STATE OF TEXAS §

August 2, 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 2, 2010.

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

CALL TO ORDER

CALL TO ORDER

Deputy Mayor Steele called the meeting to order at 5:00 p.m. The Pledge of Allegiance and the Invocation were given by Council Member Robert Softly.

APPROVE MINUTES

APPROVE MINUTES

The Council reviewed the Minutes of the Regular City Council Meeting of July 19, 2010. Council Member Wacker moved to approve the Minutes as presented; Second by Council Member Adami. All present voted AYE.
MOTION CARRIED.

INTRODUCTION AND PUBLIC HEARING OF ORDINANCES

ORD 5659
STOP SIGNS
(KING & FIRST STS.)

Deputy Mayor Steele introduced Ordinance 5659 and called for a public hearing:
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, PROVIDING FOR PERMANENT "FOUR-WAY STOP" SIGNS AT THE INTERSECTION OF KING STREET AND FIRST STREET WITHIN THE CITY LIMITS OF THE CITY OF SHERMAN; PROVIDING FOR A PENALTY PROVISION; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

Julia Marlow, 607 E. King
Ms. Marlow thanked the Council for the stop signs because it slows down the traffic, however she said people can't see around the corner at that intersection because of the trees and shrubs by Stevens Tree Service. She said the area is very dangerous.

Don Keene, Executive Director – Planning and Public Works, said the staff initially addressed the issue with the stop signs but he will verify that all codes are being enforced. He confirmed that the northeast corner is the problem.

Patrick Marlow, 607 E. King
Mr. Marlow reiterated that the intersection of King and First Street is dangerous because drivers can't see around the corner by Stevens Tree Service. He said the stop signs do slow the traffic and he would like to be sure they are left in place permanently.

No other citizens appeared before the City Council to discuss Ordinance 5659.

Deputy Mayor Steele introduced Ordinance 5660 and called for a public hearing:
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, PROVIDING FOR PERMANENT "NO PARKING" SIGNS RESTRICTING PARKING ALONG THE SOUTH SIDE OF THE 2900 BLOCK OF EAST FALLON DRIVE WITHIN THE CITY LIMITS OF THE CITY OF SHERMAN; PROVIDING FOR A PENALTY PROVISION; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY.

ORD 5660
NO PARKING SIGNS
(FALLON DR.)

No citizens appeared before the City Council to discuss Ordinance 5660.

The Public Hearing was closed.

CLOSE PUBLIC HEARING

<u>ADOPTION OF ORDINANCES</u>
Ordinance 5659
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, PROVIDING FOR PERMANENT "FOUR-WAY STOP" SIGNS AT THE INTERSECTION OF KING STREET AND FIRST STREET WITHIN THE CITY LIMITS OF THE CITY OF SHERMAN; PROVIDING FOR A PENALTY PROVISION; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

ORD 5659
STOP SIGNS
(KING & FIRST STS.)

Ordinance 5660
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, PROVIDING FOR PERMANENT "NO PARKING" SIGNS RESTRICTING PARKING ALONG THE SOUTH SIDE OF THE 2900 BLOCK OF EAST FALLON DRIVE WITHIN THE CITY LIMITS OF THE CITY OF SHERMAN; PROVIDING FOR A PENALTY PROVISION; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY.

ORD 5660
NO PARKING SIGNS
(FALLON DR.)

ACTION TAKEN.
> **Motion by Council Member Adami to approve Ordinance Nos. 5659 and 5660, as presented. Second by Council Member Softly.**

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

<u>TABLED AT THE JANUARY 19, 2009 COUNCIL MEETING:</u>
<u>ADOPTION OF ORDINANCE NO. 5586</u>
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 3 OF THE CODE OF ORDINANCES, ENTITLED "BUILDING REGULATIONS", AT ARTICLE 3.07, ENTITLED "PLUMBING CODE", TO PROVIDE FOR SECTION 3.07.007 TO BE ENTITLED "MINIMUM STANDARDS FOR INSTALLATION OF IRRIGATION SYSTEMS"; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY PROVISION

ORD 5586
IRRIGATION SYSTEMS

FOR VIOLATION OF THE CODE; PROVIDING FOR A REPEALER.

