

STATE OF TEXAS

§

November 5, 2012

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 November 5, 2012.

MEMBERS PRESENT: MAYOR BILL MAGERS; DEPUTY MAYOR WILLIE STEELE. COUNCIL MEMBERS HOWETH, PLYLER, SMITH, SOFTLY, WACKER.

MEMBERS ABSENT: NONE.

CALL TO ORDER

Mayor Magers called the meeting to order at 5:01 p.m. The Pledge of Allegiance and the Invocation were given by Council Member David Plyler.

CALL TO ORDER

Mayor Magers recognized Mrs. Muriel Johnson, his first grade teacher, and Pottsboro Mayor Frank Budra.

APPROVE MINUTES

The Council reviewed the Minutes of the Regular City Council Meeting of October 15, 2012. Council Member Smith moved to approve the Minutes as presented; Second by Council Member Plyler. All present voted AYE. MOTION CARRIED.

APPROVE MINUTES

INTRODUCTION AND PUBLIC HEARING OF ORDINANCES

Mayor Magers introduced Ordinance 5759 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, PROVIDING FOR PERMANENT "STOP" SIGNS AT THE INTERSECTION OF NORTH CLEVELAND AVENUE AND EAST TUCK STREET WITHIN THE CITY LIMITS OF THE CITY OF SHERMAN; PROVIDING FOR A PENALTY PROVISION; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

ORD 5759  
STOP SIGN

No citizens appeared before the City Council to discuss Ordinance 5759.

The Public Hearing was closed.

ADOPTION OF ORDINANCES

Ordinance 5759

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, PROVIDING FOR PERMANENT "STOP" SIGNS AT THE INTERSECTION OF NORTH CLEVELAND AVENUE AND EAST TUCK STREET WITHIN THE CITY LIMITS OF THE CITY OF SHERMAN; PROVIDING FOR A PENALTY PROVISION; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

ORD 5759  
STOP SIGN

COUNCIL MINUTES – NOVEMBER 5, 2012

**ACTION TAKEN.**

Motion by Deputy Mayor Steele to approve Ordinance No. 5759, as presented. Second by Council Member Wacker.

VOTING AYE: Howeth, Plyler, Smith, Softly, Steele, Wacker.

VOTING NAY: None.

MOTION CARRIED.

**CONSENT AGENDA**

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

**CONSENT AGENDA**

**RESOLUTIONS**

**RESOLUTION NO. 5719 – AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH THE SHERMAN COUNCIL FOR THE ARTS & HUMANITIES, INC. FOR EXPENDITURE OF A PORTION OF THE FUNDS COLLECTED BY THE CITY OF THE HOTEL-MOTEL OCCUPANCY TAX**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH THE SHERMAN COUNCIL FOR THE ARTS & HUMANITIES, INC. FOR EXPENDITURE OF A PORTION OF THE FUNDS COLLECTED BY THE CITY OF THE HOTEL-MOTEL OCCUPANCY TAX.

CONSENT AGENDA.

**RES 5719  
SCAH RECEIVES  
HOTEL/MOTEL TAX  
MONEY**

**RESOLUTION NO. 5720 – AUTHORIZING EXECUTION OF A DEVELOPMENT AGREEMENT WITH ET JOINT VENTURE FOR THE CONSTRUCTION OF PUBLIC FACILITIES IN THE CRESCENT OAKS ADDITION TO THE CITY OF SHERMAN**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF A DEVELOPMENT AGREEMENT WITH ET JOINT VENTURE FOR THE CONSTRUCTION OF PUBLIC FACILITIES IN THE CRESCENT OAKS ADDITION TO THE CITY OF SHERMAN.

CONSENT AGENDA.

**RES 5720  
DEVELOPMENT  
AGREEMENT FOR  
CRESCENT OAKS  
ADDITION**

**RESOLUTION NO. 5721 – AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH FREEMAN-MILLICAN, INC. FOR THE DESIGN OF THE SEARS LIFT STATION RELIEF SEWER IMPROVEMENTS**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH FREEMAN-MILLICAN, INC. FOR THE DESIGN OF THE SEARS LIFT STATION RELIEF SEWER IMPROVEMENTS.

