STATE OF TEXAS §

May 7, 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 May 7, 2007.

MEMBERS PRESENT:	**MAYOR BILL MAGERS; DEPUTY MAYOR TERRENCE STEELE.** **COUNCIL MEMBERS ADAMI, HUGHES, MARKL, SMITH, WACKER.**
MEMBERS ABSENT:	**None.**

CALL TO ORDER

<u>CALL TO ORDER</u>
Mayor Bill Magers called the meeting to order at 5:00 p.m. The Pledge of Allegiance and Invocation were given by Council Member Cary Wacker.

APPROVE MINUTES

<u>APPROVE MINUTES</u>
The Council reviewed the Minutes of the Regular Meeting of April 16, 2007. Council Member Adami moved to approve the Minutes as presented; Second by Council Member Hughes. All present voted AYE.
MOTION CARRIED.

PUBLIC HEARING
ANNEXATION
LESLIE LANE

<u>PUBLIC HEARING</u>
<u>CONDUCT THE SECOND PUBLIC HEARING CONCERNING THE ANNEXATION OF APPROXIMATELY 102.12 ACRES OF LAND ON LESLIE LANE IN THE CITY OF SHERMAN'S EXTRA TERRITORIAL JURISDICTION</u>
Mayor Magers asked for comments from the public concerning the annexation of approximately 102.12 acres of land on Leslie Lane.

No citizens appeared before the City Council to discuss the annexation of land on Leslie Lane.

ANNEXATION
HWY 82 & 289

<u>CONDUCT THE SECOND PUBLIC HEARING CONCERNING THE ANNEXATION OF APPROXIMATELY 83.043 ACRES OF LAND AT THE INTERSECTION OF U.S. HIGHWAYS 82 AND 289 IN THE CITY OF SHERMAN'S EXTRA TERRITORIAL JURISDICTION</u>
Mayor Magers asked for comments from the public concerning the annexation of approximately 83.043 acres of land at the intersection of U.S. Highways 82 and 289.

No citizens appeared before the City Council to discuss the annexation of land at U.S. Highways 82 and 289.

ANNEXATION
FRIENDSHIP ROAD

<u>CONDUCT THE SECOND PUBLIC HEARING CONCERNING THE ANNEXATION OF APPROXIMATELY 18.46 ACRES OF LAND KNOWN AS THE FRIENDSHIP RANCH ON FRIENDSHIP ROAD IN THE CITY OF SHERMAN'S EXTRA TERRITORIAL JURISDICTION</u>

Mayor Magers asked for comments from the public concerning the annexation of approximately 18.46 acres of land on Friendship Road.

No citizens appeared before the City Council to discuss the annexation of land on Friendship Road.

FIRST READING, PUBLIC HEARING AND FIRST VOTE OF ORDINANCE NO. 5458

ORD 5458
ONCOR ELECTRIC
DELIVERY FRANCHISE

Mayor Magers called for the first reading of Ordinance 5458 and called for a public hearing:
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, GRANTING TO ONCOR ELECTRIC DELIVERY COMPANY, ITS SUCCESSORS AND ASSIGNS, THE NON-EXCLUSIVE RIGHT TO USE AND OCCUPY RIGHT-OF-WAY WITHIN THE CITY OF SHERMAN FOR THE CONSTRUCTION AND OPERATION OF AN ELECTRIC TRANSMISSION AND DISTRIBUTION SYSTEM. PRESCRIBING CONDITIONS GOVERNING THE USE OF THE PUBLIC RIGHTS-OF-WAY. PROVIDING FOR COMPENSATION THEREFORE, PROVIDING FOR AN EFFECTIVE DATE AND A TERM OF SAID FRANCHISE, PROVIDING FOR WRITTEN ACCEPTANCE OF THIS FRANCHISE. PROVIDING FOR SEVERABILITY. PROVIDING FOR A REPEALER.

Council Member Adami asked for an explanation of Ordinance 5458. George Olson, Acting City Manager, explained that the current franchise with Oncor Electric has expired and the ordinance is a renewal of a franchise agreement with the company.

