STATE OF TEXAS §

June 1, 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 June 1, 2009.

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

MEMBERS ABSENT: **COUNCIL MEMBER HOWETH.**

CALL TO ORDER — **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 Mayor Bill Magers.

APPROVE MINUTES — **APPROVE MINUTES**

The Council reviewed the Minutes of the Regular City Council Meeting of May 18, 2009. Council Member Wacker moved to approve the Minutes as presented; Second by Council Member Steele. All present voted AYE.
MOTION CARRIED.

OTHER BUSINESS

RECEIVE PRESENTATION FROM THOMAS W. NUCKOLS OF THE TEXOMA PARKS AND TRAILS ALLIANCE AND ROBERT W. MINSHEW OF DOWNTOWN SHERMAN PRESERVATION AND REVITALIZATION CONCERNING THE COMPREHENSIVE MASTER PLAN — **DOWNTOWN CONCERNS FROM MASTER PLAN**

Dr. Thomas Nuckols, 2341 Canyon Creek Drive

Dr. Nuckols is a Director of the Texoma Parks and Trails Alliance and Downtown Sherman Preservation and Revitalization. The organizations jointly approved a petition and sponsored a Forum on giving priority to quality of life factors from the City's proposed Comprehensive Master Plan. One hundred and seventeen persons signed the petition.

Dr. Nuckols urged the City Council and the Planning and Zoning Commission to develop an implementation plan for the Comprehensive Master Plan that will recognize and give priority to specific aspects that are noted in the petition. He encouraged implementation within the first year of the Master Plan to ensure its success.

He explained that the petition addresses a broad range of factors, however he emphasized the goal of making Sherman green. He felt this should be given the highest priority because residents have repeatedly identified this as a high priority and because "greening Sherman will produce great benefits relatively quickly and economically."

Dr. Nuckols said much progress has already been made in the park system, but now priority should be given to increased green space and the linkage of parks. He felt the green infrastructure should be planned just as the other public infrastructure is planned.

He added that the City could also benefit from "islands of tranquility" which are natural, scenic areas such as Herman Baker Park. The City should have a plan to acquire park and green space before development occurs. Dr. Nuckols felt the flood plain would offer great opportunities for passive, scenic natural green space at a low cost.

Dr. Nuckols said the Texoma Parks and Trails urges the City to immediately acquire and passively develop the flood plain below Dean Gilbert Lake, east of FM Highway 1417. He felt this would also help address flooding issues in this developing area.

The petition also encourages development regulations to protect the City as it develops. Dr. Nuckols addressed the College Park area with the "mega duplexes" and the minimal landscaping and green space in the Town Center and Woodmont Developments to show the need for development regulations which would preserve the heritage and encourage beautiful and revitalized development of Sherman.

Dr. Nuckols added that once development occurs, the cost of restoring quality of life becomes more costly and inadequate. Therefore he urged the City to quickly acquire green space while it is still available and to develop regulations before more development and more concrete are in place. He added that the regulations should also protect against flooding.

Dr. Nuckols presented the signed petition to Mayor Magers.

<u>Robert Minshew, 703 W. Birge</u>
Mr. Minshew is President of Downtown Sherman Preservation and Revitalization, an organization that is structured to preserve and revitalize the Central Business District. He thanked the City for things that have already been accomplished downtown, such as the new planter boxes. He verified that the benches and trash cans are "on the way."

He added that the overhead wiring was a big project and they really didn't expect to see that anytime soon. He did have some suggestions to camouflage the wires for now and save money while changing the image.

Mr. Minshew presented two sets of photographs that were taken by the David Baca Architectural Drafting Firm located in downtown Sherman. On May 4, 2009 the company made a presentation of changes that could be made to the

downtown area that would include a mixed use development with some retail, professional offices and businesses, and residences. This would make a vital down town with restaurants moving in and nightlife.

