STATE OF TEXAS §

August 16, 2010

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 16, 2010.

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

MEMBERS ABSENT: **COUNCIL MEMBER SOFTLY.**

CALL TO ORDER

CALL TO ORDER

Mayor Magers called the meeting to order at 5:02 p.m. The Pledge of Allegiance and the Invocation were given by Deputy Mayor Willie Steele.

APPROVE MINUTES

APPROVE MINUTES

The Council reviewed the Minutes of the Regular City Council Meeting of August 2, 2010 and the Called City Council (Town Hall) Meeting of August 9, 2010. Council Member Wacker moved to approve the Minutes as presented; Second by Council Member Adami. All present voted AYE.
MOTION CARRIED.

RECOGNITION

HAPPY BIRTHDAY TO FORMER TEACHER

HAPPY BIRTHDAY TO FORMER TEACHER

Mayor Magers wished a happy birthday to Muriel Johnson, who taught him and Council Member Smith in first grade at Wakefield Elementary School. She celebrated her 80th birthday today.

INTRODUCTION AND PUBLIC HEARING OF ORDINANCES

ORD 5661 CHARTER AMENDMENT ELECTION

Mayor Magers introduced Ordinance 5661 and called for a public hearing:
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, CALLING A SPECIAL ELECTION OF THE QUALIFIED VOTERS OF THE CITY OF SHERMAN, TEXAS, ON THE 2ND DAY OF NOVEMBER, 2010, FOR THE PURPOSE OF AMENDING THE CITY CHARTER OF THE CITY OF SHERMAN, TEXAS; PROVIDING FOR NOTICE OF SAID ELECTION; DESIGNATING ELECTION PRECINCTS; PROVIDING FOR THE USE OF DIRECT RECORDING ELECTRONIC VOTING EQUIPMENT; PROVIDING FOR EARLY VOTING.

No citizens appeared before the City Council to discuss Ordinance 5661.

ORD 5662 ANNUAL BUDGET

Mayor Magers introduced Ordinance 5662 and called for the first 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, 2010, AND ENDING SEPTEMBER 30, 2011; PROVIDING FOR A REPEALER.

Mayor Magers explained that this Budget will raise more total property taxes than last year's Budget by $58,000 and .9%, and of that amount, $58,000 is tax revenue to be raised from new property added to the roll this year.

He added that this was the first public hearing for the Budget Ordinance and the second public hearing and adoption will be held at the September 7, 2010 City Council Meeting.

No citizens appeared before the City Council to discuss Ordinance 5662.

ORD 5663
STOP SIGNS AT FALLON & MARSHALL STS.

Mayor Magers introduced Ordinance 5663 and called for a public hearing:
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, PROVIDING FOR PERMANENT "STOP" SIGNS AT THE INTERSECTION OF MARSHALL STREET AND EAST FALLON DRIVE WITHIN THE CITY LIMITS OF THE CITY OF SHERMAN; PROVIDING FOR A PENALTY PROVISION; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

No citizens appeared before the City Council to discuss Ordinance 5663.

ORD 5664
ZONE CHANGE 2300 BLOCK W. LAMBERTH & 2100 BLOCK LITTLE LN.

Mayor Magers introduced Ordinance 5664 and called for a public hearing:
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 12, ORDINANCE NO. 2280, SO AS TO INCLUDE CERTAIN PROPERTIES WITHIN THE R-1 (ONE FAMILY RESIDENTIAL) DISTRICT IN THE 2300 BLOCK OF WEST LAMBERTH ROAD AND THE 2100 BLOCK OF LITTLE LANE, BEING 0.812 ACRES IN THE J.B. McANAIR SURVEY, ABSTRACT NO. 763 (BLUESTONE PARTNERS, LLC, OWNERS; KYLE BOOTHE, REPRESENTATIVE; AND UNDERWOOD DRAFTING AND SURVEYING, SURVEYORS); PROVIDING FOR A REPEALER.

No citizens appeared before the City Council to discuss Ordinance 5664.

