STATE OF TEXAS §

April 2, 2007

COUNTY OF GRAYSON §

BE IT REMEMBERED THAT A Regular Meeting of the City Council of the City of Sherman, Grayson County, Texas was begun and held in the Council Chambers of City Hall on April 2, 2007.

MEMBERS PRESENT: **MAYOR BILL MAGERS; DEPUTY MAYOR TERRENCE STEELE.**
COUNCIL MEMBERS ADAMI, HUGHES, MARKL, SMITH.

MEMBERS ABSENT: **COUNCIL MEMBER WACKER.**

CALL TO ORDER

CALL TO ORDER
Mayor Bill Magers called the meeting to order at 5:02 p.m. The Pledge of Allegiance and Invocation were given by Deputy Mayor Terrence R. Steele.

APPROVE MINUTES

APPROVE MINUTES
The Council reviewed the Minutes of the Regular Meeting of March 19, 2007. Council Member Markl moved to approve the Minutes as presented; Second by Council Member Hughes. All present voted AYE.
MOTION CARRIED.

PROCLAMATION
"SEXUAL ASSAULT AWARENESS MONTH" – APRIL, 2007

SEXUAL ASSAULT AWARENESS MONTH (APRIL 2007)

Mayor Magers presented a proclamation to Tennille Brown, Sexual Assault Advocate for the Women's Crisis Center, proclaiming April 2007 as "Sexual Assault Awareness Month."

CONSENT AGENDA

CONSENT AGENDA
The Council reviewed the Consent Agenda. Council Member Smith asked to remove Item C-2 entitled "Resolution 4992 – Awarding a Bid to and Authorizing Execution of a Contract with Glover Mowing and Landscaping Company for the 2007 Contract Mowing Program" from the Consent Agenda. Council Member Adami asked to remove Item D-1 entitled "Other Business – Approve the 2007 Street Maintenance Program" from the Consent Agenda. Both items will be discussed in their regular order of business.

Council Member Markl moved to approve the Consent Agenda, with the exception of Items C-2 and D-1, which will be discussed in their regular order of business. Second by Deputy Mayor Steele. All present voted AYE.

RESOLUTIONS
RESOLUTION NO. 4990 – AUTHORIZING THE ACTING CITY MANAGER TO OBTAIN LEASE FUNDS TO PURCHASE CAPITAL ASSETS FOR THE FIRE DEPARTMENT

RES 4990 LEASE FUNDS FOR FIRE EQUIPMENT

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF

SHERMAN, TEXAS, AUTHORIZING THE ACTING CITY MANAGER TO OBTAIN LEASE FUNDS TO PURCHASE CAPITAL ASSETS FOR THE FIRE DEPARTMENT.

(PULLED)

Mayor Magers explained that the staff asked to pull Resolution 4990 from the Agenda because it wasn't ready. The item will be discussed at a later Council Meeting.

<u>RESOLUTION NO. 4992 – AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH GLOVER MOWING AND LANDSCAPING COMPANY FOR THE 2007 CONTRACT MOWING PROGRAM</u>

RES 4992 MOWING PROGRAM

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH GLOVER MOWING AND LANDSCAPING COMPANY FOR THE 2007 CONTRACT MOWING PROGRAM.

Council Member Smith asked to remove Item C-2 from the Consent Agenda for discussion in its regular order of business.

He asked why the City would pay an outside company to mow when employees are available.

George Olson, Acting City Manager, explained that over the years the areas mowed by the City staff have grown and now include the area underneath the overpasses on Highway 75 and Texoma Parkway. The City doesn't have the staff to provide the service and it is actually cheaper to contract the job to another company.

<u>OTHER BUSINESS</u>

<u>APPROVE THE 2007 STREET MAINTENANCE PROGRAM</u>

STREET MAINTENANCE PROGRAM

Council Member Adami asked to remove Item D-1 from the Consent Agenda for discussion in its regular order of business.

