STATE OF TEXAS §

March 3, 2014

COUNTY OF GRAYSON §

BE IT REMEMBERED THAT A Regular Meeting of the City Council of the City of Sherman, Grayson County, Texas was begun and held in the Council Chambers of City Hall on March 3, 2014.

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

MEMBERS ABSENT: **COUNCIL MEMBER SOFEY.**

CALL TO ORDER — **CALL TO ORDER**

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

APPROVE MINUTES — **APPROVE MINUTES**

The Council reviewed the Minutes of the Called City Council Meeting of February 12, 2014 and the Regular City Council Meeting of February 17, 2014. Council Member Watt moved to approve the Minutes as presented; Second by Council Member Plyler. All present voted AYE.
MOTION CARRIED.

PROCLAMATION

"IHOP'S NATIONAL PANCAKE DAY AND SHRINERS HOSPITALS FOR CHILDREN DAY" – MARCH 4, 2014 — **"IHOP'S NATIONAL PANCAKE DAY & SHRINERS HOSPITALS FOR CHILDREN DAY" (MARCH 4, 2014)**

Mayor Wacker presented a proclamation to Horace Groff, Representative of the North Texas Shrine Club, designating March 4, 2014 as "IHOP's National Pancake Day and Shriners Hospitals for Children Day."

Mr. Groff said IHOP has adopted Shriners Hospitals as one of their charities and they make a significant contribution to the hospitals. This allows Shriners Hospitals to care for children with orthopedic or burn issues. He thanked the City Council for recognizing the event.

CONSENT AGENDA — **CONSENT AGENDA**

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

RESOLUTIONS

RESOLUTION NO. 5839 – AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH 03 CONCRETE CONSTRUCTION, LLC FOR THE LOY LAKE ROAD AND SARA SWAMY DRIVE IMPROVEMENT PROJECT — **RES 5839 LOY LAKE ROAD & SARA SWAMY DR. PROJECT**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH 03 CONCRETE CONSTRUCTION, LLC FOR THE LOY LAKE

ROAD AND SARA SWAMY DRIVE IMPROVEMENT PROJECT. CONSENT AGENDA.

RES 5840 MOWING CONTRACT

RESOLUTION NO. 5840 – AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH GLOVER MOWING AND LANDSCAPING COMPANY FOR THE 2014 PUBLIC WORKS 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 2014 PUBLIC WORKS MOWING PROGRAM.

Jim Cross, Assistant Public Works Director, said currently there are approximately 70 locations, ranging from medians to stretches of roadway, that they are responsible for trimming for both looks and safety.

Several years ago right-of-way mowing was performed by the City of Sherman. Now some of the mowing is completed by the City, but the majority is completed by contractors. This allows the City to continue the job, while reducing the cost.

Bids are received on a per mow basis so each area can be identified with a specific cost. The mowing season is approximately seven months, from March to October, and there is a minimum frequency for mowing each area.

George Olson, City Manager, added that the City also has other contract mowing for the parks and that renewal will be bid next year.

ACTION TAKEN.
Motion by Council Member Johnson to approve Resolution No. 5840, as presented. Second by Council Member Watt.
VOTING AYE: Davis, Johnson, Plyler, Softly, Watt.
VOTING NAY: None.
MOTION CARRIED.

RES 5841 EMULSIFIED ASPHALT ANNUAL CONTRACT

RESOLUTION 5841 – AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH HEARTLAND ASPHALT MATERIALS, INC. FOR AN ANNUAL SUPPLY OF CRS-2 AND CRS-2H EMULSIFIED ASPHALT
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH HEARTLAND ASPHALT MATERIALS, INC. FOR AN ANNUAL SUPPLY OF CRS-2 AND CRS-2H EMULSIFIED ASPHALT. CONSENT AGENDA.