Mr. Minshew presented photographs of Lamar Street going east as you enter the downtown area. He proposed adding trees to help hide the wires and to increase the aesthetics of the entryway. No wires were relocated and the only cost is planting the trees. The proposed plan has been cleared through the Texas Department of Transportation. Deputy Mayor Smith confirmed that TxDOT did not plan on actually paying for the project.

Another set of photographs were presented of the area at Walnut and Wall Streets. Mr. Minshew proposed to close that block of Wall Street to traffic and add trees for a pedestrian mall area with shops and restaurants on both sides. He felt that adding areas such as this would revitalize the entire downtown area. Trees help the ecology of an area and are much cheaper than burying utility lines underground.

DSP&R will sponsor a public showing of Mr. Baca's slide show and he invited the City Council Members to attend the meeting to see a more economical way to revitalize the downtown.

Council Member Wacker was glad that they liked the City's Comprehensive Master Plan. She said it was a big investment and the City is moving that direction. Mayor Magers verified that the Comprehensive Master Plan is still in draft form and will need to be approved by both the Planning and Zoning Commission and the City Council. Public hearings will be held before both entities.

Council Member Wacker added that the entire process for the Comprehensive Master Plan has included input from the public and reflects their priorities. Mayor Magers said cost of the Master Plan was $250,000.

PUBLIC HEARING

FINAL STATEMENT/ACTION PLAN FOR PROGRAM YEAR 2009 COMMUNITY DEVELOPMENT BLOCK GRANT

FINAL STATEMENT/ ACTION PLAN FOR CDBG

Each year the City of Sherman receives an entitlement grant (Community Development Block Grant) from the U.S. Department of Housing and Urban Development. The City is required to submit an annual Action Plan, which is a description of the activities that will be undertaken during the coming year to address the needs of the low to moderate income citizens. The City has been allocated $324,514 in CDBG funds for FY 2009.

No citizens appeared before the City Council to discuss the Final Statement/Action Plan for the 2009 Community Development Block Grant.

INTRODUCTION AND PUBLIC HEARING OF ORDINANCES

ORD 5605 ABANDON PORTION OF N. PORTER ST.

Mayor Magers introduced Ordinance 5605 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, CLOSING AND ABANDONING A PORTION OF NORTH PORTER STREET FROM EAST BROCKETT STREET TO EAST RICHARDS STREET IN THE CITY OF SHERMAN, GRAYSON COUNTY, TEXAS; CONVEYING THE INTEREST IN SAID RIGHT-OF-WAY TO THE ABUTTING AND ADJACENT PROPERTY OWNER, AUSTIN COLLEGE.

No citizens appeared before the City Council to discuss Ordinance 5605.

ORD 5606 ABANDON ALLEY

Mayor Magers introduced Ordinance 5606 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, CLOSING AND ABANDONING A 15-FOOT ALLEY IN BLOCK FOUR (4) OF THE W.P. CARTER'S ADDITION TO THE CITY OF SHERMAN, GRAYSON COUNTY, TEXAS, BOUNDED BY BROUGHTON STREET, THROCKMORTON STREET, COLLEGE STREET AND CARTER STREET, AS RECORDED IN VOLUME 25, PAGE 196 OF THE GRAYSON COUNTY DEED RECORDS; CONVEYING THE INTEREST IN SAID RIGHT-OF-WAY TO THE ABUTTING AND ADJACENT PROPERTY OWNER, LAZY L ENTERPRISES.

No citizens appeared before the City Council to discuss Ordinance 5606.

CLOSE PUBLIC HEARING

The Ordinances were introduced and the Public Hearing was closed.

ADOPTION OF ORDINANCES

ORD 5605 ABANDON PORTION OF N. PORTER ST.

Mayor Magers turned the gavel over to Deputy Mayor Smith since he has an interest in Ordinance 5606.

