

STATE OF TEXAS

§

April 6, 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 April 6, 2009.

MEMBERS PRESENT:

MAYOR BILL MAGERS.

COUNCIL MEMBERS ADAMI, HOWETH, SMITH, SOFTLY, STEELE.

MEMBERS ABSENT:

DEPUTY MAYOR CARY WACKER.

CALL TO ORDER

Mayor Bill Magers called the meeting to order at 5:02 p.m. The Pledge of Allegiance and the Invocation were given by Council Member Chip Adami.

CALL TO ORDER

Mayor Magers recognized Council Member Robert Softly on his 50th Wedding Anniversary last week.

APPROVE MINUTES

The Council reviewed the Minutes of the Regular City Council Meeting of March 16, 2009. Council Member Steele moved to approve the Minutes as presented; Second by Council Member Adami. All present voted AYE.
MOTION CARRIED.

APPROVE MINUTES

PROCLAMATIONS

"OCCUPATIONAL THERAPY MONTH" – APRIL 2009

Mayor Magers presented a proclamation designating April 2009 as "Occupational Therapy Month" to Diann Goodman, Occupational Therapist and Director of Therapy for First Texas Home Health, and Nicole Morgan, Occupational Therapist.

OCCUPATIONAL
THERAPY MONTH
APRIL 2009

Ms. Goodman thanked the Mayor and City Council for the proclamation adding that occupational therapy has been in existence since World War II to help the returning Veterans to adapt to injuries that changed what they were able to do on the job. The therapy has expanded to help anyone that has a need to adjust to life as they live it.

"SEXUAL ASSAULT AWARENESS MONTH" – APRIL 2009

Council Member Howeth presented a proclamation designating April 2009 as "Sexual Assault Awareness Month" to Kathy Crenshaw, Crisis Center Executive Director.

SEXUAL ASSAULT
AWARENESS MONTH
APRIL 2009

Ms. Crenshaw thanked the Mayor and City Council saying the Crisis Center has been in operation for over 30 years and began as a rape crisis line manned by volunteers. Today the Crisis Center serves over 800 people annually. She thanked the City Council and those in the community that continued to support the Crisis Center.

“NATIONAL LIBRARY WEEK” – APRIL 12-18, 2009

Council Member Adami presented a proclamation designating April 12 through 18, 2009 as “National Library Week” to Jacqueline Banfield, Library Services Administrator.

NATIONAL LIBRARY
WEEK
APRIL 12-18, 2009

Ms. Banfield confirmed that the dates of the events held at the Library in recognition of “National Library Week” will be listed on the City’s website. She thanked the Mayor and City Council for their support, interest, and concerns.

INTRODUCTION AND PUBLIC HEARING OF ORDINANCES

Mayor Magers introduced Ordinance 5595 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, DECLARING AS ELECTED THE UNOPPOSED CANDIDATES FOR THE OFFICE OF MAYOR AND CITY COUNCIL MEMBER; FINDING THAT ALL NECESSARY AND REQUIRED LEGAL CONDITIONS HAVE BEEN SATISFIED; PROVIDING THAT THE MAY 9, 2009 REGULAR MUNICIPAL ELECTION FOR CITY COUNCIL SHALL NOT BE HELD; PROVIDING FOR POSTING OF THIS ORDINANCE ON ELECTION DAY, MAY 9, 2009; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

ORD 5595
CANCEL ELECTION
CERTIFICATION OF
UNOPPOSED
CANDIDATES

No citizens appeared before the City Council to discuss Ordinance 5595

Mayor Magers introduced Ordinance 5596 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE ISSUANCE OF “CITY OF SHERMAN, TEXAS, LIMITED TAXNOTES, SERIES 2009”; SPECIFYING THE TERMS AND FEATURES OF SAID NOTES; LEVYING A CONTINUING DIRECT ANNUAL AD VALOREM TAX FOR THE PAYMENT OF SAID NOTES; RESOLVING OTHER MATTERS INCIDENT AND RELATED TO THE ISSUANCE, SALE, PAYMENT AND DELIVERY OF SAID NOTES, INCLUDING THE APPROVAL AND EXECUTION OF A PAYING AGENT / REGISTRAR AGREEMENT AND THE APPROVAL AND DISTRIBUTION OF AN OFFICIAL STATEMENT; PROVIDING AN EFFECTIVE DATE.

ORD 5596
ISSUE LIMITED
TAX NOTES FOR
PAYMENT WITH
AD VALOREM TAXES

Garry Kimball, Managing Director, Specialized Public Finance, Inc.

Mr. Kimball, the City’s Financial Advisor, said they took bids this morning for \$5 million worth of combination Tax and Revenue Certificates of Obligation and \$3 million in Limited Tax Notes. The Certificates of Obligation drew eleven bids with the low bid at 3.98% true interest cost.

