STATE OF TEXAS §

May 5, 2014

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 5, 2014.

MEMBERS PRESENT: **MAYOR CARY WACKER; DEPUTY MAYOR ROBERT SOFTLY.**
COUNCIL MEMBERS DAVIS, JOHNSON, PLYLER, WATT.

MEMBERS ABSENT: **COUNCIL MEMBER SOFEY.**

CALL TO ORDER — **CALL TO ORDER**

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

APPROVE MINUTES — **APPROVE MINUTES**

The Council reviewed the Minutes of the Regular City Council Meeting of April 7, 2014. Deputy Mayor Softly moved to approve the Minutes as presented; Second by Council Member Plyler. All present voted AYE.
MOTION CARRIED.

PROCLAMATIONS

"MENTAL HEALTH AWARENESS MONTH" – MAY 2014 — **MENTAL HEALTH AWARENESS MONTH**

Mayor Wacker presented a proclamation to Brent Phillips-Broadrick, Mental Health Clinical Director, and Rebecca Chase, Crisis Specialist, from the Texoma Community Center, designating May 2014 as "Mental Health Awareness Month."

Mr. Phillips-Broadrick thanked the Mayor and City Council for the proclamation and for shedding light on the issues of mental illness and mental health.

Mayor Wacker said the City of Sherman also has an appointed representative that serves on the board of the Texoma Community Center. She introduced Dr. Thomas Nuckols, 2341 Canyon Creek, as the City's representative.

Dr. Nuckols said for many years the challenge of the Texoma Community Center was an increased population, reduced funds, and continuing to be the safety net for citizens. A National policy is now moving the center toward equity between mental health and physical health, with increased funds that will enable the Texoma Community Center to increase services and be more effective.

He invited the Council to attend a forum on May 10, 2014 at Grayson County United Way to discuss some exciting developments with the organization.

TRAVEL & TOURISM WEEK

"NATIONAL TRAVEL AND TOURISM WEEK" – MAY 3-11, 2014

Council Member Plyler presented a proclamation to Diana Adair, Tourism Manager, designating May 3 through 11, 2014 as "National Travel and Tourism Week."

Ms. Adair thanked the Mayor and City Council for the proclamation and for drawing attention to the role tourism plays at the state and local level.

The Sherman Department of Tourism has been focused on partnering with local non-profits to help support and promote events that will draw visitors to Sherman.

In recognition of "National Travel and Tourism Week" the Department of Tourism is partnering with the Sherman Chamber of Commerce, the Denison Chamber of Commerce, and a number of other non profits to greet visitors at the Travel Information Center in Denison on May 9, 2014, from 11:00 a.m. until 2:00 p.m.

ORD 5815 DENYING ATMOS ENERGY RATE INCREASE

INTRODUCTION AND PUBLIC HEARING OF ORDINANCES

Mayor Wacker introduced Ordinance 5815 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, DENYING THE RATE INCREASE REQUESTED BY ATMOS ENERGY CORP., MID-TEX DIVISION UNDER THE COMPANY'S 2014 ANNUAL RATE REVIEW MECHANISM FILING IN ALL CITIES EXERCISING ORIGINAL JURISDICTION; REQUIRING THE COMPANY TO REIMBURSE CITIES' REASONABLE RATEMAKING EXPENSES PERTAINING TO REVIEW OF THE RRM; AUTHORIZING THE CITY'S PARTICIPATION WITH ATMOS CITIES STEERING COMMITTEE IN ANY APPEAL FILED AT THE RAILROAD COMMISSION OF TEXAS BY THE COMPANY; REQUIRING THE COMPANY TO REIMBURSE CITIES' REASONABLE RATEMAKING EXPENSES IN ANY SUCH APPEAL TO THE RAILROAD COMMISSION; REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND THE STEERING COMMITTEE'S LEGAL COUNSEL; PROVIDING FOR SEVERABILITY; PROVIDING A REPEALER CLAUSE.

Brandon Shelby, City Attorney, explained that the City is a member of the Atmos Cities Steering Committee and they negotiated on the City's behalf with Atmos Mid-Tex. In February 2014, Atmos filed for a rate increase under the rate review mechanisms. They sought $45.7 million in rate increases.

The Steering Committee has been negotiating with them for a smaller increase, but the legal representation hasn't been able to reach an agreement with Atmos. This ordinance will deny a rate increase, which will probably lead to an appeal before the Railroad Commission. The Steering Committee legal counsel will represent the cities in the appeal.

No citizens appeared before the City Council to discuss Ordinance 5815.

The Public Hearing was closed.