CONSENT AGENDA.

**RES 5721  
SEARS LIFT STATION**

**RESOLUTION NO. 5722 – AUTHORIZING EXECUTION OF AN AGREEMENT WITH MARIO TOBAR FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 703 EAST CHERRY STREET**

**RES 5722  
RESIDENTIAL TAX  
ABATEMENT  
(703 E. CHERRY)**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN AGREEMENT WITH MARIO TOBAR FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 703 EAST CHERRY STREET.  
CONSENT AGENDA.

RESOLUTION NO. 5723 – AUTHORIZING THE PURCHASE OF A FRONT LOAD TRANSFER TRAILER FOR THE SOLID WASTE SERVICES DEPARTMENT FROM WILKENS INDUSTRIES, INC. THROUGH THE TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (BUYBOARD)

RES 5723  
SOLID WASTE  
TRANSFER TRAILER

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE PURCHASE OF A FRONT LOAD TRANSFER TRAILER FOR THE SOLID WASTE SERVICES DEPARTMENT FROM WILKENS INDUSTRIES, INC. THROUGH THE TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (BUYBOARD).  
CONSENT AGENDA.

RESOLUTION NO. 5724 – AUTHORIZING THE PURCHASE OF FOUR CHEVROLET TAHOE POLICE PATROL VEHICLES FOR THE SHERMAN POLICE DEPARTMENT FROM CALDWELL COUNTRY THROUGH THE TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (BUYBOARD)

RES 5724  
POLICE VEHICLES

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE PURCHASE OF FOUR CHEVROLET TAHOE POLICE PATROL VEHICLES FOR THE SHERMAN POLICE DEPARTMENT FROM CALDWELL COUNTRY THROUGH THE TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (BUYBOARD).

Tom Watt, Police Chief, briefed the City Council on the patrol car design that will be on the new vehicles. He showed car designs from the 1970's to the current vehicle, as well as the new design.

The new Tahoe police patrol vehicles will be black with a "wrap" on the doors for a more traditional, conservative approach. The current white vehicles will be completely "wrapped" to match the new vehicles.

Mayor Magers confirmed that the local company, Texoma Wraps is providing the "wrap" for the vehicles.

George Olson, City Manager, said the current agenda item is for approval of the purchase of the four Tahoe police patrol vehicles only.

Deputy Mayor Steele asked the status of the vehicles damaged in the recent police chase and verified that the purchase of these vehicles is not a replacement for the damaged vehicles. Chief Watt said those vehicles are currently being repaired and should be back in service within a week to 10 days.

**COUNCIL MINUTES – NOVEMBER 5, 2012**

**ACTION TAKEN.**

Motion by Council Member Smith to approve Resolution No. 5724, as presented. Second by Council Member Plyler.

VOTING AYE: Howeth, Plyler, Smith, Softly, Steele, Wacker.

VOTING NAY: None.

MOTION CARRIED.

**REQUEST TO ADVERTISE**

**REPAIRS TO SHEPHERD DRIVE 1 WOODBINE WATER WELL**

The City Council approved the request to advertise for a bid to repair the Shepherd Drive 1 Woodbine Water Well. The well is failing and needs to be pulled and inspected. The pump will be repaired or replaced as required.

CONSENT AGENDA.

REQ TO ADVERTISE  
WATER WELL  
REPAIRS

**OTHER BUSINESS**

**CONSIDER REQUEST OF ST. MARY'S CATHOLIC SCHOOL TO TEMPORARILY CLOSE CERTAIN STREETS FOR THE 2<sup>ND</sup> ANNUAL "RUN RUN RUDOLPH 5K AND FAMILY FUN RUN/WALK" ON SATURDAY, DECEMBER 8, 2012**

The City Council considered a request from St. Mary's Catholic School to temporarily close certain streets for the 2<sup>nd</sup> Annual "Run Run Rudolph 5K and Family Fun Run/Walk" on Saturday, December 8, 2012. The City would provide barricade placement and removal and police support for the event.