Mr. Kimball discussed the difference in a competitive sale and in using a negotiated sale and appointing an underwriter. With the large spread in interest rates, the City benefited by using a competitive sale. In a more stable

COUNCIL MINUTES – APRIL 6, 2009

market, a negotiated sale would typically result in a lower underwriting discount.

The interest rate for the Limited Tax Notes was 1.76% and was also better than expected.

Mr. Kimball introduced Kristen Savant, Fulbright & Jaworski, the City's Bond Counsel, who was available to answer any questions.

Mayor Magers asked for clarification on the bonds from Robby Hefton, Assistant City Manager. Mr. Hefton said the source of repayment on the short term Limited Tax Notes will be the street sales tax funds, but it will be secured by a pledge of ad valorem taxes.

The City has seen incredible pricing from vendors on the various projects, with some coming in more than 50% under budget. Because of that, the City is trying to do more projects quicker to take advantage of the favorable pricing.

The \$5 million Certificates of Obligation are Phase 2 of a City Council plan that was set in motion several years ago. The City is also receiving favorable pricing on these projects.

The third and final phase of the bond issuance is still to be determined but will probably be sooner than later to capture the savings on large projects such as Washington Street.

Mayor Magers asked Mr. Kimball if the rates were expected to remain low, but he said there was no way to predict the rates.

Mayor Magers recognized George Olson, City Manager, Mr. Hefton, and Mr. Kimball for staying abreast of the situation and trying to get the most for the money. The citizens approved a 1/8% sales tax to be used for road repair two year ago. This bond allows the City to borrow money on those sales tax dollars to repair the streets now while pricing is favorable. Plans were originally to get 16 miles of street repair, however the City will now get about 25 miles of street repair for the same money.

He complimented the staff on their management of the issue.

Eugene Lund, 1815 Sandra Drive

Mr. Lund asked about the capacity of the sales tax that has already been utilized before this amount is pledged against it. Mr. Hefton said the sales tax is not really a pledge against this revenue. This is an ad valorem tax pledge. Through the City's internal bookkeeping, money will come from the sales tax to make the debt service payment.

No other citizens appeared before the City Council to discuss Ordinance 5596.

Mayor Magers introduced Ordinance 5597 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE ISSUANCE OF “CITY OF SHERMAN, TEXAS, TAX AND WATERWORKS AND SEWER SYSTEM (LIMITED PLEDGE) REVENUE CERTIFICATES OF OBLIGATION, SERIES 2009”; SPECIFYING THE TERMS AND FEATURES OF SAID CERTIFICATES; PROVIDING FOR THE PAYMENT OF SAID CERTIFICATES OF OBLIGATION BY THE LEVY OF AN AD VALOREM TAX UPON ALL TAXABLE PROPERTY WITHIN THE CITY AND A LIMITED PLEDGE OF THE NET REVENUES FROM THE OPERATION OF THE CITY’S WATERWORKS AND SEWER SYSTEM; RESOLVING OTHER MATTERS INCIDENT AND RELATING TO THE ISSUANCE, PAYMENT, SECURITY, SALE AND DELIVERY OF SAID CERTIFICATES, INCLUDING THE APPROVAL AND EXECUTION OF A PAYING AGENT / REGISTRAR AGREEMENT AND THE APPROVAL AND DISTRIBUTION OF AN OFFICIAL STATEMENT; PROVIDING AN EFFECTIVE DATE.

ORD 5597
TAX & WATERWORKS
& SEWER SYSTEM
REVENUE
CERTIFICATES OF
OBLIGATION

No citizens appeared before the City Council to discuss Ordinance 5597.

Mayor Magers introduced Ordinance 5598 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, PROVIDING FOR PERMANENT “NO PARKING” SIGNS RESTRICTING PARKING ALONG PORTIONS OF WEST TEXAS STREET, NEAR ITS INTERSECTION WITH NORTH TRAVIS STREET, WITHIN THE CITY LIMITS OF THE CITY OF SHERMAN.

ORD 5598
NO PARKING SIGNS
(W. TEXAS ST.)

No citizens appeared before the City Council to discuss Ordinance 5598.

Mayor Magers introduced Ordinance 5599 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280, SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW A PARKING LOT IN AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT AT 4505 BREEZY MEADOWS LANE, BEING A PART OF LOT 3, BLOCK 1 OF THE REPLAT OF SEASONS WEST ADDITION, PHASE ONE FOR A TOTAL OF 0.509 ACRES IN THE ELIZABETH JONES SURVEY, ABSTRACT NO. 625 (ISRAEL ALEMAN, SR., OWNER; UNDERWOOD DRAFTING AND SURVEYING, INC., SURVEYORS); PROVIDING FOR A REPEALER CLAUSE; PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED \$2,000.

ORD 5599
SUP FOR PARKING
LOT
(4505 BREEZY
MEADOWS LN.)

