

STATE OF TEXAS

§

January 7, 2013

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 January 7, 2013.

MEMBERS PRESENT: MAYOR CARY WACKER; DEPUTY MAYOR PAM HOWETH. COUNCIL MEMBERS JOHNSON, PLYLER, SMITH, SOFEY, SOFTLY.

MEMBERS ABSENT: NONE.

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 Mayor Cary Wacker.

CALL TO ORDER

APPROVE MINUTES

The Council reviewed the Minutes of the Regular City Council Meeting of December 3, 2012. Council Member Smith moved to approve the Minutes as presented; Second by Council Member Sofey. All present voted AYE. MOTION CARRIED.

APPROVE MINUTES

INTRODUCTION AND PUBLIC HEARING OF ORDINANCES

Mayor Wacker introduced Ordinance 5760 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, REPEALING IN ITS ENTIRETY ORDINANCE NO. 3149, CODIFIED AS CHAPTER 28 OF THE 1976 EDITION OF THE CODE OF ORDINANCES, AS AMENDED, ENTITLED "TAXICABS"; REPEALING IN ITS ENTIRETY ORDINANCE NO. 4467; AND AMENDING CHAPTER 4 OF THE CODE OF ORDINANCES, ENTITLED "BUSINESS REGULATIONS", AT ARTICLE 4.12, ENTITLED "VEHICLES FOR HIRE"; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

ORD 5760
TAXICABS

No citizens appeared before the City Council to discuss Ordinance 5760.

Mayor Wacker introduced Ordinance 5761 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 ALLOW USED AUTOMOBILE SALES IN A C-2 (GENERAL COMMERCIAL) DISTRICT / O-1 (75 & 82) OVERLAY DISTRICT AT 2810 TEXOMA PARKWAY, BEING 5.208 ACRES IN THE REUBEN HENDRIX SURVEY, ABSTRACT NO. 504 (RISK FAMILY PARTNERSHIP LTD., OWNERS; BLAIR WEAVER, REPRESENTATIVE; AND CHAD

ORD 5761
SUP FOR
AUTO SALES
(2810 TEXOMA PKWY)

NORTON, TENANT); PROVIDING FOR A REPEALER; PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00.

No citizens appeared before the City Council to discuss Ordinance 5761.

The Public Hearing was closed.

ADOPTION OF ORDINANCES

Ordinance 5760

ORD 5760
TAXICABS

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, REPEALING IN ITS ENTIRETY ORDINANCE NO. 3149, CODIFIED AS CHAPTER 28 OF THE 1976 EDITION OF THE CODE OF ORDINANCES, AS AMENDED, ENTITLED "TAXICABS"; REPEALING IN ITS ENTIRETY ORDINANCE NO. 4467; AND AMENDING CHAPTER 4 OF THE CODE OF ORDINANCES, ENTITLED "BUSINESS REGULATIONS", AT ARTICLE 4.12, ENTITLED "VEHICLES FOR HIRE"; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

Council Member Smith asked how the ordinance would be enforced. Brandon Shelby, City Attorney, explained that insurance would be enforced the same as it is enforced for any driver, when they are stopped by a police officer.

Enforcement on other aspects of the ordinance will be through citizens reporting a taxicab company that doesn't display the permit or overcharges them. The ordinance will also protect taxicab companies since non-payment of the fare is a violation of the ordinance.

Council Member Smith asked if there was any provision for a rate adjustment if the cost of gasoline increases. Mr. Shelby said the City Council could amend the ordinance to adjust the rate, either at the request of the taxicab companies or if they see a need.

Council Member Johnson asked if there was a minimum amount for the insurance policy that would be required by the City. Mr. Shelby said the commercial insurance doesn't protect the City, it protects the taxicab owners to cover their liability. The taxicab companies can decide on a case by case basis as to what they want to set their liability at.

ACTION TAKEN.

Motion by Council Member Smith to approve Ordinance No. 5760, as presented. Second by Council Member Howeth.

VOTING AYE: Howeth, Johnson, Plyler, Smith, Sofey, Softly.

VOTING NAY: None.

MOTION CARRIED.

Ordinance 5761

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 ALLOW USED AUTOMOBILE SALES IN A C-2 (GENERAL COMMERCIAL) DISTRICT / O-1 (75 & 82) OVERLAY DISTRICT AT 2810 TEXOMA PARKWAY, BEING 5.208 ACRES IN THE REUBEN HENDRIX SURVEY, ABSTRACT NO. 504 (RISK FAMILY PARTNERSHIP LTD., OWNERS; BLAIR WEAVER, REPRESENTATIVE; AND CHAD NORTON, TENANT); PROVIDING FOR A REPEALER; PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00.

