

STATE OF TEXAS §

February 12, 2014

COUNTY OF GRAYSON §

BE IT REMEMBERED THAT A Called Meeting of the Sherman City Council was begun and held in the City Council Chambers on February 12, 2014.

COUNCIL MEMBERS PRESENT: Mayor Cary Wacker; Deputy Mayor Robert Softly.
Council Members Davis, Johnson, Plyler, Sofey, Watt.

COUNCIL MEMBERS ABSENT: None.

CITY STAFF PRESENT: George Olson, City Manager; Robbie Hefton, Assistant City Manager/CFO; Brandon Shelby, City Attorney; Mark Gibson, Director of Utilities; Scott Shadden, Director of Development Services; Don Keene, Director of Community and Support Services; Clay Barnett, Director of Public Works and Engineering; J.J. Jones, Fire Chief; Otis Henry, Police Chief; Mary Lawrence, Controller; Tammy Davis, Support Services Manager; Shawn Hackworth, IT Manager; Joe Gandillon, Systems Coordinator; Pam Cloer, Assistant to the City Manager; Linda Ashby, City Clerk.

PURPOSE: Call to Order, Quorum Determined, Meeting Declared Open

Receive Presentation on the City of Sherman's Stormwater / Flood Study

Adjournment

CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN

Mayor Wacker called the meeting to order at 12:02 p.m., declared a quorum present, and opened the Called City Council Meeting.

She said this would be the first of several meetings to discuss major infrastructure needs for the City. The meetings will be held at noon on Wednesdays, over the next couple of months, and will set the stage for the future of Sherman. For the Council Members, this budget planning will be one piece of strategic planning throughout the year.

Mayor Wacker said the Council hoped to hold a community exercise similar to the "Goals for Sherman" exercises that have been held in the past. This exercise will look at larger issues in the community and how everyone works together to strategically solve those issues.

She added that funds will also be set aside to update the City's Comprehensive Master Plan in the fall. Mayor Wacker said that, over the year, the Council and staff will do some major planning and strategic thinking that will "drive the success" of Sherman.

RECEIVE PRESENTATION ON THE CITY OF SHERMAN'S STORMWATER / FLOOD STUDY

George Olson, City Manager, introduced Clay Barnett, Director of Public Works and Engineering, to present a report on the City's flood protection planning. He urged Council Members to ask questions, but said no specific direction will be required. The presentation is for informational purposes.

Mr. Barnett said his presentation included numerous photographs from the June 18, 2007 flood in Sherman and many were taken from four to seven hours after the event happened, mainly because of

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the inability to travel from one side of town to the other. He outlined the parts of his presentation, which will include the history behind the flooding in Sherman, the flood study and its scope, the mitigation projects and the flood prevention measures that are outlined in the study, and the funding alternatives for these projects and measures.

Mr. Barnett said Sherman has had 14 floods recorded by the National Climatic Data Center since 1993, with the worst being the June 2007 flood, which saw 7.6 inches of rain in seven hours. During that flood, 89 single family homes, 270 apartment units and 40 commercial properties were flooded. There were two fatalities and U.S. Highway 75 was closed for several hours. After the rainfall data was plugged into the model, the flood was labeled a little more than a 50 year event. He added that in the 2009 Comprehensive Master Plan, flooding is ranked as Priority #3.

After the Comprehensive Master Plan was concluded, the City applied for a grant from the Texas Water Development Board to obtain funding for the flood study. The grant was awarded in 2011, making the City's portion of the study \$154,000. The total cost of the study was \$333,000. The City contracted with Espey Consultants to perform the study, which included four public meetings, and featured one of the highest attendance rates the consultants had seen in other cities. The study was completed in October 2013.

Even though the City of Sherman and the Texas Water Development Board were the major sponsors for the study, the consultants received input from the Texas Department of Transportation, the Federal Emergency Management Agency, the U.S. Army Corps of Engineers, and the National Resources Conservation Services.

Mr. Barnett said the scope of the study entailed the Post Oak Creek Drainage Basin, which is comprised of 33 square miles, 50.5 miles of stream, and 68 bridges and culverts. The study identified 153 structures that would flood in a 100 year event and found that 44 bridges and culverts are insufficient to pass a 100 year event.

According to the study, the only solution for U.S. Highway 75, which was closed for several hours during the June 2007 flood, is to raise it out of the floodplain. The projected cost of the project would be \$25,000,000. The only recommendation made by the study is to continue to work with representatives to acquire funding for this TxDOT project.

Mr. Barnett said there are four different types of mitigation projects listed in the study. These are floodplain land acquisition, channel improvements, bridge and culvert improvements, and storage. Floodplain land acquisition involves the buyout of repetitive loss properties which would then be converted to natural green belt or compatible uses, such as open space or parks. There are eight proposed property acquisition projects, seven of which include 27 severe repetitive loss properties that have continually flooded. One project of 25 properties is needed for the Center Street Channel Project with a projected cost of \$8,354,000. The City should be eligible for a grant to cover \$5,333,240 of the cost.