ACTION TAKEN.

Motion by Council Member Wacker to remove Ordinance No. 5586 from the Consent Agenda for discussion in its regular order of business. Second by Council Member Howeth.

VOTING AYE: Adami, Howeth, Softly, Steele, Wacker.
VOTING NAY: None.
MOTION CARRIED TO REMOVE FROM TABLE.

Deputy Mayor Steele said this ordinance came from the State of Texas for two reasons, water conservation and to give enforcement authority at the City level. In the past, violations had to be reported to the State and it was a long process to have things investigated locally.

Since the proposal comes from the State, it's hard to make changes. His concerns were that the local contractors knew the changes were coming, that there was a checklist for the contractors, and to clarify the effective date. Sherman's proposed ordinance is close to what has been adopted by the City of Denison and really can't be changed because it has been proposed by the State.

Council Member Wacker asked if the time since the ordinance was tabled has been used to inform the contractors. Deputy Mayor Steele said it has been discussed with contractors. He felt some of the items maybe repealed during the next Legislative Session, but the City is following the direction of the State.

Scott Shadden, Director of Development Services, said the ordinance would be effective when adopted, however the staff is not going out tomorrow morning and fine contractors.

Council Member Adami asked how the ordinance would affect someone that already had a sprinkler system, but needed major work on that system. Mr. Shadden said the State is requiring the City to enact the ordinance to add backflow protection to the systems. Citizens would be required to meet certain parts of the ordinance for the health and safety of citizens.

Deputy Mayor Steele said the majority of the ordinance was directed at new installations. Even now, if a contractor is working on a system that does not meet City or State standards, they are required to bring that system into compliance.

Mr. Shadden added that part of the requirements deal with having licensed people on the job. Council Member Wacker confirmed that the ordinance adds protection for consumers.

Deputy Mayor Steele said it also deals with the warranty for homeowners.

Council Member Adami confirmed that additional training or staff would not be required at this time to enforce the new ordinance.

ACTION TAKEN.
Motion by Council Member Wacker to approve Ordinance No. 5586, as presented. Second by Council Member Howeth.
VOTING AYE: Adami, Howeth, Softly, 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

RES 5510 ATMOS STEERING COMMITTEE

RESOLUTION NO. 5510 – AUTHORIZING CONTINUED PARTICIPATION WITH THE ATMOS CITIES STEERING COMMITTEE; AUTHORIZING THE PAYMENT OF TWO CENTS ($0.02) PER CAPITA TO THE ATMOS CITIES STEERING COMMITTEE TO FUND REGULATORY AND RELATED ACTIVITIES RELATED TO ATMOS ENERGY CORPORATION
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING CONTINUED PARTICIPATION WITH THE ATMOS CITIES STEERING COMMITTEE; AUTHORIZING THE PAYMENT OF TWO CENTS ($0.02) PER CAPITA TO THE ATMOS CITIES STEERING COMMITTEE TO FUND REGULATORY AND RELATED ACTIVITIES RELATED TO ATMOS ENERGY CORPORATION.
CONSENT AGENDA.

RES 5511 RESIDENTIAL AUTOMATED TRASH CARTS

RESOLUTION NO. 5511 -- AUTHORIZING THE PURCHASE OF 100-GALLON RESIDENTIAL AUTOMATED TRASH CARTS FOR THE SOLID WASTE SERVICES DEPARTMENT THROUGH THE TEXAS COMPTROLLER OF PUBLIC ACCOUNTS COOPERATIVE PURCHASING PROGRAM
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE PURCHASE OF 100-GALLON RESIDENTIAL AUTOMATED TRASH CARTS FOR THE SOLID WASTE SERVICES DEPARTMENT THROUGH THE TEXAS COMPTROLLER OF PUBLIC ACCOUNTS COOPERATIVE PURCHASING PROGRAM.
CONSENT AGENDA.

