

**CITY OF SHERMAN
CITY COUNCIL REGULAR MEETING AGENDA
COUNCIL CHAMBERS OF THE CITY HALL
220 WEST MULBERRY STREET
SHERMAN, TEXAS
MONDAY, JANUARY 18, 2016
5:00 P.M.**

- A. 1. CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN**
- A. 2. PLEDGE OF ALLEGIANCE LED BY COUNCIL MEMBER TOM WATT**
- A. 3. INVOCATION BY COUNCIL MEMBER TOM WATT**
- A. 4. APPROVE MINUTES OF THE REGULAR CITY COUNCIL MEETING OF JANUARY 4, 2016**

Proclamations

- B. 1. PROCLAMATION**
"Dr. Martin Luther King, Jr. Day" – January 18, 2016

Public Hearing

- C. 1. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5928**
Closing and Abandoning a Portion of Seasons West Avenue Right-of-Way lying between Blocks One (1) and Ten (10) of The Preserve, Phase I Addition, said Property to be Maintained as a Utility Easement
- C. 2. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5929**
Amending Chapter 4 of the Code of Ordinances, entitled "Business Regulations", at Article 4.03, entitled "Ambulance Service", Division 1, entitled "Generally", Section 4.03.003, entitled "Certificate of Public Convenience and Necessity Required"
- C. 3. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5930**
Amending Chapter 9 of the Code of Ordinances, entitled "Personnel", Article 9.05, entitled "Civil Service for Firefighters and Police Officers", at Section 9.05.026, entitled "Authorized Number of Positions", to Amend the Number of Authorized Positions in the Fire Department

Close Public Hearing and Consider Adoption of Ordinances

- C. 4. ADOPTION OF ORDINANCES**
Consider Adoption of Ordinance Numbers: 5928, 5929 and 5930

C. 5. CONSENT AGENDA

Asterisked (*) items are considered to be routine and will be enacted in one motion without discussion unless a Council Member or a citizen requests a specific item be discussed and voted on separately

Resolutions

D. 1. * RESOLUTION NO. 6054

Finding and Determining a Public Purpose and Public Necessity Exists for Construction of the Sherman Industrial Park Replacement Sewer; Appointing an Appraiser and Negotiator as Necessary; Authorizing the City Manager to Establish Just Compensation for the Property Rights to be Acquired; Authorizing the City Manager to Take all Steps Necessary to Acquire the Needed Property Rights in Compliance with All Applicable Laws and Regulations

Requests to Advertise

E. 1. REQUEST TO ADVERTISE

Loy Lake Road Reconstruction Project

Other Business

F. 1. OTHER BUSINESS

Consider Approval of the Annexation Scheduling Plan for Adoption of Approximately 275 Acres of Land Near Friendship Road and State Highway 56, Adjacent to the Sherman City Limits and in the City of Sherman's Extra Territorial Jurisdiction; and Directing the Department of Engineering Services to Develop a Service Plan for the Area to be Annexed Upon Approval of the Annexation Scheduling Plan

F. 2. OTHER BUSINESS

Receive Development Services Director Scott Shadden's Presentation on the Regulation of Mobile Food Vendors within Sherman's City Limits

G. CITIZEN REQUESTS

H. MEDIA QUESTIONS

Consider Board/Commission Appointments

I. 1. APPOINT/REMOVE OR CONSIDER QUALIFICATIONS TO BOARDS AND COMMISSIONS

(a) Library Board (4)

J. COUNCIL COMMENTS

Executive Session

K. 1. EXECUTIVE SESSION

In Accordance with Chapter 551, Government Code, V.T.C.S. (Open Meetings Law), "The City Council Will Now Hold a Closed Executive Meeting Pursuant to the Provisions of the Open Meetings Law, Chapter 551, Government Code, Vernon's Texas Codes Annotated, in Accordance with the Authority Contained in the Following Sections:

Section 551.071 Consultation with City Attorney concerning Pending or Contemplated Litigation:

- (a) Receive the City Attorney's Briefing on Pending or Contemplated Litigation

Section 551.087 Deliberation Regarding Economic Development Negotiations:

- (a) Deliberate Regarding Commercial or Financial Information that the City has Received from a Business Prospect and Deliberate any Offers or Incentives to the Business Prospect

The Council reconvenes into General Session

L. 1. OPEN MEETING

Reconvene into Open Meeting and Consider Action, if any, on items discussed in Executive Session

M. ADJOURNMENT

COUNCIL CALENDAR

CERTIFICATION

I, the undersigned authority, do hereby certify that the above Notice of Regular Meeting of the City Council of the City of Sherman is a true and correct copy of said Notice and that I posted a true and correct copy of said Notice on the bulletin board at City Hall of said City of Sherman, Texas, a place convenient to the public, and said notice was posted on January 14, 2016 at 4:00 p.m., and said time of posting was 72 hours before said meeting was convened or called to order.

Dated this 14th day of January, 2016
City of Sherman, Texas

City Clerk

The above agenda schedule represents an estimate of the order for the indicated items and is subject to change at any time.

All agenda items are subject to final action by the City Council.

An unscheduled closed executive session may be held if the discussion of any of the above agenda items concerns the purchase, exchange, lease or value of real property; the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee; the deployment or use of security personnel or equipment; or requires consultations with the City Attorney.

At the discretion of the City Council, non-agenda items under the headings of “Citizens Requests”, “Media Questions”, and “Council Concerns” may be presented to the Council for informational purposes; however, by law, the Council shall not discuss, deliberate, or vote upon such matters except that a statement of specific factual information, a recitation of existing policy, and deliberations concerning the placing of the subject on a subsequent agenda may take place.

The City Attorney has approved the Executive Session items on this agenda.

PERSONS WITH DISABILITIES, WHO PLAN TO ATTEND THIS MEETING AND WHO MAY NEED ASSISTANCE, ARE REQUESTED TO CONTACT LINDA ASHBY AT (903) 892-7204, TWO (2) WORKING DAYS PRIOR TO THE MEETING SO THAT APPROPRIATE ARRANGEMENTS CAN BE MADE.

<u>Mayor</u>	<u>Deputy Mayor</u>	<u>Council Members</u>	
David Plyler	Jason Sofey	Kevin Couch, Council-At-Large, PL #1	Terrence R. Steele, Council – District #2
		Jason Sofey, Council-At-Large, PL #2	Tom Watt, Council – District #3
		Lawrence Davis, Council – District #1	Tammy Johnson, Council – District #4



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

Agenda Item No. A. 4.

Meeting Date: 01/18/2016

Prepared By: Linda Ashby, City Clerk

Approved By: Robby Hefton, City Manager

Caption:

APPROVE MINUTES OF THE REGULAR CITY COUNCIL MEETING OF JANUARY 4, 2016

Attachments

January 4, 2016

Limited Tax Notes - Bids

Fire Inspections

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Mayor Plyler introduced Ordinance 5926 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, CLOSING AND VACATING A CERTAIN EASEMENT IN LOT 1 OF BLOCK "A" OF THE REPLAT OF BLOCKS "A", "B" AND "D" OF THE SHERMAN COMMONS ADDITION IN THE CITY OF SHERMAN, GRAYSON COUNTY, TEXAS; PROVIDING FOR THE REVERSION OF INTEREST TO THE OWNER OF SAID PROPERTY.

ORD 5926
CLOSE & VACATE
EASEMENT IN
SHERMAN COMMONS
ADDITION

Clay Barnett, Director of Public Works and Engineering, said the owner of Sherman Commons has proposed placing another building between Kohl's and JoAnn's Fabrics.

There is an unused easement that runs through the property and the City is requesting to vacate the easement so the owner can move forward with the building.

No citizens appeared before the City Council to discuss Ordinance 5926.

Mayor Plyler introduced Ordinance 5927 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 4 OF THE CODE OF ORDINANCES, ENTITLED "BUSINESS REGULATIONS", ARTICLE 4.14, ENTITLED "ALCOHOLIC BEVERAGES", AT DIVISION 2, ENTITLED "LAWFUL CONSUMPTION", SECTION 4.14.031, ENTITLED "PERMIT CERTIFICATIONS; PROCEDURES", TO REQUIRE SELLER/SERVER TRAINING CERTIFIED BY THE TEXAS ALCOHOLIC BEVERAGE COMMISSION; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

ORD 5927
REQUIRE TABC
TRAINING FOR
SELLERS & SERVERS
OF ALCOHOL

Brandon Shelby, City Attorney, explained that at the last Council Meeting the Council approved the ordinance for late hours for alcohol. The staff was asked to research whether or not server training was currently required by the Texas Alcoholic Beverage Commission.

It is required that the "certificate holder," the owner of the establishment, undergo the training, but it is not required that the wait staff or bartenders undergo the training. The Council wanted to amend the City's ordinance to make that a requirement.

With this amendment, Mr. Shelby said any person serving alcohol as a part of their job, would be required to undergo the training. He felt that most restaurants today were already requiring this.

Council Member Davis verified that the training is offered through an online course through TABC. At the end of the course, a certificate is printed off.

COUNCIL MINUTES – JANUARY 4, 2016

No citizens appeared before the City Council to discuss Ordinance 5927.

