720 bed facility. That report also included a 10% increase because Sherman is close to Dallas.

He felt Downtown Sherman is a viable solution, if you rely on the source data for population growth, incarceration rate, and operational efficiencies. Grayson County doesn't need a 750 bed facility, nor should they assume the financial risks as Sherman residents.

Gene Short, Grayson County Commissioner

Commissioner Short thanked Mayor Magers for his diligence on the Jail project. He agreed with the assessment that there has been a lot of bad data used and misinformation presented to the public throughout the process.

He said he has recently found two more discrepancies and would like to make the Council aware of those tonight. First, the cost per inmate per day prepared by Southwest Correctional is not consistent with the County Auditor's figures. Judge Drue Bynum reported the County's current cost as \$53.50 per inmate per day. However, the County Auditor's report for FY 2008 calculated the cost at both maximum capacity with current staff, as well as average population. Those costs were \$37.64 and \$43.89 respectively.

Secondly, Commissioner Short said he talked with the Financial Advisor that was previously used on jail bonds, and they said they are currently trading bonds at 4.08%, which is significantly lower than the 4.32% or the 5.17% that was recently quoted by the County Judge.

Commissioner Short agreed with the Mayor that the public needs to be provided with all the unbiased facts and that the citizens of Grayson County deserve the right to vote on a

bond election to keep the Jail downtown. This gives the taxpayers their well deserved due process.

Mayor Magers said Judge Bynum had previously asked him what the City of Sherman is prepared to do to help with the Downtown option. Before those decisions are made, Mayor Magers felt the City needed to see true costs on what a Downtown option actually is.

He said Jim Wiginton, Wiginton Hooker Jeffry, P.C. – Architects, has told him in an email that it would cost between \$20 million and \$23 million to build additional beds and remodel the facility. This would take the facility from the current 235 good beds to a 500 bed facility. The price does not include renovation of the existing building or project costs such as fees, furniture, land or other non-construction costs.

Mr. Wiginton said he could not estimate the cost for renovating the existing jail without a great deal of analysis. He estimated the cost of this analysis would be \$45,000. A geotechnical engineer might also be needed to study the building, and if so, would add approximately \$12,000 to the fee.

Mayor Magers asked the City Council to consider funding 25% of the study since Sherman uses 25% of the Jail. He did not feel that a true assessment of the Downtown option could be made without the study. He felt the cost would be in the mid \$20 million range.

He confirmed with Commissioner Short, that the County did not have a contract with Southwest Correctional. He said the numbers “floating around” are \$31 million.

He asked the Council to consider funding a portion of the study on the next Agenda. If approved, the Council would then need to ask the County Commissioners if they are interested in participating.

Mayor Magers said he would make all the information available to the Council Members for their consideration.

CITIZENS REQUESTS
GRAYSON COUNTY JAIL

George Rowland, 614 N. McKown, applauded the Mayor’s efforts on the Jail and agreed with what he was doing. He asked if the County was short on Jail space, why did they continue to have a contract to house Federal prisoners. He understood that it is a revenue issue, however if they are taking up Jail space, it reduces the capacity.

Mayor Magers said he understood that the County was contractually obligated to accept Federal prisoners, but right now there are plenty of beds even for the Federal inmates.

**GRAYSON COUNTY
JAIL**

Mr. Rowland said he also heard that people that cannot bond out stay in Jail for a longer period of time before they come to trial. He has heard this is because the District Attorney's Office doesn't have the personnel to move the cases through. Mr. Rowland said instead of building a Jail, it would be reasonable to add more resources instead.

GRAYSON COUNTY JAIL

Doris Hayes, 1702 W. Shields, said she has always been told that it is less expensive "to go up" with construction rather than build a new facility, mainly because of upkeep on the roof.

She said when the Piner School was originally constructed, citizens were told it would be constructed so another floor could be added because that type of construction would be cheaper. This type of construction also requires no new property. She asked if the Justice Center was also originally constructed with that type of renovation in mind.