RES 5512 BIOSOLIDS PROJECT

RESOLUTION NO. 5512 – AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH FREEMAN-MILLICAN, INC. FOR THE PEAK FLOW STORAGE IMPROVEMENTS PHASE 1, THE PEAK FLOW STORAGE IMPROVEMENTS PHASE 2, AND THE 2010-2013 BIOSOLIDS PROJECT AT THE WASTEWATER TREATMENT PLANT

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH FREEMAN-MILLICAN, INC. FOR PEAK FLOW STORAGE IMPROVEMENTS PHASE 1, PEAK FLOW STORAGE IMPROVEMENTS PHASE 2, AND THE 2010-2013 BIOSOLIDS PROJECT AT THE WASTEWATER TREATMENT PLANT.

Deputy Mayor Steele said the Council would consider the 2010-2013 Biosolids Project Request to Advertise at the same time.

Mr. Keene explained that the City currently has approximately five years of biosolids stored in four earthen storage basins at the Wastewater Treatment Plant. Those basins are at capacity and some action must be taken. To continue to use those basins would require some costly refurbishment.

Part of the City's long-range biosolids plan is to empty those basins and use them in the future to store storm water that currently, through infiltration and inflow, threatens the Wastewater Treatment Plant capacity during storm events. Currently, the additional storm water is stored in the equalization basin, which is not the best use. The City has come close to overfilling the system with storm water.

The resolution is authorization to contract with Freeman-Millican to engineer three things: Phase 1 and Phase 2, which are Capital Improvement Projects that have already been authorized for this year, and the biosolids disposition, which would empty the basins.

Phase 1 will be a pipeline that allows the City to drain the basins that are currently holding the biosolids and will eventually be used to gradually return the storm water back into the headworks of the system for treatment after the storm passes.

Phase 2 will be a pipeline from the equalization basin to the four earthen basis and will allow the City to drain storm water out of the City and store it in the basins until it can be returned to the system.

Since it is costly to store biosolids, another part of the long-range plan is to have a permanent facility to take the biosolids directly out of the digester and into the permanent facility to process those biosolids so there is no storage needed. There is no specific timeframe for this part of the project. The first step is to empty the basins, then the staff can begin the design and implementation of the long-range solution.

Robby Hefton, Assistant City Manager/CFO, added that the City will be adding a new screen that will help clean the biosolids stream. Currently there is a bar screen that filters

some items, but a new fine screen will make the biosolids clean enough that there might be other options for disposal that would be cheaper. This screen should be installed by the end of this year.

Deputy Mayor Steele said the City used to remove the biosolids and be able to land apply them to some local farmland. That option is no longer available and this is a process to determine what will be done with the biosolids now.

REQUEST TO ADV BIOSOLIDS PROJECT

<u>REQUEST TO ADVERTISE</u>
<u>2010-2013 BIOSOLIDS PROJECT</u>

Mr. Keene added that the Request to Advertise is written to give a lot of flexibility to allow the contractors to suggest possible solutions and options to the process. The City is looking for the best solution for taxpayer's dollars, but there may be options that they have not considered that would be a good solution. This request is to advertise for bids to empty the basins.

ACTION TAKEN.

> **Motion by Council Member Adami to approve Resolution 5512 and the Request to Advertise for the 2010-2013 Biosolids Project, as presented. Second by Council Member Wacker.**

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

CHANGE ORDER HWY 75 NORTH SEWER PROJECT

<u>CHANGE ORDER NO. 1</u>
<u>U.S. HIGHWAY 75 NORTH SEWER PROJECT – CONTRACT "D"; HOWARD-ESTRUCT JV, LLC.; $93,457.00, DECREASE</u>

The City Council approved Change Order No. 1, which is a reconciliatory change order to adjust the cost of the pumps associated with the lift stations on Contract "D" of the U.S. Highway 75 North Sewer Project.

The actual cost of the required pumps ($226,543) was less than the $320,000 bid allowance in the contract documents, resulting in a refund of $93,457.
CONSENT AGENDA.

CHANGE ORDER WATER WELL REPAIRS

<u>CHANGE ORDER NO. 1</u>
<u>STEPHENS #2 TRINITY PUMP RETRIEVAL AND WELL EVALUATION PROJECT; WEISINGER WATER WELL, INCORPORATED; $335.60, INCREASE</u>

The City Council approved Change Order No. 1, which is a final reconciliatory change order to adjust final project quantities for the Stephens #2 Trinity Pump Retrieval and Well Evaluation.

