

STATE OF TEXAS

§

May 4, 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 4, 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 5:01 p.m. The Pledge of Allegiance and the Invocation were given by Council Member Willie Steele.

CALL TO ORDER

APPROVE MINUTES

The Council reviewed the Minutes of the Regular City Council Meeting of April 20, 2009. Council Member Adami moved to approve the Minutes as presented; Second by Council Member Softly. All present voted AYE.
MOTION CARRIED.

APPROVE MINUTES

PROCLAMATIONS

"MOTORCYCLE SAFETY AWARENESS MONTH" – MAY 2009
Mayor Magers presented a proclamation designating May 2009 as "Motorcycle Safety Awareness Month" to Robin Warfield, Texas ABATE Treasurer and Texoma ABATE Assistant Coordinator. Ms. Warfield thanked the Mayor and City Council for the proclamation

**MOTORCYCLE
SAFETY AWARENESS
MONTH
(MAY 2009)**

"NATIONAL TOURISM WEEK" – MAY 9-17, 2009

Deputy Mayor Wacker presented a proclamation designating May 9 through 17, 2009 as "National Tourism Week" to April Patterson, Tourism Director.

**NATIONAL
TOURISM
WEEK
(MAY 9-17, 2009)**

Ms. Patterson thanked the City Council for recognizing the tourism industry both locally and nationally. She said Sherman has the resources and the potential to benefit further from the tourism industry and Ms. Patterson said she looks forward to utilizing those resources, marketing the City, and building the relationships necessary for the community to realize those benefits.

CONSENT AGENDA

The Council reviewed the Consent Agenda. Mayor Magers removed Item C-3 entitled "Resolution 5357 – Authorizing Execution of an Interlocal Agreement between the City of Sherman and Grayson County for Grant Funding to be Awarded by the U.S. Department of Justice under the Recovery Act: Justice Assistance Grant (JAG) Program," and Item C-4 entitled "Resolution 5358 – Authorizing

CONSENT AGENDA

Execution of an Interlocal Agreement between the City of Sherman and the City of Denison for Grant Funding to be Awarded by the U.S. Department of Justice under the Recovery Act: Justice Assistance Grant (JAG) Program” from the Consent Agenda for consideration in their regular order of business.

Council Member Steele moved to approve the Consent Agenda, with the exception of Items C-3 and C-4, which will be considered in their regular order of business. Second by Deputy Mayor Wacker. All present voted AYE.

RESOLUTIONS

RESOLUTION NO. 5355 – AFFIRMING THE CITY OF SHERMAN'S SUPPORT OF AND PARTNERSHIP WITH THE 2010 CENSUS

**RES 5355
2010 CENSUS**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AFFIRMING THE CITY OF SHERMAN'S SUPPORT OF AND PARTNERSHIP WITH THE 2010 CENSUS.

Pat McCoy, Partnership Specialist, Dallas Regional Census Center

Mr. McCoy explained that every decennial, by law, everyone in the United States must be counted. They began in 1999 preparing for the 2010 census and they are now preparing for the 2020 census.

There are three important parts to the census, the apportionment, redistricting, and the allocation of funds. After the 2010 census, citizens will find out how many of the 435 Representatives in the U. S. House will be in the State of Texas. Then they will find out which Districts they represent.

Each year over \$300 billion is allocated back to the States, the Counties, and the municipal governments from the Federal government based on the census numbers. The information collected gives the City decision makers information on what they need to be looking for, what services will be needed, and where their money needs to be invested.

The tag line for the 2010 census is “It’s in our Hands” and Mr. McCoy outlined the media campaign that will be used this year to inform citizens about the census. The message is that it’s easy, it’s safe, and it’s important.

Mr. McCoy said this year, everyone will be receiving the short form questionnaire for the census.

Mayor Magers and Council Member Steele said they recently received a very thick packet from the Census Bureau. Mr. McCoy said that was an American Community Survey and it is distributed annually. It is the reason they are able to use the short form this year. The personal information given is protected and is not released for a period of 72 years.

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On April 1, 2010, the Census Bureau will “take a snapshot” of the United States, of Texas, of Grayson County, and of the City of Sherman. They will be able to tell how the City is changing, the directions they are going, and what they need to be looking at. The numbers will be used for the next ten years.

Mr. McCoy said they will face many challenges including the privacy protection concerns; the ever-changing political environment; an immigration debate, even though the Census Bureau is required to count everyone living in the United States; a growing diversity; and a hard-to-count population.