The Public Hearing was closed.

ADOPTION OF ORDINANCES

Ordinance 5925

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE ISSUANCE OF “CITY OF SHERMAN, TEXAS, LIMITED TAX NOTES, SERIES 2016”; SPECIFYING THE TERMS AND FEATURES OF SAID NOTES; LEVYING A CONTINUING DIRECT ANNUAL AD VALOREM TAX FOR THE PAYMENT OF SAID NOTES; AND RESOLVING OTHER MATTERS INCIDENT AND RELATED TO THE ISSUANCE, SALE, PAYMENT AND DELIVERY OF SAID NOTES, INCLUDING THE APPROVAL AND EXECUTION OF A PAYING AGENT/REGISTRAR AGREEMENT AND A NOTE PURCHASE AGREEMENT; PROVIDING AN EFFECTIVE DATE.

ORD 5925
TAX NOTES FOR
LOY LAKE RD
IMPROVEMENTS

ACTION TAKEN.

Motion by Deputy Mayor Sofey to adopt Ordinance No. 5925, authorizing the issuance of “City of Sherman, Texas, Limited Tax Notes, Series 2016” and approving and authorizing the execution of a Paying Agent/Registrar Agreement and a Note Purchase Agreement in relation to such notes. Second by Council Member Watt.

VOTING AYE: Couch, Davis, Johnson, Sofey, Steele, Watt.

VOTING NAY: None.

MOTION CARRIED.

Ordinance 5926

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, CLOSING AND VACATING A CERTAIN EASEMENT IN LOT 1 OF BLOCK “A” OF THE REPLAT OF BLOCKS “A”, “B” AND “D” OF THE SHERMAN COMMONS ADDITION IN THE CITY OF SHERMAN, GRAYSON COUNTY, TEXAS; PROVIDING FOR THE REVERSION OF INTEREST TO THE OWNER OF SAID PROPERTY.

ORD 5926
CLOSE & VACATE
EASEMENT IN
SHERMAN COMMONS
ADDITION

Ordinance 5927

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 4 OF THE CODE OF ORDINANCES, ENTITLED “BUSINESS REGULATIONS”, ARTICLE 4.14, ENTITLED “ALCOHOLIC BEVERAGES”, AT DIVISION 2, ENTITLED “LAWFUL CONSUMPTION”, SECTION 4.15.031, ENTITLED “PERMIT CERTIFICATIONS; PROCEDURES”, TO REQUIRE SELLER/SERVER TRAINING CERTIFIED BY THE TEXAS ALCOHOLIC BEVERAGE COMMISSION; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

ORD 5927
REQUIRE TABC
TRAINING FOR
SELLERS & SERVERS
OF ALCOHOL

COUNCIL MINUTES – JANUARY 4, 2016

ACTION TAKEN.

Motion by Council Member Watt to approve Ordinance Nos. 5926 and 5927, as presented. Second by Deputy Mayor Sofey.

VOTING AYE: Couch, Davis, Johnson, Sofey, Steele, Watt.

VOTING NAY: None.

MOTION CARRIED.

CONSENT AGENDA

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

CONSENT AGENDA

RESOLUTIONS

RESOLUTION NO. 6046 – AUTHORIZING EXECUTION OF A CONTRACT WITH THE SHERMAN CHAMBER OF COMMERCE FOR THE PROMOTION OF TOURISM IN SHERMAN AND ITS SURROUNDING AREA

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF A CONTRACT WITH THE SHERMAN CHAMBER OF COMMERCE FOR THE PROMOTION OF TOURISM IN SHERMAN AND ITS SURROUNDING AREA.

CONSENT AGENDA.

**RES 6046
TOURISM CONTRACT
WITH CHAMBER
OF COMMERCE**

RESOLUTION NO. 6047 – APPROVING THE GREATER TEXOMA UTILITY AUTHORITY'S INTENTION TO CONTRACT WITH LANDMARK STRUCTURES I, L.P. FOR CONSTRUCTION OF THE SOUTHWEST SHERMAN ELEVATED STORAGE TANK

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, APPROVING THE GREATER TEXOMA UTILITY AUTHORITY'S INTENTION TO CONTRACT WITH LANDMARK STRUCTURES I, L.P. FOR CONSTRUCTION OF THE SOUTHWEST SHERMAN ELEVATED STORAGE TANK.

**RES 6047
ELEVATED STORAGE
TANK**

Mark Gibson, Director of Utilities, said the bids were received on December 8, 2015, for the Southwest Elevated Storage Tank which will be located at the site of the Southwest Booster Pump Station on FM 1417, near the Valero Station.

Four bidders responded to the request for bids with the low bidder coming in about \$477,000 below the engineer's estimated cost. The second bidder was about \$40,000 below the estimate.

Construction of the tank will be linked in tandem to the Gallagher Water Tower and allow the City to make repairs to the Gallagher Tower. The new water tower will also provide for future growth to the south and southwest.

Mr. Gibson said construction time on the water tower will be 450 calendar days, or about 15 months. The low bid was also the shortest construction timeframe.

COUNCIL MINUTES – JANUARY 4, 2016

He asked the Council to approved the Greater Texoma Utility Authority's award of bid to Landmark Structures in the amount of \$2,352,000.

Council Member Davis confirmed that the company has a good reputation for work in this area. Mr. Gibson said they have 15 years experience and have built over \$45 million worth of tanks in the Metroplex. They are a good company and have a lot of tanks on the ground.

ACTION TAKEN.

Motion by Council Member Steele to approve Resolution No. 6047, as presented. Second by Council Member Couch.

VOTING AYE: Couch, Davis, Johnson, Sofey, Steele, Watt.

VOTING NAY: None.

MOTION CARRIED.

RESOLUTION NO. 6048 – AUTHORIZING SUBMISSION OF AN APPLICATION FOR A GRANT AWARDED UNDER THE U.S. DEPARTMENT OF HOMELAND SECURITY – FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) TO FUND THE PURCHASE OF FIVE POWER-LOAD COT FASTENING SYSTEMS FOR USE WITH FIVE AMBULANCES OF THE CITY OF SHERMAN FIRE DEPARTMENT; DESIGNATING THE CITY MANAGER AS THE AUTHORIZED OFFICIAL TO ACCEPT, REJECT, ALTER OR TERMINATE THE GRANT ON BEHALF OF THE CITY

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING SUBMISSION OF AN APPLICATION FOR A GRANT AWARDED UNDER THE U.S. DEPARTMENT OF HOMELAND SECURITY – FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) TO FUND THE PURCHASE OF FIVE POWER-LOAD COT FASTENING SYSTEMS FOR USE WITH FIVE AMBULANCES OF THE CITY OF SHERMAN FIRE DEPARTMENT; DESIGNATING THE CITY MANAGER AS THE AUTHORIZED OFFICIAL TO ACCEPT, REJECT, ALTER OR TERMINATE THE GRANT ON BEHALF OF THE CITY.

CONSENT AGENDA.

RESOLUTION NO. 6049 – AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH ARK CONTRACTING SERVICES, LLC FOR THE EROSION PROTECTION FOR FALLON DRIVE BRIDGE AND KESSLER BOULEVARD SLOPE FAILURE REPAIR PROJECTS

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH ARK CONTRACTING SERVICES, LLC FOR THE EROSION PROTECTION FOR FALLON DRIVE BRIDGE AND KESSLER BOULEVARD SLOPE FAILURE REPAIR PROJECTS.

Mr. Barnett said the Fallon Drive bridge was identified in the 2012 Texas Department of Transportation Bridge Assessment as needing some erosion repair under the

RES 6048
FEMA GRANT FOR
POWER-LOAD
AMBULANCE COTS

RES 6049
FALLON DR.
EROSION & KESSLER
BLVD. SLOPE
FAILURE PROJECTS

bridge. The project was budgeted in the FY 2014 Capital Improvement Program.

On May 8, 2015, Kessler Boulevard received an extensive amount of damage from the rain and there was a slope failure. A large portion of the roadway eroded away.

Due to the similarity of both projects, Mr. Barnett said the Fallon Drive bridge project was put on hold and the design of the Kessler Boulevard improvements moved forward so the two projects could be bid together for a cost savings. The projects were bid and four bids were received with a low bid of \$771,000.

ACTION TAKEN.

Motion by Council Member Couch to approve Resolution No. 6049, as presented. Second by Council Member Steele.

VOTING AYE: Couch, Davis, Johnson, Sofey, Steele, Watt.

VOTING NAY: None.

MOTION CARRIED.

RESOLUTION NO. 6050 – AUTHORIZING EXECUTION OF A DEVELOPER’S AGREEMENT WITH S & P TEXOMA PROPERTIES, LLC FOR CONSTRUCTION OF PUBLIC FACILITIES IN A 19-ACRE SUBDIVISION ON RIDGEVIEW ROAD IN THE CITY OF SHERMAN

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF A DEVELOPER’S AGREEMENT WITH S & P TEXOMA PROPERTIES, LLC FOR CONSTRUCTION OF PUBLIC FACILITIES IN A 19-ACRE SUBDIVISION ON RIDGEVIEW ROAD IN THE CITY OF SHERMAN.