Mayor Magers added that the franchise agreement expired in 2003. Changes in the agreement will allow the City to receive franchise payments quarterly instead of semi-annually and it locks the City into a reasonable deal. He verified that the ordinance would need two readings before the City Council before it was considered for approval.

Deputy Mayor Steele verified that the City has been receiving franchise payments even though the formal agreement expired in 2003.

No citizens appeared before the City Council to discuss Ordinance 5458.

CLOSE
PUBLIC HEARING

Public Hearings were held on the annexations, Ordinance 5458 was read and the Public Hearing was closed.

FIRST VOTE ON ORDINANCE NO. 5458

ORD 5458
ONCOR ELECTRIC
DELIVERY FRANCHISE

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, GRANTING TO ONCOR ELECTRIC DELIVERY COMPANY, ITS SUCCESSORS AND ASSIGNS, THE NON-EXCLUSIVE RIGHT TO USE AND OCCUPY RIGHT-OF-WAY WITHIN THE CITY OF SHERMAN FOR THE CONSTRUCTION AND OPERATION OF AN ELECTRIC

TRANSMISSION AND DISTRIBUTION SYSTEM. PRESCRIBING CONDITIONS GOVERNING THE USE OF THE PUBLIC RIGHTS-OF-WAY. PROVIDING FOR COMPENSATION THEREFORE, PROVIDING FOR AN EFFECTIVE DATE AND A TERM OF SAID FRANCHISE, PROVIDING FOR WRITTEN ACCEPTANCE OF THIS FRANCHISE. PROVIDING FOR SEVERABILITY. PROVIDING FOR A REPEALER.

ACTION TAKEN.

Motion by Council Member Hughes to approve the First Reading of Ordinance 5458, as presented. Second by Council Member Smith.

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

CONSENT AGENDA — **CONSENT AGENDA**

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

RESOLUTIONS

RESOLUTION NO. 5006 – APPROVING THE FORM OF RESOLUTION OF THE TEXOMA AREA SOLID WASTE AUTHORITY AUTHORIZING THE ISSUANCE OF REFUNDING BONDS TO REFUND A PORTION OF THE AUTHORITY'S REGIONAL SOLID WASTE DISPOSAL CONTRACT REVENUE BONDS, SERIES 2004 (INITIAL FACILITY PROJECT); APPROVING THE FORM OF OFFERING DOCUMENT TO BE USED IN THE MARKETING OF SUCH REFUNDING BONDS; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT

RES 5006
TASWA BOND
REFUNDING

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, APPROVING THE FORM OF RESOLUTION OF THE TEXOMA AREA SOLID WASTE AUTHORITY AUTHORIZING THE ISSUANCE OF REFUNDING BONDS TO REFUND A PORTION OF THE AUTHORITY'S REGIONAL SOLID WASTE DISPOSAL CONTRACT REVENUE BONDS, SERIES 2004 (INITIAL FACILITY PROJECT); APPROVING THE FORM OF OFFERING DOCUMENT TO BE USED IN THE MARKETING OF SUCH REFUNDING BONDS; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT.

Council Member Adami said he would like to see savings passed along to the partnering entities that helped originate the project.

Mayor Magers said by reducing the interest expense it will reduce the debt thereby reducing the contingent liability, so the debt will be paid off faster and money will be "freed up" for the other cells.

Jason Hughes, First Southwest, explained that the total savings over the life of the bond issue are projected at $1.2

million. They are maintaining flexibility and are selling with a five year call, and are not extending the debt.

Council Member Adami reiterated that he would like to see the annual savings and interest costs passed on to the partnering entities of Sherman, Denison and Gainesville.

Mayor Magers said the money that is being saved will be reinvested to open another cell and keep costs lower to open the cell without having to increase rates.

ACTION TAKEN.
Motion by Council Member Wacker to approve Resolution No. 5006, as presented. Second by Council Member Markl.
VOTING AYE: Adami, Hughes, Markl, Smith, Steele, Wacker.
VOTING NAY: None.
MOTION CARRIED.