The second mitigation project included is channel improvements which would increase capacity and improve channel stability. Three projects are identified in the study and include Center Street, Lamar Street, and Pecan Street. Projected cost of the projects is \$18,337,000. Council Member Watt asked if these projects were to clean the creeks or if it included adding concrete. Mr. Barnett said the project would include shoring up or structural mitigation on the side of the banks to prevent eroding.

The bridge and culvert improvements would provide access from one side of Sherman to the other for emergency services and would consist of removing the structure and building another one that is

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higher and wider to increase the flow capacity underneath. The study identifies nine proposed bridge and culvert improvement projects at a total cost of \$13,947,000.

Mr. Barnett said TxDOT performs an inspection of all bridges every two years. There are 15 structures in Sherman that are inspected and the condition of each bridge is rated on a scale between zero and nine, with the lowest designation requiring the structure to be closed and possibly replaced and the highest indicating the bridge is in good condition.

With this last inspection, Sherman has three bridges that are in need of extensive minor repair. The Fallon Drive bridge is being addressed in this year's Capital Improvement Program at an estimated cost of \$287,500. The remaining two bridge repairs are estimated at \$325,000. Ten of the other bridges are in need of limited minor repair, with an estimated cost of \$337,000. Mr. Barnett said if those repairs are included in the Five-Year CIP, the annual cost would be \$132,400.

One project specifically mentioned in the study is the Center Street Bridge at Post Oak Creek. The TxDOT Bridge Inspection Program (BRINSAP) indicated extensive minor repair is needed at an estimated cost of \$145,000. This bridge only passes the 10 year event test. The estimated cost to replace the bridge is \$2,698,000.

Direction will be needed to determine whether or not the bridge should be repaired and how long the City will wait before the bridge is replaced. Mr. Barnett said these are the kinds of issues the City Council will need to consider as to budget and timing and when these projects will be funded. Council Member Sofey confirmed that the bridge replacement funding would be CIP money and not FEMA grant money.

The fourth mitigation project from the study is the regional storage facilities, with the goal to reduce peak flow rates and reduce downstream velocities. There are seven proposed storage projects with a projected cost of \$13,855,000. The City should be eligible for a \$5,438,250 grant.

Mr. Barnett said Council Member Johnson had previously asked about the City's current detention policy. He explained the policy by addressing Section 11.086 of the Texas Water Code, which basically says a person can't flood their downstream neighbor, and various City ordinances that regulate on-site detention. According to City ordinances, if a property tract is less than one acre, they don't need to worry about detention.

The ordinance also states that detention facilities are not required in the City when runoff from the site can be carried to a designated FEMA floodway that has adequate capacity. Mr. Barnett added that no FEMA floodway in Sherman has "adequate capacity." He said the two factors to consider with the detention design concept are the runoff coefficient and the time of concentration. He discussed how sometimes on-site detention can hold water too long and contribute to downstream flooding.

Mr. Barnett said installing an on-site detention pond also costs the developer money and forces them to maintain a "hole in the ground" that could have been used for development. He said one solution to on-site detention is having regional detention sites. Regional detention ponds eliminate the timing issues of run-off, are very cost effective, and provide a recreational use to the community.

Mr. Barnett said the mitigation projects were estimated to cost a total of \$54,493,000, however the City should be eligible for \$10,771,500 in grants.

The study also recommended flood prevention measures such as implementing a creek maintenance program, participating in the community rating system, updating floodplain mapping, updating the floodplain ordinance, updating the Storm Drainage Design Manual, and updating the Land Use Plan.

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Mr. Olson said recommendations in the study were made based on Sherman in 2012-2013, and no additional growth was calculated in. Flood prevention measures are just as important moving forward.

Mr. Barnett added that updating the Floodplain Ordinance, the Storm Drainage Design Manual, and the Land Use Plan are Priority #1 in the 2009 Comprehensive Master Plan.

Implementing a creek maintenance program would involve removing accumulations of debris, bank stabilization, and removing all vegetation that chokes the creek area. This could be accomplished through a public maintenance program, a private maintenance program, or a combination of a public / private program.

The Community Rating System is a voluntary incentive program that recognizes and encourages community floodplain management activities, with a goal to reduce flood losses, facilitate accurate insurance rating, and promote the awareness of flood insurance. An added bonus for citizens is that it reduces flood insurance premiums.

Mr. Barnett discussed FEMA maps saying they were used to determine insurance rates and whether or not building can take place. Citizens cannot build in the floodway because it will have an adverse effect on the community. Citizens can build in the "gray areas" but it requires an engineering study and proof that the requestor is two feet above the 100 year floodplain. Currently the maps do not offer a correct representation of the floodplain area. If they did, citizens would be able to maximize their property. The current floodplain maps limit development by not allowing some building, but they also allow development into areas that are known to be in the floodplain but are not designated on the map.

The cost to update the floodplain mapping is estimated at \$200,000 and incorporating the recommendations from the study to update the Storm Drainage Design Manual and the Floodplain Ordinance are estimated at \$80,000. Updating the Land Use Plan to reserve critical areas of floodplain and to encourage development in areas not subject to flooding, is estimated to cost \$80,000.