For the 2010 census, Mr. McCoy said they began in 2008 validating addresses in the community. In March 2010 a questionnaire will be sent to all home addresses. A post card reminder will be sent at the end of March 2010 and a second questionnaire will be mailed in mid April 2010. In 2000 the City of Sherman had a 68% response rate for this initial response. The remaining 32% had to be counted by an alternate method. Mr. McCoy said this initial response rate needs to be increased.

After May 1, 2010, if the questionnaire has not been returned, a census person will be sent to your door to obtain the count.

One way to help obtain the count is by the use of a Complete Count Committee. Grayson County has already agreed to form a Complete Count Committee for the County to help increase the response rate. Mr. McCoy said the City of Sherman should also form a Complete Count Committee to assist with the counting process.

The Committee is composed of local individuals from faith-based organizations, businesses, schools, community organizations, government agencies, hard-to-count populations, and the media and is used to help increase the response rate.

The hard-to-count population are those individuals that don't respond as readily as everyone else, such as renters, those in crowded housing, at the poverty level, individuals with low education, high unemployment, immigrants, those on public assistance, non-English speakers, female heads of household, and individuals that receive their mail at a post office box. It's important to get these citizens to respond better.

Mr. McCoy said the City could help by forming a local Complete Count Committee, motivate high level trusted individuals in the hard-to-count populations, identify additional opportunities for Census Bureau speakers, make

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positive and encouraging statements, but the biggest way to help is to complete the census questionnaire as soon as it's received and return it to the Census Bureau.

Council Member Steele confirmed that a representative sample of citizens will receive the long form prior to the census period to obtain information needed by the Census Bureau. In March 2010, citizens will only receive the short form.

ACTION TAKEN.

Motion by Council Member Steele to approve Resolution No. 5355, as presented. Second by Deputy Mayor Wacker.

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

VOTING NAY: None.

MOTION CARRIED.

RESOLUTION NO. 5356 – AUTHORIZING THE SUBMISSION OF A JOINT GRANT APPLICATION WITH GRAYSON COUNTY AND THE CITY OF DENISON FOR AND THE ACCEPTANCE OF GRANTS UNDER THE RECOVERY ACT: JUSTICE ASSISTANCE GRANT (JAG) PROGRAM DISTRIBUTED BY THE U.S. DEPARTMENT OF JUSTICE

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE SUBMISSION OF A JOINT GRANT APPLICATION WITH GRAYSON COUNTY AND THE CITY OF DENISON FOR AND THE ACCEPTANCE OF GRANTS UNDER THE RECOVERY ACT: JUSTICE ASSISTANCE GRANT (JAG) PROGRAM DISTRIBUTED BY THE U.S. DEPARTMENT OF JUSTICE.

**RES 5356
JAG GRANT FOR
POLICE DEPT. FOR
POLICE INTELLIGENCE
ANALYST POSITION**

Tom Watt, Police Chief, explained that the Recovery Act has made billions of dollars available for infrastructure and many various programs. At the last Council Meeting, Chief Watt asked the Council to approve submission of a grant for funding for four Traffic Safety Unit positions.

In 2004 the City Council assisted the Police Department in becoming a proactive police department. Since 2004 the City Council has approved grants for the records management system, the digital upgrades on the cameras, and many other technology aspects for the Police Department.

Chief Watt said about 1½ years ago they opened up the Intelligence Office at the Police Department and it has been phonemically successful. The Office is now manned by one officer that spends 80% of his time extracting data from many different areas. He outlined a couple of cases that the Intelligence Office has worked on including one case that cleared five or six major burglaries locally and around the Dallas area.

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He proposed to use the JAG grant money, which can now be used for personnel, and add one extra civilian position to help analyze the data coming in.

Mayor Magers verified that the grant is for one year of funding with three years of funds eligible to continue to fund the position. Chief Watt said from 1994 through 2005 much of the equipment received at the Police Department has been obtained through this JAG grant. Normally they don't include personnel, but changes have been made that allows personnel to now be included.

Council Member Smith asked how the current position was being paid for. Chief Watt said currently Sergeant Mark McCree is the officer in the Intelligence Office. The new position would be an additional civilian position to assist Sergeant McCree in extracting data to help point the officers to the "bad guys."

Deputy Mayor Wacker confirmed that Chief Watt would be looking for a data specialist, heavy in math and computer skills.