RES 5016 ELECTRONIC & COMPUTER RECYCLING PROGRAM

<u>RESOLUTION NO. 5016 – SUPPORTING THE PASSAGE OF STATE LEGISLATION REQUIRING PRODUCERS OF ELECTRONICS AND COMPUTERS TO PARTICIPATE IN TAKEBACK RECYCLING PROGRAMS AND THE ADOPTION OF STATEWIDE PROCUREMENT GUIDELINES TO REQUIRE VENDORS WHO PROVIDE PRODUCTS TO STATE AND LOCAL GOVERNMENTS TO TAKE BACK DISCARDED ELECTRONIC PRODUCTS</u>
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, SUPPORTING THE PASSAGE OF STATE LEGISLATION REQUIRING PRODUCERS OF ELECTRONICS AND COMPUTERS TO PARTICIPATE IN TAKEBACK RECYCLING PROGRAMS AND THE ADOPTION OF STATEWIDE PROCUREMENT GUIDELINES TO REQUIRE VENDORS WHO PROVIDE PRODUCTS TO STATE AND LOCAL GOVERNMENTS TO TAKE BACK DISCARDED ELECTRONIC PRODUCTS.

Mayor Magers explained that the legislation would keep computers and television screens out of the landfill. The manufactures would be required to have a recycling program. The purpose of the resolution is to support an initiative for the manufacturers to take back the old televisions and computers so they are not put in the landfills.

Deputy Mayor Steele verified that there would be no additional cost to the City to supply containers for the recycling. Council Member Wacker added that the burden will fall on the product manufacturer.

<u>Cynthia Manley, 618 W. Brockett</u>
Ms. Manley said the bills currently before the Texas Legislature, HB 2714 and SB 1324, do not include televisions. She asked that the City Council include televisions in their resolution. The Council verified that the resolution does include electronics.

ACTION TAKEN.

Motion by Council Member Wacker to approve Resolution No. 5016, as presented. Second by Council Member Markl.

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

RES 5007 TRAFFIC IMPACT ANALYSIS AT HWYS 75 & 691

RESOLUTION NO. 5007 – REQUESTING THE METROPOLITAN PLANNING ORGANIZATION (MPO) CONDUCT AND FINANCE A TRAFFIC IMPACT ANALYSIS AT THE INTERSECTION OF U.S. HIGHWAY 75 AND S.H. 691

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, REQUESTING THE METROPOLITAN PLANNING ORGANIZATION (MPO) CONDUCT AND FINANCE A TRAFFIC IMPACT ANALYSIS AT THE INTERSECTION OF U.S. HIGHWAY 75 AND S.H. 691.

Council Member Markl verified that the City of Denison has passed the same resolution. Mayor Magers added that the County Commissioners also approved the traffic impact analysis.

Jeff Miller, Director of Public Works and Engineering, explained that the resolution asks the MPO to use existing money to conduct a traffic impact analysis. There is a separate issue where the MPO has requested money from the Federal Highway Administration for the construction of the improvements in that area. That money will go to the Texas Department of Transportation.

Council Member Smith verified that there was no cost to the City of Sherman.

ACTION TAKEN.

Motion by Council Member Markl to approve Resolution No. 5007, as presented. Second by Council Member Wacker.

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

RES 5008 SEAL COAT PROGRAM

RESOLUTION NO. 5008 – AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH CRANFILL AND SON TRUCKING FOR THE PURCHASE OF AN ANNUAL SUPPLY OF COVERSTONE FOR THE 2007 SEAL COAT PROGRAM

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH CRANFILL AND SON TRUCKING FOR THE PURCHASE OF AN ANNUAL SUPPLY OF COVERSTONE FOR THE 2007 SEAL COAT PROGRAM.
CONSENT AGENDA.

RES 5009 RESIDENTIAL TAX ABATEMENT (704 E. SYCAMORE)

<u>RESOLUTION NO. 5009 – 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 704 EAST SYCAMORE 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 704 EAST SYCAMORE STREET.