REQUEST TO  
CLOSE STREETS  
ST. MARY'S SCHOOL

**CONSIDER REQUEST OF THE SHERMAN CHAMBER OF COMMERCE TO TEMPORARILY CLOSE CERTAIN STREETS FOR THE ANNUAL SHERMAN CHRISTMAS PARADE ON FRIDAY, DECEMBER 7, 2012**

The City Council considered a request from the Sherman Chamber of Commerce to temporarily close certain streets for the Annual Sherman Christmas Parade on Friday, December 7, 2012. The City would provide labor and equipment for traffic control assistance and implement barricade placement and removal.

REQUEST TO  
CLOSE STREETS  
CHRISTMAS PARADE

**ACTION TAKEN.**

Motion by Council Member Wacker to approve the request of St. Mary's Catholic School to temporarily close certain streets for the 2<sup>nd</sup> Annual "Run Run Rudolph 5K and Family Fun Run/Walk" on Saturday, December 8, 2012 and the request of the Sherman Chamber of Commerce to temporarily close certain streets for the Annual Sherman Christmas Parade on Friday, December 7, 2012, as presented. Second by Council Member Softly.

VOTING AYE: Howeth, Plyler, Smith, Softly, Steele, Wacker.

VOTING NAY: None.

MOTION CARRIED.

APPROVAL OF THE 2012 AD VALOREM TAX ROLL VALUE AND TAX LEVY

AD VALOREM  
TAX ROLL VALUE  
& TAX LEVY

The City Council approved the Ad Valorem Tax Roll Value and Tax Levy for Fiscal Year 2012-2013. The 2013 tax year represents taxes that will be collected during the City's 2012-2013 fiscal year.

The Grayson County Tax Assessor/Collector's office has provided the taxable value as \$2,285,921,264.00, which equates to a levy of \$7,285,017.63 based on the City's total tax rate of \$.32000 per \$100 valuation.  
CONSENT AGENDA.

APPROVE QUARTERLY INVESTMENT REPORTS FOR PERIOD ENDING SEPTEMBER 30, 2012

QUARTERLY  
INVESTMENT  
REPORTS

The City Council approved the Quarterly Investment Reports for the period ending September 30, 2012. As of September 30, 2012, both portfolios were in compliance with applicable State laws and the Investment Policy.

The Operating Portfolio had a book value of about \$20.6 million. This portfolio is appropriately liquid and its weighted-average maturity increased to about 308 days, down from 336 days last period, because of investment purchases during the quarter. The portfolio yield of 0.39% for the quarter is higher than the benchmark yield of 0.14%. The portfolio value on the City's books is essentially equal to the market value of the overall portfolio.

The Debt Proceeds Portfolio balance of about \$60,000 decreased about \$269,000. The portfolio remains adequately liquid, with all of the funds available within one day. Its yield of 0.14% for the quarter was the same as the benchmark yield. The portfolio value on the City's books is equal to the market value of the overall portfolio.  
CONSENT AGENDA.

FINAL PLAT APPROVAL OF WEST CANYON CREEK OAKS ESTATES, SECTION 1, BEING 1.626 ACRES IN THE JAMES H. VADEN SURVEY, ABSTRACT NO. 1288; WESTFIELD ESTATES, LP, OWNER; JOHN SZABUNIEWICZ, REPRESENTATIVE; ROGER ALLRED, GENERAL CONTRACTOR; AND HARLAN LAND SURVEYING, INC. SURVEYORS (200 BLOCK OF SHADY OAKS LANE)

APPROVE FINAL PLAT  
WEST CANYON CREEK  
OAKS ESTATES

The City Council approved the Final Plat of West Canyon Creek Oaks Estates, Section 1, being 1.626 acres in the James H. Vaden Survey, Abstract No. 1288, located in the 200 block of Shady Oaks Lane.