RES 5842 CRUSHED ROCK COVERSTONE ANNUAL CONTACT

RESOLUTION 5842 – AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH JAMES THORPE COMPANY FOR AN ANNUAL SUPPLY OF CRUSHED ROCK COVERSTONE

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 AN ANNUAL SUPPLY OF CRUSHED ROCK COVERSTONE.
CONSENT AGENDA.

RES 5843
WATER & SEWER MAINTENANCE ANNUAL CONTRACT

<u>RESOLUTION 5843 – AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH MORRISON SUPPLY COMPANY, INC. FOR AN ANNUAL SUPPLY OF WATER AND SEWER MAINTENANCE SUPPLIES AND PARTS</u>
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH MORRISON SUPPLY COMPANY, INC. FOR AN ANNUAL SUPPLY OF WATER AND SEWER MAINTENANCE SUPPLIES AND PARTS.
CONSENT AGENDA.

RES 5844
RESIDENTIAL TAX ABATEMENT (1003 N. BRENTS)

<u>RESOLUTION 5844 – AUTHORIZING EXECUTION OF AN AGREEMENT WITH ALBERTO M. ORELLANA FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 1003 NORTH BRENTS AVENUE</u>
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN AGREEMENT WITH ALBERTO M. ORELLANA FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 1003 NORTH BRENTS AVENUE.
CONSENT AGENDA.

CHANGE ORDER WWTP EAST BAR SCREEN REPLACEMENT PROJECT

<u>CHANGE ORDER NO. 1</u>
<u>WASTEWATER TREATMENT PLANT EAST BAR SCREEN REPLACEMENT PROJECT; JERRY PAUL HIGGINS, LTD.; $2,898.00 INCREASE</u>
The City Council approved Change Order No. 1 to Jerry Paul Higgins, LTD, for an increase of $2,898 for the Wastewater Treatment Plant East Bar Screen Replacement Project.

The original contract was for installation of a new bar screen at the Wastewater Treatment Plant. Following installation of the bar screen, it was discovered that existing electrical conduits do not contain enough wiring to support the operation of the screen. The change order is for the extra work of the contractor to install the new conduit and wiring to facilitate operation of the newly installed equipment.

The project is funded by the Greater Texoma Utility Authority and they also approved the change order. The revised contract amount is $219,448.
CONSENT AGENDA.

<u>OTHER BUSINESS</u>

ANNUAL AUDIT

<u>ACCEPT ANNUAL AUDIT REPORT FOR YEAR ENDED</u>

SEPTEMBER 30, 2013 FROM ADAMI, LINDSEY AND COMPANY, L.L.P.

Brian Grisham, Auditor, Adami, Lindsey and Company, presented the City's Annual Audit Report for the year ended September 30, 2013.

The Financial Statements, Disclosures, and the Comprehensive Annual Financial Report have been prepared by management, and they have the responsibility for the accuracy and completeness of those statements. By issuing the Comprehensive Annual Financial Report, the City is able to demonstrate its accountability to the public, its debt holders, and others.

The procedures performed enabled the Auditors to issue an unmodified or "clean" opinion on the City's financial statements, meaning that the financial statements are free of material misstatement and properly present the City's financial position and results of operations for the 2013 fiscal year.

The Comprehensive Annual Financial Report is divided into three sections, introductory, financial, and statistical. The introductory section includes the transmittal letter from management and other information that gives a general profile of the City.

The financial section includes the independent auditor's report, management's discussion and analysis, a narrative discussion of the financial statement presentation, certain condensed financial information, and analysis and highlights of financial activities during the year. The statistical section includes operational, economic, and historical data for the City, on a multi-year basis.

In conclusion, Mr. Grisham said the City is in good financial condition and the books and records were maintained in good order. He thanked the financial staff for their help on the project.

Mayor Wacker thanked the Audit Committee, composed of Deputy Mayor Softly, Council Member Johnson, and Council Member Davis for their review of the Annual Audit.

ACTION TAKEN.

