

STATE OF TEXAS

§

April 20, 2009

COUNTY OF GRAYSON

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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 April 20, 2009.

MEMBERS PRESENT:

DEPUTY MAYOR CARY WACKER.
COUNCIL MEMBERS ADAMI, HOWETH, SMITH, SOFTLY,
STEELE.

MEMBERS ABSENT:

MAYOR BILL MAGERS.

CALL TO ORDER

Deputy Mayor Cary Wacker called the meeting to order at 5:00 p.m. The Pledge of Allegiance and the Invocation were given by Deputy Mayor Cary Wacker.

CALL TO ORDER

Deputy Mayor Wacker said Mayor Magers was on his way to Austin to attend the hearing on the Groundwater Conservation District.

She also introduced new staff members Brandon Shelby, City Attorney, and April Patterson, Tourism Director.

APPROVE MINUTES

The Council reviewed the Minutes of the Regular City Council Meeting of April 6, 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

"EQUAL PAY DAY" – APRIL 28, 2009

Deputy Mayor Wacker presented a proclamation to Deana Patterson, Sherman BPW President, and Lana Bernardin, BPW Legislation Chair, designating April 28, 2009 as "Equal Pay Day."

**EQUAL PAY DAY
APRIL 28, 2009**

Ms. Bernardin thanked the Deputy Mayor and Council Members for their continuous support of working women in the community.

RECEIVE CHIEF ANIMAL CONTROL OFFICER SCOTT PARKER'S REPORT ON THE SHERMAN ANIMAL SHELTER'S ADOPT-A-THON SCHEDULED FOR SATURDAY, MAY 2ND AND SUNDAY, MAY 3RD, 2009

Scott Parker, Chief Animal Control Officer, presented a report on the Animal Shelter's Adopt-a-Thon scheduled for Saturday, May 2 and Sunday, May 3, 2009, from 9 a.m. to 5 p.m.

**ANIMAL SHELTER
ADOPT-A-THON**

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Mr. Parker said the Adopt-a-Thon began in 1996 and has been held annually to encourage the adoption of animals held at the Shelter. Last year there were 38 total adoptions during the event, which will also feature free hotdogs, drinks, balloons for the kids, and a live radio remote.

Last weekend they participated in the Earth Day activities and adopted 12 animals. They continue to set-up the adoption trailer every Saturday at PetCo and pet adoptions continue to increase.

Mr. Parker displayed a kitten and puppy that were available for adoption at the Animal Shelter.

Deputy Mayor Wacker thanked them for their efforts adding that Animal Control Services are highly rated by the citizens and the Shelter looks great.

INTRODUCTION AND PUBLIC HEARING OF ORDINANCES

Deputy Mayor Wacker introduced Ordinance 5601 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, REPEALING ORDINANCE NO. 5505 IN ITS ENTIRETY; AMENDING PORTIONS OF ORDINANCE NO. 3606; AMENDING CHAPTER 12, "TRAFFIC AND VEHICLES", ARTICLE 12.04, "STOPPING, STANDING AND PARKING", SECTION 12.04.010 TO PROVIDE FOR THREE HOUR PARKING IN PORTIONS OF THE CENTRAL BUSINESS DISTRICT; PROVIDING FOR ENFORCEMENT; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

**ORD 5601
THREE HOUR
DOWNTOWN
PARKING**

No citizens appeared before the City Council to discuss Ordinance 5601.

Deputy Mayor Wacker introduced Ordinance 5602 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 AUTOMOBILE SALES IN A C-2 (GENERAL COMMERCIAL) DISTRICT AT 5631 TEXOMA PARKWAY, BEING A PART OF A 1.72 ACRE TRACT IN THE D.C. SHELP SURVEY, ABSTRACT NO. 1097 (HARWELL INVESTMENTS, LLC DBA JHR INVESTMENTS, OWNER; SEAN BROWNLEE, 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 5602
SUP FOR
AUTOMOBILE
SALES
(5631 TEXOMA PKWY)**

No citizens appeared before the City Council to discuss Ordinance 5602.