The property was formerly the County Farm, which was annexed into the City in 2003. This is an overall concept plan and preliminary and final plat dividing a portion of the

**COUNCIL MINUTES – NOVEMBER 5, 2012**

tract into seven lots for residential development. The Planning and Zoning Commission recommended approval of the Final Plat.

**CONSENT AGENDA.**

**SITE PLAN APPROVAL FOR BILL McCOWN, OWNER, DONNIE SNIDER, HOPE CONCRETE COMPANY, APPLICANT, AND SARTIN & ASSOCIATES, SURVEYOR UNDER ORDINANCE NO. 2252, ARTICLE IV, SECTION 410(2)(B) TO ALLOW A TEMPORARY CONCRETE BATCH PLANT FOR A PERIOD OF ONE YEAR IN THE BLALOCK INDUSTRIAL PARK DISTRICT AT 320 PROGRESS DRIVE**

**APPROVE SITE PLAN  
TEMPORARY  
CONCRETE BATCH  
PLANT**

The City Council approved the Site Plan at 320 Progress Drive to allow a temporary concrete batch plant for a period of one year. Hope Concrete would like to locate a temporary plant on the lot to supply materials to the Panda Energy project on Progress Drive that is currently under construction.

The current demands exceed the limits of the concrete plant located at 5815 North Travis Street. The proposed temporary concrete batch plant would only subsidize the Panda Energy Plant. They expect to be finished with the concrete work by June or July of 2013.

The majority of their big pours will be a couple of hundred trucks, so their intent is to reduce wear and tear on City streets and heavy truck traffic along the southern part of the City going to and from the existing batch plant in north Sherman. The Planning and Zoning Commission recommended approval of the Site Plan.

**CONSENT AGENDA.**

**CITIZENS REQUESTS**

There were no citizen's requests.

**CITIZEN'S REQUESTS**

**MEDIA QUESTIONS**

There were no media questions.

**MEDIA QUESTIONS**

**COUNCIL COMMENTS**

**THANKS TO MAYOR FOR HIS SERVICE TO CITIZENS**

Council Member Smith thanked Mayor Magers for his service over the last seven years, adding that he has shown great leadership and a lot has been accomplished. He added that he was not sure so much would have been accomplished without the Mayor's leadership, including the streets, the parks, and the various improvements. Council Member Smith thanked the Mayor for his service.

**THANKS TO MAYOR  
FOR HIS SERVICE  
TO CITIZENS**

Mayor Magers thanked Council Member Smith adding that all those things were City Council initiatives and the City has had great Council Members.

**THANKS TO MAYOR FOR HIS SERVICE TO CITIZENS**

Council Member Softly echoed the comments of Council Member Smith and thanked Mayor Magers for his service to

**THANKS TO MAYOR  
FOR HIS SERVICE  
TO CITIZENS**

**COUNCIL MINUTES – NOVEMBER 5, 2012**

the City. He urged him to go on and do “bigger and better things.”

**FRIGHT FEST**

Council Member Howeth complimented the City on the recent Annual Fright Fest event. There was a phenomenal turn-out. She also thanked the City staff for their hard work during the event.

**FRIGHT FEST**

**FRIGHT FEST**

Mayor Magers said he thought as many people attend Fright Fest as do the Annual Arts Festival. He thanked the Police Department for their organization of the event.

**FRIGHT FEST**

**RECOGNITION OF OUTGOING COUNCIL MEMBERS**

Mayor Magers said that the City Council has moved their terms from two to three years and moved the election from May to November, but tonight marks the end of Council Member Wacker’s term, Deputy Mayor Steele’s term, and his own term.

**RECOGNITION OF  
OUTGOING COUNCIL  
MEMBERS**

He added that the Council has had some outstanding Members in the last seven years and he outlined some of the accomplishments they have had. He stressed the continuity in the Council saying there has only been one turnover in seven years.

Mayor Magers said this year the City has a balanced budget; the citizens voiced a 90% approval of the street sales tax re-authorization which generates \$1 million annually; the City also “weathered” the storm financially, unlike many cities; and there was not one layoff due to funds; and no services were cut.