No citizens appeared before the City Council to discuss Ordinance 5599.

Mayor Magers introduced Ordinance 5600 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 TIRE SALES, MUFFLERS, AUTO UPHOLSTERY AND CONSIGNMENT AUTO / TRAILER SALES IN A C-1 (RETAIL BUSINESS) DISTRICT AT 1624 EAST LAMAR STREET, BEING A 75' X 150' LOT IN THE G.B. PILANT SURVEY, ABSTRACT NO. 96 FOR A TOTAL OF 0.59 ACRES (HERACLEO GRACIA, OWNER); 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 5600
SUP FOR AUTO TIRE
SALES
(1624 E. LAMAR ST.)

No citizens appeared before the City Council to discuss Ordinance 5600.

The Ordinances were introduced and the Public Hearing was closed.

CLOSE PUBLIC
HEARING

ADOPTION OF ORDINANCES

Ordinance 5595

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, DECLARING AS ELECTED THE UNOPPOSED CANDIDATES FOR THE OFFICE OF MAYOR AND CITY COUNCIL MEMBER; FINDING THAT ALL NECESSARY AND REQUIRED LEGAL CONDITIONS HAVE BEEN SATISFIED; PROVIDING THAT THE MAY 9, 2009 REGULAR MUNICIPAL ELECTION FOR CITY COUNCIL SHALL NOT BE HELD; PROVIDING FOR POSTING OF THIS ORDINANCE ON ELECTION DAY, MAY 9, 2009; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

ORD 5595
CANCEL ELECTION
CERTIFICATION OF
UNOPPOSED
CANDIDATES

Mayor Magers said this is the first time the City of Sherman will be able to cancel their Election because of unopposed candidates. This will save the City about \$30,000 this year.

Ordinance 5596

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE ISSUANCE OF "CITY OF SHERMAN, TEXAS, LIMITED TAXNOTES, SERIES 2009"; SPECIFYING THE TERMS AND FEATURES OF SAID NOTES; LEVYING A CONTINUING DIRECT ANNUAL AD VALOREM TAX FOR THE PAYMENT OF SAID NOTES; RESOLVING OTHER MATTERS INCIDENT AND RELATED TO THE ISSUANCE, SALE, PAYMENT AND DELIVERY OF SAID NOTES, INCLUDING THE APPROVAL AND EXECUTION OF A PAYING AGENT / REGISTRAR AGREEMENT AND THE APPROVAL AND DISTRIBUTION OF AN OFFICIAL STATEMENT; PROVIDING AN EFFECTIVE DATE.

ORD 5596
ISSUE LIMITED
TAX NOTES FOR
PAYMENT WITH
AD VALOREM TAXES

Ordinance 5597

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE ISSUANCE OF "CITY OF SHERMAN, TEXAS, TAX AND WATERWORKS AND SEWER SYSTEM (LIMITED PLEDGE) REVENUE CERTIFICATES OF OBLIGATION, SERIES 2009"; SPECIFYING THE TERMS AND FEATURES OF SAID CERTIFICATES; PROVIDING FOR THE PAYMENT OF SAID CERTIFICATES OF OBLIGATION BY THE LEVY OF AN AD VALOREM TAX UPON ALL TAXABLE PROPERTY WITHIN THE CITY AND A LIMITED PLEDGE OF THE NET REVENUES FROM THE OPERATION OF THE CITY'S WATERWORKS AND SEWER SYSTEM; RESOLVING OTHER MATTERS INCIDENT AND RELATING TO THE ISSUANCE, PAYMENT, SECURITY, SALE AND DELIVERY OF SAID CERTIFICATES, INCLUDING THE APPROVAL AND EXECUTION OF A PAYING AGENT / REGISTRAR AGREEMENT AND THE APPROVAL AND DISTRIBUTION OF AN OFFICIAL STATEMENT; PROVIDING AN EFFECTIVE DATE.

ORD 5597

**TAX & WATERWORKS
& SEWER SYSTEM
REVENUE
CERTIFICATES OF
OBLIGATION**

Ordinance 5598

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, PROVIDING FOR PERMANENT "NO PARKING" SIGNS RESTRICTING PARKING ALONG PORTIONS OF WEST TEXAS STREET, NEAR ITS INTERSECTION WITH NORTH TRAVIS STREET, WITHIN THE CITY LIMITS OF THE CITY OF SHERMAN.

ORD 5598

**NO PARKING SIGNS
(W. TEXAS ST.)**

Ordinance 5599

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280, SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW A PARKING LOT IN AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT AT 4505 BREEZY MEADOWS LANE, BEING A PART OF LOT 3, BLOCK 1 OF THE REPLAT OF SEASONS WEST ADDITION, PHASE ONE FOR A TOTAL OF 0.509 ACRES IN THE ELIZABETH JONES SURVEY, ABSTRACT NO. 625 (ISRAEL ALEMAN, SR., OWNER; UNDERWOOD DRAFTING AND SURVEYING, INC., SURVEYORS); PROVIDING FOR A REPEALER CLAUSE; PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED \$2,000.

