STATE OF TEXAS §

July 16, 2007

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 July 16, 2007.

MEMBERS PRESENT: **MAYOR BILL MAGERS; DEPUTY MAYOR CHIP ADAMI. COUNCIL MEMBERS HUGHES, SMITH, T. STEELE, W. 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 Invocation were given by Council Member Curt Hughes.

CALL TO ORDER

APPROVE MINUTES

The Council reviewed the Minutes of the Called City Council Meeting of June 13, 2007 and the Regular Meeting of June 18, 2007. Deputy Mayor Adami moved to approve the Minutes as presented; Second by Council Member Smith. All present voted AYE.
MOTION CARRIED.

APPROVE MINUTES

PROCLAMATION
"GENERAL SIDNEY SHERMAN DAY" – JULY 23, 2007

Mayor Magers presented a proclamation to Jacqueline Banfield, Library Services Administrator, designating July 23, 2007 as "General Sidney Sherman Day" in the City of Sherman. Ms. Banfield thanked the Mayor and City Council for the proclamation.

GENERAL SIDNEY SHERMAN DAY JULY 23, 2007

INTRODUCTION AND PUBLIC HEARING OF ORDINANCES

Mayor Magers introduced Ordinance 5468 and called for a public hearing:
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 13, ARTICLE 13.06 OF THE CODE OF ORDINANCES, ENTITLED "SOLID WASTE," BY AMENDING SECTIONS 13.06.006 AND 13.06.091; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

ORD 5468 SOLID WASTE RATES

No citizens appeared before the City Council to discuss Ordinance 5468.

Mayor Magers introduced Ordinance 5469 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 "WATER, SEWERS AND SEWAGE DISPOSAL," AT ARTICLE 13.07, SECTIONS 13.07.036 AND 13.07.237, AND AT DIVISION 2, PART II; AT

ORD 5469 WATER FEES

ARTICLE 13.08; AND ADDING ARTICLE 13.09; TO CLARIFY THE PROCESS FOR THE COLLECTION OF FEES AND DEPOSITS; CHANGE THE REFERENCE FROM WATER BILL TO UTILITY BILL; DEFINE BILLED UTILITIES; AND CLARIFY THE DUE DATE, PAYABLE AND DELINQUENCY PROCESS; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

No citizens appeared before the City Council to discuss Ordinance 5469.

ORD 5470
NO PARKING SIGNS

Mayor Magers introduced Ordinance 5470 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 BOTH SIDES OF THE 1100 BLOCK OF WEST McGEE STREET WITHIN THE CITY LIMITS OF THE CITY OF SHERMAN; PROVIDING FOR A PENALTY PROVISION; PROVIDING FOR A REPEALER; PROVIDING FOR SEVERABILITY.

<u>Michael Wingard, 1122 W. McGee</u>
Mr. Wingard said when he and his neighbors have visitors they will have no place to park and he asked the City Council what they should do.

Mayor Magers said the "s" curve on McGee Street is the problem area on the street. George Olson, Acting City Manager, said the signs have been up for 90 days to address initial concerns from the residents.

Jeff Miller, Director of Public Works and Engineering, said that the street narrows around the 1100 block of McGee Street and the staff received a recommendation from the Police Department to authorize no parking on either side of the street at that location.

Mr. Wingard said the street is approximately two feet wider near his home than at other locations.

Council Member Smith asked if there had been traffic accidents at that location. Mr. Miller said there was one accident where a westbound vehicle missed the curve and had an accident, however speed was a factor in the accident.

Mr. Miller said the width of the street is the issue and the staff could review the situation again and determine if there are any other solutions.

Mayor Magers asked if Mr. Wingard had any solutions. Mr. Wingard said it would be okay if they allowed parking on one side of the street. He also addressed the 20 mph flashing signs saying they don't mean anything to drivers.

Mr. Miller said if parking is allowed on one side of the street, the center line may need to be moved over to accommodate traffic.

No other citizens appeared before the City Council to discuss Ordinance 5470.

The Ordinances were introduced and the Public Hearing was closed.