Deputy Mayor Wacker introduced Ordinance 5603 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, DELETING IN ITS ENTIRETY ARTICLE 13.02 OF CHAPTER 13 OF THE CODE OF ORDINANCES AND ADOPTING A NEW WATER CONSERVATION AND DROUGHT CONTINGENCY AND WATER EMERGENCY RESPONSE PLAN; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

**ORD 5603
WATER
CONSERVATION
& DROUGHT
CONTINGENCY &
WATER EMERGENCY
RESPONSE PLAN**

Mark Gibson, Director of Utilities, presented an overview of the Water Conservation and Drought Contingency and Water Emergency Response Plan. The Plan has been in effect since 1999 and is a requirement of the Texas Commission on Environmental Quality for all water systems.

The Plan is required to be updated every five years and was updated in 2004-2005. This is the update for the 2009-2010 edition. There are no major changes, but there are some adjustments to the population projections for the next five years. The basic Drought Management Plan remains the same.

In the Water Conservation mode, the main objective of the Plan is to account for all water used in the City. They need to account for all water pumped from the wells verses water that is actually metered. The system needs to be kept in good shape, the meters need to be accurate, and leaks need to be repaired promptly.

Mr. Gibson said they also want to educate the citizens in water conservation. The goal is to maintain a per capita use of 145 gallons of water per day, per person. They also want to maintain approximately 14% or less unaccounted for water in the system. This is the difference between the amount of water pumped from the wells and the amount of water measured at the meters. They also want to encourage the use of water conservation methods for citizens in their everyday use and keep the current rate structure in tact.

The Drought Contingency Plan is divided into three stages. Stage I is entered when the City uses 80% of their capacity for five consecutive days. Stage I is voluntary control by the citizens and encourages them not to water outside and if they do, to use handheld sprinklers. The City will reduce its flushing of water mains. Through Stage I, demand should be reduced by 5%.

Stage II is triggered by the use of 90% of the capacity for three consecutive days. This includes mandatory outside water rationing and should reduce demand by 15%. This stage is stricter and the voluntary measures now become mandatory for citizens and businesses.

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Stage III is triggered by three consecutive days of maxed out pumping capacity and is the most restrictive measure. The demand would need to be reduced by 20%. Measures would include mandatory odd/even watering and restrictions on industries.

The Plan also includes a Water Shortage Plan that would be used if the Lake Texoma surface water was contaminated. The City would automatically go to emergency conditions. It was recently found that the City can serve all citizens through the well system if Lake Texoma water becomes contaminated.

Mr. Gibson said all water customers of the City of Sherman must also adopt the Plan for their system too and must meet the same restrictions that Sherman would need to meet.

Council Member Adami asked how the number was reached concerning 14% or less of unaccounted for water. Mr. Gibson said there are meters on all pumps from all water wells and from Lake Texoma that tell how much water is entering the system. There are also meters for all customers and businesses in the system. The difference between all water coming into the system and all water leaving the system through meters is the percentage loss. This loss would be due to leaks, main breaks, fires, or flushing the system. Mr. Gibson said most Cities tried to restrict their loss to 15% to 20% of water. Sherman has been at 15% or under for the last five years.

No citizens appeared before the City Council to discuss Ordinance 5603.

The Ordinances were introduced and the Public Hearing was closed.

**CLOSE PUBLIC
HEARING**

ADOPTION OF ORDINANCES

Ordinance 5601

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, REPEALING ORDINANCE NO. 5505 IN ITS ENTIRETY; AMENDING PORTIONS OF ORDINANCE NO. 3606; AMENDING CHAPTER 12, "TRAFFIC AND VEHICLES", ARTICLE 12.04, "STOPPING, STANDING AND PARKING", SECTION 12.04.010 TO PROVIDE FOR THREE HOUR PARKING IN PORTIONS OF THE CENTRAL BUSINESS DISTRICT; PROVIDING FOR ENFORCEMENT; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

**ORD 5601
THREE HOUR
DOWNTOWN
PARKING**

Ordinance 5602

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 AUTOMOBILE SALES IN A C-2 (GENERAL COMMERCIAL) DISTRICT AT 5631 TEXOMA

**ORD 5602
SUP FOR
AUTOMOBILE
SALES
(5631 TEXOMA PKWY)**

PARKWAY, BEING A PART OF A 1.72 ACRE TRACT IN THE D.C. SHELPS SURVEY, ABSTRACT NO. 1097 (HARWELL INVESTMENTS, LLC DBA JHR INVESTMENTS, OWNER; SEAN BROWNEE, 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.