Mr. Barnett said this is for a 19-acre subdivision on Ridgeview Road, which is one block west of F.M. 1417. The developer will be constructing one-acre, single family lots along the existing roadway.

The Developer’s Agreement is needed because there will be installation of some public structure, mostly water lines.

ACTION TAKEN.

Motion by Council Member Davis to approve Resolution No. 6050, as presented. Second by Council Member Watt.

VOTING AYE: Couch, Davis, Johnson, Steele, Watt.

VOTING NAY: None.

ABSTAIN: Sofey.

MOTION CARRIED.

RESOLUTION NO. 6051 – AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH HUITT-ZOLLARS, INC. FOR THE DESIGN OF THE DOWNTOWN SHERMAN STREETSCAPE, PHASE 2 AND THE GRAND AVENUE PEDESTRIAN IMPROVEMENT PROJECTS

RES 6050
CONSTRUCTION OF A
SUBDIVISION ON
RIDGEVIEW RD.

RES 6051
DOWNTOWN
SHERMAN
STREETSCAPE
PHASE 2 & GRAND

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH HUITT-ZOLLARS, INC. FOR THE DESIGN OF THE DOWNTOWN SHERMAN STREETScape, PHASE 2 AND THE GRAND AVENUE PEDESTRIAN IMPROVEMENT PROJECTS.

AVE. PEDESTRIAN
IMPROVEMENT
PROJECTS

Mr. Barnett said last summer the City applied for a Transportation Alternative Program Grant from TxDOT and received the grant late last year. The City is moving forward with the design and will work through any details with TxDOT as they arise.

Mayor Plyler verified that the current agreement was for engineering only on the TAP grant, as well as the pedestrian improvements on Grand Avenue. Mr. Barnett said both projects are similar in nature and there should be cost savings by bidding them together.

ACTION TAKEN.

Motion by Council Member Johnson to approve Resolution No. 6051, as presented. Second by Deputy Mayor Sofey.

VOTING AYE: Couch, Davis, Johnson, Sofey, Steele, Watt.

VOTING NAY: None.

MOTION CARRIED.

RESOLUTION NO. 6052 – AWARDING A BID TO AND AUTHORIZING EXECUTION OF AN AGREEMENT WITH JPMORGAN CHASE BANK, NA FOR THE LEASE-PURCHASE FINANCING OF CAPITAL EQUIPMENT

RES 6052
FINANCING FOR
UTILITY EQUIPMENT
PURCHASES

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AWARDING A BID TO AND AUTHORIZING EXECUTION OF AN AGREEMENT WITH JPMORGAN CHASE BANK, NA FOR THE LEASE-PURCHASE FINANCING OF CAPITAL EQUIPMENT.
CONSENT AGENDA.

RESOLUTION NO. 6053 – AUTHORIZING EXECUTION OF AN ENCROACHMENT EASEMENT TO WESTAR HOME BUILDERS, LLC., FOR THE PLACEMENT OF A RETAINING WALL WITHIN THE 10' UTILITY EASEMENT LOCATED ON LOT 4, BLOCK 2 OF THE PARKHAVEN ADDITION, SECTION 5 (CALGARY DRIVE) IN THE CITY OF SHERMAN

RES 6053
ENCROACHMENT
EASEMENT FOR
RETAINING WALL
(CALGARY DR.)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN ENCROACHMENT EASEMENT TO WESTAR HOME BUILDERS, LLC., FOR THE PLACEMENT OF A RETAINING WALL WITHIN THE 10' UTILITY EASEMENT LOCATED ON LOT 4, BLOCK 2 OF THE PARKHAVEN ADDITION, SECTION 5 (CALGARY DRIVE) IN THE CITY OF SHERMAN.
CONSENT AGENDA.

**REQUEST TO ADVERTISE
ANNUAL WATER AND SEWER MAINTENANCE SUPPLIES
AND PARTS**

REQ TO ADVERTISE
ANNUAL WATER &
SEWER MAINT.

The City Council approved the request to advertise for bids for the annual water and sewer maintenance supplies and parts.

CONSENT AGENDA.

SUPPLIES & PARTS

OTHER BUSINESS

RECEIVE QUARTERLY PROGRESS REPORT FROM SHERMAN ECONOMIC DEVELOPMENT CORPORATION BOARD CHAIRMAN WILLIE STEELE AND SEDCO PRESIDENT JOHN J. PLOTNIK

SEDCO QUARTERLY REPORT

Willie Steele, Sherman Economic Development Corporation Chairman, and John Plotnik, SEDCO President, presented SEDCO's Quarterly Progress Report.

SEDCO continued the Business Retention and Expansion Program and increased their existing industry visits up to 22 for the quarter. They partnered with the City of Sherman, Chamber of Commerce, and Austin College to hold the second annual SEDCO Summit.

Mr. Steele said on September 30, 2015, SEDCO made the second and final payment of \$230,000 on the Tyson Fresh Meats Performance Agreement, which closes out the \$11 million equipment investment which was started in July 2013.

On October 22, 2015, SEDCO presented the final incentive payment of \$218,500 to Texas Instruments, which closes out an \$18 million equipment expansion project which began in June 2013.

SEDCO has partnered with Midway Warehouses and are in the process of starting construction on a 60,000 square foot warehouse, possibly light manufacturing building. Lack of square footage in which to put new tenants has been a problem in Sherman. The groundbreaking is set for two weeks from now, but the new facility is close to capacity now.

Mr. Steele said SEDCO is currently working 18 active projects, with an estimated \$370 million in investments and 1,934 new jobs. Even though Sherman probably won't get all those projects, he said it gives an idea of the volume of projects they are currently working.

On October 2, 2015, SEDCO partnered with Denison Industries and Denison Schools to sponsor "Manufacturing Day". The program is an effort to acquaint local students with manufacturing jobs and give them an alternative to the college track.

Council Members previously appointed Brad Douglass and Tom Shields to serve on the SEDCO Board and Mr. Steele said they have attended their orientation.

COUNCIL MINUTES – JANUARY 4, 2016

Council Member Davis asked if the building at Midway Industries would be multi-tenants or for one tenant. Mr. Steele said it could be divided into two or three tenants, but there is one existing company that is looking at the entire building. He said it would be “a shell” and could be divided anyway it is needed.

Council Member Couch commended SEDCO and their search committee that recruited John Plotnik. He said it has been a joy to work with him and he likes his direct, personal approach. Mr. Steele said, from the Board’s perspective, they couldn’t agree more. They feel they have a good team with the Board and the staff.

Council Member Steele said as a result of “Manufacturing Day”, next year Grayson College will offer a two tier dual credit in the manufacturing industry to “grow our own.” He said manufacturing is no longer that “dirty old job.” Mr. Steele said manufacturing jobs are now high tech.

Mr. Steele added that next year, “Manufacturing Day” will be expanded to the Grayson County area and will involve additional manufacturing facilities as well as other schools that aren’t in the Sherman, Denison area.

Mr. Steele said the Denison Economic Summit will be held Friday, January 8, 2016. The SEDCO Board and staff will attend and he invited Council Members to attend as well. He felt it was a good sign of working together.

RECEIVE ASSISTANT CITY MANAGER DON KEENE’S PRESENTATION ON FIRE INSPECTION PROGRAM FUNDING

Don Keene, Assistant City Manager, said in October 2015 the staff presented a report on fire safety inspections. At that time the Council asked for some additional information and some other options on funding the program.

He explained that the City adopted the International Fire Code in 2010 and it was updated in 2013. In order to provide a reasonable level of safety, inspections are necessary to ensure compliance with the code. Inspections are made at businesses, schools, nursing homes, apartments, hotels and motels, churches, and non-profits. Residential homes are not inspected.

Over the past five years, the Sherman Fire Department has responded to 46 commercial or business fires, and 44 apartment fires.

Mr. Keene said currently about 1,900 inspections per year are needed, which would amount to 7.5 inspections per day. In the past, the Fire Department has completed the inspections with overtime, but could not provide the number of inspections needed. During the last year, they actually performed about 1,600 inspections at a cost of approximately \$70,000 in overtime.

FIRE INSPECTION PROGRAM FUNDING

COUNCIL MINUTES – JANUARY 4, 2016

In October, the staff proposal was to add two positions to the Fire Department dedicated to inspections. Discussions were also held as to whether three new positions were needed, but the staff felt that two would work. He estimated that the incremental annual cost would be approximately \$90,000 annually, and would help reduce overtime.

He explained that the inspection process includes a pre-inspection letter with a checklist advising when their facility will be inspected and what they will be looking for; the initial inspection and notification of any issues or concerns that were identified; a 30 day correction period; and a re-inspection.

Mr. Keene presented two methods for funding the inspections including through inspection fees and through taxes. With fees, the owner of the structure would pay for the inspection, and a fee of about \$50 would fund two inspectors. He added that billing and collection of this fee would be a challenge.

The other funding option would be through taxes and would be funded by all Sherman property owners. He said .36 of one cent property tax increase would fund two inspectors. In either case, Mr. Keene said the staff was proposing a re-inspection fee if needed, of \$50 for the first re-inspection, \$100 for the second re-inspection, and \$200 for any subsequent re-inspections.