RES 5010 RESIDENTIAL TAX ABATEMENT (608 E. RICHARDS)

<u>RESOLUTION NO. 5010 – 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 608 EAST RICHARDS 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 608 EAST RICHARDS STREET.

RES 5011 RESIDENTIAL TAX ABATEMENT (510 S. FIRST)

<u>RESOLUTION NO. 5011 – 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 510 SOUTH FIRST 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 510 SOUTH FIRST STREET.

RES 5012 RESIDENTIAL TAX ABATEMENT (1113 E. JONES)

<u>RESOLUTION NO. 5012 – 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 1113 EAST JONES 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 CONSTRUCITON OF A NEW SINGLE-FAMILY RESIDENCE AT 1113 EAST JONES STREET.

ACTION TAKEN.

> **Motion by Council Member Adami to approve Resolution Nos. 5009, 5010, 5011, and 5012, as presented. Second by Council Member Hughes.**

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

RES 5013
RESIDENTIAL TAX ABATEMENT
(2224 S. FIRST)

RESOLUTION NO. 5013 – AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH ANA TORRES FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 2224 SOUTH FIRST STREET
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH ANA TORRES FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 2224 SOUTH FIRST STREET.
CONSENT AGENDA.

RES 5014
RESIDENTIAL TAX ABATEMENT
(615 S. FIRST)

RESOLUTION NO. 5014 – AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH CRUZ ALVA FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE MOVING AND RENOVATION OF A SINGLE-FAMILY RESIDENCE TO 615 SOUTH FIRST STREET
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH CRUZ ALVA FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE MOVING AND RENOVATION OF A SINGLE-FAMILY RESIDENCE AT 615 SOUTH FIRST STREE.
CONSENT AGENDA.

RES 5015
RESIDENTIAL TAX ABATEMENT
(205 E. HOUSTON)

RESOLUTION NO. 5015 – AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH TOM LONGO FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE RENOVATION OF 205 EAST HOUSTON STREET TO A SINGLE-FAMILY RESIDENCE
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH TOM LONGO FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE RENOVATION OF 205 EAST HOUSTON STREET TO A SINGLE-FAMILY RESIDENCE.
CONSENT AGENDA.

OTHER BUSINESS

POLICE VIDEO CAMERAS & COMPUTERS

RECEIVE THE POLICE DEPARTMENT'S PRESENTATION ON DIGITAL PATROLLER VIDEO CAMERAS AND IN-CAR COMPUTERS
Tom Watt, Police Chief, introduced Sergeant Stephen Dean to present a presentation on the digital patroller video cameras and the in-car computers.

Sergeant Dean presented an example of the old video system that was previously used on police vehicles. He then showed video from the new system and outlined improvements in the system. The new digital patroller

displays date, time, car, GPS coordinates, direction traveling, and unit speed. There is no external monitor but the video is displayed on a laptop in the patrol car.

Sergeant Dean added that through the old system, a review of videotapes was very labor intensive and it took a long time to scan the tapes for the specific location needed. The new system uses digital files and makes it much easier to locate a video from a specific date and time if it needs to be reviewed. It is also easier to save the specific files that are needed for evidence.

Tom Longo, 213 Island View, Pottsboro
Mr. Longo asked if the system would also check the radar speed of the vehicle being chased if the radar was turned on. Sergeant Dean said it will but it is mainly used for stationary radar. He added that when the lights are turned on, the video backs up 30 seconds to begin recording.

Sergeant Dean offered a demonstration of the in-car computers, showing that the location of all officers can be monitored by the Dispatcher. It also shows the officers that are working an incident, the type of incident it is, and the length of time the officer has been there. Officers can be pulled as needed to answer emergency calls. Sergeant Dean gave a demonstration of the silent dispatch system.

Mayor Magers asked if the system used the pictometry software that is being used by the Grayson Appraisal District. Chief Watt said the system was a different system but includes layers built and the cost of the software is included in the purchase price of the system. Sergeant Dean demonstrated the pictometry system.