CLOSE PUBLIC HEARING

<u>ADOPTION OF ORDINANCES</u>

Ordinance 5468

ORD 5468 SOLID WASTE RATES

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 13, ARTICLE 13.06 OF THE CODE OF ORDINANCES, ENTITLED "SOLID WASTE," BY AMENDING SECTIONS 13.06.006 AND 13.06.091; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

Ordinance 5469

ORD 5469 WATER FEES

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 13 OF THE CODE OF ORDINANCES, ENTITLED "WATER, SEWERS AND SEWAGE DISPOSAL," AT ARTICLE 13.07, SECTIONS 13.07.036 AND 13.07.237, AND AT DIVISION 2, PART II; AT ARTICLE 13.08; AND ADDING ARTICLE 13.09; TO CLARIFY THE PROCESS FOR THE COLLECTION OF FEES AND DEPOSITS; CHANGE THE REFERENCE FROM WATER BILL TO UTILITY BILL; DEFINE BILLED UTILITIES; AND CLARIFY THE DUE DATE, PAYABLE AND DELINQUENCY PROCESS; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

Ordinance 5470

ORD 5470 NO PARKING SIGNS (TABLED)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, PROVIDING FOR PERMANENT "NO PARKING" SIGNS RESTRICTING PARKING ALONG BOTH SIDES OF THE 1100 BLOCK OF WEST McGEE STREET WITHIN THE CITY LIMITS OF THE CITY OF SHERMAN; PROVIDING FOR A PENALTY PROVISION; PROVIDING FOR A REPEALER; PROVIDING FOR SEVERABILITY.

ACTION TAKEN.

> **Motion by Council Member Hughes to approve Ordinance Nos. 5468 and 5469 and to table Ordinance No. 5470, as presented. Second by Council Member Wacker.**

VOTING AYE: Adami, Hughes, Smith, T. Steele, W. Steele, Wacker.
VOTING NAY: None.
MOTION CARRIED.

CONSENT AGENDA

CONSENT AGENDA

The Council reviewed the Consent Agenda. Mayor Magers removed Item D-5 entitled "Consider Approving the Employment of the Outside Legal Counsel of Lynn, Pham, Moore, and Ross for Legal Issues Related to Employment Matters" from the Consent Agenda and moved consideration of the item until after Executive Session.

Deputy Mayor Adami moved to approve the Consent Agenda, with the exception of Item D-5 which will be considered after Executive Session. Second by Council Member Smith. All present voted AYE.

RESOLUTIONS

RESOLUTION NO. 5040 – AUTHORIZING THE LEASE OF CERTAIN CITY-OWNED PROPERTY, KNOWN AS THE KERR-EAST BUILDING, LOCATED AT 1000 EAST STREET WITH THE NAACP – GRAYSON COUNTY CHAPTER 6252

RES 5040 LEASE OF KERR-EAST BLDG.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE LEASE OF CERTAIN CITY-OWNED PROPERTY, KNOWN AS THE KERR-EAST BUILDING, LOCATED AT 1000 EAST STREET WITH THE NAACP – GRAYSON COUNTY CHAPTER 6252.

Mayor Magers verified that the lease will terminate at the same time as the lease on the Boy Scout building so those facilities can be reviewed by the City Council.

ACTION TAKEN.

Motion by Council Member Terrence Steele to approve Resolution No. 5040, as presented. Second by Council Member Wacker.

VOTING AYE: Adami, Hughes, Smith, T. Steele, W. Steele, Wacker.
VOTING NAY: None.
MOTION CARRIED.

RESOLUTION NO. 5041 – CREATING THE KEEP SHERMAN BEAUTIFUL COMMISSION; RATIFYING ALL LAWFUL ACTS OF THE COMMISSION SINCE FEBRUARY 3, 1992; APPROVING ITS BY-LAWS; PROVIDING FOR THE APPOINTMENT AND REMOVAL OF OFFICERS AND MEMBERS; PROVIDING FOR BY-LAW AMENDMENTS; REPEALING IN ITS ENTIRETY RESOLUTION NO. 4053

RES 5041 KEEP SHERMAN BEAUTIFUL BY-LAWS

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, CREATING THE KEEP SHERMAN BEAUTIFUL COMMISSION; RATIFYING ALL LAWFUL ACTS OF THE COMMISSION SINCE FEBRUARY 3, 1992; APPROVING ITS BY-LAWS; PROVIDING FOR THE APPOINTMENT AND REMOVAL OF OFFICERS AND MEMBERS; PROVIDING FOR BY-LAW AMENDMENTS; REPEALING IN ITS ENTIRETY RESOLUTION NO. 4053.

