

STATE OF TEXAS

§

May 20, 2013

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 May 20, 2013.

MEMBERS PRESENT: MAYOR CARY WACKER; DEPUTY MAYOR PAM HOWETH.
COUNCIL MEMBERS JOHNSON, PLYLER, SOFEY, SOFTLY.

MEMBERS ABSENT: COUNCIL MEMBER SMITH.

CALL TO ORDER

Mayor Wacker called the meeting to order at 5:00 p.m. The Pledge of Allegiance and the Invocation were given by Council Member Ryan Johnson.

CALL TO ORDER

APPROVE MINUTES

The Council reviewed the Minutes of the Called City Council (Budget Planning) Meeting of April 26, 2013 and the Regular City Council Meeting of May 6, 2013. Deputy Mayor Howeth moved to approve the Minutes as presented; Second by Council Member Plyler. All present voted AYE.
MOTION CARRIED.

APPROVE MINUTES

INTRODUCTION AND PUBLIC HEARING OF ORDINANCES

Mayor Wacker called for the Public Hearing of Ordinance 5775:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, APPROVING AND ADOPTING RATE SCHEDULE "RRM - RATE REVIEW MECHANISM" FOR ATMOS ENERGY CORPORATION, MID-TEX DIVISION TO BE IN FORCE IN THE CITY FOR A PERIOD OF TIME AS SPECIFIED IN THE RATE SCHEDULE; PROVIDING FOR A REPEALER; PROVIDING FOR SEVERABILITY; DECLARING AN EFFECTIVE DATE; REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND THE ATMOS CITIES STEERING COMMITTEE LEGAL COUNSEL.

ORD 5775
ATMOS ENERGY
RATE SCHEDULE

No citizens appeared before the City Council to discuss Ordinance 5775.

The Public Hearing was closed.

ADOPTION OF ORDINANCES

Ordinance 5775

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, APPROVING AND ADOPTING RATE SCHEDULE "RRM - RATE REVIEW MECHANISM" FOR ATMOS ENERGY CORPORATION, MID-TEX DIVISION TO BE IN FORCE IN THE CITY FOR A PERIOD OF TIME AS SPECIFIED IN THE RATE SCHEDULE; PROVIDING FOR A REPEALER; PROVIDING FOR SEVERABILITY; DECLARING AN EFFECTIVE DATE; REQUIRING DELIVERY OF THIS

ORD 5775
ATMOS ENERGY
RATE SCHEDULE

ORDINANCE TO THE COMPANY AND THE ATMOS CITIES
STEERING COMMITTEE LEGAL COUNSEL.

Mayor Wacker confirmed that the rate change would not be effective until October of 2013 and will be no more than \$0.50 per month on any individual's bill. The rate change was recommended by the ATMOS City Steering Committee and their legal counsel.

ACTION TAKEN.

Motion by Deputy Mayor Howeth to approve Ordinance No. 5775, as presented. Second by Council Member Plyler.

VOTING AYE: Howeth, Johnson, Plyler, Sofey, Softly.

VOTING NAY: None.

MOTION CARRIED.

CONSENT AGENDA

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

CONSENT AGENDA

RESOLUTIONS

RESOLUTION NO. 5767 – ACCEPTING THE CONTRACT WITH W. BROWN ENTERPRISES, INC. AS COMPLETE FOR THE SURFACE WATER DISTRIBUTION PIPELINE EAST – SCHEDULE “A”

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, ACCEPTING THE CONTRACT WITH W. BROWN ENTERPRISES, INC. AS COMPLETE FOR THE SURFACE WATER DISTRIBUTION PIPELINE EAST – SCHEDULE “A”.

CONSENT AGENDA.

RES 5767
SURFACE WATER
DISTRIBUTION
PIPELINE EAST

RESOLUTION NO. 5768 – AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH WEISINGER INCORPORATED FOR THE STEPHENS WOODBINE #2 WELL REPAIRS

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH WEISINGER INCORPORATED FOR THE STEPHENS WOODBINE #2 WELL REPAIRS.

CONSENT AGENDA.

RES 5768
STEPHENS
WOODBINE #2
WELL REPAIRS

RESOLUTION NO. 5769 – AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH WEISINGER INCORPORATED FOR THE STEPHENS TRINITY #1 WELL REPAIRS

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH WEISINGER INCORPORATED FOR THE STEPHENS TRINITY #1 WELL REPAIRS.