ORD 5665
SUP FOR DOUBLE SIDED BILLBOARD (1815 W. HOUSTON)

Mayor Magers introduced Ordinance 5665 and called for a public hearing:
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280, SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW A 12' X 24' DOUBLE-SIDED BILLBOARD IN A C-2 (GENERAL COMMERCIAL) DISTRICT AT 1815 WEST HOUSTON STREET, BEING LOT 5, BLOCK 1, SPAVINAW ADDITION (SPAVINAW PROPERTIES, LLC, OWNERS; AND JASON SOFEY, REPRESENTATIVE);

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

No citizens appeared before the City Council to discuss Ordinance 5665.

The Public Hearing was closed.

CLOSE PUBLIC HEARING

ADOPTION OF ORDINANCES

Ordinance 5663

ORD 5663 STOP SIGNS AT FALLON & MARSHALL STS.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, PROVIDING FOR PERMANENT "STOP" SIGNS AT THE INTERSECTION OF MARSHALL STREET AND EAST FALLON DRIVE WITHIN THE CITY LIMITS OF THE CITY OF SHERMAN; PROVIDING FOR A PENALTY PROVISION; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

Ordinance 5664

ORD 5664 ZONE CHANGE 2300 BLOCK W. LAMBERTH & 2100 BLOCK LITTLE LN.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 12, ORDINANCE NO. 2280, SO AS TO INCLUDE CERTAIN PROPERTIES WITHIN THE R-1 (ONE FAMILY RESIDENTIAL) DISTRICT IN THE 2300 BLOCK OF WEST LAMBERTH ROAD AND THE 2100 BLOCK OF LITTLE LANE, BEING 0.812 ACRES IN THE J.B. McANAIR SURVEY, ABSTRACT NO. 763 (BLUESTONE PARTNERS, LLC, OWNERS; KYLE BOOTHE, REPRESENTATIVE; AND UNDERWOOD DRAFTING AND SURVEYING, SURVEYORS); PROVIDING FOR A REPEALER.

Ordinance 5665

ORD 5665 SUP FOR DOUBLE SIDED BILLBOARD (1815 W. HOUSTON)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280, SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW A 12' X 24' DOUBLE-SIDED BILLBOARD IN A C-2 (GENERAL COMMERCIAL) DISTRICT AT 1815 WEST HOUSTON STREET, BEING LOT 5, BLOCK 1, SPAVINAW ADDITION (SPAVINAW PROPERTIES, LLC, OWNERS; AND JASON SOFEY, REPRESENTATIVE); PROVIDING FOR A REPEALER; PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED $2,000.

ACTION TAKEN.

> **Motion by Council Member Adami to approve Ordinance Nos. 5663, 5664, and 5665, as presented. Second by Council Member Smith.**

VOTING AYE: Adami, Howeth, Smith, Steele, Wacker.
VOTING NAY: None.
MOTION CARRIED.

Ordinance 5661

ORD 5661 CHARTER

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF

SHERMAN, TEXAS, CALLING A SPECIAL ELECTION OF THE QUALIFIED VOTERS OF THE CITY OF SHERMAN, TEXAS, ON THE 2ND DAY OF NOVEMBER, 2010, FOR THE PURPOSE OF AMENDING THE CITY CHARTER OF THE CITY OF SHERMAN, TEXAS; PROVIDING FOR NOTICE OF SAID ELECTION; DESIGNATING ELECTION PRECINCTS; PROVIDING FOR THE USE OF DIRECT RECORDING ELECTRONIC VOTING EQUIPMENT; PROVIDING FOR EARLY VOTING.

AMENDMENT ELECTION

Mayor Magers said the City Council is not making a final decision on the proposed Charter Amendments. The Charter Review Commission, consisting of Mayor Magers, Council Member Adami, and Council Member Howeth, reviewed a proposed 33 Amendments.

The Commission selected these six Amendments and are proposing them to the City Council for their consideration. The City Council will select the Charter Amendments that will be put before voters in a Special Election on November 2, 2010. Ultimately the voters will decide which Charter Amendments are approved.

He prepared to discuss each Amendment separately.