Council Member Smith expressed concern that Chief Watt had asked to apply for a grant for four additional Civil Service positions last month and is now asking for another position that would not be a Civil Service position. He asked what would happen when the grant funds run out and would the City be required to then budget for those positions.

Chief Watt said there is a mechanism in Civil Service to delete those positions if they had too. The current request is not for a Civil Service position and it would be up to the City Council whether or not to keep the position after the funding ends.

Chief Watt said currently Sergeant McCree spends 80% of his time extracting the data and that is a small part of what the function actually is. He should be out meeting key people in the community and developing sources to further the intelligent operations.

Council Member Smith asked how much it would cost to fund that position with benefits after the grant money runs out. Chief Watt said it would probably be about \$65,000 annually. The grant is for \$74,000. He said the additional funding would be used to purchase additional software, computer hardware, and a desk for the new person.

Council Member Smith asked about Item C-3 and Item C-4 which also pertain to the JAG grant. Chief Watt explained that since 1995, Sherman, Denison and Grayson County have entered into the grant together. With the Recovery Bill, they have required that the largest City in the County act as a "pass through."

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Based on crime statistics and population, Sherman, Denison and Grayson County would receive a portion of the total allotment. The total grant is \$137,469 and Sherman will receive \$74,510, Denison will receive \$46,691, and Grayson County will receive \$16,268. Each entity will be using their money for a different project specifically for their own department.

Mayor Magers verified that Sergeant McCree would remain in his present position and the additional person would double the staff in the Intelligence Office. He asked what benefit this would be for the citizens.

Chief Watt said the addition would increase the ability and the efficiency of the Police Department in getting the bad guy off the street. With the additional person, Sergeant McCree would be able to make more contacts with others to get additional information.

Council Member Adami asked if Sherman was behind in this type of function or why was it necessary. Chief Watt said until 2004 the Police Department was a reactive Department. Since that time, with the up-to-date records management system they have, they are able to extract the data and pinpoint the “bad guys” to be more proactive.

Chief Watt added that Sergeant McCree is doing so well with the model he has set up, the FBI is using him and the Richardson Police Department for an information sharing model they are creating.

Council Member Smith asked how all the positions would be funded after the grant money runs out. Chief Watt said the four TSU positions are self-sustaining. But as Sherman grows, the City Council is concerned about taking care of the infrastructure and the Intelligence Analyst is as important a piece of the infrastructure as anything else.

Chief Watt cannot assure the Council that the City would receive the additional three years of grant funding. He felt there was a good chance that Sherman would receive the funding. The deadline for submission is May 18, 2009. Council Member Smith verified that the City Council would have another chance to approve the acceptance of the grant at a later date.

Council Member Adami added that since the economy is lean it is a difficult time to increase a budget cost that will become a permanent cost that won't go away. Chief Watt said if the Council allows this grant to go forward, he will show them the success of this program and would recommend cutting somewhere else, if needed.

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ACTION TAKEN.

Motion by Deputy Mayor Wacker to approve Resolution No. 5356, as presented. Second by Council Member Steele.

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

VOTING NAY: None.

MOTION CARRIED.

RESOLUTION NO. 5357 – AUTHORIZING EXECUTION OF AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF SHERMAN AND GRAYSON COUNTY FOR GRANT FUNDING TO BE AWARDED BY THE U.S. DEPARTMENT OF JUSTICE UNDER THE RECOVERY ACT: JUSTICE ASSISTANCE GRANT (JAG) PROGRAM

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF SHERMAN AND GRAYSON COUNTY FOR GRANT FUNDING TO BE AWARDED BY THE U.S. DEPARTMENT OF JUSTICE UNDER THE RECOVERY ACT: JUSTICE ASSISTANCE GRANT (JAG) PROGRAM.

**RES 5357
JAG GRANT FOR
GRAYSON CO.**

Item C-3 was removed from the Consent Agenda for discussion in its regular order of business.

RESOLUTION NO. 5358 – AUTHORIZING EXECUTION OF AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF SHERMAN AND THE CITY OF DENISON FOR GRANT FUNDING TO BE AWARDED BY THE U.S. DEPARTMENT OF JUSTICE UNDER THE RECOVERY ACT: JUSTICE ASSISTANCE GRANT (JAG) PROGRAM

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF SHERMAN AND THE CITY OF DENISON FOR GRANT FUNDING TO BE AWARDED BY THE U.S. DEPARTMENT OF JUSTICE UNDER THE RECOVERY ACT: JUSTICE ASSISTANCE GRANT (JAG) PROGRAM.