CONSENT AGENDA.

RES 5769
STEPHENS
TRINITY #1
WELL REPAIRS

RESOLUTION NO. 5770 – AWARDING A BID TO AND
AUTHORIZING EXECUTION OF A CONTRACT WITH
WEISINGER INCORPORATED FOR THE OLD SETTLERS
TRINITY #1 WELL REPAIRS

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH WEISINGER INCORPORATED FOR THE OLD SETTLERS TRINITY #1 WELL REPAIRS.
CONSENT AGENDA.

RES 5770
OLD SETTLERS
TRINITY #1
WELL REPAIRS

CHANGE ORDER NO. 2
SURFACE WATER DISTRIBUTION PIPELINE EAST –
SCHEDULE “A”; W. BROWN ENTERPRISES, INC.; \$6,468.00
DECREASE

The City Council approved Change Order No. 2 for the Water Treatment Plant second feed project Schedule “A”. This is a final reconciliatory change order to adjust the final project quantities for the west portion of the second feed project.

CHANGE ORDER
SURFACE WATER
DISTRIBUTION
PIPELINE EAST

The change order results in a \$6,468 decrease in the contract amount, yielding a final contract price of \$759,444.50. The project was funded through the Greater Texoma Utility Authority and was part of the City’s Capital Improvement Program.
CONSENT AGENDA.

OTHER BUSINESS
RECEIVE PRESENTATION FROM TEXOMA COUNCIL OF
GOVERNMENTS (TCOG) EXECUTIVE DIRECTOR DR. SUSAN
B. THOMAS ON A REGIONAL TOURISM BRANDING
INITIATIVE AND ITS ECONOMIC IMPACT TO THE REGION

Dr. Susan Thomas, Executive Director of Texoma Council of Governments, presented a report on a regional tourism branding initiative and its economic impact to the region.

TCOG REGIONAL
TOURISM INITIATIVE

Mayor Wacker said the City has participated in the initiative for about the last two years. The project promotes tourism in the entire Texoma region. Dr. Thomas said the project actually started in April of 2009.

She displayed a flyer that was sent to local school districts to tell them how TCOG served their community and how they indirectly effect various organizations.

Dr. Thomas also presented information on their budget, which started May 1, 2013. She said the budget is lower than in the past few years because the stimulus money has been used.

She outlined TCOG’s economic impact on the community adding how important it is for all entities to work together and support the various organizations. She emphasized the importance of working together regionally, adding that it is a smart way to invest limited resources.

Dr. Thomas listed the original sponsors for the Texoma Tourism Branding and Steering Committee. A consultant was hired and a comprehensive plan was completed. The plan is now ready for implementation.

TCOG facilitated the project, but now an organization is needed to carry the effort forward and “drive” tourism traffic to the entire region. An Implementation Committee has been named and will finalize the budget for the first year and get the other institutions “on board” and develop an organization and governance structure for how the organization will move forward. They will then begin fundraising for the initial ad campaign. A region-wide event will be held to “roll-out” the new brand.

Dr. Thomas thanked the City of Sherman for being a leader in the effort over the last few years. She felt Sherman would benefit greatly through the project. She recognized all the stakeholders for their commitment to the project for the entire region.

Mayor Wacker said she attended some of the meetings and was glad to see the Chamber of Commerce stepping forward in the project. She said with Hotel/Motel Tax “shrinking” it is good to leverage the funds with other entities for a regional campaign.

CONSIDER REQUEST OF THE 2013 NEIGHBORHOOD RECREATIONAL COMMITTEE TO TEMPORARILY CLOSE CERTAIN STREETS FOR THE ANNUAL “JUNETEENTH CELEBRATION” ON SATURDAY, JUNE 22, 2013

**CLOSE STREETS
JUNETEENTH
CELEBRATION**

The City Council approved the request of the 2013 Neighborhood Recreational Committee to temporarily close certain streets for the Annual “Juneteenth Celebration” on Saturday, June 22, 2013.

The event will be held in Martin Luther King, Jr. Park from 8:00 a.m. to 6:00 p.m. and the organizers would like to close East Street, between Vernon Holland Street and College Street. Barricades will be provided, however the organizers were reminded that even though East Street will be closed, accessibility for emergency vehicles must be maintained at all times throughout the event.