<u>Amendment #1</u>
Mayor Magers explained that this Amendment will move the Municipal Election to November instead of May each year. He felt this would save the taxpayers money and would increase voter turn-out in the City Election. The last City Election, three years ago, cost $29,000.

He added that for Sherman voters, in the City's May 2008 Election, 337 votes were cast while in the County's November 2008 Election there were 12,360 votes cast. In the City's May 2007 Election, 2,732 votes were case while in the County's November 2006 Election, 6,929 votes were cast.

Mayor Magers added that November Elections are held during even numbered years when voters vote for State Representatives, Federal offices, and County offices. However, during odd numbered years, County Elections include Elections for Constitutional Amendments and Special Elections. Every year since 2001, Grayson County has had a November Election in the odd numbered years.

ACTION TAKEN.
Motion by Council Member Smith to include Amendment #1 on the November 2, 2010 Special Election Ballot, as presented. Second by Deputy Mayor Steele.
VOTING AYE: Adami, Howeth, Smith, Steele, Wacker.
VOTING NAY: None.
MOTION CARRIED TO INCLUDE AMENDMENT #1 ON THE NOVEMBER 2, 2010 SPECIAL ELECTION BALLOT.

Amendment #2

Mayor Magers explained that in this Amendment, the City is proposing to remove the word "underground." Therefore, if any utilities must be moved, either above ground or underground, then the utilities would be responsible for paying for their removal.

Brandon Shelby, City Attorney, added that the City is removing the word "underground" to make it clear that the franchise requirements apply to above ground utilities too.

ACTION TAKEN.

Motion by Council Member Adami to include Amendment #2 on the November 2, 2010 Special Election Ballot, as presented. Second by Council Member Wacker.

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

VOTING NAY: None.

MOTION CARRIED TO INCLUDE AMENDMENT #2 ON THE NOVEMBER 2, 2010 SPECIAL ELECTION BALLOT.

Amendment #3

Mayor Magers explained that Amendment #3 was a housekeeping measure. If there is something in the Charter that conflicts with State law, State law will take precedence over the City's law and this Amendment will allow the City to change the Charter to reflect the change in State law, without holding a costly Election.

ACTION TAKEN.

Motion by Council Member Wacker to include Amendment #3 on the November 2, 2010 Special Election Ballot, as presented. Second by Council Member Howeth.

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

VOTING NAY: None.

MOTION CARRIED TO INCLUDE AMENDMENT #3 ON THE NOVEMBER 2, 2010 SPECIAL ELECTION BALLOT.

Amendment #5

Mayor Magers said Amendment #5 was also a housekeeping measure that puts all the taxing entities under the same City regulations and puts the Charter in line with law. Currently the Charter singles out the Sherman Independent School District as a taxing entity and it shouldn't. Instead, it should apply to all taxing entities.

Mr. Shelton said this Amendment doesn't change the way the City does business and if the taxing entities are following the law now, there will be no impact.

ACTION TAKEN.

Motion by Deputy Mayor Steele to include Amendment #5 on the November 2, 2010 Special Election Ballot, as presented. Second by Council Member Wacker.

VOTING AYE: Adami, Howeth, Smith, Steele, Wacker.
VOTING NAY: None.
MOTION CARRIED TO INCLUDE AMENDMENT #5 ON THE NOVEMBER 2, 2010 SPECIAL ELECTION BALLOT.

Amendment #6

Mayor Magers explained that Amendment #6 clarifies and updates where the City must post items such as the Budget. It also allows for posting to the City's website.

ACTION TAKEN.

> **Motion by Council Member Smith to include Amendment #6 on the November 2, 2010 Special Election Ballot, as presented. Second by Council Member Adami.**

VOTING AYE: Adami, Howeth, Smith, Steele, Wacker.
VOTING NAY: None.
MOTION CARRIED TO INCLUDE AMENDMENT #6 ON THE NOVEMBER 2, 2010 SPECIAL ELECTION BALLOT.

Amendment #4

Mayor Magers explained that Amendment #4 concerns a change in the pay to City Council Members. In April 1982 the citizens voted that the Council Members should be paid $50 per meeting and the Mayor should be paid $75 per meeting. This pay has not changed since that time.