Deputy Mayor Adami asked for clarification on the proposal. Mr. Olson explained that in March, a sub-committee was

appointed to study the Keep Sherman Beautiful Commission and the by-laws, which were very cumbersome. The committee tried to simplify the by-laws to give better direction to the Commission.

Some of the changes include a reduction in membership from 13 to 7, the appointment of the Downtown Sherman Preservation and Revitalization Director or designee and a Chamber of Commerce representative as ex-officio members, bi-monthly meetings or as called, and the Commission will recommend a plan to the City Council during the annual Budget Work Session.

Deputy Mayor Adami confirmed that additional members are still needed for the Keep Sherman Beautiful Commission. There are currently three members serving on the Commission.

ACTION TAKEN.

Motion by Council Member Smith to approve Resolution No. 5041, as presented. Second by Council Member Terrence Steele.

VOTING AYE: Adami, Hughes, Smith, T. Steele, W. Steele, Wacker.
VOTING NAY: None.
MOTION CARRIED.

RES 5042
ATMOS ENERGY
GRIP RATE

RESOLUTION NO. 5042 – SUSPENDING THE JULY 30, 2007 EFFECTIVE DATE OF THE PROPOSAL BY ATMOS ENERGY CORP., MID-TEX DIVISION TO IMPLEMENT INTERIM GRIP RATE ADJUSTMENTS FOR GAS UTILITY INVESTMENT IN 2006; AUTHORIZING PARTICIPATION WITH THE ATMOS CITIES STEERING COMMITTEE ("ACSC") IN A REVIEW AND INQUIRY INTO THE SUFFICIENCY OF THE FILING AND THE BASIS OF THE PROPOSED RATE ADJUSTMENTS; AUTHORIZING INTERVENTION IN ADMINISTRATIVE AND COURT PROCEEDINGS INVOLVING THE PROPOSED GRIP RATE ADJUSTMENTS; REQUIRING REIMBURSEMENT OF REASONABLE LEGAL AND CONSULTANT RATEMAKING COSTS; REQUIRING DELIVERY OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, SUSPENDING THE JULY 30, 2007 EFFECTIVE DATE OF THE PROPOSAL BY ATMOS ENERGY CORP., MID-TEX DIVISION TO IMPLEMENT INTERIM GRIP RATE ADJUSTMENTS FOR GAS UTILITY INVESTMENT IN 2006; AUTHORIZING PARTICIPATION WITH THE ATMOS CITIES STEERING COMMITTEE ("ACSC") IN A REVIEW AND INQUIRY INTO THE SUFFICIENCY OF THE FILING AND THE BASIS OF THE PROPOSED RATE ADJUSTMENTS; AUTHORIZING INTERVENTION IN ADMINISTRATIVE AND COURT PROCEEDINGS INVOLVING THE PROPOSED GRIP RATE ADJUSTMENTS; REQUIRING REIMBURSEMENT OF REASONABLE LEGAL AND CONSULTANT RATEMAKING

COSTS; REQUIRING DELIVERY OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL.
CONSENT AGENDA.

RES 5043 INTERMEDIX AGREEMENT

RESOLUTION NO. 5043 – AUTHORIZING EXECUTION OF AN AMENDMENT TO THE SERVICE AGREEMENT WITH INTERMEDIX TECHNOLOGIES, INC., CHANGING ARTICLE 3.01 (A) AND DELETING ARTICLE 7
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN AMENDMENT TO THE SERVICE AGREEMENT WITH INTERMEDIX TECHNOLOGIES, INC., CHANGING ARTICLE 3.01(A) AND DELETING ARTICLE 7.

RES 5044 MEDICAL DIRECTOR

RESOLUTION NO. 5044 – AUTHORIZING EXECUTION OF AN EMPLOYMENT CONTRACT FOR A LICENSED MEDICAL DIRECTOR FOR EMERGENCY MEDICAL SERVICES; PROVIDING FOR A STATEMENT OF MEDICAL DIRECTION
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN EMPLOYMENT CONTRACT FOR A LICENSED MEDICAL DIRECTOR FOR EMERGENCY MEDICAL SERVICES. PROVIDING FOR A STATEMENT OF MEDICAL DIRECTION.