CONSENT AGENDA.

CONSIDER REQUEST OF MR. JOHN ARRIAZOLA TO TEMPORARILY CLOSE CERTAIN STREETS FOR A CANCER BENEFIT FOR AINSLEY MORAVEC ON SATURDAY, JUNE 29, 2013; AND CONSIDER MR. ARRIAZOLA’S REQUEST TO APPLY FOR A LIQUOR PERMIT TO SELL ALCOHOL ON THE STREET DURING THE EVENT

**CLOSE STREETS
CANCER BENEFIT**

The City Council approved the request of John Arriazola to temporarily close certain streets for a Cancer Benefit for Ainsley Moravec on Saturday, June 29, 2013. He also requested approval of a liquor permit to sell alcohol on the street during the event.

The event will be held from 7:00 p.m. to 10:00 p.m. at Lupe's World Famous Tamales and Mr. Arriazola has asked to close Wall Street between Travis Street and Walnut Street. He also requested permission to apply for a liquor permit from the Texas Tobacco and Alcohol Commission to sell alcohol on the street during the event.

Barricades will be provided, however Mr. Arriazola was reminded that even though Wall Street will be closed, accessibility for emergency vehicles must be maintained at all times throughout the event.

CONSENT AGENDA.

RECEIVE THE CITY ATTORNEY'S PRESENTATION ON A PROPOSED SUBSTANDARD STRUCTURE ORDINANCE

Brandon Shelby, City Attorney, presented an overview of the proposed changes to the City's Substandard Structure Ordinance. Mr. Shelby said the Substandard Structure Ordinance had been a concern of the City Council for some time. He met with the staff, management, and a committee of Council Members to determine the issues that should be addressed in the draft ordinance.

**PROPOSED
SUBSTANDARD
STRUCTURE
ORDINANCE**

Mr. Shelby said the intent of the proposed ordinance is to spur property owner maintenance, and ultimately improve the safety and aesthetics of Sherman. He added that he felt the proposed ordinance struck the proper balance between respect for property rights and the due process rights of individual property owners, as well as the health and safety of the entire City.

Mr. Shelby presented a flow chart that outlined the process of abating a substandard structure. The process includes time and opportunity for the property owner to make the necessary changes to bring their property into compliance.

The process begins with an inspection and a notice of violation to make the property owner aware of the substandard condition of the property and identify the steps to bring it into compliance. He added that, hopefully, it stops there. The goal is for the property owner to take the initiative and bring the property into compliance with City standards.

Thirty days later the building official will re-inspect the property for compliance. If the property is still substandard, a hearing will be set before the Commission on Substandard Property. This Commission will consist of three members and two alternatives. These members should have some level of expertise in building construction or building maintenance.

At the hearing, Mr. Shelby said he would represent the City and would present evidence about the condition of the property and the steps necessary to bring the property into compliance. The property owner would also have the

opportunity to present his evidence. The Commission will then make a ruling and identify the steps necessary to bring the property into compliance and a timeline for completion of the steps.

Mr. Shelby said enforcement is the biggest difference between this proposed ordinance and the former ordinances. Past ordinances completely lacked an enforcement provision.

This ordinance offers a three-prong mechanism for enforcement. Mr. Shelby said first, if compliance is not met after the Commission's order, there will be criminal enforcement. The ordinance makes it a Class C Misdemeanor to violate an order of the Commission. This will allow the City to file charges in Municipal Court and seek a fine for noncompliance of the Commission's order. The fine will be \$250 per day, per Court occurrence or violation.

Second, the ordinance allows for a civil penalty which would be a lawsuit filed in District Court based on noncompliance of the Commission's order. The fine for this is \$1,000 per day, per violation.

Third, the ordinance would provide for abatement by the City. Mr. Shelby said this is not the goal. The goal is to get the property owner to take initiative to abate the problem.

Mr. Shelby said in recent years, the Texas Supreme Court has set up some roadblocks hampering the City's ability to pursue abatement. In order to comply with Supreme Court case law, the City must file a declaratory judgment action in District Court and seek a ruling by the judge declaring the property a nuisance. Once a District Court declares that a property is a nuisance, the City has the ability to pursue abatement on their own and try to recoup the cost of abatement through liens on the property.

Mr. Shelby said the proposed ordinance is a last resort for the City, but depending on the number of cases that proceed to City abatement, it may become a budgetary issue and the Council might need to set priorities.