He also presented the proposed cost of the initial inspection as presented in October and with an additional level as the Council directed. Cost of the inspection depends on the size of the facility.

Mr. Keene reiterated that if paid through property taxes, the funding option would require a .36 of one cent increase in the property tax rate to generate annual revenue to cover the \$90,000 net annual cost of the program.

Council Member Steele said originally the proposal was for three inspectors so there would be one per shift, and he asked if it was customary to perform inspections at night. Mr. Keene said some businesses are open later and some inspections could be done at a later hour. He said that was why the staff then looked at two inspectors.

Council Member Steele said he was not in support of the tax option because he didn't feel that citizens that weren't in a commercial business should be funding these businesses. The funding should come from the businesses themselves.

He also asked what authority the Fire Department or the City had if a business failed an inspection. Could they "red tag" the business or give them a warning that it must be corrected or they could be "closed down"?

COUNCIL MINUTES – JANUARY 4, 2016

Danny Jones, Fire Chief, said the City's authority was through fines and through the court system. Council Member Steele asked if the staff had established the procedure or options if they have to re-inspect a third time.

Mr. Keene said most people are very cooperative. Chief Jones said the current procedure is that they perform the inspection, notify the owner of any violation, and set up a time for a re-inspection in 30 days. For the most part, the violations are taken care of within that 30 day period. If the violation hasn't been abated, then they give the owner an additional 10 days.

Last year there were no reports that, when they re-inspected after 30 days, the violations weren't corrected.

Council Member Davis verified that the proposed tax increase to fund the program would be .36 of one cent. Robby Hefton, City Manager, said it would increase the tax rate "a fraction of a penny" for a total of \$0.38.

Council Member Davis said the fire inspections are presented as a public safety issue and would benefit the entire City. Many cities fund this program through their property taxes. He felt it would be hard to enforce a fee based system because of the tenant-landlord situation. He felt it would also be an administrative problem to locate the owners of the buildings.

Even though the tenant has the Certificate of Occupancy, the inspection fee would be collected from the owner. Chief Jones said most of the time his officers deal with the manager. He felt the person that had the business would probably be responsible for keeping his business up to code or working something out with the building owner. But Council Member Davis said there wasn't a fee before.

Council Member Davis asked if neither the business tenant or the building owner pay the fee, who would the City "go after." Council Member Steele felt it was the tenant that was in violation and they had the potential to be shut down.

Mr. Hefton said the City's first contact is with the person operating the business. If there is still no compliance after notice of the violation and additional fees, there might need to be a provision for a lien against the property.

Mayor Plyler said several options for fee structures were presented tonight including an option for an increase in property tax. He asked what the staff needed tonight.

Mr. Hefton said the City needs to be providing fire inspections now and it is currently not built into the budget from a tax rate standpoint. If the inspections were started immediately it would be funded out of current operations.

COUNCIL MINUTES – JANUARY 4, 2016

If the overall budget wouldn't support the program, changes could be made then. If the direction from Council is a tax rate change, that could not be accomplished now anyway and would need to be discussed during upcoming budget discussions for FY 2017. If the direction from Council is for fees, that could be implemented anytime.

As a staff, Mr. Hefton said they would like to know if the Council wants them to move forward with the fire inspections, which would mean hiring two additional people. If so, that will be presented as an ordinance for approval.

Funding that program long-term would be a discussion later as to whether it is funded through fees or through the tax rate.

Council Member Watt said he is in favor of hiring two inspectors, but only if there is a valid process for the inspections, including who gets a citation and when, and at what steps a business is shut down. He also asked if the City has a legal sanction in place where that can happen.

Mr. Shelby said if it is a City ordinance, there is a general penalty provision in the Code of Ordinances that would apply. Chief Jones said with the City adopting the International Fire Code, they have the authority to enforce those Codes.

Council Member Johnson asked about billing and collection for the two options. Mr. Keene said that would probably be done through the Utility Department, but would be a challenge because it would be additional work.

Council Member Davis said he was in favor of hiring two additional fire inspectors, but felt it would be hard to collect fees and fines. He felt there would be more cost somewhere else.

Mr. Hefton said administratively there would be more cost with fees than building it into the tax rate. He said the budget is built "in whole" and the revenues and expenses are added up. Whatever is needed to balance the budget is done through the tax rate.

He agreed that it would be easier to administer if it was built into the tax rate. Mr. Hefton added that if there is economic growth, tax base growth, and sales tax growth, that might help offset a tax rate increase that would be needed for the program.

Deputy Mayor Sofey asked if it would hurt the City through manpower or financially, if the program is continued for now and revisited during the budget work session. Even if the two additional people are hired now, the funding source could be determined during budget discussions. Mr. Hefton said that could be done and would be his preference.

COUNCIL MINUTES – JANUARY 4, 2016

Council Member Watt said in the past the staff has been asked to do more and more without hiring any additional people and he said this is a cost of “doing business.”

Mayor Plyler said he thought it would be less expensive for the citizens to use property tax to fund the program, due to the additional cost of overhead by billing the fees.

Council Member Steele said he would not support the program being funded through property taxes because he felt that the fee would be a “cost of doing business” for those establishments.

Council Member Couch said he agreed with Council Member Steele and felt the Council needed to contact business “stake holders” to determine their thoughts on the fees.

Mayor Plyler said between now and the budget discussions, everyone can do some research on the issue and discuss again.

Mr. Keene verified that the Council was saying to proceed with hiring the two additional fire inspectors and discussions will be held during the budget sessions about how to fund the program.

Council Member Davis felt the pre-inspection letter was a good idea to let people know what needs to be completed for the upcoming inspection. He felt it would increase compliance.

CONSIDER CALLING A SPECIAL MEETING OF THE CITY COUNCIL FOR A TRANSPORTATION SUMMIT ON MONDAY, JANUARY 11, 2016

Mr. Hefton said the staff is requesting a Special Council Meeting to discuss transportation issues. The discussions and direction from this meeting will help shape the upcoming budget work session.

**SET CALLED MEETING
FOR
TRANSPORTATION
SUMMIT
(JAN. 11, 2016)**

ACTION TAKEN.

Motion by Council Member Watt to call a Special Council Meeting on January 11, 2016, at 11:00 a.m., for a Transportation Summit, as presented. Second by Deputy Mayor Sofey.

VOTING AYE: Couch, Davis, Johnson, Sofey, Steele, Watt.

VOTING NAY: None.

MOTION CARRIED.

CITIZENS REQUESTS

There were no citizen’s requests.

CITIZENS REQUESTS

MEDIA QUESTIONS

There were no media questions.

MEDIA QUESTIONS

APPOINT/REMOVE OR CONSIDER QUALIFICATIONS TO BOARDS AND COMMISSIONS

COUNCIL MINUTES – JANUARY 4, 2016

KEEP SHERMAN BEAUTIFUL COMMISSION (5)
ACTION TAKEN.

Motion by Deputy Mayor Sofey to reappoint Jennifer Thompson, Angela Krieger, and Dusty Payne, and to appoint Kimberly Whaley and Jessica Peters to the Keep Sherman Beautiful Commission for a term from January 1, 2016 to January 1, 2018. Second by Council Member Davis.

VOTING AYE: Couch, Davis, Johnson, Sofey, Steele, Watt.

VOTING NAY: None.

MOTION CARRIED.

**KEEP SHERMAN
BEAUTIFUL
COMMISSION**

COUNCIL COMMENTS

ATTENDING FIRST FULL MEETING

Council Member Johnson said this is her first full meeting and she is happy to be back, and excited to see what will happen.

**ATTENDING FIRST
FULL MEETING**

HAPPY NEW YEAR

Deputy Mayor Sofey wished everyone a Happy New Year.

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 OR
CONTEMPLATED LITIGATION**

SECTION 551.074

**PERSONNEL MATTERS:
CONSIDER THE
QUALIFICATIONS, APPOINTMENT
AND REMOVAL OF MEMBERS TO
BOARDS AND COMMISSIONS:
SHERMAN ECONOMIC
DEVELOPMENT CORPORATION
EX-OFFICIO BOARD MEMBERS
(2)**

SECTION 551.087

**DELIBERATION REGARDING
ECONOMIC DEVELOPMENT
NEGOTIATIONS:
DELIBERATE REGARDING
COMMERCIAL OR FINANCIAL
INFORMATION THAT THE CITY
HAS RECEIVED FROM A
BUSINESS PROSPECT AND**

DELIBERATE ANY OFFERS OR
INCENTIVES TO THE BUSINESS
PROSPECT

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

On Motion duly made and carried, the Executive Session recessed at 6:26 p.m. and reconvened in Open Meeting.

OPEN MEETING

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

OPEN MEETING

SHERMAN ECONOMIC DEVELOPMENT CORPORATION EX-OFFICIO BOARD MEMBERS (2)

SEDCO EX-OFFICIO
BOARD MEMBERS

ACTION TAKEN.

Motion by Council Member Couch to appoint Deputy Mayor Jason Sofey and Council Member Lawrence Davis to serve as Ex-Officio Board Members on the Sherman Economic Development Corporation Board of Directors for a term from January 5, 2016 to January 2018. Second by Council Member Johnson.

VOTING AYE: Couch, Davis, Johnson, Sofey, Steele, Watt.