ORD 5761
SUP FOR
AUTO SALES
(2810 TEXOMA PKWY)

ACTION TAKEN.

Motion by Council Member Howeth to approve Ordinance No. 5761, as presented. Second by Council Member Johnson.

VOTING AYE: Howeth, Johnson, Plyler, Smith, Sofey, Softly.

VOTING NAY: None.

MOTION CARRIED.

CONSENT AGENDA

The Council reviewed the Consent Agenda. Mayor Wacker had a request to remove Item D-5 entitled “Final Plat Approval of Creed Canyon Addition, being 11.11 acres in the John Jennings Survey, Abstract No. 647” from the Consent Agenda, for consideration in its regular order of business.

CONSENT AGENDA

Council Member Howeth moved to approve the Consent Agenda, with the exception of Item D-5, which will be considered in its regular order of business. Second by Council Member Plyler. All present voted AYE.

RESOLUTIONS

RESOLUTION NO. 5733 – RELATING TO GREATER TEXOMA UTILITY AUTHORITY CONTRACT REVENUE BONDS, SERIES 2013 (CITY OF SHERMAN PROJECT); APPROVING THE ISSUANCE THEREOF, THE NOTICE OF SALE PREPARED IN CONNECTION WITH THE PUBLIC OFFERING OF THE BONDS, AND THE FACILITIES TO BE CONSTRUCTED OR ACQUIRED BY THE AUTHORITY FOR THE BENEFIT OF THE CITY

RES 5733
GTUA REVENUE
BONDS
WASTEWATER
IMPROVEMENT
PROJECT

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, RELATING TO GREATER TEXOMA UTILITY AUTHORITY CONTRACT REVENUE BONDS, SERIES 2013 (CITY OF SHERMAN PROJECT); APPROVING THE ISSUANCE THEREOF, THE NOTICE OF SALE PREPARED IN CONNECTION WITH THE PUBLIC OFFERING OF THE BONDS, AND THE FACILITIES TO BE CONSTRUCTED OR ACQUIRED BY THE AUTHORITY FOR THE BENEFIT OF THE CITY.

Jerry Chapman, Greater Texoma Utility Authority, General Manager, briefed the City Council on the issuance of

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Revenue Bonds for the Wastewater Improvement Project. The \$3,720,000 bonds will be used for projects identified in the 2013 Capital Improvement Program.

The public bid offering was held on December 13, 2012 and they received six bids from ten different companies. The bids ranged from 2.83% to 3.32%. The lowest bid of 2.83% was received from First Southwest. Mr. Chapman said this was the lowest unsubsidized bid they have ever gotten for a City of Sherman bond series, and represents a good value. If the bonds were sold today, it would be about 2.97%.

ACTION TAKEN.

Motion by Council Member Howeth to approve Resolution No. 5733, as presented. Second by Council Member Smith.

VOTING AYE: Howeth, Johnson, Plyler, Smith, Sofey, Softly.

VOTING NAY: None.

MOTION CARRIED.

RESOLUTION NO. 5734 – AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH LYNN VESSELS CONSTRUCTION, LLC FOR THE S.H. 289 WATER MAIN CONSTRUCTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH LYNN VESSELS CONSTRUCTION, LLC FOR THE S.H. 289 WATER MAIN CONSTRUCTION.

RES 5734
S.H. 289 WATER MAIN

ACTION TAKEN.

Motion by Council Member Softly to approve Resolution No. 5734, as presented. Second by Council Member Sofey.

VOTING AYE: Howeth, Johnson, Plyler, Smith, Sofey, Softly.

VOTING NAY: None.

MOTION CARRIED.

RESOLUTION NO. 5735 – AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH LAYNE CHRISTENSEN COMPANY FOR THE SHEPHERD DRIVE #1 WOODBINE WELL REPAIRS

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH LAYNE CHRISTENSEN COMPANY FOR THE SHEPHERD DRIVE #1 WOODBINE WELL REPAIRS.

CONSENT AGENDA.

RES 5735
WATER WELL
REPAIRS

**CHANGE ORDER NO. 1
SURFACE WATER DISTRIBUTION PIPELINE EAST,
SCHEDULE “A”; W. BROWN ENTERPRISES, INC.; \$1,980.00,
INCREASE**

The City Council approved Change Order No. 1 for the Surface Water Distribution Pipeline East, Schedule “A”, which is the second feed for the Water Treatment Plant.