He added that the ordinance, in its present form, is ready for Council consideration, but in order for the staff to implement and enforce the ordinance, the staff will need the appointment of the Substandard Ordinance Commission from the City Council. Mr. Shelby reiterated that the Commission would be comprised of three members and two alternates.

Mayor Wacker asked Council Members to review the proposed ordinance and send any changes to Mr. Shelby. George Olson, City Manager, asked Council Members to decide when they want to bring the ordinance back for consideration too. Mr. Shelby reiterated that it doesn't need

COUNCIL MINUTES – MAY 20, 2013

to be brought back until the City Council is ready to appoint members to the Commission. Mayor Wacker also asked Council Members to consider citizens they would like to appoint to the Commission. She said the Council needs to “move” on this ordinance so she asked Council Members to review the proposed ordinance and to consider appointments to the Commission.

CITIZENS REQUESTS

There were no citizen’s requests.

CITIZEN'S REQUESTS

MEDIA QUESTIONS

There were no media questions.

MEDIA QUESTIONS

APPOINT/REMOVE OR CONSIDER QUALIFICATIONS TO
BOARDS AND COMMISSIONS

PARKS AND RECREATION ADVISORY BOARD (2)

ACTION TAKEN.

Motion by Deputy Mayor Howeth to reappoint Lauren Roth to the Parks and Recreation Advisory Board for a term from May 17, 2013 to May 17, 2015 and to appoint Tracey Brown for a term from May 21, 2013 to May 21, 2015. Second by Council Member Plyler.

VOTING AYE: Howeth, Johnson, Plyler, Sofey, Softly.

VOTING NAY: None.

MOTION CARRIED.

PARKS &
RECREATIONS
ADVISORY BOARD

TEXOMA AREA PARATRANSIT SYSTEM (TAPS) BOARD OF
DIRECTORS (1)

ACTION TAKEN.

Motion by Council Member Plyler to appoint Council Member Ryan Johnson to the Texoma Area Paratransit (TAPS) Board of Directors for a term from May 21, 2013 to May 21, 2015. Second by Deputy Mayor Howeth.

VOTING AYE: Howeth, Johnson, Plyler, Sofey, Softly.

VOTING NAY: None.

MOTION CARRIED.

TAPS BOARD

COUNCIL COMMENTS

END OF SCHOOL AND MEMORIAL DAY HOLIDAY

Mayor Wacker said it was near the end of the school year and the Memorial Day weekend and she urged everyone to stay safe.

END OF SCHOOL &
MEMORIAL DAY

FISHING DERBY

Mayor Wacker said the Fishing Derby would be held on June 1, 2013 at Pickens Lake at Herman Baker Park.

FISHING DERBY

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.

EXECUTIVE SESSION

COUNCIL MINUTES – MAY 20, 2013

SECTION 551.071(1) CONSULTATION WITH CITY
ATTORNEY CONCERNING
PENDING OR CONTEMPLATED
LITIGATION:
RECEIVE THE CITY ATTORNEY'S
BRIEFING ON PENDING OR
CONTEMPLATED LITIGATION

SECTION 551.074 PERSONNEL MATTERS
CONSIDER THE
QUALIFICATIONS, APPOINTMENT
AND REMOVAL OF MEMBERS TO
BOARDS AND COMMISSIONS:
SHERMAN HOUSING AUTHORITY
(2)

On Motion duly made and carried, the Open Meeting
recessed and reconvened in Executive Session at 5:25 p.m.

On Motion duly made and carried, the Executive Session
recessed at 5:40 p.m. and reconvened in Open Meeting.

OPEN MEETING

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

OPEN MEETING

SHERMAN HOUSING AUTHORITY BOARD
ACTION TAKEN.

Motion by Council Member Johnson to reappoint Beth
Williams and Barbara Williams to the Housing Authority
Board for a term from June 1, 2013 to June 1, 2015.

Second by Council Member Plyler.

VOTING AYE: Howeth, Johnson, Plyler, Sofey, Softly.

VOTING NAY: None.

MOTION CARRIED.

SHERMAN
HOUSING AUTHORITY

ADJOURNMENT

On Motion duly made and carried, the meeting adjourned at
5:42 p.m.

ADJOURNMENT

MAYOR

CITY CLERK