Ordinance 5605

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, CLOSING AND ABANDONING A PORTION OF NORTH PORTER STREET FROM EAST BROCKETT STREET TO EAST RICHARDS STREET IN THE CITY OF SHERMAN, GRAYSON COUNTY, TEXAS; CONVEYING THE INTEREST IN SAID RIGHT-OF-WAY TO THE ABUTTING AND ADJACENT PROPERTY OWNER, AUSTIN COLLEGE.

Council Member Adami verified with Tom Watt, Police Chief, and Jeff Jones, Fire Chief, that there were no public safety traffic or access problems with closing this street.

ACTION TAKEN.

Motion by Council Member Steele to approve Ordinance No. 5605, as presented. Second by Council Member Adami.

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

Ordinance 5606 — **ORD 5606 ABANDON ALLEY**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, CLOSING AND ABANDONING A 15-FOOT ALLEY IN BLOCK FOUR (4) OF THE W.P. CARTER'S ADDITION TO THE CITY OF SHERMAN, GRAYSON COUNTY, TEXAS, BOUNDED BY BROUGHTON STREET, THROCKMORTON STREET, COLLEGE STREET AND CARTER STREET, AS RECORDED IN VOLUME 25, PAGE 196 OF THE GRAYSON COUNTY DEED RECORDS; CONVEYING THE INTEREST IN SAID RIGHT-OF-WAY TO THE ABUTTING AND ADJACENT PROPERTY OWNER, LAZY L ENTERPRISES.

ACTION TAKEN.

Motion by Council Member Adami to approve Ordinance No. 5606, as presented. Second by Council Member Softly.

VOTING AYE: Adami, Smith, Softly, Steele, Wacker.
VOTING NAY: None.
ABSTAIN: Magers.
MOTION CARRIED.

Deputy Mayor Smith turned the gavel over to Mayor Magers.

CONSENT AGENDA — **CONSENT AGENDA**

The Council reviewed the Consent Agenda. Council Member Wacker asked to remove Item C-1, entitled "Resolution 5363 – Authorizing Publication of the Proposed Final Statement / Action Plan for the Community Development Block Grant for Fiscal Year 2009; Authorizing Submission of the Block Grant Application; Authorizing Execution of Certain Assurances of Compliance in Connection with the Administration and Conduct of the Community Development Program for Fiscal Year 2009" from the Consent Agenda for consideration in its regular order of business.

Council Member Softly moved to approve the Consent Agenda, with the exception of Item C-1, which will be considered in its regular order of business. Second by Council Member Wacker. All present voted AYE.

RESOLUTIONS

RESOLUTION NO. 5363 – AUTHORIZING PUBLICATION OF THE PROPOSED FINAL STATEMENT / ACTION PLAN FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT FOR FISCAL YEAR 2009; AUTHORIZING SUBMISSION OF THE BLOCK GRANT APPLICATION; AUTHORIZING EXECUTION — **RES 5363 FINAL STATEMENT/ ACTION PLAN FOR CDBG**

OF CERTAIN ASSURANCES OF COMPLIANCE IN CONNECTION WITH THE ADMINISTRATION AND CONDUCT OF THE COMMUNITY DEVELOPMENT PROGRAM FOR FISCAL YAR 2009

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING PUBLICATION OF THE PROPOSED FINAL STATEMENT / ACTION PLAN FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT FOR FISCAL YEAR 2009; AUTHORIZING SUBMISSION OF THE BLOCK GRANT APPLICATION; AUTHORIZING EXECUTION OF CERTAIN ASSURANCES OF COMPLIANCE IN CONNECTION WITH THE ADMINISTRATION AND CONDUCT OF THE COMMUNITY DEVELOPMENT PROGRAM FOR FISCAL YEAR 2009.

Council Member Wacker asked to remove Item C-1 from the Consent Agenda for consideration in its regular order of business. She asked for a brief overview of the program.

George Olson, City Manager, said Sherman is an entitlement community and receives grant funds from the U.S. Department of Housing and Urban Development to benefit the low to moderate income citizens. The City receives approximately $325,000 per year from the grant.