ORD 5599

**SUP FOR PARKING
LOT
(4505 BREEZY
MEADOWS LN.)**

Ordinance 5600

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 TIRE SALES, MUFFLERS, AUTO UPHOLSTERY AND CONSIGNMENT AUTO / TRAILER SALES IN A C-1 (RETAIL BUSINESS) DISTRICT AT 1624 EAST LAMAR STREET, BEING A 75' X 150' LOT IN THE G.B. PILANT SURVEY, ABSTRACT NO. 96 FOR A TOTAL OF 0.59 ACRES (HERACLEO GRACIA, OWNER); PROVIDING FOR A REPEALER. PROVIDING THAT

ORD 5600

**SUP FOR AUTO TIRE
SALES
(1624 E. LAMAR ST.)**

THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED \$2,000.

ACTION TAKEN.

Motion by Council Member Smith to approve Ordinance Nos. 5595, 5596, 5597, 5598, 5599, and 5600, as presented. Second by Council Member Softly.
VOTING AYE: Adami, Howeth, Smith, Softly, Steele.
VOTING NAY: None.
MOTION CARRIED.

CONSENT AGENDA

The Council reviewed the Consent Agenda. Council Member Smith asked to remove Item C-7 entitled “Resolution 5347 – Awarding a Bid to and Authorizing Execution of a Contract with R.K. Hall Construction, LTD. for the 2009 Street Mill and Overlay Program,” from the Consent Agenda for consideration in its regular order of business.

CONSENT AGENDA

Mr. Olson said Resolution 5343, 5344, and 5346 were all Capital Improvement Projects and one is a bond project. The projects were budgeted at about \$1.6 million but due to the competitive bids the City saved approximately 56%.

Council Member Adami moved to approve the Consent Agenda, with the exception of Item C-7, which will be considered in its regular order of business. Second by Council Member Smith. All present voted AYE.

RESOLUTIONS

RESOLUTION NO. 5341 – SUPPORTING THE CREATION OF THE RED RIVER GROUNDWATER CONSERVATION DISTRICT FOR FANNIN AND GRAYSON COUNTIES

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, SUPPORTING THE CREATION OF THE RED RIVER GROUNDWATER CONSERVATION DISTRICT FOR FANNIN AND GRAYSON COUNTIES.

**RES 5341
RED RIVER
GROUNDWATER
CONSERVATION
DISTRICT**

Mayor Magers thanked Mr. Olson for working with representatives from Grayson and Fannin Counties to negotiate a Groundwater Conservation District.

Fannin County has 10% of the groundwater in the two counties but it amounts to 90% of their water while Sherman has about 50% of the groundwater in the two counties. The smaller municipalities also want a voice in the decisions.

Texas Commission on Environmental Quality has mandated a five county district to include Collin County, Denton County, Grayson County, Fannin County, and Cooke County.

Sherman’s concern is to protect the groundwater, to keep the costs low, and to not join Collin and Denton Counties which are larger counties with more citizens and more representation.

The proposed board will include three members from Fannin County and four members from Grayson County. For Grayson County, the City of Sherman will have two representatives, the smaller municipal producers will have one representative and the rural water providers will have one representative. For Fannin County, the municipal water providers, the rural water suppliers, and the Fannin County Commissioner's Court will each have one representative.

It will take six votes to increase the rates, to move water out of the Groundwater District, or to pass a budget. It will also be a volunteer board.

Mayor Magers said groundwater is a critical issue for Sherman and he recognized Mr. Olson, the committee, and State Representative Larry Phillips for making it happen.

Mayor Magers said Deputy Mayor Wacker could not be at the meeting, however she had voiced her support for the Groundwater District as presented.

ACTION TAKEN.

Motion by Council Member Steele to approve Resolution No. 5341, as presented. Second by Council Member Adami.

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

VOTING NAY: None.

MOTION CARRIED.

RESOLUTION NO. 5342 – AUTHORIZING SUBMISSION OF AN APPLICATION FOR AND ACCEPTANCE OF A GRANT FOR THE SHERMAN POLICE DEPARTMENT UNDER THE OFFICE OF COMMUNITY ORIENTED POLICING SERVICE'S HIRING RECOVERY PROGRAM

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING SUBMISSION OF AN APPLICATION FOR AND ACCEPTANCE OF A GRANT FOR THE SHERMAN POLICE DEPARTMENT UNDER THE OFFICE OF COMMUNITY ORIENTED POLICING SERVICE'S HIRING RECOVERY PROGRAM.