He added that the three Council Member positions that are leaving are leaving with a balanced budget, money in the bank, and a AA credit rating, and he said he is proud of that.

As a group, the City Council lowered taxes by 20% and shifted the way Sherman generates tax revenues from property taxes to retail taxes. They also spent \$31 million in bonds, with \$10 million going to streets. Washington Street and Lamberth Road were taken to the City limits for the growth along S.H. 289. Other street projects included Brockett Street, which linked east and west Sherman, and was accomplished through a partnership with Austin College.

Mayor Magers added that Canyon Creek enhanced the Pecan Grove Park investment. Loy Lake Road is now a concrete, curb and gutter road from Texoma Parkway to Highway 75. Under the Thoroughfare Plan the City has milled and overlaid over 25 miles of streets with the sales tax revenue. He added that all this took place with a tax cut of 20% and a tax freeze for the seniors.

## COUNCIL MINUTES – NOVEMBER 5, 2012

He also outlined \$13 million in improvements for the water and wastewater, including the creation of a Ground Water Conservation District to protect Sherman's ground water. The Council has maximized the purchase of surface water and currently uses about 30% of the City's water and treatment capabilities. He emphasized that the one-time largest investment in Sherman's history, Panda Energy, would not have happened without the water.

Mayor Magers said the City did not purchase new parks. Instead they invested in existing assets. The remodel of Fairview Park Swimming Pool resulted in The Splash, which is one of the most successful things in the parks.

Fairview Park has a walking trail now and a gym will be coming on line in the future. Pecan Grove Park has been renovated and now features the annual Lights on the Lake event. Center Street Park has gone from an underutilized School District asset to one of the best game field parks in town. Mayor Magers added that all this was done without raising taxes.

The downtown area is in the middle of a \$1 million improvement project, of which the Tax Increment Financing Program is paying, with no increase of property taxes to residents. The project also includes matching funds from the Texas Department of Transportation.

He added that there is also now an ordinance in place to help developers renovate the downtown area by giving Hotel/Motel Tax dollars to entrepreneurs.

Mayor Magers also recognized benchmarks to measure the prosperity, growth, and development of Sherman. The community has grown 15% in the last five years and increased from 40 to 46 square miles. The property tax base has grown by 35% and the sales tax has increased by 33% over the last five years. Sherman has also moved from property tax revenue to sales tax revenue.

He added that the City headcount has declined from 415 to 408 so the City is "doing more with less." The Comprehensive Master Plan has also been updated. Mayor Magers said all these things have helped Sherman achieve a AA bond rating, which very few towns this size have.

He announced that Panda Energy will soon have a groundbreaking ceremony. That company means \$1 million to the City of Sherman in revenue. It accounts for \$700,000 in water revenue and \$300,000 in taxes, and is a "deal changer." Panda Energy is in Sherman because we have the water, we have clean air, and Sherman is in the growth path of the Metroplex. He added that this was a "recipe for success."



**COUNCIL MINUTES – NOVEMBER 5, 2012**

Mayor Magers summarized that revenues are up, headcount is down, and the credit rating is at an all time high. He said that all the Council Members had input in those decisions. Mayor Magers explained that Deputy Mayor Steele and Council Member Wacker were “locked in a showdown” in tomorrow’s Election for Mayor.

He said they have both handled it professionally and kept the politics away from the dais. Both are the kind of folks you would want as Mayor, with high integrity and good Christian values. They were a part of these things that were mentioned. He said either of them would make a fine Mayor.

He thanked both Deputy Mayor Steele and Council Member Wacker for their time on the Council adding that it had been a pleasure to serve with them. He presented both with plaques for their service.

He announced that a reception would be held after the meeting and invited those in attendance to stay.

He welcomed former Denison Mayor Robert Brady to the meeting.

**ADJOURNMENT**

On Motion duly made and carried, the meeting adjourned at 5:19 p.m.

**ADJOURNMENT**

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CITY CLERK