The Amendment takes 1983 dollars and moves it to 2010 dollars. It also expands the stipend to include all committees on which Council Members serve that are Mayor or Council appointed. This would not include payment for the time Council Members meet with citizens, developers, or similar types of meetings.

The Amendment also depoliticizes Council pay by tying any future increases to the percentage of increase given to City staff. Employees are not receiving an across-the-board pay increase this year, so the earliest the Council increase would go into effect would be October 1, 2012. At that time, the City Council could also choose to exclude themselves from that pay increase.

Mayor Magers felt it was important for those serving on the City Council or as Mayor to receive some compensation for their time.

Steve Jonse, 1419 N. Woods

Mr. Jonse is a former Council Member and he said when you run for City Council you don't get rich. Most of the Council Members make a good personal income. Timing is everything and even though they don't plan to implement the raise until 2011, there are companies that are laying off employees. He did not feel this was the right time to consider the Charter Amendment.

He added that when you serve the citizens, it's a voluntary effort. He appreciated the time and commitment that Council

Members give, however since the City employees haven't received a raise in a couple of years, the economy is bad, the water and sewer rates are increasing, and pay is not increasing, he felt it was not the right time for a pay increase for Council Members.

He felt the Amendment should be considered at another time. He asked if there would be a "cap" on the number of committees on which Council Members could serve. Mayor Magers said it only includes committees appointed by the City Council. If it does become a potential flaw in the system, then voters need to keep an eye on their elected officials. The appointments would be done at a Council Meeting in full view of the voting public.

Mr. Jonse asked if the issues could be broken into two options. One option could be a pay increase for Council Members for Council Meetings alone, and the other option could authorize committee pay.

Mayor Magers reiterated that the pay raise would only become effective at such time as the City employees receive an across-the-board pay increase. He hoped the Council could give pay increases to City employees in 2012, but there was no guarantee. He agreed there was no good time to talk about pay for elected officials.

<u>John Arriazola, 907 W. College</u>
Mr. Arriazola felt it was the wrong time to vote on a pay increase for Council Members. With the unemployment at 8.8% in Sherman and the City employees not receiving a raise in three years, he felt it was wrong for the Council to ask for a 100% raise. City employees normally only receive 3% raises.

Mr. Arriazola said he would vote against the pay increase at the November Election.

Council Member Adami said the increase in pay will not be the determinant that makes someone decide to run for City Council, but it might make someone feel that their volunteerism was worthwhile. During the last two Elections, no new candidate has run for a Council position. The incumbents ran unopposed. He added that competition is good and makes for better races.

Council Member Adami felt the additional pay might encourage more people to run for City Council. The economy is not good but the Charter Amendment is written to not happen until City employees receive a raise.

Council Member Howeth felt the issue should be included on the ballot to allow the citizens of Sherman to decide whether or not it happens. In Washington, D.C., they give themselves pay increases all the time and the citizens don't have the privilege of voting.

In Sherman, the citizens are allowed to determine whether or not this compensation will be approved. Everyone agrees it is a tough time, but the voters are allowed to make the choice.

Council Member Wacker said she hoped that the citizens did see that there is value in serving on the Council. She would also like to see more people seeking an elected office.

She did have reservations about receiving compensation for attending meetings. Council Members do officially represent the City of Sherman when they serve on these boards, however it might create some pay inequity. Different Members are able to serve on different committees. Council Member Wacker added that she would not mind seeing that as an additional item on the ballot.

Mayor Magers said no one will run for Council because of this pay. Of the current Council, four are self employed, one works for an organization that provides flexible hours, one is retired and serves as a pastor, and Council Member Howeth is the only one that must be at a certain place on a certain time every day.

For those that want to serve, and aren't in a position to have a flexible schedule, this pay will give them an opportunity to serve their City and not take a financial "hit."

Council Member Adami added that the voters have an amount of sway with those elected and if there is a concern about equity the Council Member can always refuse the money or donate their pay to the PRIDE fund.