VOTING NAY: None.

MOTION CARRIED.

ADJOURNMENT

ADJOURNMENT

On Motion duly made and carried, the meeting adjourned at 6:27 p.m.

MAYOR

CITY CLERK



\$1,830,000
CITY OF SHERMAN, TEXAS
LIMITED TAX NOTES, SERIES 2016

Bids Due Monday, January 4, 2016, at 10:30 AM, CST

Bidder	Net Interest Cost	Submitted Via
Texas Independent Bankers Bank (TIB)	1.59%	Email
Branch Bank & Trust Company (BB&T)	1.69%	Email
Regions Bank	1.84%	Email
JPMorgan Chase Bank ⁽¹⁾	1.60%	Email
Bank of Texas	1.72%	Email

(1) Bid assumes an August, 2018 par call, excluding \$1,500 of legal expenses. Non-callable bid was 1.565%.



Commercial Fire Safety Inspections

History/Background

- Follow-up to our discussion at the 10/5/15 Council meeting
- International Fire Code adopted by City ordinance in 2010
- Code establishes minimum requirements to provide a reasonable level of safety
- Inspections are necessary to ensure compliance
- Includes places of business, schools, nursing homes, apartments, hotels/motels, churches, and non-profits

Commercial Fire Safety Inspections

5 Year Fire History

- 46 commercial/business fires
- 44 apartment fires
 - Turtle Creek >\$1M
 - Camelot \$.5M
 - Post Oak \$.6M

Commercial Fire Safety Inspections

Work Load

- Currently approx 1900 inspections per year are needed (>7/day)
- Current SFD staffing level, even with overtime, cannot support this need
- Performed approx 1600 inspections last year at a cost of approx \$70K in overtime

Commercial Fire Safety Inspections

Proposed Staffing

- Add 2 SFD positions dedicated to inspections
- Reduce overtime
- Incremental annual cost: approx \$90K

Commercial Fire Safety Inspections

Inspection Process

- Pre-inspection letter with checklist (helpful, saves time)
- Initial inspection
- Notification of any issues/concerns identified
- 30 day correction period
- Re-Inspection

Commercial Fire Safety Inspections

Funding Options

- Inspection Fees
 - Funded by those who own the structures
 - An average inspection fee of \$50 would fund 2 inspectors
 - Billing and collection will be a challenge

- Taxes
 - Funded by those who use the structures
 - A .36 cent property tax increase would fund 2 inspectors

Commercial Fire Safety Inspections

Funding Option #1 Fee Structure

City	Annual Inspections	Inspection Fee	Re-Inspection Fee	Property Tax Rate
Cleburne	1700	0	\$50/\$100/\$200	.804
Greenville	1550	0	0	.744
Denton	5500	0	\$25/\$50/\$100	.690
Waxahachie	1500	0	0	.680
Sherman	1800	*	\$50/\$100/\$200	.372

* 0-3K sq ft \$75
3,001-24K sq ft \$100
>24K sq ft \$150

OR

* 0-2K sq ft \$40
2,001-10K sq ft \$75
10,001-20K sq ft \$100
>20K sq ft \$200

Commercial Fire Safety Inspections

Funding Option #2

Initial Inspection Funded by Taxes (w/ re-inspection fee)

City	Annual Inspections	Initial Inspection Fee	Re-Inspection Fee	Property Tax Rate
Cleburne	1700	0	\$50/\$100/\$200	.804
Greenville	1550	0	0	.744
Denton	5500	0	\$25/\$50/\$100	.690
Waxahachie	1500	0	0	.680
Sherman	1800	0	\$50/\$100/\$200	.372 *

* Impact on Property Taxes

This funding option would require a .36 cent increase in the property tax rate to generate annual revenue to cover the \$90K net annual cost of the program



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

Agenda Item No. B. 1.

Meeting Date: 01/18/2016

Prepared By: Linda Ashby, City Clerk

Approved By: Robby Hefton, City Manager

Caption:

PROCLAMATION

"Dr. Martin Luther King, Jr. Day" – January 18, 2016

Issue:

To present a proclamation designating Monday, January 18, 2016 as "Dr. Martin Luther King, Jr. Day"

Background:

Each year, local organizations in the community sponsor events to celebrate Dr. Martin Luther King, Jr. Day.

Origination:

The request for this proclamation originated with the City Manager's Office.

Financial Consideration:

There is no financial consideration to the City.

Staff Recommendation:

It is the recommendation of the staff to present a proclamation designating Monday, January 18, 2016 as "Dr. Martin Luther King, Jr. Day."

Alternatives:

The Council could choose not to present the proclamation.

Attachments

Dr. Martin Luther King, Jr. Day Proclamation



Proclamation

WHEREAS, Dr. Martin Luther King, Jr., clergyman and civil rights leader, worked by peaceful means to bring about social, political and economic equality for all Americans, and

WHEREAS, through many nonviolent demonstrations and marches, Dr. King was able to gain support for the struggle for equality, and

WHEREAS, in honor of Dr. King's efforts, a national holiday has been set aside to honor this great man and his accomplishments, and

WHEREAS, local organizations in Sherman sponsor several events to honor Dr. King and to recognize his accomplishments and the changes that are a result of his work.

NOW THEREFORE, I, David Plyler, Mayor of the City of Sherman, Texas, by the authority vested in me, do hereby proclaim January 18, 2016

DR. MARTIN LUTHER KING, JR. DAY

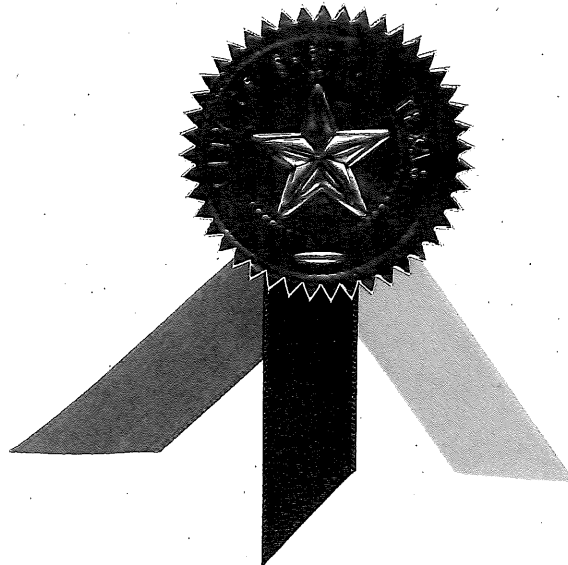
in the City of Sherman and encourage all citizens to remember this great man and his contributions to the freedom that all persons of our nation enjoy.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Sherman to be affixed this the 18th day of January, 2016.

Mayor

ATTEST:

Sinda Ashby
City Clerk





SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

Agenda Item No. C. 1.

Meeting Date: 01/18/2016

Prepared By: Clay Barnett, Director of Public Works and Engineering

Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5928

Closing and Abandoning a Portion of Seasons West Avenue Right-of-Way lying between Blocks One (1) and Ten (10) of The Preserve, Phase I Addition, said Property to be Maintained as a Utility Easement

Issue:

To consider approving the closure and abandonment of street right-of-way for Seasons West Avenue.

Background:

Seasons West Avenue was designed as a rural roadway section, which consists of a twenty-four foot (24') wide, two inch (2") thick asphalt surface. In 2009, the subdivision titled "The Preserve" was permitted to connect to the existing Seasons West Avenue and utilize Seasons West Avenue as a residential collector. A residential collector consists of a thirty-six foot (36') wide, seven inch (7") thick concrete surface. Alternatively, the two ends of Swan Ridge should have been connected. Swan Ridge is designated as a residential collector in Section 4 - Transportation Plan of the 2009 Comprehensive Master Plan. Not following the transportation plan in this regard has resulted in some negative effects:

1. The average speed along Seasons West Avenue has significantly increased. Higher speeds are expected along a collector; however this was an existing rural roadway.
2. Seasons West Avenue has suffered significant damage due to the levels of traffic on the roadway, traffic that it was not designed nor intended to support.

This Ordinance will perform the necessary administrative action to officially close and abandon the street right-of-way and maintain an easement. The City does have utilities in this right-of-way, which necessitates that an easement be maintained.

Origination:

Engineering Department

Financial Consideration:

Maintenance of this street segment will be by the City of Sherman.

Staff Recommendation:

It is recommended that the City Council approve the Ordinance closing and abandoning this street segment.

Alternatives:

As may be directed by City Council

Attachments

Ordinance No. 5928

Petition

Transportation Plan Map

Location Map

Speed Study NB Seasons West

Speed Study SB Seasons West

ORDINANCE NO. 5928

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, CLOSING AND ABANDONING A PORTION OF SEASONS WEST AVENUE RIGHT-OF-WAY LYING BETWEEN BLOCKS ONE (1) AND TEN (10) OF THE PRESERVE, PHASE I ADDITION, SAID PROPERTY TO BE MAINTAINED AS A UTILITY EASEMENT; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS:

SECTION 1. That the hereinafter described right-of-way segment in the City of Sherman, Grayson County, Texas, shall be closed and abandoned, save and except the property shall be reserved as an easement for public and franchise utilities for the right of ingress and egress to same for purposes of operation, maintenance or removal of such utilities or until such utilities shall be abandoned or relocated:

SITUATED in the City of Sherman, County of Grayson, State of Texas, being that portion of Seasons West Avenue between Blocks One (1) and Ten (10) of The Preserve, Phase I Addition to the City of Sherman, Texas as shown by plat of record in Volume 20, Pages 80-81, County Clerk Records, Grayson County, Texas and being more particularly shown in Exhibit "A".