He asked if Woods Street was included in the Street Maintenance Program. Jeff Miller, Director of Public Works and Engineering, explained that Woods Street is included for a milling and overlay later this year.

Council Member Adami also verified that portions of Ricketts Street, from King to Center Street, will be included in the sealcoat program.

ACTION TAKEN.

> **Motion by Council Member Hughes to approve Resolution No. 4992 and the 2007 Street Maintenance Program, as presented. Second by Council Member Adami.**

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

RES 4991
SEAL COAT
PROGRAM

<u>RESOLUTION NO. 4991 – 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 2007 SEAL COAT PROGRAM</u>
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 2007 SEAL COAT PROGRAM.
CONSENT AGENDA.

<u>RESOLUTION NO. 4993 – GRANTING THE CITY MANAGER AUTHORITY TO APPROVE SUCH CONTRACTS, EXPENDITURES, AND PURCHASES FOR BUDGETED ITEMS IN AN AMOUNT NOT TO EXCEED $25,000.00 OR THE AMOUNT FIXED BY STATE LAW FOR COMPETITIVE BIDDING</u>
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, GRANTING THE CITY MANAGER AUTHORITY TO APPROVE SUCH CONTRACTS, EXPENDITURES, AND PURCHASES FOR BUDGETED ITEMS IN AN AMOUNT NOT TO EXCEED $25,000.00 OR THE AMOUNT FIXED BY STATE LAW FOR COMPETITIVE BIDDING.

Council Member Adami asked what amount was authorized at the present time.

Doreen McGookey, City Attorney, explained that $25,000 is set by State law for bidding requirements. In the past the Council has mirrored that amount.

Previously there was a resolution allowing the City Manager to enter into contracts or approve expenditures in the amount of $15,000, which was State law at that time. For some reason, that resolution was withdrawn and that amount no longer exists.

The proposed resolution would give more flexibility to the City Manager and would allow smaller contracts to be approved without adding to the Council's agenda. The City Charter does allow this authority.

ACTION TAKEN.
Motion by Council Member Markl to approve Resolution No. 4993, as presented. Second by Deputy Mayor Steele.
VOTING AYE: Adami, Markl, Hughes, Smith, Steele.
VOTING NAY: None.
MOTION CARRIED.

<u>OTHER BUSINESS</u>

SITE PLAN APPROVAL
BLALOCK PARK

<u>SPECIAL CONSIDERATION TO ORDINANCE NO. 2252, ARTICLE IV, SECTION 410 (2)(j) FOR SITE PLAN APPROVAL IN THE BLALOCK INDUSTRIAL PARK DISTRICT AT 4201 U.S.</u>

HIGHWAY 75 SOUTH (GK TRI-TEXAS, LLC, OWNER; CONSOLIDATED CONTAINER, TENANT)

The City Council approved the request of GK TRI-TEXAS, LLC, (owner) and Consolidated Container (tenant) for special consideration for a site plan in the Blalock Industrial Park District at 4201 U.S. Highway 75 South. The owner would like to construct an addition to the parking lot for the cargo trailers so that they will not park in the fire lanes.

The Planning and Zoning Commission recommended approval of the site plan.
CONSENT AGENDA.

FINAL PLAT APPROVAL OF THE KEVIN AND WHITNEY ADDITION, A 13.93 ACRE PLAT OF A PART OF THE PRESTON KITCHENS SURVEY, ABSTRACT NO. 667, AND A REPLAT OF ALL OF BLOCKS ONE, TWENTY, AND TWENTY-ONE AND ALL OF LOTS SEVEN, EIGHT, AND NINE OF BLOCK TWENTY-TWO OF THE SOUTHSIDE ADDITION; DOUGLASS DISTRIBUTING COMPANY, INC., OWNER (325 EAST FOREST AVENUE)

APPROVE FINAL PLAT (KEVIN & WHITNEY ADDITION)

The City Council approved the Final Plat of the Kevin and Whitney Addition, a 13.93 acre plat of a part of the Preston Kitchens Survey, Abstract No. 667, and a Replat of all of Blocks One, Twenty, and Twenty-One and all of Lots Seven, Eight, and Nine of Block Twenty-Two of the Southside Addition, located at 325 East Forest Avenue.