> **Motion by Council Member Davis to accept the Annual Audit Report for the year ended September 30, 2013, as presented. Second by Council Member Johnson.**

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

CONSIDER APPROVAL OF THE ANNEXATION SCHEDULING PLAN FOR ADOPTION OF 95.436 ACRES OF LAND NORTH AND EAST OF MATHIS LANE IN THE CITY OF SHERMAN'S EXTRA TERRITORIAL JURISDICTION; AND DIRECTING THE

ANNEXATION OF 95.436 ACRES, NORTH & EAST OF MATHIS LANE

DEPARTMENT OF ENGINEERING SERVICES TO DEVELOP A SERVICE PLAN FOR THE AREA TO BE ANNEXED UPON APPROVAL OF THE ANNEXATION SCHEDULING PLAN

Brandon Shelby, City Attorney, explained that this 95.436 acres of land was exempted from an annexation that was approved five years ago. That exemption has ended so the property will now be considered for annexation.

Mayor Wacker confirmed that the City will be following the schedule that is laid out in the agenda and that consideration of the adoption of the ordinance will be scheduled for May 5, 2014.

ACTION TAKEN.

> **Motion by Council Member Watt to approve the Annexation Scheduling Plan for the adoption of 95.436 acres of land north and east of Mathis Lane in the City of Sherman's extra territorial jurisdiction, as presented. Second by Council Member Johnson.**

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

CITIZENS REQUESTS — **CITIZENS REQUESTS**

There were no citizen's requests.

MEDIA QUESTIONS — **MEDIA QUESTIONS**

There were no media questions.

COUNCIL COMMENTS

RECENT ICE STORM — **RECENT ICE STORM**

Council Member Johnson thanked the City staff for their hard work and long hours during the ice storm.

ANNUAL AUDIT — **ANNUAL AUDIT**

Council Member Johnson thanked the financial staff for their hard work with the Audit. This is his second year to serve on the Audit Committee and both times the City has received a "clean" report.

ANNUAL AUDIT — **ANNUAL AUDIT**

Council Member Davis said it was comforting to know that the Audit report was "clean" and that the staff was cooperating for the Audit.

STAY SAFE — **STAY SAFE**

Deputy Mayor Softly urged everyone to stay safe on the icy roads.

TEXTING WHILE DRIVING — **TEXTING WHILE DRIVING**

Council Member Watt asked the staff to bring back some information about texting while driving to see if Council Members would like to consider a possible ordinance. It failed to receive the Governor's signature about 18 months ago and he felt it was a problem that needed to be addressed.

Mr. Olson verified that the staff will research the issue and bring back a discussion item for Council Members which will present the findings and maybe have a staff recommendation. If Council Members choose to adopt an ordinance, that would be done at a future meeting.

SMOKING IN RESTAURANTS

SMOKING IN RESTAURANTS

Council Member Watt said he received four telephone calls after a recent article by the local media concerning the "no smoking in restaurants" ordinance that the City of Paris is considering or recently adopted.

He said the City of Paris was looking at restaurants only and not establishments that receive more than 50% of their income from serving alcohol. It also excludes private clubs and is narrowly focused.

Council Member Watt also asked that this research be listed as a discussion item for Council Members to consider.

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 551.087	**DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS: DELIBERATE REGARDING COMMERCIAL OR FINANCIAL INFORMATION THAT THE CITY HAS RECEIVED FROM BUSINESS PROSPECTS AND DELIBERATE ANY OFFERS OR INCENTIVES TO THE BUSINESS PROSPECTS**

On Motion duly made and carried, the Open Meeting recessed and reconvened in Executive Session at 5:22 p.m.

On Motion duly made and carried, the Executive Session recessed at 5:56 p.m. and reconvened in Open Meeting.

OPEN MEETING

OPEN MEETING

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

ADJOURNMENT
On Motion duly made and carried, the meeting adjourned at 5:57 p.m.

ADJOURNMENT

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MAYOR

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CITY CLERK