Eligible programs under the grant include owner occupied housing rehabilitation, first time home ownership, demolition and clearance, Sherman Housing Authority off-duty security program, assistance with public transportation with the Texoma Area Paratransit System, and assistance to the Crisis Center and the Boy's and Girl's Club.

ACTION TAKEN.

Motion by Council Member Wacker to approve Resolution No. 5363, as presented. Second by Deputy Mayor Smith.

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

RES 5364 DEED TO AUSTIN COLLEGE FOR PORTION OF N. PORTER ST.

RESOLUTION NO. 5364 – AUTHORIZING EXECUTION OF A DEED WITHOUT WARRANTY TO AUSTIN COLLEGE FOR THE CONVEYANCE OF A PORTION OF RIGHT-OF-WAY BEING NORTH PORTER STREET FROM EAST BROCKETT STREET TO EAST RICHARDS STREET IN THE CITY OF SHERMAN, GRAYSON COUNTY, TEXAS

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF A DEED WITHOUT WARRANTY TO AUSTIN COLLEGE FOR THE CONVEYANCE OF A PORTION OF RIGHT-OF-WAY BEING NORTH PORTER STREET FROM EAST BROCKETT STREET TO EAST RICHARDS STREET IN THE CITY OF SHERMAN, GRAYSON COUNTY, TEXAS.

ACTION TAKEN.

Motion by Deputy Mayor Smith to approve Resolution No. 5364, as presented. Second by Council Member Steele.

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

Mayor Magers turned the gavel over to Deputy Mayor Smith since he has an interest in Resolution 5365.

RES 5365
DEED FOR ALLEY

RESOLUTION NO. 5365 – AUTHORIZING EXECUTION OF A DEED WITHOUT WARRANTY TO LAZY L ENTERPRISES FOR THE CONVEYANCE OF A 15-FOOT ALLEY IN BLOCK FOUR (4) OF THE W.P. CARTER'S ADDITION TO THE CITY OF SHERMAN, TEXAS, BOUNDED BY BROUGHTON STREET, THROCKMORTON STREET, COLLEGE STREET AND CARTER STREET, SAID PROPERTY TO BE MAINTAINED AS A UTILITY EASEMENT

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF A DEED WITHOUT WARRANTY TO LAZY L ENTERPRISES FOR THE CONVEYANCE OF A 15-FOOT ALLEY IN BLOCK FOUR (4) OF THE W.P. CARTER'S ADDITION TO THE CITY OF SHERMAN, TEXAS, BOUNDED BY BROUGHTON STREET, THROCKMORTON STREET, COLLEGE STREET AND CARTER STREET, SAID PROPERTY TO BE MAINTAINED AS A UTILITY EASEMENT.

ACTION TAKEN.

Motion by Council Member Steele to approve Resolution No. 5365, as presented. Second by Council Member Adami.

VOTING AYE: Adami, Smith, Softly, Steele, Wacker.
VOTING NAY: None.
ABSTAIN: Magers.
MOTION CARRIED.

Deputy Mayor Smith turned the gavel over to Mayor Magers.

RESOLUTION NO. 5366 – AUTHORIZING EXECUTION OF AN EMPLOYMENT CONTRACT WITH SHARON A. MALONE, M.D. AS LICENSED MEDICAL DIRECTOR FOR EMERGENCY MEDICAL SERVICES; PROVIDING FOR A STATEMENT OF MEDICAL DIRECTION; PROVIDING FOR AUTOMATIC RENEWAL

RES 5366
EMS MEDICAL DIRECTOR

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN EMPLOYMENT CONTRACT WITH SHARON A. MALONE, M.D. AS LICENSED MEDICAL DIRECTOR FOR EMERGENCY MEDICAL SERVICES; PROVIDING FOR A STATEMENT OF MEDICAL DIRECTION; PROVIDING FOR AUTOMATIC RENEWAL.

CONSENT AGENDA.