Robby Hefton, Assistant City Manager/CFO, asked if the City would receive the floodplain mapping data in GIS format that would overlay with the City's current data. Mr. Barnett said the data would be in GIS format and would be used as a "map layer." Currently the maps are incorrect and show the old data.

Mr. Barnett said funding alternatives include federal assistance, state assistance, and several municipal funding sources. FEMA offers several competitive grants and the proposed projects "more than qualify" for the grants. The grants would pay between 75% and 100% of the costs on several projects.

He also discussed a fee in lieu of detention that might be charged to developers. Since new development impacts the storm sewer system, under this policy the City would charge the developer what an on-site detention pond would cost. It wouldn't cost the developer any additional money, but the City would collect the money and build a regional detention site to control flood water.

Council Member Johnson clarified that the developer would pay the cost of the on-site detention pond to the City, who would then combine that money with the money from other developers to build a regional detention pond. The developer would retain the land where the on-site detention pond would have been built and could use that property for development.

Council Member Sofey asked if it would be like an escrow fee. Mr. Olson said that was one option to begin moving in another direction, but at some point the City must receive revenue for the regional detention ponds. Mr. Barnett said the developer would pay the fee and the City would "bank" that fee.

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When the need arises for regional detention, the money would be used to build the regional detention pond. Council Member Sofey verified that the current ordinance would need to be changed.

Mr. Barnett added that the City does already have several regional detention facilities and use of these facilities should allow enough time for the fund to grow. Council Member Watt felt it would probably be eight to ten years before a regional detention facility could be constructed. Mr. Barnett said the alternative is to build the lake first, bond the project, and as development occurs, allow that fee to repay the money.

Mr. Hefton said this is being discussed now because it relates to some potential budget discussions for the next few years. The question is do you build detention ponds ahead of the development or do you allow some development and build the detention later. It does have some interesting and critical discussion points as to how it is funded, what the projects will be, their priorities, and is it paid for up front or after the fact. Some of that may be driven by where the development occurs.

Mr. Barnett said another funding source is the Storm Water Utility Fee, which spreads the cost of funding these types of improvements over how much impact you have over a drainage area. So if one development has a little concrete and a little building on the property, they won't pay as much as some that has a lot of concrete and building. It spreads the cost according to how much water you are putting into the watershed based on the impervious coverage.

The Storm Water Utility Fee would not negatively impact development by adding an "up front" fee. The fee would come after they have developed their property. It also relieves some burden on the General Fund and is estimated to offset approximately \$180,450 annually from the budget. The Storm Water Utility Fee is a State mandated process and would cost \$200,000 for the study. Mr. Barnett explained the process for instigating the Storm Water Utility Fee system.

In summary, Mr. Barnett said there are two major components of the study that are aimed at mitigating and preventing future flooding problems. The mitigation projects, at \$55,000,000, can be phased and prioritized as grants and funding becomes available. The flood prevention measures should be implemented to assure that the City doesn't compound the flooding issues.

Council Member Watt asked if the new floodplain maps should be considered the foundation of moving forward and if those needed to be updated first. Mr. Barnett said that would be the first step to updating the ordinance, the maps, and the land use. Mr. Olson agreed there were some things that could not be done because the maps are out of date, but it doesn't impact every area.

Council Member Johnson said the current on-site detention ponds are unsightly and poorly maintained and he verified that Mr. Barnett said they are prone to increase flooding downstream. He asked if the regional detention policy was a better solution to the long-term flooding problems, and Mr. Barnett said it was. He said a large regional detention pond will not be as unsightly as the small, individual detention ponds. They will also not be as costly for the developer and will not be individually maintained by the developer. Examples of the regional detention ponds are Dean Gilbert Lake and Pickens Lake.

Council Member Johnson felt that developers would also like the fee in lieu of the site on their property because that gives them additional property to develop. He felt it was a "win-win" situation for the City and the developer.

Mayor Wacker said there is no specific decision that needs to be made today. It just offers some significant policy changes and scenarios that the Council can consider. Mr. Olson said there is a series of meetings coming up and the Council can discuss the issues at the April 2014 Budget Planning Meeting. At that time the City Council can offer direction to the staff on any implementation. Council

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Member Watt asked if the staff will be able to give adequate thought to the possible sources of income prior to the April meeting. Mr. Hefton said they would offer some thoughts on sources. He said there will be many other issues for Council consideration at the same time. Mayor Wacker added that the City has significant needs in several areas. Council Member Watt said this was a public safety issue and it should be very close to the top priority. Two people died in the flood of 2007.

Mr. Olson said he didn't think the City could ever stop it from flooding but he did feel that the safety issues should be addressed first. He added that people should be removed from the danger. He said one of the biggest issues during the last flood was the ability to get from one side of Sherman to the other side. He questioned whether or not that would ever change with U.S. Highway 75 as it was originally built in a creek.

Council Member Plyler suggested maximizing what can be done with the amount of funding available. Mr. Olson said there are some projects listed that would do that.

ADJOURNMENT

There being no further business to come before the City Council, motion was duly made and approved to adjourn the Called Meeting at 12:52 p.m.

MAYOR

ATTEST

CITY CLERK