Sergeant Dean said the digital patroller video cameras and the in-car computers have made the Police Department more efficient and he thanked the Council for funding the equipment.

Council Member Hughes verified that the system will monitor response time. Mayor Magers asked about ways to turn the digital patroller on to capture video. Sergeant Dean explained that when the lights are turned on the system is automatically activated and backs up 30 seconds to begin recording. If the officer is out of the car, there is a button on the mic that can activate the system and it also backs up 30 seconds to begin recording.

Mayor Magers asked if the Dispatcher is able to see what the video is recording at the same time it is happening. Chief Watt said with the purchase of wireless technology the video could be sent back to the Dispatcher.

FINAL PLAT APPROVAL OF THE FRIENDSHIP RANCH ADDITION, A RURAL TYPE SUBDIVISION IN THE EXTRA TERRITORIAL JURISDICTION OF THE CITY OF SHERMAN,

APPROVE FINAL PLAT FRIENDSHIP RANCH ADDITION

AN 18.5 ACRE PLAT IN THE FIELDING BACON SURVEY, ABSTRACT NO. 119; FRIENDSHIP RANCH JOINT VENTURE, NATHAN McCLURE AND JIM HILDALGO, OWNERS (400 BLOCK OF NORTH FRIENDSHIP ROAD)

The City Council approved the Final Plat of the Friendship Ranch Addition, an 18.5 acre plat in the Fielding Bacon Survey, Abstract No. 119, in the City's Extra Territorial Jurisdiction. The property is located in the 400 block of North Friendship Road, south of Washington Street.

Friendship Ranch Joint Venture, Nathan McClure and Jim Hildalgo, owners, would lie to plat the property into eight lots for a gated residential development. The Planning and Zoning Commission recommended approval of the Final Plat.

CONSENT AGNEDA.

REPLAT APPROVAL OF LOTS 1 AND 2, BLOCK 1 OF THE SHERMAN INDUSTRIAL DEVELOPMENT ADDITION, BEING LOTS 1 AND 2, BLOCK 1, SHERMAN INDUSTRIAL DEVELOPMENT ADDITION AND PART OF THE WILLIAM MARTIN SURVEY, ABSTRACT NO. 765 IN TRACT 3 OF THE BLALOCK INDUSTRIAL PARK; PROGRESS RAIL SERVICES AND SHERMAN ECONOMIC DEVELOPMENT CORPORATION, OWNERS (525 PROGRESS DRIVE)

APPROVE REPLAT SHERMAN INDUSTRIAL DEVELOPMENT ADDITION

The City Council approved the Replat of Lots 1 and 2, Block 1 of the Sherman Industrial Development Addition, being Lots 1 and 2, Block 1, Sherman Industrial Development Addition and part of the William Martin Survey, Abstract No. 765 in Tract 3 of the Blalock Industrial Park, located at 525 Progress Drive.

The Sherman Economic Development Corporation has been working with the tenant, Progress Rail, to expand the property to the west. SEDCO plans to give the title to Progress Rail and the Replat is required to do that. The Planning and Zoning Commission recommended approval of the Replat.

CONSENT AGENDA.

REPLAT APROVAL OF SHAFER PLAZA II, A REPLAT OF LOT 4, BLOCK 1 OF SHAFER PLAZA AND LOT 3, BLOCK 1 OF THE HOLIDAY INN SHERMAN; PATEL AND SHAFER, OWNERS (2900 BLOCK OF U.S. HIGHWAY 75 NORTH)

APPROVE REPLAT SHAFER PLAZA II

The City Council approved the Replat of Shafer Plaza II, a Replat of Lot 4, Block 1 of Shafer Plaza and Lot 3, Block 1 of the Holiday Inn Sherman. The property is located in the 2900 block of U.S. Highway 75 North.

Patel and Shafer, the owners, would like to replat the property so they may sell one of the tracts for commercial development. The Planning and Zoning Commission recommended approval of the Replat.

CONSENT AGENDA.

CITIZENS REQUESTS

CITIZENS REQUESTS

There were no citizens requests.

