STATE OF TEXAS §

February 5, 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 February 5, 2007.

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

MEMBERS ABSENT: **NONE.**

CALL TO ORDER

CALL TO ORDER

Mayor Bill Magers called the meeting to order at 5:00 p.m. The Pledge of Allegiance and Invocation were given by Council Member Chip Adami.

Mayor Magers recognized former Sherman Bearcats Charlie Johnson and Hunter Smith who were members of the Indianapolis Colts football team which won the 41st Super Bowl Sunday night.

APPROVE MINUTES

APPROVE MINUTES

The Council reviewed the Minutes of the Regular Meeting of January 16, 2007. Deputy Mayor Steele moved to approve the Minutes as presented; Second by Council Member Hughes. All present voted AYE.
MOTION CARRIED.

PROCLAMATION
"BLACK HISTORY MONTH" – FEBRUARY 2007

BLACK HISTORY MONTH FEBRUARY 2007

Mayor Magers presented a proclamation to JoAnn Perkins, President of the NAACP, designating February 2007 as "Black History Month."

INTRODUCTION AND PUBLIC HEARING OF ORDINANCES

ORD 5442 ZONE CHANGE

Mayor Magers introduced Ordinance 5442 and called for a public hearing:
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 12, ORDINANCE NO. 2280, SO AS TO INCLUDE CERTAIN PROPERTIES WITHIN THE C-1 (RETAIL BUSINESS) DISTRICT IN THE 2400 BLOCK OF LOY LAKE ROAD AND MASTERS STREET. PROVIDING FOR A REPEALER.

No citizens appeared before the City Council to discuss Ordinance 5442.

ORD 5443 SUP FOR AUTO SALES & REPAIR

Mayor Magers introduced Ordinance 5443 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 BJH, INC. (OWNER) TO ALLOW AUTOMOBILE SALES AND REPAIR IN A C-1 (RETAIL BUSINESS) DISTRICT AND O-1.2 (SAM RAYBURN) OVERLAY DISTRICT AT 1317 SOUTH SAM RAYBURN FREEWAY EAST. 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.

No citizens appeared before the City Council to discuss Ordinance 5443.

The Ordinances were introduced and the Public Hearing was closed.

CLOSE PUBLIC HEARING

ADOPTION OF ORDINANCES

Ordinance 5442

ORD 5442 ZONE CHANGE

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 12, ORDINANCE NO. 2280, SO AS TO INCLUDE CERTAIN PROPERTIES WITHIN THE C-1 (RETAIL BUSINESS) DISTRICT IN THE 2400 BLOCK OF LOY LAKE ROAD AND MASTERS STREET. PROVIDING FOR A REPEALER.

Ordinance 5443

ORD 5443 SUP FOR AUTO SALES & REPAIR

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ACTION TAKEN.

> **Motion by Council Member Smith to approve Ordinance Nos. 5442 and 5443, as presented. Second by Deputy Mayor Steele.**

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

CONSENT AGENDA

CONSENT AGENDA

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

RESOLUTIONS

RESOLUTION NO. 4954 – AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH BANC OF AMERICA PUBLIC CAPITAL CORPORATION FOR FINANCING TO PURCHASE THE NEW COMPUTER SYSTEM

RES 4954 COMPUTER SYSTEM

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF

SHERMAN, TEXAS, AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH BANC OF AMERICA PUBLIC CAPITAL CORPORATION FOR FINANCING TO PURCHASE THE NEW COMPUTER SYSTEM.

Doreen McGookey, City Attorney, advised the Council that the agreement included an acquisition fund with a provision that the person executing the fund can only be held liable for "gross negligence." She asked to have it lowered to negligence, however they would not do so. If they are negligent, this will leave the City with no recourse.

Council Member Markl verified that the contract was consistent with a lease-purchase agreement in the past. Ms. McGookey did not anticipate any problems with the loan, but said "gross negligence" is intentional, where negligence is a simple mistake.