Mayor Magers said Resolution 5043 and 5044 were tied together and he asked for clarification. Mr. Olson explained that the City had a medical director under contract with Intermedix Technologies for the Fire Department, however the person resigned that position. The staff worked with Intermedix to delete the payment for that position from their contract and that change is reflected in Resolution 5043.

Resolution 5044 used the same money to pay for a local medical director. That position will be filled by Dr. Sharon Malone.

ACTION TAKEN.
> **Motion by Council Member Hughes to approve Resolution Nos. 5043 and 5044, as presented. Second by Deputy Mayor Adami.**

VOTING AYE: Adami, Hughes, Smith, T. Steele, W. Steele, Wacker.
VOTING NAY: None.
MOTION CARRIED.

RES 5045 TEXOMA PKWY WATER MAIN REPLACEMENT

RESOLUTION NO. 5045 – AUTHORIZING GREATER TEXOMA UTILITY AUTHORITY TO CONTRACT WITH HOWARD CONSTRUCTION, INC. FOR THE TEXOMA PARKWAY WATER MAIN REPLACEMENT, PHASE II
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING GREATER TEXOMA UTILITY AUTHORITY TO CONTRACT WITH HOWARD CONSTRUCTION, INC. FOR THE TEXOMA PARKWAY WATER MAIN REPLACEMENT, PHASE II.
CONSENT AGENDA.

RES 5046
RESIDENTIAL
TAX ABATEMENT
(1419 E. KING)

RESOLUTION NO. 5046 – AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH ALAN AND MELANIE SIMPSON FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 1419 EAST KING STREET
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH ALAN AND MELANIE SIMPSON FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 1419 EAST KING STREET.
CONSENT AGENDA.

RES 5047
RESIDENTIAL
TAX ABATEMENT
(602 N. EAST)

RESOLUTION NO. 5047 – AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH BARTON CAPITAL, LTD. FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 602 NORTH EAST STREET
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH BARTON CAPITAL, LTD. FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 602 NORTH EAST STREET.
CONSENT AGENDA.

RES 5048
RESIDENTIAL
TAX ABATEMENT
(1206 N. THROCKMORTON)

RESOLUTION NO. 5048 – AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH BARTON CAPITAL, LTD. FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 1206 NORTH THROCKMORTON
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH BARTON CAPITAL, LTD. FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 1206 NORTH THROCKMORTON STREET.
CONSENT AGENDA.

RES 5049
RESIDENTIAL
TAX ABATEMENT
(720 E. SYCAMORE)

RESOLUTION NO. 5049 – AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH BARTON CAPITAL, LTD. FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 720 EAST SYCAMORE STREET
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH BARTON CAPITAL, LTD. FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 720 EAST SYCAMORE STREET.
CONSENT AGENDA.

RES 5050
RESIDENTIAL
TAX ABATEMENT
(1221 S. BRANCH)

RESOLUTION NO. 5050 – AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH BARTON CAPITAL, LTD. FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY

<u>RESIDENCE AT 1221 SOUTH BRANCH STREET</u>
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH BARTON CAPITAL, LTD. FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 1221 SOUTH BRANCH STREET.
CONSENT AGENDA.

RES 5051 RESIDENTIAL TAX ABATEMENT (614 E. SCOTT)

<u>RESOLUTION NO. 5051 – AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH CUPID INVESTMENTS, INC. FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 614 EAST SCOTT STREET</u>
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH CUPID INVESTMENTS, INC. FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 614 EAST SCOTT STREET.
CONSENT AGENDA.

RES 5052 DEVELOPER'S AGREEMENT NORTHSIDE ON TRAVIS ADDITION (PULLED)

<u>RESOLUTION NO. 5052 – AUTHORIZING EXECUTION OF A DEVELOPER'S AGREEMENT WITH NORTHSIDE ON TRAVIS, LTD. FOR CONSTRUCTION OF PUBLIC FACILITIES IN THE NORTHSIDE ON TRAVIS ADDITION TO THE CITY OF SHERMAN</u>
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF A DEVELOPER'S AGREEMENT WITH NORTHSIDE ON TRAVIS, LTD. FOR CONSTRUCTION OF PUBLIC FACILITIES IN THE NORTHSIDE ON TRAVIS ADDITION TO THE CITY OF SHERMAN.