After evaluation, it was determined that the well was not functional and it was not possible to retrieve the pump and piping. The well was plugged in accordance with State criteria.

The change order results in a $335.60 increase in the contract amount, yielding a final contract price of $42,185.60. CONSENT AGENDA.

OTHER BUSINESS

CONSIDER REQUEST OF UNITED WAY OF GRAYSON COUNTY TO TEMPORARILY CLOSE CERTAIN STREETS FOR THE "UNITED WAY HUSTLE FOR HEALTH" ON SATURDAY, AUGUST 28, 2010

CLOSE STREETS FOR UNITED WAY EVENT

Deputy Mayor Steele explained that United Way of Grayson County has requested that the City temporarily close certain streets on August 28, 2010 for the "Hustle for Health."

David Cortinas, President/CEO of United Way of Grayson County

Mr. Cortinas asked for clarification on what the closing would entail and the cost that United Way would be responsible for. They want to be sure the event is fun and safe.

Mr. Hefton said typically the City doesn't place barricades at every intersection, but at those with high traffic or at areas where there is a change of direction in the path of the event. The City staff will determine where the barricades are needed and support will be provided from the Police Department and with barricades.

Council Member Wacker said the race was starting at the Court House and she asked if a temporary stoppage of traffic on the State highway would be needed. Mr. Cortinas said the State is allowing them to temporarily close the streets for the start and finish of the race as long as it's within a four hour period.

Mr. Cortinas said they selected the route to highlight the Downtown area, because the new Brockett Street is beautiful, to have a good time with the family, and because it's good for the community partners. He thanked the City Council for their support.

ACTION TAKEN.

> **Motion by Council Member Wacker to approve the request of United Way of Grayson County to temporarily close certain streets for the "United Way Hustle for Health" on August 28, 2010, as presented. Second by Council Member Howeth.**

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

CONSIDER CALLING A SPECIAL MEETING OF THE CITY COUNCIL FOR 5:00 P.M. ON MONDAY, AUGUST 9, 2010, TO HOLD A PUBLIC HEARING ON CHARTER AMENDMENTS PROPOSED BY THE CHARTER REVIEW COMMISSION FOR THE NOVEMBER 2, 2010 SPECIAL ELECTION

SET CALLED CITY COUNCIL MEETING FOR CHARTER AMENDMENTS

Brandon Shelby, City Attorney, said the Charter Review

Commission has met two times and narrowed down the proposed Amendments for the Charter. The Commission would now like to present their recommendations to the entire City Council and hold a public hearing for citizens to voice their opinions on the proposal.

The staff recommended that a Special Called Meeting be held on Monday, August 9, 2010 at 5:00 p.m. as a Town Hall Meeting.

Council Member Adami said the Charter Review Commission met with the staff and they identified several things that changed with State law, and the Charter should be updated to bring it into compliance. There are also a few other proposed Charter Amendments.

The Commission would like to present the proposed Charter Amendments to the Council and also give the citizens an opportunity to give their input.

ACTION TAKEN.

> **Motion by Council Member Adami to schedule a Called City Council Meeting on August 9, 2010, at 5:00 p.m. to hold a Public Hearing on Charter Amendments proposed by the Charter Review Commission for the November 2, 2010 Special Election, as presented. Second by Council Member Howeth.**

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

SET CALLED CITY COUNCIL MEETING

CONSIDER CALLING A SPECIAL MEETING OF THE CITY COUNCIL FOR TUESDAY, SEPTEMBER 7, 2010, DUE TO CONFLICT WITH A FEDERAL HOLIDAY
The City Council set a Special Meeting for Tuesday, September 7, 2010, at 5:00 p.m., to make up for the first regular meeting in September, which falls on Labor Day, a Federal Holiday.
CONSENT AGENDA.

DRAFT BUDGET

REVIEW 2010-2011 DRAFT BUDGET
Deputy Mayor Steele said the proposed FY 2010-2011 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.

Mr. Hefton said this is the Budget that was discussed at the June 17, 2010 Budget Work Session, with the exception of a couple of items. There have been no changes to the projected or requested expenditures since that meeting.