ACTION TAKEN.
> **Motion by Council Member Howeth to include Amendment #4 on the November 2, 2010 Special Election Ballot, as presented. Second by Council Member Adami.**

VOTING AYE: Magers, Adami, Howeth, Smith, Steele.
VOTING NAY: Wacker.
MOTION CARRIED TO INCLUDE AMENDMENT #4 ON THE NOVEMBER 2, 2010 SPECIAL ELECTION BALLOT.

Council Members also needed to vote on the adoption of Ordinance 5661.

ACTION TAKEN.
> **Motion by Council Member Smith to approve Ordinance No. 5661, as presented. Second by Deputy Mayor Steele.**

VOTING AYE: Adami, Howeth, Smith, Steele, Wacker.
VOTING NAY: None.
MOTION CARRIED.

CONSENT AGENDA

CONSENT AGENDA

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

RESOLUTIONS

RESOLUTION NO. 5514 – AUTHORIZING EXECUTION OF AN ENGINEERING SERVICES AGREEMENT WITH ESPEY CONSULTANTS, INC. FOR THE INITIATION AND SUBMISSION OF A TEXAS WATER DEVELOPMENT BOARD GRANT APPLICATION FOR PARTIAL FUNDING OF THE DEVELOPMENT OF A SHERMAN WATERSHED MANAGEMENT PLAN

RES 5514 GRANT FOR WATERSHED MANAGEMENT PLAN

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN ENGINEERING SERVICES AGREEMENT WITH ESPEY CONSULTANTS, INC. FOR THE INITIATION AND SUBMISSION OF A TEXAS WATER DEVELOPMENT BOARD GRANT APPLICATION FOR PARTIAL FUNDING OF THE DEVELOPMENT OF A SHERMAN WATERSHED MANAGEMENT PLAN.

Don Keene, Executive Director – Planning and Public Works, presented an update on the proposed Watershed Management Plan.

Over a year ago, the Council adopted the Comprehensive Master Plan which included an action item for a storm drainage study and plan for targeted capital improvements and financing.

There is also a goal concerning Watershed Management and the increased ability of natural and engineered systems to address stormwater runoff and drainage, both in existing neighborhoods and proposed developments.

In support of the Master Plan, the City Council, in 2010, authorized $300,000 for drainage improvements. An additional $100,000 has also been budgeted for more improvements in 2011.

Mr. Keene outlined several projects that have been completed this year to enhance stormwater drainage including improvements on Archer Drive, at the Taylor Street Bridge, and the McGee Street Bridge.

Additional objectives listed in the Comprehensive Master Plan include conducting a series of studies to identify improvements to the existing drainage system; improving the existing drainage system through capital improvements, which may be funded through a variety of sources; and implementing drainage policies through ordinance amendments or programs that use the latest best management practices.

The staff feels that a comprehensive Watershed Management Plan is needed to accomplish these goals. The Plan would be an expansion of the Master Plan and would include a series of engineering studies to identify the needs and recommended improvements, and a prioritized list of recommended capital improvements as identified by the study.

If the Council decides to budget financing in coming years this will provide an objective way to determine what projects should be planned. The Watershed Management Plan will also provide a set of recommended supporting programs and drainage policies or ordinance changes.

The staff issued a request for qualifications from engineering firms who would be interested in helping prepare the Plan. Ten bids were received and the staff selected three that they felt were the most highly qualified. The staff recommends contracting with Espey Consultants, Inc., to develop the Sherman Watershed Management Plan.

The first step would be consideration of the Resolution on tonight's agenda to approve the application for a Texas Water Development Board matching grant to fund 50% of the development of the Plan. One of Espey's strengths is that they have had a lot of experience and success in applying for and securing these grants.

The second step would be to use the remaining 2010 CIP drainage improvement money and the 2011 money to fund the City's 50% cost of the Plan. Step three would be the development of the Plan with step four being the implementation.

Mr. Keene noted that in 1848, the City of Sherman relocated three miles east to be closer to water. He added that to his knowledge, the City has never had a comprehensive plan to address issues because of the community's proximity to creeks and the watershed.

A Watershed Management Plan will enable the City to objectively address existing issues and concerns and to proactively approach the City's future.