MEDIA QUESTIONS

ANNEXATION OF PROPERTY AT THE INTERSECTION OF HIGHWAY 82 AND HIGHWAY 289

ANNEXATION AT HIGHWAYS 82 & 289

Kathy Williams, Herald Democrat Reporter, said she understood there would be additional information available on the annexation of property at the intersection of Highway 82 and Highway 289. She asked when the information would be available. She added that the service plans seem to be identical for the residential development and the commercial development.

Mr. Olson said the staff is still working on the cost benefit analysis and the information will be available prior to the Council Meeting of June 4, 2007. Mrs. Williams asked if the information will be available to the public prior to that meeting or will it be included in the Agenda Packet. Mr. Olson said the procedure will be the same as in past annexations.

She expressed concern that the service plan is the same for both the residential and the commercial development. She asked if a separate model was used for each service plan.

Robby Hefton, Director of Administration and Finance, explained that the staff works to get an overall picture of the economic impact based on sales tax and property tax revenue, and water and sewer revenues. In that sense residential and commercial will be very similar. Since an industry would generate more revenue from those sources than an individual home, that is also taken into consideration.

Mrs. Williams asked if there would also be additional costs to deliver water and sewer to commercial property as opposed to residential properties. Mr. Hefton said those questions are also taken into consideration.

Mrs. Williams asked if there would be further restrictions on the area, such as overlay districts, or would areas be "grandfathered in" on the day the annexation is approved. Doreen McGookey, City Attorney, said that would depend on specific situations.

Mrs. Williams asked that the information be made available to the public prior to the meeting.

APPOINT/REMOVE OR CONSIDER QUALIFICATIONS TO BOARDS AND COMMISSIONS

CONFIRMATION OF ACTING CITY MANAGER REAPPOINTMENT OF A MEMBER TO THE CIVIL SERVICE COMMISSION (1)

CIVIL SERVICE COMMISSION

ACTION TAKEN.

Motion by Deputy Mayor Steele to confirm the Acting City Manager's reappointment of Holbert L. "Dunk" Hale to the Civil Service Commission for a term from June 8, 2007 to June 8, 2010. Second by Council Member Markl.

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

COUNCIL COMMENTS

URGING CITIZENS TO VOTE IN THE CITY'S ELECTION

URGING CITIZENS TO VOTE IN THE CITY'S ELECTION

Council Member Markl encouraged all citizens to vote in the City's upcoming Election on May 12, 2007.

URGING CITIZENS TO VOTE IN THE CITY'S ELECTION

URGING CITIZENS TO VOTE IN THE CITY'S ELECTION

Council Member Smith also encouraged citizens to vote adding that there are very important issues included on the ballot and the direction of the City is at stake, as well as many Charter Amendments which are at stake.

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 THE CITY ATTORNEY CONCERNING LEGAL MATTERS**
SECTION 551.071 --	**CONSULTATION WITH THE CITY ATTORNEY CONCERNING PENDING LITIGATION; CITY OF SHERMAN, TEXAS v. CREIGHTON LEMOYNE ESCOE, ET AL.; CAUSE NO. 03-0617**
	CITY OF SHERMAN v. JAMES WAYNE; CAUSE NO. 05-06-00420-CV
SECTION 551.074 --	**APPOINT/REMOVE OR CONSIDER QUALIFICATIONS TO BOARDS AND COMMISSIONS: SHERMAN HIGHER EDUCATION FINANCE CORPORATION (1)**
SECTION 551.074 --	**PERSONNEL MATTERS: DISCUSS THE APPOINTMENT OF A PERMANENT CITY MANAGER**

DISCUSS JOB-RELATED EXPENSES FOR THE ACTING CITY MANAGER

OBJECTION TO EXECUTIVE SESSION

Mrs. Williams called for a point of order and registered a formal objection to the Closed Executive Session to discuss the appointment of a permanent City Manager. She said she understood that in the Open Meetings Act, the personnel provisions are related to discussions of individual employees and not a class of employees. Since no one is actually being considered for the position, she did not feel that the matter of personal privacy could be invoked.