Council Member Steele asked for clarification on the automobile sales. Scott Shadden, Director of Developmental Services, said the vehicles will be stored inside the building and sold on the Internet. They are collector cars and will be housed in a portion of the building.

Council Member Steele asked about the location of a sports bar at the facility too. Mr. Shadden said he did not have a request for a sports bar at this time.

Ordinance 5603

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, DELETING IN ITS ENTIRETY ARTICLE 13.02 OF CHAPTER 13 OF THE CODE OF ORDINANCES AND ADOPTING A NEW WATER CONSERVATION AND DROUGHT CONTINGENCY AND WATER EMERGENCY RESPONSE PLAN; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

**ORD 5603
WATER
CONSERVATION
& DROUGHT
CONTINGENCY &
WATER EMERGENCY
RESPONSE PLAN**

ACTION TAKEN.

Motion by Council Member Smith to approve Ordinance Nos. 5601, 5602, and 5603, as presented. Second by Council Member Adami.

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

VOTING NAY: None.

MOTION CARRIED.

CONSENT AGENDA

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

CONSENT AGENDA

RESOLUTIONS

RESOLUTION NO. 5351 – AUTHORIZING EXECUTION OF AN INTERLOCAL COOPERATION AGREEMENT WITH THE CITY OF DENISON FOR RECYCLING SERVICES

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN INTERLOCAL COOPERATION AGREEMENT WITH THE CITY OF DENISON FOR RECYCLING SERVICES.

**RES 5351
AGREEMENT FOR
RECYCLING SERVICES**

Council Member Smith asked for clarification on the Resolution. George Olson, City Manager, explained that over the last several years, the City of Sherman has taken their recycling to a processor in Plano. The City receives payment based on the market rate for the recyclables.

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For the last several years, the City of Denison has been delivering their recyclables to the City of Sherman and those would also be taken to Plano at no cost to Denison. Due to transportation costs and the downturn in market prices for recyclables, it has become necessary to charge Denison for their portion of the cost to deliver the recyclables to Plano.

ACTION TAKEN.

Motion by Council Member Steele to approve Resolution No. 5351, as presented. Second by Council Member Adami.

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

VOTING NAY: None.

MOTION CARRIED.

RESOLUTION NO. 5352 – AUTHORIZING EXECUTION OF AN ENGINEERING SERVICES AGREEMENT WITH TEAGUE, NALL AND PERKINS, INC. FOR THE IMPROVEMENT OF LAMBERTH ROAD WEST FROM HERITAGE PARKWAY (F.M. 1417) TO SHADY OAKS LANE

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN ENGINEERING SERVICES AGREEMENT WITH TEAGUE, NALL AND PERKINS, INC. FOR THE IMPROVEMENT OF LAMBERTH ROAD WEST FROM HERITAGE PARKWAY (F.M. 1417) TO SHADY OAKS LANE.

CONSENT AGENDA.

**RES 5352
LAMBERTH RD.
IMPROVEMENT**

RESOLUTION NO. 5353 – AMENDING THE 2008-2009 BUDGET OF THE CITY OF SHERMAN, TEXAS, APPROPRIATING AND ALLOCATING ADDITIONAL FUNDS FOR THE PERIOD OF OCTOBER 1, 2008, THROUGH SEPTEMBER 30, 2009

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING THE 2008-2009 BUDGET OF THE CITY OF SHERMAN, TEXAS, APPROPRIATING AND ALLOCATING ADDITIONAL FUNDS FOR THE PERIOD OF OCTOBER 1, 2008, THROUGH SEPTEMBER 30, 2009.

CONSENT AGENDA.

**RES 5353
AMENDING THE
BUDGET**

RESOLUTION NO. 5354 – AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH SYNAGRO OF TEXAS – CDR, INC. FOR THE 2009 BIOSOLIDS PROJECT AT THE WASTEWATER TREATMENT PLANT

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH SYNAGRO OF TEXAS – CDR, INC. FOR THE 2009 BIOSOLIDS PROJECT AT THE WASTEWATER TREATMENT PLANT.

CONSENT AGENDA.