Resolution No. 5052 was pulled from the Agenda because the agreement was not signed and returned.

<u>OTHER BUSINESS</u>

UPDATE ON FLOODING

<u>RECEIVE UPDATE FROM FIRE CHIEF JEFF JONES ON RECENT FLOODING IN THE CITY OF SHERMAN</u>
Fire Chief Jeff Jones presented an update on recent flooding in the City of Sherman. In addition to the flooding on June 18, 2007, Sherman has had an additional ten days of heavy rain and five of those days caused additional flooding. Some of the people affected by the flood were flooded three separate times.

Chief Jones has recently met with representatives from the Federal Emergency Management Agency and the Small Business Administration. The Red Cross and the Salvation Army are also still working with flood victims.

On June 18, 2007 during the initial flood, the Fire Department answered 192 high water calls and performed 45 rescues. The City received 7.7 inches of rain in less than two hours for a total of over 20 inches of rain in the month of June.

The response phase included rescue; evacuation and relocation of affected residents; providing temporary shelters; a damage assessment to support local, state, and federal declarations of disaster; road and bridge safety; and restoration of utilities.

The next phase was recovery and included short term housing, clothing, and food. Limited financial assistance was also provided by the organizations as well as the Grayson Disaster Relief Group, who coordinated volunteers for assistance.

An initial assessment indicated 400 homes and 41 businesses were damaged for a total of $1.2 million in commercial property damage.

The Salvation Army opened 270 cases affecting 975 people and distributed 2,500 articles of clothing. The Red Cross opened 273 cases affecting 671 people, provided shelter for 319 citizens, provided 40,000 meals and snacks, and committed $237,821 to assistance. Red Cross has collected approximately $100,000 and is over $100,000 in the red for their efforts.

FEMA has had 672 registrations for assistance with 201 people actually visiting the Sherman Center. The SBA has assisted 111 residents and 22 businesses. The Sherman Center will continue to be open as long as they are needed.

The City is now in the mitigation phase where the staff tries to identify areas that still need attention and works to repair infrastructure. The City has met the requirements to be eligible for reimbursements from FEMA. Eligible expenses include $64,000 in payroll costs and $27,000 to $28,000 in lost or damaged equipment. The City has also lost revenue in non-emergency transfers from patients at Mission Oaks Nursing Home that have been relocated.

Chief Jones said most of the debris has been removed and the areas will be surveyed to assure that the drainage areas remain clean and clear. The staff will also look at signal arms or crossing gates in high water areas that would actually prevent people from driving into areas that are flooded. Public education will continue to be important in educating citizens not to drive around barricades and into high water areas.

Council Member Terrence Steele verified that it is a violation to disregard a police officer's order or to drive around a barricade, however during an emergency situation no tickets are given and Chief Jones said they just go to the next rescue.

Council Member Smith thanked the Fire Department, Police Department and the City staff for their hard work and dedication during the flooding.

Mayor Magers commended the City staff for the job they did, but also recognized the many volunteers that helped with the emergency including Jim Welch who acted as a liaison and organized the volunteers.

Council Member Wacker said training for volunteers that want to be case workers has been scheduled for July 23 and July 24, 2007. On July 19, during the intermission of Hot Summer Nights, anyone interested in the training can meet in the Municipal Ballroom to receive additional information.

The Grayson Disaster Relief Group Rally of Hope will also be held on July 21, 2007 at 5 p.m., at Wakefield Elementary School.

<u>RECEIVE FAIRVIEW POOL ("THE SPLASH") UPDATE FROM PARKS AND RECREATION ADMINISTRATOR BEN USELTON AND STAFF</u> **THE SPLASH**

Ben Uselton, Parks and Recreation Administrator, presented an update on the first season of The Splash. The season runs for 101 days and is about half over. June 18 was the only full-day the facility was closed.

The staff expected that attendance would triple at the new facility and through July 15, they have had a total attendance of 24,493, compared with 15,939 for the entire season in 2006. The daily average has been 502, compared with 210 in 2006. The largest day was June 5 with 905 patrons. Capacity of the facility is 400, but as visitors leave additional ones enter. Mr. Uselton said the staff is expecting 45,000 people for the entire season.