Mayor Magers said he understood that the ongoing costs on a one-story facility are much less than on a taller facility. He did not know about construction costs.

Ms. Hayes said she heard parking was also an issue. She asked if parking could be off-site and located a block or two away. She said there are probably vacant lots that would be available for parking without disrupting nearby residences. Ms. Hayes said it seems to her that it would be a big inconvenience to the judges, attorneys, and police department for the Jail to be located farther out.

She said one of the main things that concerns her is that many years ago there were a number of people that tried to save Downtown Sherman. It was abandoned and almost became a ghost town. Ms. Hayes said many people have worked hard to get new businesses into Downtown and if the Jail moves out of the Downtown area it will cost Sherman millions of dollars in revenue.

Ms. Hayes said she asked many acquaintances about the Jail proposal and they had many negative comments and are angry that they are not being allowed to vote on the issue.

MEDIA QUESTIONS

There were no media questions.

COUNCIL COMMENTS

STORM RESPONSE AND CLEAN UP

Council Member Howeth thanked the staff for the quick response and clean up after the recent storm. She also appreciated the advance notification about the storm.

TEXOMA AREA PARATRANSIT SYSTEM

Council Member Wacker said as the City of Sherman's representative to the Texoma Area Paratransit System

GRAYSON COUNTY
JAIL

MEDIA QUESTIONS

STORM RESPONSE
& CLEAN UP

TAPS

Board, she invited the public to attend the initiation of the inaugural Roo Route or Viking Route on Monday, August 24, 2009 at 11:00 a.m. at Austin College or at 1:00 p.m. at Grayson County College. TAPS currently serves a six County area and these are the first two fixed routes for the System. She also encouraged citizens to use the new routes.

KIWANIS BIKE RALLY

Council Member Wacker congratulated the local Kiwanis Club that sponsored a bike rally this past weekend. The event was well done and it was good to see the cooperation of many groups.

**KIWANIS BIKE
RALLY**

GRAYSON COUNTY JAIL

Council Member Adami said concerning the Jail issue, he was most fearful that the Justice Center and the Court System would move. They are a big part of the Downtown economy.

**GRAYSON COUNTY
JAIL**

He asked if the County Commissioners would specify that is not in the plans and include verbiage to that effect. He understood that wasn't in their plans, but would like to see it in writing. He keeps hearing that it's "not currently in the plans" and it would be better to know it's "not in the plans."

Council Member Adami was concerned about losing that viable part of the Downtown economy. He said he appreciated the hard work of the Commissioners and trusted that they would look at all the data and figures in making their decision.

BEARCAT YOUTH FOOTBALL

Mayor Magers said Bearcat Youth Football started yesterday and he and Council Member Steele are coaching. The first home game will be September 12, 2009, in Bearcat Stadium and will be against Pottsboro.

**BEARCAT YOUTH
FOOTBALL**

Austin College and the Sherman Bearcats have combined to help out Youth Football, which is a great thing for the kids.

EXECUTIVE SESSION – IN ACCORDANCE WITH CHAPTER 551, GOVT. CODE, V.T.C.S., (OPEN MEETINGS LAW)

EXECUTIVE SESSION

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.

SECTION 551.074

**PERSONNEL MATTERS:
CONSIDER THE
QUALIFICATIONS, APPOINTMENT
OR REMOVAL OF MEMBERS TO
BOARDS AND COMMISSIONS:**

COUNCIL MINUTES – AUGUST 17, 2009

RED RIVER GROUNDWATER
CONSERVATION DISTRICT
BOARD OF DIRECTORS (2)

On Motion duly made and carried, the Open Meeting recessed and reconvened in Executive Session at 6:10 p.m.

On Motion duly made and carried, the Executive Session recessed at 6:17 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

ADJOURNMENT

On Motion duly made and carried, the meeting adjourned at 6:17 p.m.

ADJOURNMENT

MAYOR

CITY CLERK