RES 5342
POLICE DEPT.
GRANT

Council Member Smith verified that the approval would be just for submission of the application for the grant not for receiving the grant itself.

Tom Watt, Police Chief, said they are asking permission to submit an application and accept the grant if approved. The competitive grant would be to fill the four unfunded positions that were created in 2006 for the Traffic Safety Unit. After the 36 month period covered by the grant, the City would be required to maintain those positions for a 12 month period. Council Member Smith asked what happens after that 12 month period.

Chief Watt said the City would have the choice to reduce the force and not continue to fund that program, but his

recommendation would be to retain the four positions. He referenced the five-year plan that the staff has discussed for the infrastructure to keep up with the growth of Sherman.

Council Member Smith said when a committee was discussing the salary structure for police officers, that was discussed; however there was no money to fund those positions. While he supported the efforts, he felt that once the officers were hired, it would be hard to let them go without the feeling of “cutting the police force.” He expressed concern that the funds would not be there in four years.

Chief Watt felt it was necessary to add the positions now and he felt he could easily justify keeping the four officers when the grant period and the 12-month additional period ended.

Mayor Magers said when it was originally discussed, the Traffic Safety Unit was supposed to be self-sufficient and generate enough income to pay for the salaries and the vehicles needed. He said in four years, if the grant is received and the officers added, the City should see additional revenue from the program to pay a significant amount of the cost of the program. Chief Watt said the program would also help reduce the fatality accidents in the community.

Council Member Adami said originally the program was expected to be self-sufficient. He asked if something had now changed. Chief Watt said for the period of time it was originally tracked, the program was self-sufficient. There has been no change in the program, however he focuses on the reduction in vehicle crashes. He added that he was now tracking the number of citations issued and the number of fatality accidents. At the time, there was no pressure on him to track the actual dollars, however he did feel comfortable in saying it was a self-sufficient unit.

Mr. Olson said the staff was asking to apply for a grant that will be awarded between August 1 and September 1, 2009. Before the grant is accepted, the staff would ask the Council’s authorization to accept it. Mayor Magers asked for a report on what the grant would mean towards both safety and cost of the program.

Council Member Smith wanted to proceed with the application for the grant, however he was concerned about funding in the fourth year when the City would be responsible.

Council Member Howeth said four years from now, when the funding goes away, if the City doesn’t have additional funding, could the positions be handled through attrition. Chief Watt said it would be a timing issue.

Mayor Magers verified that there are now 63 positions in the Police Department.

ACTION TAKEN.

Motion by Council Member Smith to approve Resolution No. 5342, as presented. Second by Council Member Adami.

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

VOTING NAY: None.

MOTION CARRIED.

RESOLUTION NO. 5343 – AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH UTILITY CONSTRUCTION SERVICES OF TEXAS INC. FOR REPLACEMENT OF THE OAK CREEK DRIVE WATER MAIN BETWEEN OAK CREEK CIRCLE AND ALPINE DRIVE

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 OAK CREEK DRIVE WATER MAIN BETWEEN OAK CREEK CIRCLE AND ALPINE DRIVE.
CONSENT AGENDA.

RES 5343
REPLACEMENT OF
OAK CREEK DR.
WATER MAIN

RESOLUTION NO. 5344 – AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH UTILITY CONSTRUCTION SERVICES OF TEXAS INC. FOR CONSTRUCTION OF THE FALLON DRIVE WATER MAIN FROM U.S. HIGHWAY 75 TO PECAN GROVE ROAD

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 CONSTRUCTION OF THE FALLON DRIVE WATER MAIN FROM U.S. HIGHWAY 75 TO PECAN GROVE ROAD.
CONSENT AGENDA.

RES 5344
CONSTRUCTION OF
FALLON DR. WATER
MAIN

RESOLUTION NO. 5345 – AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH TEAGUE, NALL AND PERKINS, INC. FOR THE IMPROVEMENT OF TAYLOR STREET AT THE INTERSECTIONS OF CROCKETT STREET AND ALEXANDER STREET

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH TEAGUE, NALL AND PERKINS, INC. FOR THE IMPROVEMENT OF TAYLOR STREET AT THE INTERSECTIONS OF CROCKETT STREET AND ALEXANDER STREET.

RES 5345
TAYLOR ST.
IMPROVEMENTS

ACTION TAKEN.

Motion by Council Member Smith to approve Resolution No. 5345, as presented. Second by Council Member Howeth.

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

VOTING NAY: None.

MOTION CARRIED.

RESOLUTION NO. 5346 – AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH GILCO CONTRACTING, INC. TO CONSTRUCT THE EXTENSION OF WEST CANYON CREEK DRIVE FROM SHADY OAKS LANE TO SILVERADO TRAIL

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH GILCO CONTRACTING, INC. TO CONSTRUCT THE EXTENSION OF WEST CANYON CREEK DRIVE FROM SHADY OAKS LANE TO SILVERADO TRAIL.
CONSENT AGENDA.