Mayor Magers verified that the contract is for $430,000. Giles Brown, Assistant City Manager, added that Sherman has done business with the organizations in the past with no problems.

ACTION TAKEN.
Motion by Council Member Markl to approve Resolution 4954, as presented. Second by Deputy Mayor Steele.
VOTING AYE: Adami, Markl, Hughes, Smith, Steele, Wacker.
VOTING NAY: None.
MOTION CARRIED.

RES 4955 WASTEWATER TREATMENT PLANT DIGESTER REHAB

<u>RESOLUTION NO. 4955 – AUTHORIZING EXECUTION OF A CONTRACT WITH CAROLLO ENGINEERS FOR PROFESSIONAL ENGINEERING SERVICES TO DESIGN THE WASTEWATER TREATMENT PLANT DIGESTER REHABILITATION</u>
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF A CONTRACT WITH CAROLLO ENGINEERS FOR PROFESSIONAL ENGINEERING SERVICES TO DESIGN THE WASTEWATER TREATMENT PLANT DIGESTER REHABILITATION.
CONSENT AGENDA.

RES 4956 GROUNDWATER MANAGEMENT STUDY

<u>RESOLUTION NO. 4956 – IN RESPONSE TO A DRAFT REPORT ISSUED BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY RELATING TO AN UPDATED EVALUATION OF THE TRINITY AND WOODBINE AQUIFERS AND A PRIORITY GROUNDWATER MANAGEMENT STUDY AREA FOR NORTH CENTRAL TEXAS</u>
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, IN RESPONSE TO A DRAFT REPORT ISSUED BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY RELATING TO AN UPDATED EVALUATION OF THE TRINITY AND WOODBINE AQUIFERS AND A PRIORITY GROUNDWATER MANAGEMENT STUDY AREA FOR NORTH CENTRAL TEXAS.

Jerry Chapman, Executive Director of the Greater Texoma Utility Authority, briefed the City Council on the Draft Report from the Texas Commission on Environmental Quality, TCEQ.

The Draft Report recommended that one or more ground water districts be established in a thirteen-county area in North Texas. This area does include Grayson County. The suggested response time was by January 31, 2007.

Mr. Chapman added that most area water providers do not agree with the information contained in the Draft Report and are requesting additional time to study the report. He understood that 90 days additional time had been granted to study the report and to make the writers of the report aware of additional information. Council Member Wacker verified that the City did receive a letter stating that an additional 90 days had been granted.

Mayor Magers asked what a water district really did to help control the use of water. Mr. Chapman said in Texas, ground water is generally left to the land owner, however there are provisions where local land owners can come together and create a water district. Today there are approximately 90 approved ground water districts in Texas. North Central Texas does not have any ground water control districts.

Basically water districts control the withdrawal rates from various aquifers, locally that means the Trinity Aquifer. In the mid 1990's the Legislature gave the TCEQ additional authority to force a water district on an area if they feel it is needed. There are four ways to create a district and three of those require a vote of the citizens. The fourth involves TCEQ imposing one on the area.

Most of the local ground water providers feel they have had an inadequate amount of time to review the report. They also feel there is additional information needed to make an adequate decision on whether or not a district is needed.

Mayor Magers asked who would control a water district. Mr. Chapman said if it was voted in, it would be supported by either a tax on the land, water produced from the wells it controls, or a combination of the two. There would be an elected or appointed board. He added that the report said one or more districts.

Council Member Smith verified that if the water district is imposed on the City, it will be paid through a fee based district, based on the amount of water used. TCEQ estimates that it will cost a minimum of $250,000 to set up a water district.

Mayor Magers said the Grayson County Commissioner's Court recently passed a similar resolution opposing the measure. Mayor Magers said he did not see the City Council

supporting a water district. Council Member Wacker did not feel the issue had been studied enough to make the decision. Mr. Wall advised that the State already regulated water usage and the Council probably didn't want another regulatory authority involved.