The City has received $100,000 in total revenue so far this season including the sale of 678 season passes. In 2006, a total of 71 season passes were sold. Expected revenues are projected to be $160,000 to $170,000 this year compared with $27,000 in revenue in 2006.

Mr. Uselton said they have already received revenues of over $15,000 for the concession stand compared with $8,000 for the entire 2006 season. There has also been a great demand for rentals and the facility is booked on all possible rental dates.

Mr. Uselton commended the pool staff and lifeguards saying that he had a great team in place and their focus was on safety.

He added that the pool hours will change the week of August 20th to accommodate the opening of school. They also expect to be open on Labor Day.

Mayor Magers commended the staff on a great job and said he has received many positive comments. Council Member

Smith agreed saying he has also received many calls telling him how impressed people are with the pool and staff and it has exceeded his expectations.

<u>FINAL PLAT APPROVAL OF SCARSDALE ESTATES, PHASE I, BEING 30.697 ACRES IN THE GEORGE B. PILANT SURVEY, ABSTRACT NO. 963 AND THE WILLIAM H. PULLIAM SURVEY, ABSTRACT NO. 958; LESLIE LANE LLC AND DOMINICK SCHIFENO, OWNERS (2400-2500 BLOCKS OF EAST LESLIE LANE)</u>

APPROVE FINAL PLAT SCARSDALE ESTATES

The City Council approved the Final Plat of Scarsdale Estates, Phase I, located in the 2400 to 2500 blocks of East Leslie Lane. The property was recently annexed into the City limits and is comprised of 30.697 acres in the George B. Pilant Survey, Abstract No. 963 and the William H. Pulliam Survey, Abstract No. 958.

Leslie Lane LLC and Dominick Schifeno, owners of the property, would like to plat the property into 22 lots for the first phase of the residential development. The Planning and Zoning Commission recommended approval of the Final Plat.
CONSENT AGENDA.

<u>REPLAT APPROVAL OF THE REPLAT OF LOTS 6-10, BLOCK 11, JONES SUMMIT ADDITION; BARTON CAPITOL, LTD., OWNER (700 BLOCK EAST SYCAMORE STREET)</u>

APPROVE REPLAT JONES SUMMIT ADDITION

The City Council approved the Replat of the Replat of Lots 6 through 10, Block 11, of the Jones Summit Addition, located in the 700 block of East Sycamore Street.

Barton Capitol, Ltd., the owner, is replatting the property from four lots to five 52-foot wide lots for residential development. The Planning and Zoning Commission recommended approval of the Replat.
CONSENT AGENDA.

<u>CITIZENS REQUESTS</u>
<u>FLOODING ON CONTEMPORARY DRIVE</u>

FLOODING ON CONTEMPORARY DRIVE

Jenny Richard, 505 S. Contemporary Drive, thanked the City for everything they have done for the flood victims, adding that they have been very responsive to citizen's needs. She said their property flooded on June 18, 2007 and has flooded six times since the development was built in 1956. There was major flooding in both 1981 and 1992.

Ms. Richard said during the recent flooding they had over four feet of water in their house. They were almost flooded a second time on July 10, 2007 with only about three inches of rain falling. She said their property is now unsellable and unlivable and will probably flood again. Ms. Richard said she did not feel comfortable selling the property or renting the property to someone else knowing that it will someday flood.

Ms. Richard said she learned that Texas has a storm water control district law that allows certain areas to be declared a Storm Water Control District. After the declaration, the City or County can acquire the flood plain property from the citizens and designate it as a park or open space area. She asked that both the City and the County consider this designation for the Contemporary Drive area and possibly other areas such as Archer Drive.

Mayor Magers said the City is aware of the flooding and will review the entire situation without emotion and in conjunction with FEMA. They have also budgeted for a Comprehensive Master Plan that will include a Hydrological Study. They are continuing to work on many areas to see what can be done.

FLOODING ON CONTEMPORARY DRIVE

FLOODING ON CONTEMPORARY DRIVE

Linda Phillips, 501 S. Contemporary Drive, said they were flooded during the June 18, 2007 flood and they are trying to repair the damage. The City requires building permits for the repairs, however FEMA is saying that if the repairs will cost more than half of the appraised property value, they cannot rebuild their house. They are unsure as to whether or not to rebuild.