Mayor Magers asked if the Federal Emergency Management Agency (FEMA) maps were included in the Watershed Management Plan and expressed concern that the maps were not very up-to-date.

George Olson, City Manager, said the FEMA maps are used to identify flood zones. They will be used for the Watershed Management Plan but it really goes further to determine what the City infrastructure needs to accommodate drainage. They will not be building another flood zone map but the

existing maps will be incorporated into the Study. Based on this information, the staff will determine what can be done to mitigate flooding issues in Sherman.

Mark Gibson, Director of Engineering and Public Works, added that the FEMA maps are the basis for the flood insurance program. Their basic purpose is to establish zones for insurance purposes.

Council Member Smith asked if this was the first step that the City promised they would do after the last big flood. Mr. Keene said this is the first step in doing what the Comprehensive Master Plan said was needed to address flooding.

Deputy Mayor Steele said the City is required by the Texas Commission on Environmental Quality (TCEQ) to create a Storm Water Pollution Prevention Plan (SW3P) and he asked if this would be a step toward complying with that requirement. Mr. Keene said it would be a piece of that requirement.

Mayor Magers asked how much the consultant would be paid and what the scope of work was. Mr. Keene said it would cost less than $12,000 to gather and compile the information and prepare the application. If the grant is approved, then the Texas Water Development Board would pay half and the City would pay half and work would begin on the Plan. The City's portion of the funding is in the 2010 and 2011 CIP.

ACTION TAKEN.

> **Motion by Council Member Smith to approve Resolution No. 5514, as presented. Second by Council Member Wacker.**

VOTING AYE: Adami, Howeth, Smith, Steele, Wacker.
VOTING NAY: None.
MOTION CARRIED.

RES 5515
ANNUAL AUDIT

<u>RESOLUTION NO. 5515 – APPOINTING AND AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH PATTILLO, BROWN & HILL, L.L.P. TO PERFORM THE FISCAL YEAR 2010 AUDIT</u>
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 2010 AUDIT.

Mayor Magers asked about the slight increase for services rendered. Robby Hefton, Assistant City Manager/CFO, explained that the increase was an agreed upon price that was set three years ago with the initial contract. This will be the fourth year of the contract.

Deputy Mayor Steele confirmed that the contract normally goes in five year cycles and then is bid again. Council Member Adami said they estimate the costs and then

escalate that cost annually. This allows for better cash flow over a period of time.

ACTION TAKEN.

Motion by Council Member Adami to approve Resolution No. 5515, as presented. Second by Council Member Wacker.

VOTING AYE: Adami, Howeth, Smith, Steele, Wacker.
VOTING NAY: None.
MOTION CARRIED.

REQUEST TO ADV WELL REPAIRS

REQUEST TO ADVERTISE
REPAIRS TO SHEPHERD DRIVE 1 WOODBINE WELL REPAIR

The City Council approved the request to advertise for repairs to the Shepherd Drive 1 Woodbine Well. The pump on the well is failing and needs to be pulled and inspected to determine if repairs or replacement is required. Since the well has been in service for more than 20 years, it may be necessary to replace piping and other components.
CONSENT AGENDA.

OTHER BUSINESS

CLOSE STREETS FOR HISPANIC HERITAGE FESTIVAL

CONSIDER REQUEST OF THE HISPANIC HERITAGE COUNCIL OF SHERMAN TO TEMPORARILY CLOSE CERTAIN STREETS, SUSPEND PARKING TIME LIMITS, AND USE CERTAIN CITY FACILITIES AND SERVICES FOR THE ANNUAL HISPANIC HERITAGE FESTIVAL ON SATURDAY, SEPTEMBER 11, 2010

The City Council approved the request of the Hispanic Heritage Council of Sherman to temporarily close certain streets for their event on September 11, 2010. This year the event will be held on the Municipal Building Grounds. They also requested a dumpster, trash carts, barricades, traffic control assistance, and medical support.
CONSENT AGENDA.