Mr. Chapman felt the Council should go ahead and approve the resolution, even though the extension has already been granted. He added that the time frame did not allow including the request on the January Council Agenda, but the action would be recognized by the TCEQ.

Mayor Magers felt the Council should consider the current resolution but asked the staff to draft another resolution citing the Council's position against a water district. Mr. Wall said the staff would prepare a resolution for the next Council Agenda.

Council Member Wacker said the Council wanted to protect Grayson County's right to control the water and she would be in favor of forming a district to allow complete control for Grayson County rather than being included in a district with other entities that need more water. She asked if Mr. Chapman felt that everyone in Texas would need some type of water authority and would a local water district be beneficial to Grayson County.

Mr. Chapman said an additional period of study would allow this determination to be made and would allow recommendations from the water providers.

ACTION TAKEN.
Motion by Council Member Smith to approve Resolution 4956, as presented. Second by Council Member Markl.
VOTING AYE: Adami, Markl, Hughes, Smith, Steele, Wacker.
VOTING NAY: None.
MOTION CARRIED.

RES 4957
TEXOMA PKWY
WATER MAIN
REPLACEMENT

<u>RESOLUTION NO. 4957 – APPROVING GREATER TEXOMA UTILITY AUTHORITY'S TO ENTER INTO A CONTRACT WITH MORRIS ENGINEERS FOR THE ENGINEERING SERVICES AND UNDERWOOD DRAFTING AND SURVEYING, INC. FOR SURVEYING SERVICES ON THE TEXOMA PARKWAY PHASE II WATER MAIN REPLACEMENT PROJECT</u>
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, APPROVING GREATER TEXOMA UTILITY AUTHORITY TO ENTER INTO A CONTRACT WITH MORRIS ENGINEERS FOR THE ENGINEERING SERVICES AND UNDERWOOD DRAFTING AND SURVEYING, INC. FOR SURVEYING SERVICES ON THE TEXOMA PARKWAY PHASE II WATER MAIN REPLACEMENT PROJECT.
CONSENT AGENDA.

RES 4958
RESIDENTIAL TAX
ABATEMENT

<u>RESOLUTION NO. 4958 – AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH CUPID INVESTMENTS, INC. FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR</u>

<u>THE CONSTRUCTION OF ONE NEW SINGLE-FAMILY RESIDENCE AT 106 WEST LAKE STREET</u> **(106 W. LAKE)**
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH CUPID INVESTMENTS, INC. FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF ONE NEW SINGLE-FAMILY RESIDENCE AT 106 WEST LAKE STREET.

<u>RESOLUTION NO. 4959 – AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH BARTON CAPITAL, LTD. FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF ONE NEW SINGLE-FAMILY RESIDENCE AT 1201 NORTH THROCKMORTON STREET</u> **RES 4959 RESIDENTIAL TAX ABATEMENT (1201 N. THROCKMORTON)**
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH BARTON CAPITAL, LTD. FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF ONE NEW SINGLE-FAMILY RESIDENCE AT 1201 NORTH THROCKMORTON STREET.

<u>RESOLUTION NO. 4960 – AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH BARTON CAPITAL, LTD. FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF ONE NEW SINGLE-FAMILY RESIDENCE AT 1209 NORTH THROCKMORTON STREET</u> **RES 4960 RESIDENTIAL TAX ABATEMENT (1209 N. THROCKMORTON)**
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH BARTON CAPITAL, LTD. FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF ONE NEW SINGLE-FAMILY RESIDENCE AT 1209 NORTH THROCKMORTON STREET.

<u>RESOLUTION NO. 4961 – AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH BARTON CAPITAL, LTD. FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF ONE NEW SINGLE-FAMILY RESIDENCE AT 617 EAST RICHARDS STREET</u> **RES 4961 RESIDENTIAL TAX ABATEMENT (617 E. RICHARDS)**
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH BARTON CAPITAL, LTD. FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF ONE NEW SINGLE FAMILY RESIDENCE AT 617 EAST RICHARDS STREET.

