

STATE OF TEXAS

§

May 18, 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 May 18, 2009.

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

MEMBERS ABSENT: NONE.

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 Council Member Robert Softly.

CALL TO ORDER

APPROVE MINUTES

The Council reviewed the Minutes of the Called City Council (Budget Planning) Meeting of April 29, 2009 and the Regular City Council Meeting of May 4, 2009. Council Member Steele moved to approve the Minutes as presented; Second by Deputy Mayor Wacker. All present voted AYE.
MOTION CARRIED.

APPROVE MINUTES

OATH OF OFFICE

OATH OF OFFICE AND PRESENTATION OF CERTIFICATE OF ELECTION

Mayor Magers recognized the families of Council Members that were in attendance in the audience to watch the Oath of Office.

**OATH OF OFFICE
CERTIFICATE OF
ELECTION**

Linda Ashby, City Clerk, administered the Oath of Office to the following Council-elect positions. All positions were unopposed, so the City was able to cancel the Election this year.

Mayor
Council Member, At-Large, Place 1
Council Member, At-Large, Place 2

Bill Magers
Willie Steele
Cary Wacker

A Certificate of Election was presented to each of the newly sworn-in Council Members. The new members were seated at the Council table.

NEW COUNCIL SEATED

MEMBERS PRESENT:

Mayor Bill Magers.
Council Members Adami, Howeth, Smith, Softly, Steele, Wacker.

**NEW COUNCIL
SEATED**

MEMBERS ABSENT:

None.

COUNCIL ELECTION OF DEPUTY MAYOR

Mayor Magers asked for nominations for the Office of Deputy Mayor.

**ELECTION OF
DEPUTY MAYOR**

ACTION TAKEN.

Motion by Council Member Adami to elect Council Member Joe Smith to serve as Deputy Mayor, for a term from May 18, 2009 to May 8, 2010. Second by Deputy Mayor Wacker.

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

VOTING NAY: None.

MOTION CARRIED.

INTRODUCTION AND PUBLIC HEARING OF ORDINANCES

Mayor Magers introduced Ordinance 5604 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280, SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW A COMMERCIAL AMUSEMENT CENTER IN A C-2 (GENERAL COMMERCIAL) DISTRICT AND THE O-1 (75 & 82) OVERLAY DISTRICT AT 2510 TEXOMA PARKWAY, BEING 3.92 ACRES IN THE REUBEN HENDRIX SURVEY, ABSTRACT NO. 504 (PLITT PLAZA JOINT VENTURE, OWNERS; MOVIE TAVERN EXPRESS, TENANT; AND TERENCE JOHNSON, REPRESENTATIVE); PROVIDING FOR A REPEALER; PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED \$2,000.

**ORD 5604
SUP FOR
AMUSEMENT
CENTER**

No citizens appeared before the City Council to discuss Ordinance 5604.

The Ordinances were introduced and the Public Hearing was closed.

**CLOSE PUBLIC
HEARING**

ADOPTION OF ORDINANCES

Ordinance 5604

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280, SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW A COMMERCIAL AMUSEMENT CENTER IN A C-2 (GENERAL COMMERCIAL) DISTRICT AND THE O-1 (75 & 82) OVERLAY DISTRICT AT 2510 TEXOMA PARKWAY, BEING 3.92 ACRES IN THE REUBEN HENDRIX SURVEY, ABSTRACT NO. 504 (PLITT PLAZA JOINT VENTURE, OWNERS; MOVIE TAVERN EXPRESS, TENANT; AND TERENCE JOHNSON, REPRESENTATIVE); PROVIDING FOR A REPEALER; PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED \$2,000.

**ORD 5604
SUP FOR
AMUSEMENT
CENTER**

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Scott Shadden, Director of Development Services, explained that they are going to add a game room similar to the one at Chuck E. Cheese.

ACTION TAKEN.

Motion by Council Member Steele to approve Ordinance No. 5604, as presented. Second by Council Member Softly.

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

VOTING NAY: None.

MOTION CARRIED.

CONSENT AGENDA

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

CONSENT AGENDA

RESOLUTIONS

RESOLUTION NO. 5361 – AUTHORIZING EXECUTION OF A SERVICE AGREEMENT WITH SOUTHWESTERN BELL TELEPHONE, L.P. D/B/A AT&T TEXAS FOR MAINTENANCE OF THE SHERMAN POLICE DEPARTMENT'S UNIVERSAL EMERGENCY NUMBER SERVICE (E911) HARDWARE

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF A SERVICE AGREEMENT WITH SOUTHWESTERN BELL TELEPHONE, L.P. D/B/A AT&T TEXAS FOR MAINTENANCE OF THE SHERMAN POLICE DEPARTMENT'S UNIVERSAL EMERGENCY NUMBER SERVICE (E-911) HARDWARE.
CONSENT AGENDA.