CHANGE ORDER
SURFACE WATER
DISTRIBUTION
PIPELINE

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The location of the ATMOS high pressure gas pipeline required that the water main be deepened and extended across the gas pipeline to prevent future construction conflicts.

The change order results in an increase of \$1,980 to the contract amount, yielding a revised contract cost of \$765,912.50.

CONSENT AGENDA.

OTHER BUSINESS

CONSIDER REQUEST OF THE NEIGHBORHOOD RECREATIONAL COMMITTEE TO TEMPORARILY CLOSE CERTAIN STREETS FOR A MARTIN LUTHER KING, JR. PARADE ON MONDAY, JANUARY 21, 2013

The City Council approved the request of the Neighborhood Recreational Committee to close portions of Travis, Brockett, and East Streets for the Martin Luther King, Jr. Parade on Monday, January 21, 2013.

The Committee has also requested that participants be allowed to line up for the parade behind the Sherman Public Library at Walnut and Mulberry Streets. The parade will begin at 9:00 a.m. and will require traffic control assistance and barricades from the City.

CONSENT AGENDA.

RECEIVE QUARTERLY PROGRESS REPORT FROM SHERMAN ECONOMIC DEVELOPMENT CORPORATION BOARD CHAIRMAN DEAN GILBERT, JR. AND SEDCO PRESIDENT SCOTT CONNELL

Dean Gilbert, Jr., Sherman Economic Development Corporation Board Chairman, thanked the City Council for their support of SEDCO and introduced Scott Connell, Board President, to give the quarterly progress report.

Mr. Connell also thanked the City Council and the citizens for their support of SEDCO's efforts. SEDCO is supported by a three-eighths cent sales tax for economic development and he felt their receipts had been good this year.

During the last three months, Panda Power Funds had a groundbreaking in November 2012. Construction continues to move forward on the project and there will be a "major ramp up" during the Spring for both construction and jobs. He urged anyone interested in employment at the plant to contact Workforce Solutions Texoma. Easements are also being acquired for both gas and electric feeds to and from the plant.

SEDCO has also recently supported two companies, including Eco Green Recycling, which is a plastics recycling facility that will be located on Gibbons Road in Southmayd. The company will use the latest technologies to sort, dry, and sanitize post consumer plastics. SEDCO partnered with

**OTHER BUSINESS
CLOSE STREETS FOR
MLK PARADE**

**SEDCO QUARTERLY
PROGRESS REPORT**

the City of Southmayd to provide incentives for the company. He added that SEDCO's incentives are tied directly to the jobs. The company plans to hire 65 people.

SEDCO also entered into a performance agreement with Presco Polymers, Inc. to acquire more than \$418,000 in new production equipment. They have agreed to maintain their current work force at 153 positions.

Mr. Connell said there have been many projects during the past few years and SEDCO continues to work with them as they progress in their projects both with investments and job creation. These companies include Sunny Delight, Progress Rail, Titan UTV, Bacc Coffee, GlobiTech, Actitech and Austin College.

SEDCO has also launched a Business Retention Program to meet with local employers to stay connected with the facility managers and offer assistance on challenges or expansion opportunities.

Moving forward, Mr. Connell said SEDCO will be working with commercial real estate groups in the Dallas-Fort Worth area, and he felt this would be a significant opportunity to find new projects and for them to be aware of Sherman's resources and market.

They are also working to develop a detailed proposal for a consultant to help with the planning process for the Sherman Youth Center. SEDCO is working on the infrastructure process with Progress Park, including talking to adjacent land owners to make sure their plans match with the other land owner's investment plans. This will be an attempt to manage the area well and coordinate development to facilitate a successful long term investment.

RECEIVE PRESENTATION FROM CITY ENGINEER CLAY BARNETT ON THE CITY OF SHERMAN'S ENVIRONMENTAL CODE COMPLIANCE PROGRAM

**ENVIRONMENTAL
CODE COMPLIANCE
PROGRAM**

Mayor Wacker said over the past year there has been discussion from the Council Members about the need to address the code and compliance issues within the City. This will give the staff a chance to outline the concerns and needs that need to be addressed by the City Council concerning enforcement or a revision of the ordinances.

Clay Barnett, City Engineer, presented an overview of the Environmental Code Compliance Program and outlined the process that is involved. Most calls initially come from the Action 300 telephone line. Last year the City received 2,376 calls or five calls per day per each inspector.