ACTION TAKEN.
> **Motion by Deputy Mayor Steele to approve Resolution Nos. 4958, 4959, 4960, and 4961, as presented. Second by Council Member Smith.**

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

OTHER BUSINESS

APPROVE QUARTERLY INVESTMENT REPORT FOR PERIOD ENDING DECEMBER 31, 2006

QUARTERLY INVESTMENT REPORT

The City Council approved the quarterly Investment Report for the period ending December 31, 2006. The report reflects a portfolio position with a book value of nearly $30.4 million.

As of December 31, 2006, the City was in compliance with all applicable State laws and the provisions of the City's internal Investment Policy. The portfolio remains adequately liquid, and its yield of 5.06% for the quarter is more than the benchmark yield of 4.90%. The market value of the overall portfolio was 99.97% of the book value.
CONSENT AGENDA.

FINAL PLAT APPROVAL OF AMERISTATE CENTRAL PLAZA, A REPLAT OF LOTS 1 & 2, BLOCK 1 OF J.H. CARRAWAY'S SUBDIVISION; AMERISTATE BANK, OWNERS (2400 BLOCK OF LOY LAKE ROAD AND MASTERS STREET)

APPROVE FINAL PLAT AMERISTATE CENTRAL PLAZA

The City Council approved the Final Plat of Ameristate Central Plaza, a Replat of Lots 1 and 2, Block 1 of J.H. Carraway's Subdivision, located in the 2400 Block of Loy Lake Road and Masters Street, north of the U.S. Post Office.

The owners, Ameristate Bank, would like to replat the property into two lots for future commercial development. The Planning and Zoning Commission recommended approval of the Final Plat.
CONSENT AGENDA.

REPLAT APPROVAL OF LOTS 7 & 8, BLOCK 1, CREEKBEND WEST ADDITION; R.W. KLAS AND CHARLES AND SANDRA TEMPLETON, OWNERS (2400 AND 2404 CREEKBEND CIRCLE)

APPROVE REPLAT CREEKBEND WEST ADDITION

The City Council approved the Replat of Lots 7 and 8, Block 1, Creekbend West Addition, located at 2400 and 2404 Creekbend Circle, off of West Washington Street.

The owners, R.W. Klas, and Charles and Sandra Templeton, would like to replat the property to move lot lines for the residential development. The Planning and Zoning Commission recommended approval of the Replat.
CONSENT AGENDA.

ADDENDUM

DISCUSSION OF PROPOSED CHARTER AMENDMENTS

PROPOSED CHARTER AMENDMENTS

Ms. McGookey presented the Council with a draft copy of the wording for the proposed Charter Amendments.

Mayor Magers addressed the amendment that would change Council terms from two years to three years. He felt it was a good amendment because more people would run for one term instead of two terms. He also recommended that the terms be staggered to allow the election of the Mayor and two At-Large Council Members one year, two District Council

Members the next year, and the remaining two District Council Members the following year. This would require an additional Charter Amendment at Article II, Section 1(a)(4) to change the staggered terms.

Ms. McGookey said that according to the Texas Constitution, when a vacancy occurs with two year terms, the Council can appoint someone to fill the vacancy. With three year terms, a vacancy must be filled by a Special Election within 120 days of the vacancy.

Council Member Smith asked for clarification on implementation of the change and verified that this section was last changed in 2005. Mayor Magers said beginning with the election of 2008, the Council would move to three year terms. Some Council Members might get an additional year of service.

Council Member Adami felt the change would give Council Members the opportunity to learn how things work and give them additional time for service on the Council.

Council Members discussed how this change would affect the various Council Members' terms.

Ms. McGookey will prepare the Charter Amendments for consideration at the next Council Meeting.