Ms. McGookey said the staff would probably need to review FEMA regulations before they address the situation. Scott Shadden, Director of Developmental Services, said he would be happy to meet with citizens to address their concerns.

MEDIA QUESTIONS

MEDIA QUESTIONS

There were no media questions.

CONSIDER THE QUALIFICATIONS, APPOINTMENT AND REMOVAL OF MEMBERS TO BOARDS AND COMMISSIONS: AIRPORT ADVISORY BOARD (1)

AIRPORT ADVISORY BOARD

ACTION TAKEN.

> **Motion by Council Member Hughes to appoint Doug Millsap to the Airport Advisory Board for a term from July 17, 2007 to July 17, 2009. Second by Deputy Mayor Adami.**

VOTING AYE: Adami, Hughes, Smith, T. Steele, W. Steele, Wacker.
VOTING NAY: None.
MOTION CARRIED.

COUNCIL COMMENTS

HOT SUMMER NIGHTS

HOT SUMMER NIGHTS

Council Member Wacker said Hot Summer Nights should be held on the Municipal Grounds again this Thursday, July 19, 2007. If the weather doesn't permit, it will again be held in the Municipal Ballroom.

THANK YOU FOR SEDCO SUPPORT

THANK YOU FOR SEDCO SUPPORT

Mayor Magers thanked the Sherman Economic Development Corporation for agreeing to support the City Council

initiative for the expansion of water and sewer from Hwy 75 to Hwy 691 to encourage development on the northern boundary.

EXECUTIVE SESSION

<u>EXECUTIVE SESSION – IN ACCORDANCE WITH CHAPTER 551, GOVT. CODE, V.T.C.S., (OPEN MEETINGS LAW)</u>
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 THE CITY ATTORNEY CONCERNING LEGAL MATTERS**

SECTION 551.074 -- **PERSONNEL MATTERS: DISCUSS APPOINTING THE ACTING CITY MANAGER, GEORGE OLSON, AS THE PERMANENT CITY MANAGER**

On Motion duly made and carried, the Open Meeting recessed and reconvened in Executive Session at 5:56 p.m.

On Motion duly made and carried, the Executive Session recessed at 6:55 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.

HIRE OUTSIDE LEGAL COUNSEL

<u>ADDENDUM</u>
<u>OTHER BUSINESS</u>
<u>CONSIDER APPROVING THE EMPLOYMENT OF THE OUTSIDE LEGAL COUNSEL OF LYNN, PHAM, MOORE, AND ROSS FOR LEGAL ISSUES RELATED TO EMPLOYMENT MATTERS</u>
ACTION TAKEN.
Motion by Council Member Terrence Steele to approve the employment of the outside legal counsel of Lynn, Pham, and Ross for legal issues related to employment matters. Second by Council Member Hughes.
VOTING AYE: Adami, Hughes, Smith, T. Steele, W. Steele, Wacker.
VOTING NAY: None.
MOTION CARRIED.

APPOINT CITY MANAGER

<u>DISCUSS APPOINTING THE ACTING CITY MANAGER, GEORGE OLSON, AS THE PERMANENT CITY MANAGER</u>
ACTION TAKEN.
Motion by Council Member Smith to appoint Acting City Manager George Olson as the Permanent City Manager,

subject to contract approval and execution. Second by Council Member Wacker.
VOTING AYE: Magers, Adami, Hughes, Smith, T. Steele, W. Steele, Wacker.
VOTING NAY: None.
MOTION CARRIED.

Council Member Smith added that the Council is very pleased with Mr. Olson's performance as Acting City Manager and he looks forward to working with him on a long-term basis.

Mayor Magers recognized Art and Elaine Olson, Mr. Olson's parents, and Boe Stewart, Mr. Olson's father-in-law, who were in the audience. He added that the Council is very pleased to welcome Mr. Olson as the new City Manager.

Mr. Stewart and Mr. Olson congratulated the City Council on their wise decision adding that they have great faith in Mr. Olson.

ADJOURNMENT

ADJOURNMENT
On Motion duly made and carried, the meeting adjourned at 6:59 p.m.

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MAYOR

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CITY CLERK