RES 5346
WEST CANYON CREEK
DR. EXTENSION

RESOLUTION NO. 5347 – AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH R.K. HALL CONSTRUCTION, LTD. FOR THE 2009 STREET MILL AND OVERLAY PROGRAM

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH R.K. HALL CONSTRUCTION, LTD. FOR THE 2009 STREET MILL AND OVERLAY PROGRAM.

RES 5347
STREET MILL &
OVERLAY PROGRAM

Council Member Smith asked to remove Item C-7 from the Consent Agenda for consideration in its regular order of business.

He verified that the information presented to the City Council included the additional nine miles of streets that will be completed due to savings from the construction costs and the financing program.

Jeff Miller, Director of Public Works, said the nine miles that were added include streets carrying heavy amounts of traffic and not just major thoroughfares. Council Member Smith asked how the staff determined which streets were added.

Mr. Miller said the staff discussed the flow of traffic through Sherman and which streets had the highest volume of traffic and would therefore be the best candidate for the improvements through both mill and overlay or rebuilding.

Council Member Smith congratulated the staff on a great job.

ACTION TAKEN.

Motion by Council Member Smith to approve Resolution No. 5347, as presented. Second by Council Member Adami.

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

VOTING NAY: None.

MOTION CARRIED.

RESOLUTION NO. 5348 – AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH JAMES THORPE COMPANY FOR THE PURCHASE OF AN ANNUAL

RES 5348
COVERSTONE FOR
SEAL COAT PROGRAM

SUPPLY OF COVER STONE FOR THE 2009 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 JAMES THORPE COMPANY FOR THE PURCHASE OF AN ANNUAL SUPPLY OF COVER STONE FOR THE 2009 SEAL COAT PROGRAM.

CONSENT AGENDA.

RESOLUTION NO. 5349 – AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH MARTIN ASPHALT COMPANY FOR THE PURCHASE OF AN ANNUAL SUPPLY OF EMULSIFIED ASPHALT OIL FOR THE 2009 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 MARTIN ASPHALT COMPANY FOR THE PURCHASE OF AN ANNUAL SUPPLY OF EMULSIFIED ASPHALT OIL FOR THE 2009 SEAL COAT PROGRAM.

CONSENT AGENDA.

RES 5349
ASPHALT FOR
SEAL COAT PROGRAM

RESOLUTION NO. 5350 – AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH IMPACT PROMOTIONS, INC. D/B/A GOT YOU COVERED WORKWEAR UNIFORMS FOR AN ANNUAL SUPPLY OF UNIFORMS FOR POLICE DEPARTMENT PERSONNEL

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH IMPACT PROMOTIONS, INC. D/B/A GOT YOU COVERED WORKWEAR UNIFORMS FOR AN ANNUAL SUPPLY OF UNIFORMS FOR POLICE DEPARTMENT PERSONNEL.

CONSENT AGENDA.

RES 5350
POLICE UNIFORMS

CHANGE ORDER NO. 1
LUELLA 4 WOODBINE WATER WELL REPAIRS

The City Council approved Change Order No. 1 which is a final closeout to adjust the final contract amount on repairs to the Luella 4 Woodbine Water Well.

CHANGE ORDER
WATER WELL
REPAIRS

After initiating repairs on the well, it continued to lose production. After discussion between the geologist, City staff and the well driller, it was decided to abandon efforts to restore the well capacity because the additional costs would be substantial and there was no guarantee that the well could be repaired to produce adequate quantities of water. Therefore, the repair project was ended and the well will be plugged.

The Change Order results in a net decrease of \$126,488 to the original contract amount of \$285,995, yielding a final contract price of \$159,508.

CONSENT AGENDA.

OTHER BUSINESS

CONSIDER CHANGING THE TWO-HOUR PARKING RESTRICTION TO A THREE-HOUR MAXIMUM ON THE DOWNTOWN SQUARE AND ITS ADJOINING STREETS

DOWNTOWN PARKING LIMITS

Mayor Magers introduced Robert Minshew to discuss parking around the Downtown Square and the adjoining streets.

Robert Minshew, 703 Birge

Mr. Minshew is the current President of Downtown Sherman Preservation and Revitalization, and he asked for help from the City Council. Several years ago the Council adopted two-hour parking limits in the Downtown area. The ticket for exceeding this limit was originally \$10 and is now \$28.

The original intent was to get the merchants that worked Downtown to park off the street and leave the parking for customers. There are over 2,000 people that work Downtown. However, the plan didn't work.

The Downtown workers have figured out when to move their vehicle to avoid a ticket for exceeding the two-hour limit. The enforcement officer must actually see someone moving the car to give them a ticket for evading the limit, and this just doesn't happen very often.