The process includes property inspections, property research, notifications by letter, and possibly court hearings, along with the proper waiting period. Nine out of 10 of the complaints are actual violations. Last year 2,120

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notices of violations were mailed out. Mr. Barnett added that the majority of the violations are on unoccupied property and must be abated by the City. Last year 170 properties were abated at a cost of \$30,000.

Occupied properties receive a citation and are summoned to court. Last year there were 26 court cases, with ten being “no shows.” This can result in a “failure to appear” violation. This full process takes about three months to complete.

Mr. Barnett said logging in of the Action 300 calls was recently moved to the Engineering Department, as was the Storm Water Management Plan. This move should help the Environmental Code Enforcement staff be more proactive instead of only reacting on a complaint basis.

He introduced Andreas Liss and Sheila Renner, the two Environmental Code Enforcement Officers. They are licensed by the State of Texas and receive continuing education and are very professional, doing a very difficult job.

George Olson, City Manager, reiterated that the Environmental Code Enforcement Office receives five calls per day for each officer. This is everyday and is never ending. They also receive many other calls besides the Action 300 calls. He added that it is a resource issue, and the ultimate goal is for people to take care of their own property. Mayor Wacker added that many calls are also health and safety issues for citizens and need to be addressed.

FINAL PLAT APPROVAL OF CREED CANYON ADDITION, BEING 11.11 ACRES IN THE JOHN JENNINGS SURVEY, ABSTRACT NO. 647; CREED CANYON PARTNERS, LTD., OWNERS; MATTHEW LOONEY, REPRESENTATIVE; VILBIG & ASSOCIATES, PLLC, ENGINEERS/SURVEYORS; AND SARTIN & ASSOCIATES, INC., SURVEYORS (4000-4200 BLOCKS OF NORTH TRAVIS STREET AND 100-200 BLOCKS OF EAST CANYON GROVE ROAD)

**APPROVE FINAL PLAT
CREED CANYON
ADDITION
(N. TRAVIS & CANYON
GROVE RD)**

Item D-5 was removed from the Consent Agenda for consideration in its regular order of business.

The City Council considered the Final Plat of the Creed Canyon Addition, located in the 4000 to 4200 blocks of North Travis Street and the 100 to 200 blocks of East Canyon Grove Road. The 11.11 acre tract is located in the John Jennings Survey, Abstract No. 647.

The owners of the property would like to divide the tract into two lots for multi-family residential and commercial development. The Planning and Zoning Commission recommended approval of the Final Plat.

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ACTION TAKEN.

Motion by Council Member Smith to approve the Final Plat of the Creed Canyon Addition, as presented.

Second by Council Member Sofey.

VOTING AYE: Howeth, Plyler, Smith, Sofey, Softly.

VOTING NAY: None.

ABSTAIN: Johnson.

MOTION CARRIED.

CITIZENS REQUESTS

There were no citizen's requests.

CITIZEN'S REQUESTS

MEDIA QUESTIONS

There were no media questions.

MEDIA QUESTIONS

APPOINT/REMOVE OR CONSIDER QUALIFICATIONS TO BOARDS AND COMMISSIONS

LIBRARY BOARD (3)

ACTION TAKEN.

Motion by Council Member Smith to appoint John "Nick" Keating, John West, and Judith Sloan to the Library Board for terms from January 8, 2013 to January 8, 2016.

Second by Council Member Howeth.

VOTING AYE: Howeth, Johnson, Plyler, Smith, Sofey, Softly.

VOTING NAY: None.

MOTION CARRIED.

LIBRARY BOARD

COUNCIL COMMENTS

HAPPY NEW YEAR

Council Member Sofey wished everyone a Happy New Year and said "Go Irish."

HAPPY NEW YEAR

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 CITY ATTORNEY CONCERNING PENDING OR CONTEMPLATED LITIGATION:
RECEIVE THE CITY ATTORNEY'S BRIEFING ON PENDING LITIGATION**

On Motion duly made and carried, the Open Meeting recessed and reconvened in Executive Session at 5:37 p.m.

On Motion duly made and carried, the Executive Session recessed at 6:03 p.m. and reconvened in Open Meeting.

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OPEN MEETING

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

OPEN MEETING

ADJOURNMENT

On Motion duly made and carried, the meeting adjourned at 6:04 p.m.

ADJOURNMENT

MAYOR

CITY CLERK