RES 5367
MEDICAL SUPPLIES

RESOLUTION NO. 5367 – AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH BOUND TREE MEDICAL, LLC FOR EMS MEDICAL AND MEDICINAL SUPPLIES TO BE USED BY THE SHERMAN FIRE DEPARTMENT

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH BOUND TREE MEDICAL, LLC FOR EMS MEDICAL AND MEDICINAL SUPPLIES TO BE USED BY THE SHERMAN FIRE DEPARTMENT.

CONSENT AGENDA.

RES 5368
GTUA BONDS

RESOLUTION NO. 5368 – RELATING TO GREATER TEXOMA UTILITY AUTHORITY CONTRACT REVENUE REFUNDING BONDS, SERIES 2009 (CITY OF SHERMAN PROJECT); APPROVING THE ISSUANCE THEREOF AND THE REFUNDING OF CERTAIN OUTSTANDING BONDS OF THE AUTHORITY

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, RELATING TO GREATER TEXOMA UTILITY AUTHORITY CONTRACT REVENUE REFUNDING BONDS, SERIES 2009 (CITY OF SHERMAN PROJECT); APPROVING THE ISSUANCE THEREOF AND THE REFUNDING OF CERTAIN OUTSTANDING BONDS OF THE AUTHORITY.

Jerry Chapman, General Manager of the Greater Texoma Utility Authority, said Garry Kimball, the Financial Advisor for GTUA and the City of Sherman, had identified a potential savings for both entities by refunding the 1997 and 1998 bond series.

The financial markets are not as stable as they were and only two insurance firms still have an AAA rating. FSA has agreed to insure the project and since their bond rating may be downgraded, there is a need to move quickly to increase the value received by the refunding.

Morgan Keegan & Company, Inc. has agreed to buy the series and the sale will achieve a 3.05% present value savings, for a savings of approximately $160,000 to $170,000.

Mayor Magers recognized GTUA for the good job they are doing and for Mr. Kimball's good financial advice.

ACTION TAKEN.

Motion by Council Member Wacker to approve Resolution No. 5368, as presented. Second by Council Member Adami.

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

REQUEST TO ADVERTISE
PECAN GROVE PARK DEVELOPMENT – PHASE II

REQ TO ADVERTISE PECAN GROVE PARK PHASE II

The City Council approved the request to advertise for Phase II of the Pecan Grove Park Development Project, a $2.4 million project in the FY 2008-2009 Capital Improvement Program. The project will complete the park by including fishing accessibility, nature trails, picnic facilities, and amphitheatre, and other passive activities.
CONSENT AGENDA.

JANITORIAL CLEANING SERVICES

JANITORIAL SERVICES

The City Council approved the request to advertise for Janitorial Cleaning Services for certain public buildings. In the past, buildings maintained under this contract included the Sherman Public Library, Police Department, Municipal Airport, Public Works Lab, Senior Center, and Glennie O. Ham Center.
CONSENT AGENDA.

CITIZENS REQUESTS

CITIZENS REQUESTS

There were no citizens requests.

MEDIA QUESTIONS

MEDIA QUESTIONS

There were no media questions.

COUNCIL COMMENTS

COUNCIL COMMENTS

There were no Council comments.

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: SHERMAN HOUSING AUTHORITY BOARD (2)**

Council Members decided not to go into Executive Session to consider appointments to the Sherman Housing Authority Board.

APPOINT/REMOVE OR CONSIDER QUALIFICATIONS TO BOARDS AND COMMISSIONS:
SHERMAN HOUSING AUTHORITY BOARD (2)

SHERMAN HOUSING AUTHORITY BOARD

ACTION TAKEN.

Motion by Deputy Mayor Smith to reappoint Barbara Williams and Beth Williams, to the Sherman Housing

Authority Board for a term from June 1, 2009 to June 1, 2011. Second by Council Member Adami.

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

ADJOURNMENT **ADJOURNMENT**

On Motion duly made and carried, the meeting adjourned at 5:36 p.m.

MAYOR

CITY CLERK