**RES 5361
E-911 MAINTENANCE
AT POLICE DEPT.**

RESOLUTION NO. 5362 – AUTHORIZING EXECUTION OF AN AGREEMENT WITH INTRADO, INC. FOR THE PROVISION OF AUTOMATIC LOCATION IDENTIFICATION ("ALI") MANAGEMENT IMPLEMENTATION (E-911 DATABASE) SERVICES TO THE SHERMAN POLICE DEPARTMENT

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN AGREEMENT WITH INTRADO, INC. FOR THE PROVISION OF AUTOMATIC LOCATION IDENTIFICATION ("ALI") MANAGEMENT IMPLEMENTATION (E-911 DATABASE) SERVICES TO THE SHERMAN POLICE DEPARTMENT.
CONSENT AGENDA.

**RES 5362
E-911 DATABASE
IMPLEMENTATION**

APPOINT/REMOVE OR CONSIDER QUALIFICATIONS TO BOARDS AND COMMISSIONS

COUNCIL AUDIT COMMITTEE (3)

Mayor Magers asked if all Council Members wanted to continue to serve on the board on which they were already serving. If they did, he suggested that all appointments be made with one motion.

**COUNCIL AUDIT
COMMITTEE**

Council Members Cary Wacker, Chip Adami, and Deputy Mayor Joe Smith did want to continue serving on the Council Audit Committee. Their terms would be from May 19, 2009 to June 2010.

INVESTMENT COMMITTEE (2)

Council Members Willie Steele and Robert Softly did want to continue serving on the Investment Committee. Their terms would be from May 19, 2009 to May 2010.

**INVESTMENT
COMMITTEE**

TAX REINVESTMENT COMMITTEE (2)

Deputy Mayor Joe Smith and Council Member Chip Adami did want to continue serving on the Tax Reinvestment Committee. Their terms would be from May 19, 2009 to May 2010.

**TAX REINVESTMENT
COMMITTEE**

TAX INCREMENT FINANCING BOARD #1 (3)

Mayor Bill Magers and Council Members Willie Steele and Chip Adami did want to continue serving on the Tax Increment Financing Board #1. Their terms would be from May 19, 2009 to May 2010.

**TAX INCREMENT
FINANCING BOARD
#1**

TAX INCREMENT FINANCING BOARD #2 (3)

Mayor Bill Magers and Council Members Willie Steele and Chip Adami did want to continue serving on the Tax Increment Financing Board #2. Their terms would be from May 19, 2009 to May 2010.

**TAX INCREMENT
FINANCING BOARD
#2**

TAX INCREMENT FINANCING BOARD #3 (3)

Mayor Bill Magers and Council Members Willie Steele and Chip Adami did want to continue serving on the Tax Increment Financing Board #3. Their terms would be from May 19, 2009 to May 2010.

**TAX INCREMENT
FINANCING BOARD
#3**

ACTION TAKEN.

Motion by Council Member Wacker to reappoint the aforementioned Council Members to the respective boards for terms as designated. Second by Council Member Softly.

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

VOTING NAY: None.

MOTION CARRIED.

CITIZENS REQUESTS

FLOODING, EROSION, AND POLLUTION ISSUES

Ernestine Harrell, 2600 Nantucket Drive, appeared to tell the City Council about flooding, erosion, and pollution problems in the creek behind her house. She also presented a packet of photos of the culvert on the creek.

**FLOODING,
EROSION &
POLLUTION ISSUES**

Ms. Harrell said she was representing homes in the 2600 block of Nantucket, four houses in the 2500 block of Nantucket, and the homes on Vancouver Place. She recognized several of the neighbors that were in attendance in the audience.

She wanted to raise awareness on the flooding, erosion, and pollution issues on the creek that flows under Vancouver Place. The culvert is too small and constricts the volume of storm water drainage. She said the problem is compounded by new construction upstream.

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Ms. Harrell said there is approximately 80 square feet of storm water drainage through the culvert and the bottom of the culvert is standing in water which causes mosquito and pollution problems.

The drainage basin for that creek extends north of Highway 82 and merges with the creek from Dean Gilbert Retention Lake downstream behind the homes on Vancouver. A bridge on Lamberth Road also crosses this creek even further downstream.