The property tax valuation from the Grayson Appraisal District actually came in lower than their preliminary estimates, which caused a negative effect on the property tax revenue by a little over $200,000. This Draft Budget

reflects this reduction in revenues from property taxes from what was originally presented at the Budget Workshop. He added that no changes in expenditures were made to accommodate that reduction in revenue. It was absorbed by reducing the fund balance. Even considering this item, the revenues in the General Fund are greater than expenses.

The other Budget item that changed from the Budget Workshop was some increased costs at the Texoma Area Solid Waste Authority Landfill gate fees. The Budget includes a 2.5% increase in Solid Waste fees that was not originally included to cover this TASWA increase.

Mr. Hefton said that if the Draft Budget meets with the Council's approval, the staff will present the Budget Ordinance and hold a Public Hearing at the August 16, 2010 City Council Meeting.

Council Member Adami asked what caused the change in the Appraisal District's property tax valuation. Mr. Hefton said he understood the valuation change was "across the board" for all entities and was mainly in the industrial and commercial personal property, which includes equipment instead of property.

All of Sherman's industry in the south part of Sherman had notable decreases in valuation for their personal property. When those industries rendered, their revenues were down, their volumes were down, their inventory was down, and so their personal property values were down.

Mr. Hefton added that Deputy Mayor Steele's opening statement about the Draft Budget is prescribed by law and must be ready by the City. However if you remove the effect of the new property that was added to the tax rolls this year, Sherman's tax base decreased slightly. When the effective tax rate is presented, Mr. Hefton said it will be very close to the City's rate. Historically the City sees a growth in value from 2% to 4%, but for this tax year the growth in value is flat or slightly down.

ACTION TAKEN.

> **Motion by Council Member Adami to schedule a Public Hearing on August 16, 2010, at 5:00 p.m. on the FY 2010-2011 Budget, as presented. Second by Council Member Wacker.**

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

<u>DISCUSSION OF THE PROPOSED TAX RATE FOR FISCAL YEAR 2010-2011 AND SCHEDULING PUBLIC HEARINGS FOR THE BUDGET AND PROPOSED TAX RATE</u>

TAX RATE & SET PUBLIC HEARINGS

Deputy Mayor Steele said the proposed FY 2010-2011 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.

Mr. Hefton said this is a separate item, required by statute, to be brought to the City Council and considered separate from the Budget. The staff is proposing a tax rate of $0.32, which is unchanged from the previous year. The staff is still "tweaking" the effective tax rate calculation but it will be between $0.315 and $0.322.

Mr. Hefton said a motion and order is needed to set two public hearings on the tax rate, one for August 16, 2010 and the second for September 7, 2010. Adoption of the Tax Rate Ordinance is scheduled for September 20, 2010.

Council Member Adami asked if the Public Hearing dates would be the same for the Tax Rate Ordinance and the Capital Improvement Program.

Mr. Hefton said the Final Adoption of the Capital Improvement Program will be presented to the City Council on September 7, 2010. The Budget Ordinance Public Hearing will be August 16, 2010 and the Final Adoption on September 7, 2010. The September 7, 2010 City Council Meeting will include items for Final Adoption of the CIP, Final Adoption of the Budget, and the second Public Hearing on the Tax Rate.

Council Member Adami asked if Items D8 and D9 could be approved with one motion. Mr. Hefton said they could be approved with one motion.

DRAFT CIP & SET PUBLIC HEARING

REVIEW DRAFT CAPITAL IMPROVEMENT PROGRAM (CIP) 2010-2015 AND SET PUBLIC HEARING FOR TUESDAY, SEPTEMBER 7, 2010
ACTION TAKEN.

> **Motion by Council Member Adami to schedule Public Hearings for August 16, 2010 at 5:00 p.m. and September 7, 2010 at 5:00 p.m. for the FY 2010-2011 Proposed Tax Rate, and on September 7, 2010 at 5:00 p.m. for the Draft Capital Improvement Program for 2010-2015, as presented. Second by Council Member Wacker.**

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

QUARTERLY INVESTMENT REPORTS

APPROVE QUARTERLY INVESTMENT REPORTS FOR PERIOD ENDING JUNE 30, 2010
The City Council approved the Quarterly Investment Report for the period ending June 30, 2010. As of June 30, 2010, all portfolios were in compliance with applicable State laws and the City's internal Investment Policy.