CLOSE STREETS ANNUAL ARTS FESTIVAL

CONSIDER REQUEST OF THE SHERMAN ARTS FESTIVAL COMMITTEE TO TEMPORARILY CLOSE CERTAIN STREETS, SUSPEND PARKING TIME LIMITS, AND USE CERTAIN CITY FACILITIES AND SERVICES FOR THE 28TH ANNUAL SHERMAN ARTS FESTIVAL ON SATURDAY, SEPTEMBER 18, 2010

The City Council approved the request of the Sherman Arts Festival Committee to temporarily close certain streets for their event on September 18, 2010. The event is held on the Municipal Building Grounds. They also requested barricades, trash pickup, trash cans and dumpsters, access to tables and chairs, street sweeping, traffic control assistance, and medical support.
CONSENT AGENDA.

CLOSE STREETS SHS HOMECOMING PARADE

CONSIDER REQUEST OF THE SHERMAN INDEPENDENT SCHOOL DISTRICT AND THE SHERMAN HIGH SCHOOL STUDENT COUNCIL TO TEMPORARILY CLOSE CERTAIN STREETS FOR THE 2010 SHERMAN HIGH SCHOOL

HOMECOMING PARADE ON MONDAY, SEPTEMBER 13, 2010
The City Council approved the request of the Sherman Independent School District and the Sherman High School Student Council to temporarily close certain streets in the Downtown area for the 2010 Sherman High School Homecoming Parade on September 13, 2010. The event will require traffic control assistance, barricades, and emergency medical support.
CONSENT AGENDA.

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 23, 2010, TO REVIEW SEDCO'S ANNUAL BUDGET AND WORK PLAN

SCHEDULE JOINT CITY COUNCIL & SEDCO MEETING

Council Members considered scheduling a Joint Meeting of the City Council and the Sherman Economic Development Corporation Board of Directors for September 23, 2010, at 12:00 noon to review their Annual Budget and Work Plan.

ACTION TAKEN.

> **Motion by Council Member Adami to schedule a Joint Meeting of the City Council and the Sherman Economic Development Corporation Board of Directors for September 23, 2010, at 12:00 noon, as presented. Second by Council Member Wacker.**

VOTING AYE: Adami, Howeth, Smith, Steele, Wacker.
VOTING NAY: None.
MOTION CARRIED.

FINAL PLAT APPROVAL OF FAIRVIEW BAPTIST CHURCH ADDITION, A REPLAT OF NORTHWOOD HEIGHTS ADDITION, SHANNON HEIGHTS ADDITION, AND W.M. SHANNON SUPPLEMENT; FAIRVIEW BAPTIST CHURCH, OWNERS; DAVID KIGHT, REPRESENTATIVE; AND UNDERWOOD DRAFTING AND SURVEYING, SURVEYORS (200-300 BLOCKS OF WEST TAYLOR STREET AND 222 WEST FAIRVIEW STREET)

APPROVE FINAL PLAT FAIRVIEW BAPTIST CHURCH ADDITION (200 & 300 BLOCKS OF W. TAYLOR & 222 W. FAIRVIEW)

The City Council approved the Final Plat of the Fairview Baptist Church Addition, a Replat of Northwood Heights Addition, Shannon Heights Addition, and W.M. Shannon Supplement. The property is located in the 200 and 300 blocks of West Taylor Street and 222 West Fairview Street. The owners would like to plat the property into three lots for expansion of the tenant, Fairview Baptist Church.

The Planning and Zoning Commission recommended approval of the Final Plat.
CONSENT AGENDA.

FINAL PLAT APPROVAL OF NEWHAVEN ADDITION; BLUESTONE PARTNERS, LLC, OWNERS; KYLE BOOTHE, REPRESENTATIVE; AND UNDERWOOD DRAFTING AND SURVEYING, SURVEYORS (2300 BLOCK OF WEST LAMBERTH ROAD AND 2100 BLOCK OF LITTLE LANE)

APPROVE FINAL PLAT NEWHAVEN ADDITION (2300 BLOCK OF W. LAMBERTH & 2100 BLOCK OF LITTLE LN)

The City Council approved the Final Plat of NewHaven

Addition, being 0.812 acres in the J.B. McAnair Survey, Abstract No. 763, which is located in the 2300 block of West Lamberth Road and the 2100 block of Little Lane, at the southeast corner. The owners would like to plat the property into three lots for construction of single-family homes.