SECTION 2. That it is hereby officially found and determined that the meetings at which this ordinance was introduced and passed were open to the public and that public notice of the time, place, and purpose of said meetings were given all as required by law.

INTRODUCED on this the _____ day of _____, 2016.

ADOPTED on this the _____ day of _____, 2016.

EFFECTIVE DATE on this the _____ day of _____, 2016.

CITY OF SHERMAN, TEXAS

BY: _____
DAVID PLYLER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

BY: _____
BRANDON S. SHELBY,
CITY ATTORNEY

CITY OF SHERMAN TRAFFIC CALMING PROGRAM

Mission Statement

The Neighborhood Traffic Calming Program is designed to effectively handle traffic safety issues in residential neighborhoods. The program provides a process whereby residents and city staff work cooperatively to address problems related to speeding motorists and traffic volume problems on residential streets. The goal of the program is to enhance and protect the quality of life in Sherman's neighborhoods by making them safer for children, pedestrians and residents in our community.

Qualifying Criteria

Requests for Neighborhood Traffic Calming measures will be considered by City staff for those streets meeting the following criteria:

- a. Vehicular traffic volumes are more than 800 vehicles per day.
- b. 85th percentile speed is at least 38 mph.

Other issues that the City may consider in evaluating requests for traffic calming measures include:

- a. The street shall be zoned R1 Residential.
- b. The street is not an alley.
- c. The City's Public Safety Departments do not have identifiable public safety concerns with the proposed plan.
- d. The approved plan does not result in unreasonable liability for the City.
- e. The approved plan does not violate state or local laws or ordinances.
- f. The changes in traffic flow do not divert significant amounts of traffic to other residential streets.

Program Process

The following process will be used to address neighborhood traffic concerns:

- a. Resident(s) inform the City Engineer of a potential traffic problem in their neighborhood. The traffic problem shall be described by completing and returning a Neighborhood Traffic Calming Request Form. The form requires a written description of the traffic problem and requires signatures from at least 5 of the residences in the impacted neighborhood.
- b. City staff may conduct an initial traffic analysis to collect data, including traffic counts, speed surveys, collision history, pedestrian observations or neighborhood meetings.

- c. Staff may recommend that the identified problem(s) be easily reduced or alleviated by implementing Level 1 Traffic Calming Measures. Level 1 Measures are low cost, simple tools, primarily consisting of enforcement, education and signage, including, but not limited to:
- Targeted enforcement
 - Improving sight distance by trimming
 - Signs, striping, pavement markings
 - Public education
 - Use of a radar speed trailer
- d. If Level 1 Traffic Calming Measures fail to provide a positive effect of reducing or alleviating the traffic problem(s), residents can request Level 2 Measures be implemented. City staff may conduct an additional evaluation(s) to determine if Level 2 Measures are appropriate and warrant consideration. Input will also be sought from Public Safety Departments for emergency response considerations. Staff may meet with residents to discuss the situation and obtain additional input. Level 2 Traffic Calming Measures may include the following, either as a single device or several in combination:

Pavement Texture & Color

- Textured crosswalks or intersections
- Color pavement in crosswalks or bike lanes

Constrictions and Narrowing

- Median
- Entry Island
- Choker
- Neck down
- Narrow Lanes

Horizontal Alignment Changes

- Chicane
- Intersection Channelization
- Traffic Circle
- Serpentine

Other

- Cul-de-sac
- Speed Bumps
- Turn Delineators
- Mid-block Closures

- e. Because Level 2 Measures can be costly and may impact many residents in the neighborhood, it is necessary to determine if there is support for the process before it begins. A petition requesting initiation of Level 2 Measures must be signed by 60% of the households in the effected neighborhood and returned to the City Engineer's office before work on a Level 2 Plan can begin.

- f. A neighborhood meeting will be held so that City Staff may discuss proposed solutions and receive additional input. A second neighborhood meeting will be held following development of a Level 2 Plan so that it may be discussed with neighborhood residents, including the costs.
- g. The cost of the design and construction of the approved Level 2 Measures will be shared by the City and residents as follows:
 - 1. The City will pay all costs up to and including \$2,500, based upon available funding.
 - 2. All costs over \$2,500 will be shared on a 50-50 basis with the residents of the affected area. The resident's share of the costs shall be collected on a volunteer basis by a local resident leader and presented to the City prior to design and construction of the Level 2 Measures.
 - 3. If residents do not provide the appropriate neighborhood share, the project will not be implemented.
- h. If the approved Level 2 Measures is implemented, but subsequently it is decided by petition that 60% of the neighborhood residents no longer desire the measures, the City will consider removal following City Council approval. The removal cost will be shared on a 50-50 basis with the residents that signed the removal petition. The removal project will commence after the resident's share of the cost has been collected.

CITY OF SHERMAN NEIGHBORHOOD ACTION REQUEST FORM

Neighborhood Traffic Calming Program

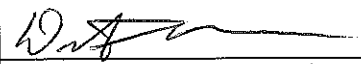
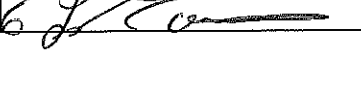
Contact Name: Matt Charske Date: 10/27/15

Address: 309 Seasons West Phone: 903 819 1157

Location of concern (attach map): Seasons West Sub Division

Description of concern: Excessive vehicle speed by
non residents passing through.

We, the undersigned, believe our neighborhood traffic situation warrants the City's Neighborhood Traffic Calming Program. The following signatures, representing at least 5 of the residences in the neighborhood, indicate the neighborhood's commitment to work with the NTCF for a safer traffic environment within our neighborhood.

Name	Address	Phone	Signature
Dustin Williams	400 Seasons West	903-821-6506	
Eddie Harrell	404 Seasons West	214-675-2258	
Tim DUNNAN	308 Seasons West	(903) 267-7737	
OT's Foster	305 Seasons West	903-89-4167	
Les Eckles	509 Season West Ave	903 815 8376	

Thank you for taking the time to complete the Neighborhood Request Form. After completing the form, please return it to the City Engineer, P.O. Box 1106, Sherman, TX 75091-1106. The Engineering Office is located in Sherman City Hall, 220 W. Mulberry St., Sherman, TX 75090.

CITY OF SHERMAN NEIGHBORHOOD ACTION REQUEST FORM

Level 2 Traffic Control Measures

We, the undersigned, believe our neighborhood traffic situation warrants Level 2 Traffic Control Measures. The following signatures, representing at least 60% of residences in the neighborhood, indicate the neighborhood's commitment to work with the NTCF for a safer traffic environment within our neighborhood. We understand that prior to Level 2 Measures being permanently installed; the **residents of the neighborhood may be responsible for a portion of the installation costs.**

Name	Address	Phone	Signature
Dustin Williams	400 Seasons West	903-821-6506	Dustin Williams
Eddie Harrell	404 Seasons West	214-625-2258	Eddie Harrell
Jr. TIM DUNBAR	308 Seasons West	903-267-7937	Jr. Tim Dunbar
OT's Foster	305 Seasons West	903-819-4107	OT's Foster
Les Eckles	509 Season W.	903-815-8376	Les Eckles
Amber Hamilton	104 Seasons W.	903-892-3631	A. Hamilton
ZUBAER DAWLAT	407 SEASONS W	903-893-8193	Zubaer Dawlat
Robert Rye	404 SEASONS W	903-771-1314	Robert Rye
Monty Jones	501 Seasons West	903-821-7888	Monty Jones
Larry J. Goodman	211 Seasons West	903-892-1440	Larry Goodman
William Chauske	309 Seasons W.	903-811-1157	William Chauske
ALVIN W. BROWN JR.	410 BREEZE MEADOWS	903-868-0662	Alvin W. Brown Jr.
Elena McCollum	510 Seasons West	903-357-2092	Elena McCollum
CAROLYN WILKES	304 Season West	214-219-9964	Carolyn Wilkes
Lonnie McCoy	202 Seasons West	903-815-1871	Lonnie McCoy

Attach additional sheets as required.