Mr. Minshew said primarily the only people getting tickets are visitors and shoppers to the Downtown area. The workers aren't getting tickets. Recently four men were checking out the facilities at Kelly Square to find out about holding a monthly meeting there for 30 people. When they left, each one had a \$28 ticket. They were so upset, they immediately went to Denison and set up plans to hold their monthly meeting there.

Council Member Smith asked Mr. Minshew if he had, at one time, sent a letter to the City about strictly enforcing the two-hour time limit. He said he did about a year ago to try and get the merchants to move to off-street parking. He succeeded in making the merchants mad at him.

Mr. Minshew said his request is modeled after the City of McKinney, who has found that three hours is generally long enough for visitors to shop and eat before they get a ticket.

He said the change won't effect anything for merchants. They will still park on the street and will still move their car every two or three hours. But it will help visitors to the City that don't know the system.

Mayor Magers did not feel that changing from two hours to three hours would solve the problem. He asked if parking meters would be more effective. Mr. Minshew said the

change isn't intended to solve the problem with merchants parking Downtown. It is intended to quit punishing visitors with a \$28 ticket.

Mr. Olson said that as long as the Downtown employees continue to park on the street the City will have this problem. The staff will bring back an Ordinance to make the proposed changes in the Downtown area and along the route that the enforcement officer walks. The Council directed the staff to proceed with an Ordinance for consideration.

CONSIDER APPROVAL OF THE BUDGET CALENDAR FOR FISCAL YEAR 2009-2010

Mayor Magers said Deputy Mayor Wacker has advised that she will be unable to attend a meeting on April 30, 2009. Council Members discussed possible meeting times and dates.

BUDGET CALENDAR

ACTION TAKEN.

Motion by Council Member Adami to approve the Budget Calendar and to set a Called Meeting for Budget Planning for April 29, 2009. Second by Council Member Steele.

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

VOTING NAY: None.

MOTION CARRIED.

CONSIDERATION TO ORDINANCE NO. 2684, SECTION 26, SUBSECTION 12(B)(2)(c) FOR AN EXCEPTION TO ALLOW A LOT WITH 0.509 ACRES IN LIEU OF THE REQUIREMENT THAT THE MINIMUM AREA OF EACH LOT SHALL BE ONE ACRE AND SHALL HAVE ADJACENT TO THE REAR LOT LINE A DEDICATED ALLEY OR EASEMENT, EITHER FOR PRESENT OR FUTURE USE IN AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT AT 4505 BREEZY MEADOWS LANE, BEING LOT 3, BLOCK 1 OF THE REPLAT OF SEASONS WEST ADDITION, PHASE ONE (ISRAEL ALEMAN, SR., OWNER; UNDERWOOD DRAFTING AND SURVEYING, INC., SURVEYORS)

**EXCEPTION FOR LOT SIZE
(4505 BREEZY MEADOWS LN.)**

The City Council approved the request of Israel Aleman, Sr. for an exception to allow a lot with 0.509 acres in lieu of the required one acre lot minimum and the requirement to have adjacent to the rear lot line a dedicated alley or easement, either for present or future use in an R-1 (One Family Residential) District on property located at 4505 Breezy Meadows Lane, being Lot 3, Block 1 of the Replat of the Seasons West Addition, Phase One.

The owner would like to replat the property into three lots, however this lot contains 0.509 acres, which is under the minimum lot area for a rural type subdivision. The Planning and Zoning Commission recommended approval of the exception.

CONSENT AGENDA.

REPLAT APPROVAL OF LOT 3, BLOCK 1 OF SEASONS WEST ADDITION, PHASE ONE AND 1.120 ACRES OUT OF THE ELIZABETH JONES SURVEY, ABSTRACT NO. 625; ISRAEL ALEMAN, SR., OWNER; UNDERWOOD DRAFTING AND SURVEYING, INC., SURVEYORS (4600 WEST HOUSTON STREET, 4505 BREEZY MEADOWS LANE, AND 206 WINDY HILL ROAD)

APPROVAL OF
REPLAT
SEASONS WEST
ADDITION

The City Council approved the Replat of Lot 3, Block 1 of Seasons West Addition, Phase One and 1.120 acres in the Elizabeth Jones Survey, Abstract No. 625. The property is located at 4600 West Houston Street, 4505 Breezy Meadows Lane, and 206 Windy Hill Road, off of West Houston Street. The owner would like to replat the property into three lots.

The Planning and Zoning Commission recommended approval of the replat. The owner did not agree with the following requirements on the Staff Review Letter: that Lot 3C is being used as commercial and a zoning change is required, and that the use as commercial on the homeowners lot (5) needs to be removed or the homeowners association should request a zone change to commercial.

The Staff agreed a zone change was not required on Lot 3C since the business was operating at the time it was annexed into the City. It is an existing non-conforming use and when it “goes away” it cannot reopen as this use.