ADOPTION OF ORDINANCES

Ordinance 5815 — **ORD 5815 DENYING ATMOS ENERGY RATE INCREASE**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, DENYING THE RATE INCREASE REQUESTED BY ATMOS ENERGY CORP., MID-TEX DIVISION UNDER THE COMPANY'S 2014 ANNUAL RATE REVIEW MECHANISM FILING IN ALL CITIES EXERCISING ORIGINAL JURISDICTION; REQUIRING THE COMPANY TO REIMBURSE CITIES' REASONABLE RATEMAKING EXPENSES PERTAINING TO REVIEW OF THE RRM; AUTHORIZING THE CITY'S PARTICIPATION WITH ATMOS CITIES STEERING COMMITTEE IN ANY APPEAL FILED AT THE RAILROAD COMMISSION OF TEXAS BY THE COMPANY; REQUIRING THE COMPANY TO REIMBURSE CITIES' REASONABLE RATEMAKING EXPENSES IN ANY SUCH APPEAL TO THE RAILROAD COMMISSION; REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND THE STEERING COMMITTEE'S LEGAL COUNSEL; PROVIDING FOR SEVERABILITY; PROVIDING A REPEALER CLAUSE.

ACTION TAKEN.

Motion by Council Member Johnson to approve Ordinance No. 5815, as presented. Second by Council Member Plyler.

VOTING AYE: Davis, Johnson, Plyler, Softly, Watt.
VOTING NAY: None.
MOTION CARRIED.

CONSENT AGENDA — **CONSENT AGENDA**

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

RESOLUTIONS

RESOLUTION NO. 5854 – ACCEPTING THE CONTRACT WITH JERRY PAUL HIGGINS, LTD. AS COMPLETE FOR THE WASTEWATER TREATMENT PLANT EAST BAR SCREEN REPLACEMENT PROJECT — **RES 5854 WWTP BAR SCREEN REPLACEMENT**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, ACCEPTING THE CONTRACT WITH JERRY PAUL HIGGINS, LTD. AS COMPLETE FOR THE WASTEWATER TREATMENT PLANT EAST BAR SCREEN REPLACEMENT PROJECT.
CONSENT AGENDA.

RESOLUTION NO. 5855 – AUTHORIZING EXECUTION OF A DEVELOPER'S AGREEMENT WITH DGR DEVELOPMENT GROUP, LTD. FOR CONSTRUCTION OF PUBLIC FACILITIES IN THE O'HANLON RANCH PHASE IV ADDITION TO THE CITY OF SHERMAN — **RES 5855 O'HANLON RANCH PHASE IV ADDITION**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF A DEVELOPER'S AGREEMENT WITH DGR DEVELOPMENT GROUP, LTD. FOR CONSTRUCTION OF PUBLIC FACILITIES IN THE O'HANLON RANCH PHASE IV ADDITION TO THE CITY OF SHERMAN.
CONSENT AGENDA.

OTHER BUSINESS

CONSIDER REQUEST OF THE 2014 NEIGHBORHOOD RECREATIONAL COMMITTEE TO TEMPORARILY CLOSE CERTAIN STREETS FOR THE ANNUAL "JUNETEENTH CELEBRATION" AND "JUNETEENTH PARADE" ON SATURDAY, JUNE 14, 2014

CLOSE STREETS FOR JUNETEENTH CELEBRATION

The City Council approved the request of the 2014 Neighborhood Recreational Committee to temporarily close certain streets for the Annual "Juneteenth Celebration" and "Juneteenth Parade" on Saturday, June 14, 2014.

The event will be held at Martin Luther King, Jr. Park and will require that East Street, between Vernon Holland Street and College Street be closed with barricades. The parade will follow a specific route and will require traffic control and barricades. Accessibility for emergency vehicles must be maintained at all time through both events.
CONSENT AGENDA.

RECEIVE A COMMUNITY SERVICES PRESENTATION FROM DIRECTOR OF COMMUNITY AND SUPPORT SERVICES DON KEENE

COMMUNITY SERVICES PRESENTATION

Don Keene, Community and Support Services Director, presented a report on several of the City's community services, including Parks and Recreation, Parks and Grounds Maintenance, the Senior Center, the Library, Cemetery Services, and Tourism. He said it was an exciting and challenging time for the Community Services Departments. He said the City tries to provide services and opportunities for a wide range of citizens.

In the Parks and Recreation Department, one of the main attractions is The Splash, which opens Memorial Day weekend. During the 2013 season, there were 36,553 visitors to the facility, including during special events such as Splash Into Summer, Father's Day, and Water WERKS.

There are also about 205 classes and activities offered through the Parks and Recreation Department annually for all ages of participants. Many classes are advertised in the Quarterly Recreation Guide and through the City's website. He described several types of classes.

Mr. Keene said the Taylor Street Complex has allowed the City to expand the offerings and classes to include children's clinics, basketball, volleyball, pickleball, and the Sherman Walking Club.