Ms. Harrell showed several photos of the flooding and pollution from the June 2007 flood as she described the situation. The erosion is also about to expose a sewer line. Several sanitary sewer openings are also near the creek and covered with water during flooding. According to Ms. Harrell, new construction upstream is also causing pollution and toxins in the creek.

The North Haven Addition is projected to have 68 new homes and Ms. Harrell estimated a 2,000 square foot footprint for the house, garage, driveway and street, which would total 136,000 square feet of unaccounted storm water runoff under the culvert at Vancouver Place. There are two retention ponds that are designated in the North Haven Addition.

Ms. Harrell was also concerned about construction of the new medical facility between U.S. Highway 82 and Cypress Grove Road and the additional runoff that will drain to the same culvert. She added that there is no storm water drainage pond to contain water from the medical facility. She also addressed flooding damage at the Roy Logston Tank Battery on Prairie Grove and the possible pollution from that site.

Ms. Harrell suggested using a bridge, such as the one on Lamberth Road, to replace the culverts at Vancouver Place to open up the drainage.

She added that there are 18 homes on Nantucket Drive and Vancouver Place with a combined value of \$3,699,500 being adversely affected, either directly or indirectly, by these issues. She thanked the City Council for any help they could give for the flooding and erosion problems.

Mayor Magers explained that since the item was not an agenda item, the City Council is unable to comment directly on the item, however they can ask questions.

Mayor Magers asked if the problems happen only during heavy deluges or anytime it rains. Ms. Harrell said she only purchased the house in 2004, but the floodwater has been 18 inches inside her garage. A gentleman from the audience said it happens every time it rains. Ms. Harrell said the water actually backs up behind the culvert and acts as a dam. The

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culvert itself doesn't allow much water to run through before it backs up. Deputy Mayor Smith verified that debris is not the problem. Water is the problem.

Mayor Magers said the City is looking at all waterways and does not want to make emotional decisions. The Council needs to look at the big picture and determine how everything will fit together for flooding. He added that they will direct the staff to see what can be done.

Ms. Harrell said one of the major issues is that building permits continue to be issued for upstream building that do not address the flooding issues that they are encountering.

Mayor Magers said the City will continue to issue permits upstream. He added that there are engineering retention ponds, and while they don't cure all flooding, the City is taking steps to try and develop in a smart manner. He said that Sherman will grow and develop.

MEDIA QUESTIONS

COUNCIL STANDING COMMITTEES

Kathy Williams, Herald Democrat Reporter, asked for a list of the standing Council Committees to which Members were appointed earlier in the Meeting.

COUNCIL STANDING
COMMITTEES

TEXOMA COUNCIL OF GOVERNMENTS GOVERNING BODY

(1)

Mayor Magers asked Council Members if they would like to consider an appointment to the Texoma Council of Governments Governing Body without going into Executive Session. He asked if any other Council Member would like to serve on the Board.

TCOG

ACTION TAKEN.

Motion by Council Member Steele to reappoint Deputy Mayor Joe Smith to the Texoma Council of Governments Governing Body for a term from June 1, 2009 to June, 2012. Second by Council Member Wacker.

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

VOTING NAY: None.

ABSTAIN: Smith.

MOTION CARRIED.

COUNCIL COMMENTS

APOLOGY TO FAMILY

Council Member Wacker apologized for not inviting her family to attend the Council Meeting. Several of her family members live out of town.

APOLOGY TO
FAMILY

PARKS AND RECREATION BROCHURE

Council Member Adami complimented the staff on the Parks and Recreation Brochure that was recently mailed to citizens. He added it was great to see information on all the services and activities offered by the City.

PARKS & REC
BROCHURE

SERVICE ON THE CITY COUNCIL

Mayor Magers said this is his final term as Mayor and it is an honor and a pleasure to work with the other Council Members. He felt that the City has a good team and he thanked them for their service.

**SERVICE ON
CITY COUNCIL**

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

SECTION 551.074

**PERSONNEL MATTERS:
CONSIDER THE
QUALIFICATIONS, APPOINTMENT
OR REMOVAL OF MEMBERS TO
BOARDS AND COMMISSIONS:
TEXOMA COUNCIL OF
GOVERNMENTS GOVERNING
BODY (1)**

Council Members decided not to go into Executive Session prior to making appointments to the Texoma Council of Governments Governing Body.

ADJOURNMENT

On Motion duly made and carried, the meeting adjourned at 5:31 p.m.

ADJOURNMENT

MAYOR

CITY CLERK