Mayor Magers said he has a confidential memo from the City Attorney reviewing the issue and she has informed the Council that they are abiding by the Texas Open Meetings Law to discuss the issue in Executive Session.

Mrs. Williams asked under what provision this decision was made. Ms. McGookey said there is a case that indicates that even if the position is not open, if you are talking about an individual position that the Council can meet to discuss the issue in Executive Session. She will provide the case citation to Mrs. Williams.

Mrs. Williams read a passage from the Texas Attorney General's Open Meetings Handbook, concerning the exclusion for personal matters and the discussion of a "class of employees." She added that she did not feel there was an individual employee that was being discussed. She said that even if the Council may discuss the issue behind closed doors, why would they want to deprive the citizens of this knowledge. She understood that the discussion would include strategy, the method by which they will select a City Manager, or the qualifications they seek.

Mayor Magers said when personnel is discussed in general terms it can include an individual person. The City Attorney advised the Council that the issue was acceptable for Executive Session and he assured her the Council is not trying to deprive anyone of any information.

Mrs. Williams informed the City Council that she would call the Grayson County Attorney, who is charged with enforcing the law.

On Motion duly made and carried, the Open Meeting recessed and reconvened in Executive Session at 5:41 p.m.

On Motion duly made and carried, the Executive Session recessed at 6:10 p.m. and reconvened in Open Meeting.

OPEN MEETING

OPEN MEETING

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

<u>RECEIVE THE POLICE DEPARTMENT'S PRESENTATION ON DIGITAL PATROLLER VIDEO CAMERAS AND IN-CAR COMPUTERS</u>

POLICE VIDEO CAMERAS & COMPUTERS

Mayor Magers said Police Chief Watt has asked that Item D-1 be reopened for a comment.

Chief Watt said he was previously asked a question about pictometry that he was unable to answer. He asked Kent Buskirk, Computer Systems Coordinator, to explain the use of pictometry.

Mr. Buskirk said Grayson County gives the Police Department an executable copy of their pictometry and the oblique images. The Police Department system uses the base map with the oblique images but not the executable pictometry.

<u>APPOINT/REMOVE OR CONSIDER QUALIFICATIONS TO BOARDS AND COMMISSIONS</u>

<u>SHERMAN HIGHER EDUCATION FINANCE CORPORATION (1)</u>

SHERMAN HIGHER EDUCATION FINANCE CORP.

ACTION TAKEN.

> **Motion by Council Member Wacker to appoint Dr. Al Hambrick to the Sherman Higher Education Finance Corporation to fill an unexpired term from May 8, 2007 to April 18, 2008. Second by Council Member Adami.**

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

<u>DISCUSS THE APPOINTMENT OF A PERMANENT CITY MANAGER</u>

APPOINTMENT OF A PERMANENT CITY MANAGER

Mayor Magers said that once they were in Executive Session they found out that the Acting City Manager was only going to distribute files and that will be done in Open Session instead and a copy will be made available to the Herald Democrat.

Mr. Olson said he had a copy of a draft job description, a draft profile, and recruitment advertising for various publications, with cost and proposed wording.

Mayor Magers added that the Council Members did not know what was on the Executive Session Agenda and they are in agreement that they want complete disclosure. However, there are times when a particular job is discussed and confidentiality is needed.

<u>DISCUSS JOB-RELATED EXPENSES FOR THE ACTING CITY MANAGER</u>

JOB-RELATED EXPENSES FOR ACTING CITY MANAGER

ACTION TAKEN.

> **Motion by Council Member Smith to approve a car allowance for Acting City Manager George Olson. Second by Council Member Markl.**

ACTION TAKEN.

Motion by Deputy Mayor Steele to amend the motion to make the car allowance retroactive to the date Mr. Olson was appointed Acting City Manager. Second by Council Member Adami.

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

ADJOURNMENT

On Motion duly made and carried, the meeting adjourned at 6:17 p.m.

ADJOURNMENT

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MAYOR

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CITY CLERK