The Operating Portfolio had a book value of about $21.8 million, down about $1.1 million from three months ago. This portfolio is appropriately liquid and its weighted-average maturity increased to about 169 days, from about

147 days last period, because of investment purchases during the quarter.

The portfolio yield of 0.63% for the quarter is higher than the benchmark yield of 0.22%. The portfolio value on the City's books is essentially equal to the market value of the overall portfolio.

The CO Debt Proceeds Portfolio balance decreased about $.8 million due to payments for capital construction during the period. The portfolio remains appropriately liquid, with all of the funds available within one day. Its yield of 0.18% for the quarter is less than the benchmark yield of 0.22%. Also, the portfolio value on the City's books is essentially equal to the market value of the overall portfolio.
CONSENT AGENDA.

CITIZENS REQUESTS

CITIZENS REQUESTS
There were no citizens requests

MEDIA QUESTIONS

MEDIA QUESTIONS
There were no media questions.

COUNCIL COMMENTS

SUMMER HEAT WAVE

SUMMER HEAT WAVE
Council Member Howeth reminded citizens to check on their friends and neighbors, especially senior citizens, who may not have air conditioning, to make sure they are okay during the hot weather. She also urged everyone to check on their pets.

SUMMER EVENTS

SUMMER EVENTS
Council Member Wacker thanked April Patterson, Tourism Director, and the City staff for another great season of Hot Summer Nights. She also thanked the City's staff at the pools and with other entities who have brought some great community events to Sherman this summer.

ANNUAL BUDGET

ANNUAL BUDGET
Deputy Mayor Steele said the City Council went through the Budget items fairly quickly at tonight's meeting, but the process through which it was prepared and presented to the Council was not quick. There were many challenges involved in this year's Budget and he praised the staff for their hard work to balance the Budget and not increase the tax rate.

EXECUTIVE SESSION

EXECUTIVE SESSION – IN ACCORDANCE WITH CHAPTER 551, GOVT. CODE, V.T.C.S., (OPEN MEETINGS LAW)
THE CITY COUNCIL WILL NOW HOLD AN EXECUTIVE SESSION PURSUANT TO THE PROVISIONS OF THE OPEN MEETINGS LAW, CHAPTER 551, GOVERNMENT CODE, VERNONS TEXAS CODES ANNOTATED, IN ACCORDANCE WITH THE AUTHORITY CONTAINED IN THE FOLLOWING SECTIONS.

SECTION 551.071 **CONSULTATION WITH CITY ATTORNEY CONCERNING PENDING OR CONTEMPLATED LITIGATION: RECEIVE THE CITY ATTORNEY'S BRIEFING ON PENDING LITIGATION**

SECTION 551.074 **PERSONNEL MATTERS: CONSIDER THE QUALIFICATIONS, APPOINTMENT OR REMOVAL OF MEMBERS TO BOARDS AND COMMISSIONS: PLANNING AND ZONING COMMISSION (1)**

On Motion duly made and carried, the Open Meeting recessed and reconvened in Executive Session at 5:42 p.m.

On Motion duly made and carried, the Executive Session recessed at 6:34 p.m. and reconvened in Open Meeting.

OPEN MEETING

<u>OPEN MEETING</u>
Reconvene into Open Meeting and take action, if any, on items discussed in Executive Session.

PLANNING & ZONING COMMISSION

<u>APPOINT/REMOVE OR CONSIDER QUALIFICATIONS TO BOARDS AND COMMISSIONS:</u>
<u>PLANNING AND ZONING COMMISSION (1)</u>
ACTION TAKEN.

> **Motion by Council Member Adami to appoint Richard Barber to the Planning and Zoning Commission to fill an unexpired term from August 3, 2010 to November 8, 2011. Second by Council Member Wacker.**

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

ADJOURNMENT

<u>ADJOURNMENT</u>
On Motion duly made and carried, the meeting adjourned at 6:35 p.m.

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MAYOR

____
CITY CLERK