State Softball Tourney

Mr. Keene said the staff is also excited about the 10 and under State Softball Tournament. He introduced Matt Hubert, Athletic Coordinator, to discuss the event.

Mr. Hubert said the 10 and under State Softball Tournament will be held July 13 through 18, 2014, at Old Settlers Park. This is the second year that Sherman Youth Sports Association has been under the governing rules of Texas Teenage Softball Rules.

In August 2013, Mr. Hubert went to Hillsboro, Texas to put in a bid for the State Tournament. Age groups for softball range from six and under through high school age. More teams travel with the 10 and under age group and more families travel with those teams.

During the week of the State Tournament, other events and activities planned include movies in the park, Hot Summer Nights, Monday Madness, The Splash, Hawn Spray Grounds, and all the Sherman parks and facilities.

While in Hillsboro, Mr. Hubert was also able to petition for the 2015 Texas Teenage Softball State Conference, which Sherman will now be hosting in the Summer of 2015.

Mayor Wacker congratulated the Parks and Recreation Department on landing these events in Sherman. Mr. Keene also recognized the work of Mr. Hubert and the Parks and Recreation staff in getting that tournament.

Those kinds of activities require facilities and Mr. Keene introduced the Parks and Grounds Maintenance Department.

The City has 30 sports fields with different requirements for multiple sports, various ages, and different dimensions. Each field must be prepped with the correct dimensions and requirements for each game. There are approximately 2,700 games per year including those for youth, high school, collegiate, and adult. There are also numerous leagues, games, practices, and tournaments.

The City also maintains 458 acres in 22 parks, which must be cleaned, mowed, trimmed, and repaired. Another 28 acres is maintained in 20 City properties. The City is also being more proactive on inspections and repairs.

Mr. Keene said the City maintains a Senior Center for citizens over 50 years of age, with an average of 140 participants per day. The Center sponsors 44 daytime and nine evening activities, and over 100 special events. Lunch for participants is also provided through Meals on Wheels. He also outlined several special events that will be held throughout the summer. He added that more activities are planned for the Senior Center this year than were held last year.

Mr. Keene also discussed the Public Library, saying in a typical year there will be over 100,000 visits, with 196,000 total circulations by checking out a book or an eBook. There are 12 ongoing programs with approximately 13,000 to 14,000 participants each year.

This summer the Library will sponsor three new events including It's Elementary, which explores the Scientific Method through simple and fun experiments; SPLAT! which is the Sherman Public Library Advisory Teens, who provide assistance and input on various Library programs; and a Father's Day Pajama Story Time.

Mr. Keene said the Cemetery Services Department provides approximately 150 burial services annually and maintains over 120 acres and 30,000 grave markers. The City also provides special maintenance on holidays.

He added that in 15 to 20 years, the Cemetery will be running out of space. The staff is currently looking at some build-out plans for the future.

The Tourism Department continues to work with non-profit organizations to promote activities and events. Currently there are 27 events scheduled in Kidd-Key Auditorium for 2014. Last year there were 13 events scheduled. Events scheduled this year include an InterUrban Film Festival, Snow White Ballet, Three Sisters – Original Musical, Rankin Brothers, and the Sherman Symphony Orchestra.

Over 250 events are scheduled in the Municipal Ballroom or on the Grounds for 2014, including both community events and private events.

The 5th Annual Lights on the Lake will be held July 3, 2014 at Pecan Grove Park. More details will be available soon. This year the Arts Festival and Hot Summer Nights are being coordinated by the Sherman Chamber of Commerce. He added that the City continues to look for other tourism opportunities to partner with the Chamber of Commerce.

<u>Arts Fest and Hot Summer Nights</u>
Lauren Roth, Events Coordinator, Sherman Chamber of Commerce, presented information on the Arts Festival and Hot Summer Nights.

Ms. Roth said currently the Chamber is focused on Hot Summer Nights, but will have more information in the next couple of months about the Arts Festival. She thanked the City Council, the Parks and Recreation Department, and the Tourism Department for working with the Chamber and supporting their efforts to take on Hot Summer Nights.

This year the two title sponsors will be Knight Furniture and Landmark Bank. They are also partnering with KXII-TV, Hot

107, KMKT, KLAK, KMAD, and the Herald Democrat for media.

There will be a change in the location for some of the concerts this year. The June concerts will be held on the Municipal Grounds, but the July concerts will be held at Pecan Grove Park.

She said the sponsors had requested demographic information from the attendees. This year a gift basket will be given away at each Hot Summer Nights concert and those attending will complete a ticket which includes their age range, gender, and zip code. This will help determine the number attending from outside Grayson County or from out of Sherman.

Mr. Keene said the staff continues to work hard to serve the citizens and provide them with opportunities in the coming year.