The Planning and Zoning Commission recommended approval of the Final Plat.
CONSENT AGENDA.

APPROVE REPLAT HERITAGE PARK ADDITION (1001 SARA SWAMY DR.)

<u>REPLAT APPROVAL OF LOT 1, BLOCK 1, HERITAGE PARK ADDITION; SAM NECHAMKIN, OWNER; JASON SOFEY, REPRESENTATIVE; AND UNDERWOOD DRAFTING AND SURVYEING, SURVEYORS (1001 SARA SWAMY DRIVE)</u>
The City Council approved the Replat of Lot 1, Block 1, Heritage Park Addition, being Lot 1, Block 1 Heritage Park Addition, Phase 1, which is located at 1001 Sara Swamy Drive. The owner would like to plat the property into two lots for commercial development.

The Planning and Zoning Commission recommended approval of the Replat.
CONSENT AGNEDA.

CITIZENS REQUESTS

<u>CITIZENS REQUESTS</u>
There were no citizens requests

<u>MEDIA QUESTIONS</u>

CHARTER AMENDMENT ELECTION

<u>CHARTER AMENDMENT ELECTION</u>
Kathy Williams, Herald Democrat Reporter, said Mayor Magers said the City would save about $30,000 per Election if the Elections are moved to November. She asked if there were any costs involved in holding a Joint Election with Grayson County.

Mayor Magers said there are some costs such as printing of the ballot and programming charges, but there are no personnel costs unless they have to hire additional workers. Council Member Adami verified that the City would not be required to pay for the voting machines. Actual Election costs with Grayson County were estimated at $2,000.

Mrs. Williams said in 2009, the Grayson County Clerk refused to allow the City of Southmayd to conduct a Joint Election with the County. She asked if there had been discussions to determine if the City of Sherman would be welcome to share a ballot.

Mayor Magers said there has not been a discussion but he did not feel that would be an issue.

<u>COUNCIL COMMENTS</u>

CHARTER AMENDMENT ELECTION

<u>CHARTER AMENDMENT ELECTION</u>
Mayor Magers thanked everyone for their input and said on November 2, 2010 the voters will have an opportunity to make their comments known on the Charter Amendments.

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 551.071	**CONSULTATION WITH CITY ATTORNEY CONCERNING PENDING OR CONTEMPLATED LITIGATION:** **RECEIVE THE CITY ATTORNEY'S BRIEFING ON PENDING LITIGATION**
SECTION 551.074	**CONSIDER THE QUALIFICATIONS, APPOINTMENT OR REMOVAL OF MEMBERS TO BOARDS AND COMMISSIONS:** **MENTAL HEALTH MENTAL RETARDATION SERVICES OF TEXOMA BOARD OF DIRECTORS (1)**

On Motion duly made and carried, the Open Meeting recessed and reconvened in Executive Session at 5:57 p.m.

On Motion duly made and carried, the Executive Session recessed at 6:04 p.m. and reconvened in Open Meeting.

OPEN MEETING

OPEN MEETING

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

APPOINT/REMOVE OR CONSIDER QUALIFICATIONS TO BOARDS AND COMMISSIONS:

MENTAL HEALTH MENTAL RETARDATION SERVICES OF TEXOMA BOARD OF DIRECTORS (1)

MHMR SERVICES OF TEXOMA BOARD OF DIRECTORS

ACTION TAKEN.

Motion by Council Member Wacker to reappoint Margie Morris to the Mental Health Mental Retardation Services of Texoma Board of Directors for a term from August 31, 2010 to August 31, 2012. Second by Council Member Smith.

VOTING AYE: Adami, Howeth, Smith, Steele, Wacker.
VOTING NAY: None.
MOTION CARRIED.

ADJOURNMENT

ADJOURNMENT
On Motion duly made and carried, the meeting adjourned at 6:05 p.m.

MAYOR

CITY CLERK