CONSENT AGENDA.

CITIZENS REQUESTS

CITIZENS REQUESTS

There were no citizen’s requests.

MEDIA QUESTIONS

MEDIA QUESTIONS

There were no media questions.

APPOINT/REMOVE OR CONSIDER QUALIFICATIONS TO BOARDS AND COMMISSIONS:

AIRPORT ADVISORY BOARD (2)

AIRPORT
ADVISORY BOARD

ACTION TAKEN.

Motion by Council Member Adami to reappoint Luke Motley and Donald Makinson to the Airport Advisory Board for a term from February 21, 2009 to February 21, 2011. Second by Council Member Smith.

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

VOTING NAY: None.

MOTION CARRIED.

COUNCIL COMMENTS

GROUNDWATER CONSERVATION DISTRICT

GROUNDWATER
CONSERVATION
DISTRICT

Council Member Steele expressed his appreciation to the City staff for their work on the Groundwater Conservation District. He agreed with the Mayor’s previous statement about it being one of the most important issues they have addressed. He also thanked State Representative Larry Phillips for his help.

STREET MILL AND OVERLAY

Council Member Steele said it was great that the Mill and Overlay Projects were under budget and that the City would be able to complete more improvements than was originally planned.

**STREET MILL
& OVERLAY**

REVERSE 911 SYSTEM

Council Member Smith received many comments from citizens that appreciated the Reverse 911 calls that were made to citizens during the inclement weather.

**REVERSE 911
SYSTEM**

GROUNDWATER CONSERVATION DISTRICT

Council Member Smith said the worse thing that could happen to Grayson County is to be tied in with Collin, Denton, Tarrant, or Dallas Counties in regards to water. He felt it would be a huge victory if the State approves the proposed district for Grayson and Fannin Counties.

**GROUNDWATER
CONSERVATION
DISTRICT**

RECOGNIZE WIFE

Council Member Smith recognized his wife who was in attendance at the meeting.

RECOGNIZE WIFE

GROUNDWATER CONSERVATION DISTRICT

Council Member Adami also gave kudos to Mr. Olson for his hard work on the Groundwater Conservation District.

**GROUNDWATER
CONSERVATION
DISTRICT**

ALCOHOL HEARING AT COUNTY

Council Member Adami thanked the staff for their recent efforts during an alcohol hearing before Grayson County Judge Drue Bynum. They did a great job illustrating the Council's concerns.

**ALCOHOL HEARING
AT COUNTY**

CONGRATULATIONS ON WEDDING ANNIVERSARY

Council Member Adami offered congratulations to Council Member Robert Softly on his 50th Wedding Anniversary, adding that it displays the right priorities for the younger generation. He thanked Council Member Softly for being a role model.

**CONGRATULATIONS
ON WEDDING
ANNIVERSARY**

GROUNDWATER CONSERVATION DISTRICT

Council Member Softly offered kudos to Mr. Olson and the staff for their hard work on the Groundwater Conservation District.

**GROUNDWATER
CONSERVATION
DISTRICT**

GROUNDWATER CONSERVATION DISTRICT

Council Member Howeth expressed her appreciation for the work on the Groundwater Conservation District, adding that she was glad to know she would never have to worry about water.

**GROUNDWATER
CONSERVATION
DISTRICT**

PROGRESS OF PARK PROJECTS

Mayor Magers said he recently spent several hours at Fairview Park and was pleased with the progress on the parks. He was amazed how many people use that park. When Center Street Park and Pecan Grove Park open, it will make a huge impact on the quality of life in Sherman.

**PROGRESS OF
PARK PROJECTS**

EXECUTIVE SESSION – IN ACCORDANCE WITH CHAPTER 551, GOVT. CODE, V.T.C.S., (OPEN MEETINGS LAW)

THE CITY COUNCIL WILL NOW HOLD AN EXECUTIVE SESSION PURSUANT TO THE PROVISIONS OF THE OPEN MEETINGS LAW, CHAPTER 551, GOVERNMENT CODE, VERNONS TEXAS CODES ANNOTATED, IN ACCORDANCE WITH THE AUTHORITY CONTAINED IN THE FOLLOWING SECTIONS.

EXECUTIVE SESSION

SECTION 551.071

**CONSULTATION WITH CITY
ATTORNEY CONCERNING
PENDING OR CONTEMPLATED
LITIGATION:
BEALL VS. CITY OF SHERMAN,
TEXAS**

On Motion duly made and carried, the Open Meeting recessed and reconvened in Executive Session at 6:07 p.m.

On Motion duly made and carried, the Executive Session recessed at 6:33 p.m. and reconvened in Open Meeting.

OPEN MEETING

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

OPEN MEETING

ADJOURNMENT

On Motion duly made and carried, the meeting adjourned at 6:33 p.m.

ADJOURNMENT

MAYOR

CITY CLERK