Through the years Douglass Distributing has purchased fifteen different lots and properties around their 24-hour distribution business located on Forest Avenue. They would now like to replat those properties into one lot to develop a green barrier between the residential housing that surrounds their facility.

The Planning and Zoning Commission recommended approval of the Final Plat.
CONSENT AGENDA.

SET DATE TO CANVASS RESULTS OF THE CITY OF SHERMAN'S REGULAR AND SPECIAL MUNICIPAL ELECTIONS

SET DATE TO CANVASS ELECTION (MAY 22, 2007)

The City Council scheduled a Called Meeting for Tuesday, May 22, 2007 at 12:00 noon, to canvass the Regular and Special Elections that will be held on May 12, 2007. The new Mayor and Council Members will also take the oath of office and a new Deputy Mayor will be elected.
CONSENT AGENDA.

CITIZENS REQUESTS

CITIZENS REQUESTS

There were no citizens requests.

MEDIA QUESTIONS

MEDIA QUESTIONS

There were no media questions.

CONSIDER THE QUALIFICATIONS, APPOINTMENT AND REMOVAL OF MEMBERS TO BOARDS AND COMMISSIONS; PARKS AND RECREATION BOARD (3)

PARKS AND RECREATION BOARD

ACTION TAKEN.

Motion by Council Member Markl to reappoint Nancy Kirkpatrick to the Parks and Recreation Board for a term from February 23, 2007 to February 23, 2009. Second by Deputy Mayor Steele.

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

LIBRARY BOARD (3)

LIBRARY BOARD

ACTION TAKEN.

Motion by Deputy Mayor Steele to appoint Dr. Charles Whitfield to the Library Board for a term from April 3, 2007 to April 3, 2010. Second by Council Member Markl.

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

COUNCIL COMMENTS

JOINT MEETING WITH THE PARKS AND RECREATION BOARD

JOINT MTG. WITH PARKS & REC BOARD

Council Member Adami asked that, after the Election, the Council schedule a joint meeting with the Parks and Recreation Board.

HAPPY EASTER

HAPPY EASTER

Council Member Smith wished everyone a Happy Easter.

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 THE CITY ATTORNEY CONCERNING LEGAL MATTERS AND/OR CONTEMPLATED LITIGATION**
SECTION 551.071 --	**PENDING LITIGATION; JAMES WAYNE v. CITY OF SHERMAN, ET AL., CASE NO. 05-06-00420**
SECTION 551.074 --	**CONSIDER THE QUALIFICATIONS, APPOINTMENT OR REMOVAL OF MEMBERS TO BOARDS AND COMMISSIONS: PLANNING AND ZONING COMMISSION (1)**

On Motion duly made and carried, the Open Meeting recessed and reconvened in Executive Session at 5:15 p.m.

On Motion duly made and carried, the Executive Session recessed at 5:35 p.m. and reconvened in Open Meeting.

<u>OPEN MEETING</u> — **OPEN MEETING**

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

<u>CONSIDER THE QUALIFICATIONS, APPOINTMENT AND REMOVAL OF MEMBERS TO BOARDS AND COMMISSIONS: PLANNING AND ZONING COMMISSION (1)</u> — **PLANNING & ZONING COMMISSION**

ACTION TAKEN.

> **Motion by Deputy Mayor Steele to appoint Robert Softly to the Planning and Zoning Commission to fill an unexpired term from April 3, 2007 to June 9, 2008. Second by Council Member Markl.**

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

<u>ADJOURNMENT</u> — **ADJOURNMENT**

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

____
MAYOR

____
CITY CLERK