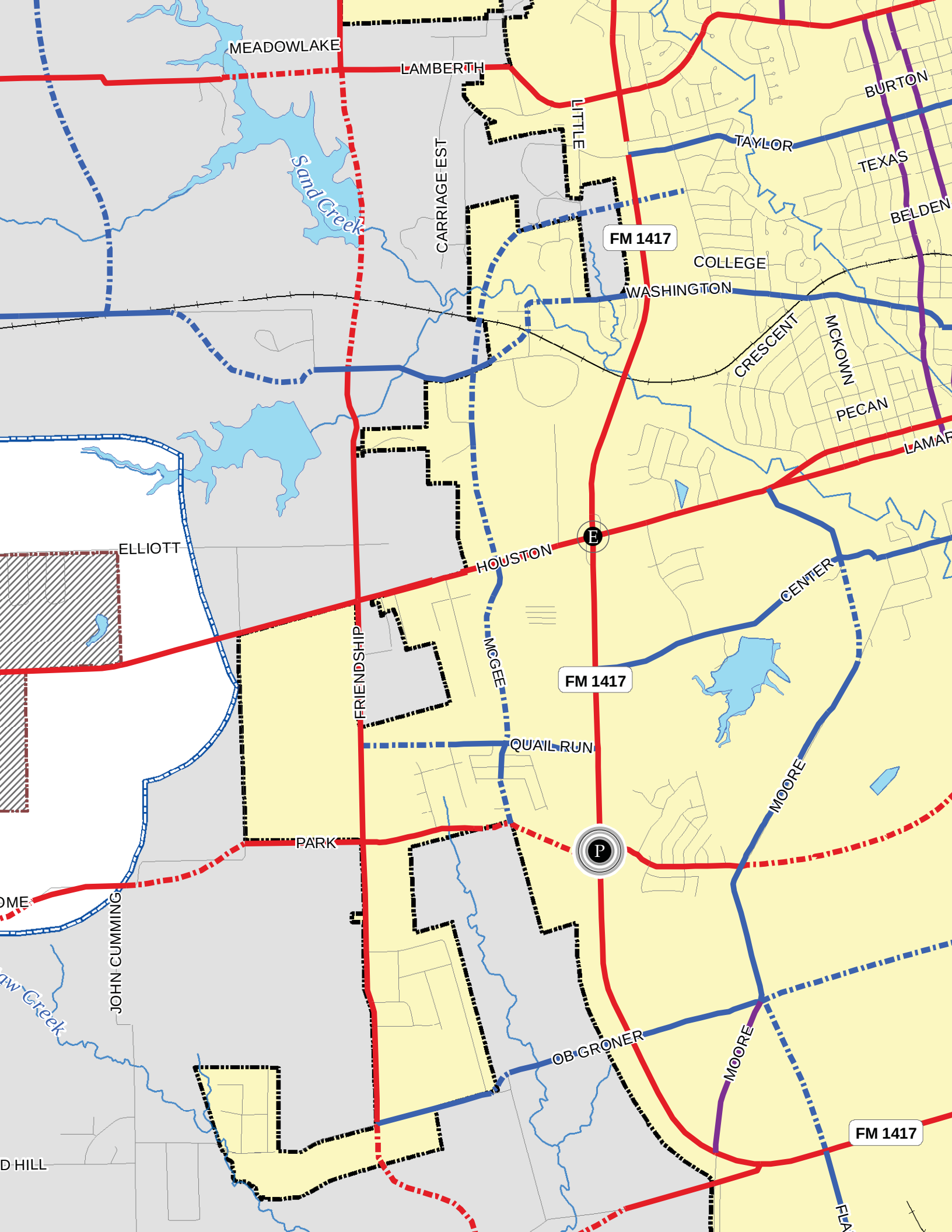
CITY OF SHERMAN NEIGHBORHOOD ACTION REQUEST FORM

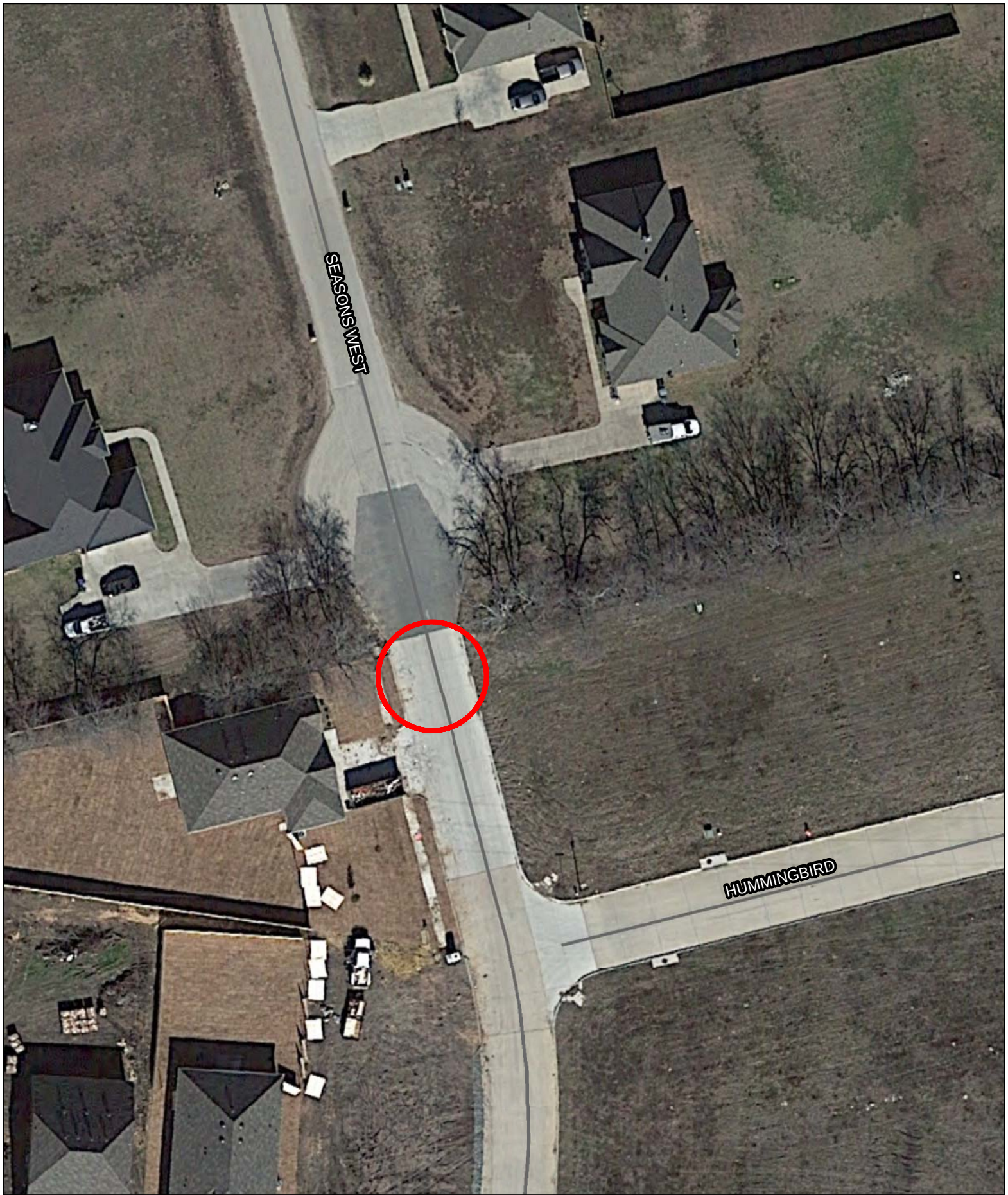
Level 2 Traffic Control Measures

We, the undersigned, believe our neighborhood traffic situation warrants Level 2 Traffic Control Measures. The following signatures, representing at least 60% of residences in the neighborhood, indicate the neighborhood's commitment to work with the NTCP for a safer traffic environment within our neighborhood. We understand that prior to Level 2 Measures being permanently installed; the **residents of the neighborhood may be responsible for a portion of the installation costs.**

Name	Address	Phone	Signature
Tai Trinh	105 Seasons W	309-922-9877	Tai Trinh
Charlene Howard	4406 Meadow Breezy Lane	903-271-9631	Charlene Howard
JARED HICKMAN	505 Seasons W	903-891-1074	Jared Hickman
Chad Welch	308 Windy Hill Rd	903-815-2110	Chad Welch
Jasyn Haney	206 Seasons W	903-815-0903	Jasyn Haney
CHAD COLE	212 Windy Hill Rd.	903-814-4107	Chad Cole
JOHN COVR	307 Windy Hill Rd	903-501-2345	John Covr
Janet Faggart	412 Seasons W	903-815-1553	Janet Faggart
R. C. Miller	502 Season West	903-812-0683	R. C. Miller

Attach additional sheets as required.





Nu-Metrics Traffic Analyzer Study
Computer Generated Summary Report
City: Sherman
Street: Seasons West

A study of vehicle traffic was conducted with HI-STAR unit number 0392. The study was done in the North Bound lane at Seasons West in Sherman, TX in Grayson county. The study began on Sep/16/2015 at 07:00:00 AM and concluded on Sep/17/2015 at 07:00:00 AM, lasting a total of 24.00 hours. Traffic statistics were recorded in 15 minute time periods. The total recorded volume showed 199 vehicles passed through the location with a peak volume of 12 on Sep/16/2015 at [07:30-07:45] and a minimum volume of 0 on Sep/16/2015 at [12:15-12:30]. The AADT count for this study was 199.

SPEED

Chart 1 lists the values of the speed bins and the total traffic volume for each bin. At least half the vehicles were traveling in the 35 - 40 MPH range or lower. The average speed for all classified vehicles was 38 MPH with 65.17% vehicles exceeding the posted speed of 30 MPH. The HI-STAR found 3.37 percent of the total vehicles were traveling in excess of 55 MPH. The mode speed for this traffic study was 35MPH and the 85th percentile was 46.39 MPH.