CITIZENS REQUESTS

CHARTER ISSUES

CHARTER ISSUES

John Arriazola, 907 W. College, addressed the Council concerning the Charter and the fact that City Council Members are able to bid on jobs for the City. He said the "playing field is not level" when City Council Members are allowed to bid on jobs. They have to much information, know all the department heads, and know the budget.

Mayor Magers verified that the Council can discuss the situation since the discussion of Charter Amendments was listed on the Council Agenda.

Mr. Arriazola said he used to own a computer company and at the time refused to run for City Council because he would not be able to do business with the City of Sherman. He said the perception is that other small businesses will not receive any jobs if a City Council Member bids on the job.

He also recommended that the Mayor and City Council Members be paid $1,000 per month for the Mayor and $600 per month for Council Members. He felt more people would run for Council if they were being paid.

Mayor Magers said he has found that as far as small businesses not bidding on City jobs, he found the opposite

to be true. Other HVAC businesses did significantly more business with the City than the City Council Member in question.

He felt that if the Council voted on any disbursement over $2,500 to any Council Member, then the system would be self-policing and they would see if problems existed with any Council Member that received too much City business. He added that very few jobs are done by Council Members.

He felt if Council Members were not allowed to do any business with the City, then many potential Council Members would decide not to run for office.

Council Member Markl added that the relationship between the City and any elected official is already regulated by State law. State law says any job over $25,000 must be let by sealed bid and a Council Member cannot vote on any contract in which he is involved. Under $25,000 is considered ordinary business and doesn't require a sealed bid or a vote by the City Council.

Mr. Wall questioned the $2,500 limit adding that amount could be changed to any amount the Council wished. He also felt City employees should be prohibited from doing business with the City. Council Member Adami added that he did not want to vote on every little issue under $2,500.

Mayor Magers said by clarifying the wording of the Charter and requiring the Council to vote on any disbursement to a Council Member, over $2,500, the City will be providing "transparency" of the situation.

Council Member Adami wanted to be sure the City receives the best work for the best price. He was in favor of clarifying the wording but felt limiting it further might limit candidates.

Deputy Mayor Steele praised the integrity of the staff and felt that should not be in question.

CHARTER ISSUES

CHARTER ISSUES

Steven Jonse, 1419 N. Woods, felt the problem is the process. The Charter has been in place for many years and states that any expenditure above $2,500 and below $25,000 must be reviewed by the City Council. That has not been done. Mayor Magers said that was rectified in a recent meeting. The wording has been tightened so that in the future, that will be the policy.

Mr. Jonse felt that it was a conflict of interest for City Council Members to bid on City business. He felt the voters should decide whether or not a City Council Member could do business with the City.

Mr. Jonse asked why have a Charter in place if the Council and staff did not follow the guidelines. Deputy Mayor Steele

asked if Mr. Jonse felt fraud had taken place. Mr. Jonse questioned whether or not the staff was unethical and released information since quotes were received on different days.

Mayor Magers said Mr. Jonse was now addressing the bid process and the specifications on a specific job. This is a completely different issue than the Charter wording and whether or not $2,500 is the proper limit. The bid process is not listed on the Agenda and cannot be discussed at the current meeting.

Mayor Magers verified that language had been "tightened" on the specific Charter item in question. He felt the $2,500 limit was placed in the Charter for a reason and should be enforced, then if there is a problem it can be addressed later.

Council Member Smith said $2,500 is a significant amount and he wanted to be sure there is transparency in any transaction. Council Member Wacker asked if it would be better to consider any transaction to a Council Member. Deputy Mayor Steele recommended that the limit be $500.

Mayor Magers reiterated that the Council has clarified that if a Council Member does any business with the City in excess of $2,500, then the Council will vote on the transaction. Council Member Smith has recommended that the dollar limit be removed and any transaction between a Council Member and the City be voted on by the City Council.