Council Member Watt said he has seen firsthand as a "civilian" the service that the Parks and Recreation Department displays and said if Mr. Hubert is representative of the department, we are in good shape. Mayor Wacker added that the City has an incredible Parks and Recreation staff and recognized them for their effort.

QUARTERLY INVESTMENT REPORT

APPROVE QUARTERLY INVESTMENT REPORT FOR PERIOD ENDING MARCH 31, 2014

Mary Lawrence, Controller, presented the Quarterly Investment Report for the period ending March 31, 2014.

The balances for the City's investments have increased by about $2.1 million, due to the seasonal collection of property taxes. The maturity of the portfolio lengthened because of purchases made during the quarter. The yield was 0.42%, above the benchmark of 0.13%.

ACTION TAKEN.

Motion by Council Member Watt to approve the Quarterly Investment Report for the period ending March 31, 2014, as presented. Second by Deputy Mayor Softly.

VOTING AYE: Davis, Johnson, Plyler, Softly, Watt.
VOTING NAY: None.
MOTION CARRIED.

JUNETEENTH CELEBRATION

CITIZENS REQUESTS

JUNETEENTH CELEBRATION

Reverend Charles Brown appeared representing the Neighborhood Recreational Committee. He said the Firemen and the Policemen were a part of the Juneteenth Celebration, but he invited the Mayor and City Council to also participate. He added that a car would be provided for the Mayor to participate in the parade, if she would like. He also invited all Council Members.

Reverend Brown said the Rotary Club was involved this year and he would like to encourage City involvement for the Juneteenth Parade.

The event starts at 11:00 a.m. on Saturday, June 14, 2014. This year, Denison citizens will participate in the Sherman parade and Sherman citizens will participate in the Denison parade. He also encouraged participation from all races to make this a great celebration.

MEDIA QUESTIONS

JUNETEENTH CELEBRATION — **JUNETEENTH CELEBRATION**

Nate Strauch, Reporter for the Herald Democrat, verified that the Juneteenth Parade would begin at 11:00 a.m. on Saturday, June 14, 2014.

APPOINT/REMOVE OR CONSIDER QUALIFICATIONS TO BOARDS AND COMMISSIONS — **SHERMAN HIGHER EDUCATION FINANCE CORP.**

SHERMAN HIGHER EDUCATION FINANCE CORPORATION (7)

ACTION TAKEN.

Motion by Deputy Mayor Softly to reappoint Dr. Al Hambrick, Rad Richardson, Jerry Chapman, Delinda Lough, George Rowland, and Paul Bean, and to appoint Anna Laura Page to the Sherman Higher Education Finance Corporation Board of Directors for a term from April 18, 2014 to April 18, 2016. Second by Council Member Watt.

VOTING AYE: Davis, Johnson, Plyler, Softly, Watt.
VOTING NAY: None.
MOTION CARRIED.

COUNCIL COMMENTS

SHER-DEN MALL PROPERTY — **SHER-DEN MALL PROPERTY**

Council Member Watt said he recently noticed how good the old Sher-Den Mall property looks, since the two remaining buildings have been removed. He thanked Scott Shadden, Director of Development Services, and Brandon Shelby, City Attorney, for their work with the Substandard Structure Ordinance.

EXPRESSIONS OF LOVE AND SYMPATHY — **EXPRESSIONS OF LOVE & SYMPATHY**

Deputy Mayor Softly thanked the Mayor, City Council, and everyone for their kind expressions in the loss of his Mother, who passed away at 96 years of age.

GREAT COMMUNITY — **GREAT COMMUNITY**

Council Member Plyler thanked the Parks Department and the Library for their hard work with very little budget, as well as the Juneteenth Celebration, everything that makes this such a great community in which to live.

GREAT COMMUNITY — **GREAT COMMUNITY**

Council Member Johnson agreed with Council Member Plyler and thanked Mr. Keene and the staff involved, for all they do to make the City great.

GREAT COMMUNITY **GREAT COMMUNITY**

Council Member Davis said the presentation tonight and the community participation shows what a good community we live in.

GREAT COMMUNITY **GREAT COMMUNITY**

Mayor Wacker said it takes lots of good ideas and everyone working together. She said there are many in the audience that are working for a better community and it is appreciated.

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 551.071	**CONSULTATION WITH CITY ATTORNEY CONCERNING PENDING OR CONTEMPLATED LITIGATION:** **RECEIVE THE CITY ATTORNEY'S BRIEFING ON PENDING OR CONTEMPLATED LITIGATION**

On Motion duly made and carried, the Open Meeting recessed and reconvened in Executive Session at 5:48 p.m.

On Motion duly made and carried, the Executive Session recessed at 6:34 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.

ADJOURNMENT **ADJOURNMENT**

On Motion duly made and carried, the meeting adjourned at 6:34 p.m.

MAYOR

CITY CLERK