**RES 5354
BIOSOLIDS PROJECT**

**CHANGE ORDER NO. 1
HIGHLAND AVENUE WATER MAIN REPLACEMENT**

**CHANGE ORDER
HIGHLAND AVE.**

BETWEEN McGEE STREET AND TAYLOR STREET: \$602.35 INCREASE

WATER MAIN REPLACEMENT

The City Council approved the Change Order for the Highland Avenue Water Main Replacement, which is a reconciliatory change order to adjust the final project quantities for the project. The Change Order results in a \$602.35 increase in the original contract amount of \$84,591, yielding a final contract price of \$85,193.35. Capital Improvement Program funds are available to cover the Change Order.

CONSENT AGENDA.

OTHER BUSINESS

RECEIVE SHERMAN CHAMBER OF COMMERCE PRESIDENT TRACI CARLSON'S PRESENTATION ON "SHOP SHERMAN"

CHAMBER PROJECT SHOP SHERMAN

Traci Carlson, President of the Sherman Chamber of Commerce, presented the proposed "Simply Shop Sherman" program offered by the Chamber.

Ms. Carlson said the program contains a marketing facet and an educational facet. She outlined the promotion of the project which is designed to boost sales tax revenue. This does not include a sales tax rate increase; it would just generate more sales tax locally. Sales tax accounts for 40% of the City's budget.

All advertising will be done in Grayson County to encourage citizens to shop in Sherman instead of in other cities. Billboards will also be located outside of Grayson County to encourage visitors to shop in Sherman.

Ms. Carlson said the program will also feature hospitality training and workshops for merchants so they can better direct their customers to available opportunities in Sherman.

Simply Shop Sherman includes a rewards program for Sherman shoppers. Reward cards can be distributed to anyone in the City and will reward them for shopping at participating merchants. After they receive five "proof of visiting" stickers the card becomes a free entry into a monthly drawing for a \$100 gift certificate. A drawing for a larger amount, at least \$500, will be held in November. When the winner uses the gift certificate at a participating business, the Chamber will reimburse that business up to \$100.

Merchants that wish to participate pay a \$50 annual fee for non-Chamber members and a \$25 annual fee for Chamber members.

The program will draw customers from all over Texoma to local businesses which will increase the sales tax revenue, and the drawings will keep the "Simply Shop Sherman" campaign in the public eye. The program will also support local merchants and businesses.

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The Chamber of Commerce, the City of Sherman, and the Sherman Economic Development Corporation are partners in the program.

Council Member Adami verified that the cost for merchants to participate was either \$50 for a non-Chamber member or \$25 for a Chamber member. Ms. Carlson said they will receive a lot of free advertising and will be included in a list of participants. Reward cards will be distributed through the Chamber of Commerce and through the participating local merchants.

Council Member Steele verified that the campaign would be on-going. Ms. Carlson said this is a good program to start now to help local merchants during these poor economic times, however the program would continue for a long time.

Ms. Carlson said they hope to start the program in May 2009 and will be signing up merchants after the presentation to the City Council.

CITIZENS REQUESTS

There were no citizen's requests.

CITIZENS REQUESTS

MEDIA QUESTIONS

There were no media questions.

MEDIA QUESTIONS

COUNCIL COMMENTS

ANIMAL SHELTER ADOPT-A-THON

Council Member Adami encouraged everyone to attend the Adopt-A-Thon on May 2 and May 3, 2009 and adopt an animal.

ANIMAL SHELTER ADOPT-A-THON

SIMPLY SHOP SHERMAN

Council Member Smith thanked Ms. Carlson and the Chamber of Commerce for initiating the new Simply Shop Sherman program to benefit local merchants and to increase the sales tax revenue.

SIMPLY SHOP SHERMAN

WELCOME TO CITY ATTORNEY

Council Member Steele welcomed new City Attorney Brandon Shelby saying he looked forward to working with him.

WELCOME TO CITY ATTORNEY

THANKS TO CITIZENS

Deputy Mayor Wacker thanked everyone in attendance at the meeting and for all the efforts they put forth for the City of Sherman.

THANKS TO CITIZENS

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ADJOURNMENT

On Motion duly made and carried, the meeting adjourned at 5:37 p.m.

ADJOURNMENT

MAYOR

CITY CLERK