**RES 5358
JAG GRANT FOR
CITY OF DENISON**

Item C-4 was removed from the Consent Agenda for discussion in its regular order of business.

Mayor Magers said Resolution 5357 and 5358 were both tied to the JAG grant and should be considered after that discussion.

ACTION TAKEN.

Motion by Deputy Mayor Wacker to approve Resolution Nos. 5357 and 5358, as presented. Second by Council Member Softly.

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

VOTING NAY: None.

MOTION CARRIED.

RESOLUTION NO. 5359 – AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH UTILITY

**RES 5359
TRAVIS ST. WATER**

**CONSTRUCTION SERVICES OF TEXAS, INC. FOR
REPLACEMENT OF THE TRAVIS STREET WATER MAIN
BETWEEN WASHINGTON STREET AND JONES STREET**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH UTILITY CONSTRUCTION SERVICES OF TEXAS, INC. FOR REPLACEMENT OF THE TRAVIS STREET WATER MAIN BETWEEN WASHINGTON STREET AND JONES STREET.
CONSENT AGENDA.

MAIN REPLACEMENT

**RESOLUTION NO. 5360 – AUTHORIZING EXECUTION OF
DEVELOPMENT AGREEMENT WITH DGR DEVELOPMENT
GROUP, LTD. FOR THE CONSTRUCTION OF PUBLIC
FACILITIES IN THE O'HANLON RANCH PHASE 3
SUBDIVISION WITHIN THE CITY OF SHERMAN**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF A DEVELOPMENT AGREEMENT WITH DGR DEVELOPMENT GROUP, LTD. FOR THE CONSTRUCTION OF PUBLIC FACILITIES IN THE O'HANLON RANCH PHASE 3 SUBDIVISION WITHIN THE CITY OF SHERMAN.
CONSENT AGENDA.

RES 5360
DEVELOPERS
AGREEMENT
O'HANLON RANCH,
PHASE 3

**REQUEST TO ADVERTISE
RELIEF SEWER K-4 PHASE TWO**

The City Council approved the request to advertise for the construction of Relief Sewer K-4 Phase Two, which will replace an existing sewer main along Post Oak Creek, between Taylor Street and Lamberth Road. The existing sewer main is deteriorated and becoming overloaded as more development occurs in northwest Sherman.

REQUEST TO ADV
RELIEF SEWER
K-4 PHASE TWO

The project is funded at \$900,000 in this year's Capital Improvement Program through bonds previously issued by the Greater Texoma Utility Authority on behalf of the City.
CONSENT AGENDA.

OTHER BUSINESS

**RECEIVE CUSTOMER SERVICE MANAGER ANGELA
GURLEY'S PRESENTATION ON THE CITY OF SHERMAN'S
INCODE ONLINE UTILITY BILLING APPLICATION**

Angela Gurley, Customer Service Manager, said the City has another online application through INCODE, this one for online utility billing.

INCODE UPDATE
ON UTILITY BILLING

This will allow customers access to their accounts 24 hours a day, seven days a week. They can view billing, payment and consumption history; graph their consumption history and compare it to prior year's usage; pay by a credit card; and register and pay multiple accounts under one user name and as one transaction.

Results from the changes will include a reduction in credit card transaction fees for a savings to the City of approximately \$17,000 annually, expanding credit card types

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to include American Express and Discover, and elimination of payment by electronic check. The monthly recurring credit card program will transition from an online payment method to a payment method available through the Utility Department.

Ms. Gurley said that currently online transactions represent about 14% of all payments. Approximately 32% of payments come through the lockbox, 28% are from walk-in customers, 16% arrive by mail, and 10% are paid through bank drafts.

Along with the move to the new application, Ms. Gurley said the staff also recommends charging a transaction fee of \$1.25 for online and phone credit card payments only. This would help the City recoup a portion of the fees currently absorbed by the City. By doing this, the City would save an additional \$18,000 annually, for a total savings of \$35,000.

Mayor Magers asked if the City is worried about transaction fees, why are they accepting American Express, which is the most expensive card to accept. Robby Hefton, Assistant City Manager/CFO, said the staff was trying to expand the ways that the City would accept payment.