Council Member Adami did not have a problem with the $2,500 amount but did feel that employees should be included in the prohibition.

Mayor Magers said if the issue is transparency, then any disbursement on behalf of an employee or Council Member should be voted on by the City Council.

Mr. Brown asked for clarification on the types of expenses included and whether or not it would include expense reimbursements. Council Members discussed what should be included.

Council Member Wacker said the State's new disclosure statements include the spouse of employees, and she asked if that should also be included in the wording. Council Members asked Ms. McGookey to clarify wording for their consideration.

MEDIA QUESTIONS

MEDIA QUESTIONS

There were no media questions.

COUNCIL COMMENTS

CONGRATULATIONS TO LOCAL BASKETBALL TEAMS

CONGRATULATIONS TO LOCAL BASKETBALL TEAMS

Council Member Hughes congratulated the Sherman Girls Basketball Team on their successful season and wished the

Boys Basketball Team good luck on their final two games. Playoffs start soon.

CAPITAL IMPROVEMENT PROGRAM UPDATE
Council Member Adami requested that the Council receive an update on the status of the Capital Improvement Projects that were approved for the current budget year.

CIP PROGRAM UPDATE

BINKLEY PARK HIKE/BIKE TRAIL
Council Member Wacker asked if the Binkley Park Hike/Bike Trail could be swept. There is broken glass along the trail near Center Street.

BINKLEY PARK HIKE/BIKE TRAIL

KEEP SHERMAN BEAUTIFUL COMMISSION
Council Member Wacker asked for a status report or timeline on the plans for the Keep Sherman Beautiful Commission. She previously asked that the staff develop a plan to get that Commission "back up and working."

KEEP SHERMAN BEAUTIFUL COMMISSION

PARK STREET MEDIAN STATUS
Council Member Markl asked about the status of the Park Street median project.

PARK STREET MEDIAN STATUS

BURNED DOWN HOUSE
Council Member Markl asked about the status of the burned down house that is located behind the Central Fire Station.

BURNED DOWN HOUSE

Ms. McGookey said the Code Enforcement Department has been working to get the rubble removed. Scott Shadden Director of Developmental Services, said they are in the process of obtaining final releases.

RECOGNITION OF CITY CLERK CERTIFICATION
Mayor Magers recognized Sandra Melton, Secretary to the City Clerk, on recently earning her certification from the Texas Municipal Clerk's Association.

RECOGNITION OF CITY CLERK CERTIFICATION

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 THE CITY ATTORNEY CONCERNING LEGAL MATTERS OR CONTEMPLATED LITIGATION**
SECTION 551.074 --	**ADDENDUM PERSONNEL MATTERS CONSIDER THE QUALIFICATIONS, APPOINTMENT OR REMOVAL OF PUBLIC OFFICERS TO BOARDS**

AND COMMISSIONS
TRI-COUNTY SENIOR NUTRITION PROJECT BOARD

On Motion duly made and carried, the Open Meeting recessed and reconvened in Executive Session at 6:16 p.m.

On Motion duly made and carried, the Executive Session recessed at 6:42 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. Mayor Magers yielded the gavel to Deputy Mayor Steele who presided over the remainder of the Council Meeting.

TRI-COUNTY SENIOR NUTRITION PROJECT BOARD

CONSIDER THE QUALIFICATIONS, APPOINTMENT AND REMOVAL OF MEMBERS TO BOARDS AND COMMISSIONS: TRI-COUNTY SENIOR NUTRITION PROJECT BOARD (1)
ACTION TAKEN.

> **Motion by Council Member Markl to appoint Mayor Bill Magers to fill an unexpired term on the Tri-County Senior Nutrition Project Board for a term from February 6, 2007 to September 30, 2007. Second by Council Member Smith.**

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

ADJOURNMENT

ADJOURNMENT
On Motion duly made and carried, the meeting adjourned at 6:43 p.m.

____
MAYOR

____
CITY CLERK