Mayor Magers said he pays through a recurring credit card payment, but as a customer, he did not want to be charged for that type of payment. Ms. Gurley said recurring credit cards will not be charged the additional fee. The charge will apply to one-time credit card users either online or by telephone. Recurring credit cards or draft payments will not be charged. The \$1.25 is actually a convenience fee and is the fee that INCODE charges the City.

Mayor Magers said if the message sent is to get on a recurring payment plan to save \$15 annually, he is okay with that. Deputy Mayor Wacker said the fee is actually a convenience fee because you didn't come and pay sooner and you need to pay quickly.

Mayor Magers verified that the City currently pays \$87,000 annually in transaction fees and the proposed changes would reduce that amount by about \$35,000.

George Olson, City Manager, said if the Council wants to consider the proposed fee, the staff will bring back an ordinance with the new rate structure.

Council Member Adami said the citizens want the convenience of paying with a credit card, however as a citizen that pays with a check, he doesn't want to pay the fee for a credit card. He also didn't feel the City should absorb the \$1.25 fee for a citizen using the convenience of a credit card. Council Member Howeth verified that approximately 28% of customers walk-in and pay with cash.

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Mr. Hefton said the rate change will happen in stages, but the staff will bring an ordinance back for Council consideration. The current contract with Dataprose expires in October 2009, so the credit card draft move from online payment into the Utility Department would be done in June and July 2009. Customers will need to complete and return an enrollment form to make this change.

Mayor Magers confirmed that the only customers that will be charged the convenience fee are the ones that pay on a one-time basis with a credit card either online or over the telephone. Council Member Adami said the City is not charging an additional fee, they are recouping a fee that is charged to the City for use of the credit card. Mr. Hefton reiterated that the City is recouping a portion of the fees that they are charged.

APPROVE QUARTERLY INVESTMENT REPORT FOR PERIOD ENDING MARCH 31, 2009

The City Council approved the Quarterly Investment Report for the period ending March 31, 2009.

QUARTERLY INVESTMENT REPORT

As of March 31, 2009, the Operating Portfolio had a book value of about \$24.4 million, up about \$2.8 million from three months ago, which is normal for this period because of property tax collections. The City was in compliance with all applicable State laws and the City's Investment Policy.

The Operating Portfolio is appropriately liquid and its weighted-average maturity increased to about 115 days, from about 41 days last period, because of security purchases during the quarter. Its yield of 1.28% for the quarter is higher than the benchmark yield of 0.42%. The portfolio value on the City's books is essentially equal to the market value of the overall portfolio.

As for the Debt Proceeds Portfolio, the City was in compliance with all applicable State laws and the provisions of the City's internal Investment Policy. The portfolio balance decreased about \$1 million due to construction during the period. The portfolio remains adequately liquid, with all of the funds available within one day. Its yield of 0.73% for the quarter is higher than the benchmark yield of 0.42%. The portfolio value on the City's books is essentially equal to the market value of the overall portfolio.

CONSENT AGENDA.

CITIZENS REQUESTS

There were no citizen's requests.

CITIZENS REQUESTS

MEDIA QUESTIONS

There were no media questions.

MEDIA QUESTIONS

COUNCIL COMMENTS

RECENT BASEBALL TOURNAMENT

Council Member Steele said two weeks ago a Baseball

RECENT BASEBALL TOURNAMENT

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Tournament was held in Sherman that involved 39 teams, 27 of which were from out of town. Nine teams stayed in hotels. He estimated there were 1,500 to 1,600 visitors in Sherman that weekend due to the tournament.

He recognized Kevin Winkler, Parks and Recreation Administrator, and the Parks and Recreation Department and Grounds Maintenance Department for the good condition of the fields. Many of the coaches commented on how nice the fields were.

HAPPY BIRTHDAY TO SON

Council Member Smith wished his son Drew Neal Smith a Happy Fourth Birthday. His birthday was Saturday, May 2, 2009.

**HAPPY BIRTHDAY
TO DREW NEAL
SMITH**

CENSUS PRESENTATION

Council Member Howeth felt the Census presentation was very interesting.

**CENSUS
PRESENTATION**

RED RIVER GROUNDWATER DISTRICT

Mayor Magers said the proposed Red River Groundwater District passed the vote in the Texas Senate last week and is moving forward. It should be considered in the House of Representatives in the next couple of weeks.

**RED RIVER
GROUNDWATER
DISTRICT**

ADJOURNMENT

On Motion duly made and carried, the meeting adjourned at 6:04 p.m.

ADJOURNMENT

MAYOR

CITY CLERK