< to 9	10 to 14	15 to 19	20 to 24	25 to 29	30 to 34	35 to 39	40 to 44	45 to 49	50 to 54	55 to 59	60 to 64	65 to 69	70 to 74	75 to >					
0	0	6	11	13	32	46	38	18	5	3	3	0	2	1					

CHART 1

CLASSIFICATION

Chart 2 lists the values of the classification bins and the total traffic volume accumulated for each bin.

Most of the vehicles classified during the study were Vans & Pickups. The number of Passenger Vehicles in the study was 0 which represents 0 percent of the total classified vehicles. The number of Vans & Pickups in the study was 154 which represents 87 percent of the total classified vehicles. The number of Busses & Trucks in the study was 0 which represents 0 percent of the total classified vehicles. The number of Tractor Trailers in the study was 24 which represents 0 percent of the total classified vehicles.

< to 21	22 to 39	40 to 49	50 to 59	60 to 69	70 to 79	80 to 139	140 to >												
154	7	16	0	1	0	0	0												

CHART 2

HEADWAY

During the peak traffic period, on Sep/16/2015 at [07:30-07:45] the average headway between vehicles was 69.231 seconds. During the slowest traffic period, on Sep/16/2015 at [12:15-12:30] the average headway between vehicles was 900 seconds.

WEATHER

The roadway surface temperature over the period of the study varied between 44.00 and 103.00 degrees F.

Nu-Metrics Traffic Analyzer Study
Computer Generated Summary Report
City: Sherman
Street: Seasons West

A study of vehicle traffic was conducted with HI-STAR unit number 9128. The study was done in the South Bound lane at Seasons West in Sherman, TX in Grayson county. The study began on Sep/16/2015 at 07:00:00 AM and concluded on Sep/17/2015 at 07:00:00 AM, lasting a total of 24.00 hours. Traffic statistics were recorded in 15 minute time periods. The total recorded volume showed 327 vehicles passed through the location with a peak volume of 12 on Sep/16/2015 at [14:00-14:15] and a minimum volume of 0 on Sep/16/2015 at [21:30-21:45]. The AADT count for this study was 327.

SPEED

Chart 1 lists the values of the speed bins and the total traffic volume for each bin. At least half the vehicles were traveling in the 35 - 40 MPH range or lower. The average speed for all classified vehicles was 37 MPH with 59.72% vehicles exceeding the posted speed of 30 MPH. The HI-STAR found 1.39 percent of the total vehicles were traveling in excess of 55 MPH. The mode speed for this traffic study was 35MPH and the 85th percentile was 44.12 MPH.

< to 9	10 to 14	15 to 19	20 to 24	25 to 29	30 to 34	35 to 39	40 to 44	45 to 49	50 to 54	55 to 59	60 to 64	65 to 69	70 to 74	75 to >					
0	2	5	12	35	62	86	51	21	5	5	2	1	1	0					

CHART 1

CLASSIFICATION

Chart 2 lists the values of the classification bins and the total traffic volume accumulated for each bin.

Most of the vehicles classified during the study were Vans & Pickups. The number of Passenger Vehicles in the study was 0 which represents 0 percent of the total classified vehicles. The number of Vans & Pickups in the study was 231 which represents 80 percent of the total classified vehicles. The number of Busses & Trucks in the study was 0 which represents 0 percent of the total classified vehicles. The number of Tractor Trailers in the study was 57 which represents 0 percent of the total classified vehicles.

< to 21	22 to 39	40 to 49	50 to 59	60 to 69	70 to 79	80 to 139	140 to >												
231	14	38	3	2	0	0	0												

CHART 2

HEADWAY

During the peak traffic period, on Sep/16/2015 at [14:00-14:15] the average headway between vehicles was 69.231 seconds. During the slowest traffic period, on Sep/16/2015 at [21:30-21:45] the average headway between vehicles was 900 seconds.

WEATHER

The roadway surface temperature over the period of the study varied between 44.00 and 101.00 degrees F.



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

Agenda Item No. C. 2.

Meeting Date: 01/18/2016

Prepared By: Danny Jones, Fire Chief

Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5929

Amending Chapter 4 of the Code of Ordinances, entitled "Business Regulations", at Article 4.03, entitled "Ambulance Service", Division 1, entitled "Generally", Section 4.03.003, entitled "Certificate of Public Convenience and Necessity Required"

Issue:

To consider approval of an amendment to the City's Ambulance Service Code Provisions, codified at Chapter 4, Article 4.03, Section 4.03.003 of the Sherman Code of Ordinances

Background:

The current Ambulance Service Code provisions include a requirement for ambulance companies to be "permitted" by the City in order to pick up non-emergency patients within the corporate or extraterritorial limits of the city. The proposed revisions will exclude municipalities and other political subdivisions of the State of Texas from the permitting requirements.

Origination:

Danny Jones, Fire Chief
Brandon Shelby, City Attorney

Financial Consideration:

There are no fees associated with this provision.

Staff Recommendation:

It is recommended that the City Council approve the proposed amendment to the Sherman Code of Ordinances at Article 4.03, Section 4.03.003.

Alternatives:

As directed by the City Council

Attachments

Ordinance No. 5929

ORDINANCE NO. 5929

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 4 OF THE CODE OF ORDINANCES, ENTITLED "BUSINESS REGULATIONS", AT ARTICLE 4.03, ENTITLED "AMBULANCE SERVICE", DIVISION 1, ENTITLED "GENERALLY", SECTION 4.03.003, ENTITLED "CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY REQUIRED"; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS:

SECTION 1. That Chapter 4, Article 4.03, Division 1, Section 4.03.003 of the Code of Ordinances of the City of Sherman, Texas, be and is hereby amended so that such section shall read as follows:

Sec. 4.03.003 Certificate of public convenience and necessity required

The business of providing ambulance service, both emergency and transfer, is declared to be a business affecting the public interest and public utility. No person shall operate ~~such a~~ *private* business within the corporate or extraterritorial limits of the city without a valid permit. Permit fees and process shall be established by the city manager. *Political Subdivisions of the State of Texas shall be exempt from the permit requirement.*

SECTION 2. That it is the intention of the City Council of the City of Sherman, Texas, that the provisions of this ordinance shall become a part of the Code of Ordinances of the City of Sherman, Texas, and that sections of this ordinance may be renumbered or re-lettered to accomplish such intention.

SECTION 3. That the provisions of this ordinance are severable and the invalidity of any word, phrase or part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

SECTION 4. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 5. That it is hereby officially found and determined that the meetings at which this ordinance was introduced and passed were open to the public and that public notice of the time, place and purpose of said meetings were given all as required by law.

INTRODUCED on this the _____ day of _____, 2016.

ADOPTED on this the _____ day of _____, 2016.

EFFECTIVE DATE on this the _____ day of _____, 2016.

CITY OF SHERMAN, TEXAS

BY: _____
DAVID PLYLER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

BY: _____
**BRANDON S. SHELBY,
CITY ATTORNEY**



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

Agenda Item No. C. 3.

Meeting Date: 01/18/2016

Prepared By: Danny Jones, Fire Chief

Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5930

Amending Chapter 9 of the Code of Ordinances, entitled "Personnel", Article 9.05, entitled "Civil Service for Firefighters and Police Officers", at Section 9.05.026, entitled "Authorized Number of Positions", to Amend the Number of Authorized Positions in the Fire Department

Issue:

The City Council is required by state law to establish by ordinance the job titles and number of positions in each rank for members of the classified service in the City's Fire and Police Departments.

Background:

At the January 4, 2016 meeting, the City Council gave tentative approval of the addition of two fire inspectors to the Fire Department's staff, increasing the number of Captain positions from fifteen to seventeen to implement the Fire Inspection Program. This will increase the overall staff in the Fire Department by two at the Firefighter level. The positions will be filled through the regular Civil Service promotional process.

Origination:

Mayor and City Council
City Manager Robby Hefton
Sherman Fire Chief Danny Jones

Financial Consideration:

Increasing the number of Captain positions within the Fire Department and adding two at the firefighter level will increase net annual salary costs by about \$90,000.00. The ongoing funding of the Fire Inspection Program will be on the agenda for the upcoming budget meetings.

Staff Recommendation:

Staff recommends adopting the proposed ordinance.

Alternatives:

The City Council could choose not to adopt the proposed ordinance, leaving unchanged the fire staffing adopted in 2012.

Attachments

Ordinance No. 5930

ORDINANCE NO. 5930

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 9 OF THE CODE OF ORDINANCES, ENTITLED “PERSONNEL”, ARTICLE 9.05, ENTITLED “CIVIL SERVICE FOR FIREFIGHTERS AND POLICE OFFICERS”, AT SECTION 9.05.026, ENTITLED “AUTHORIZED NUMBER OF POSITIONS”, TO AMEND THE NUMBER OF AUTHORIZED POSITIONS IN THE FIRE DEPARTMENT; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS:

SECTION 1. That Chapter 9, Article 9.05 of the Code of Ordinances of the City of Sherman, be and is hereby amended at Section 9.05.026 so that such section shall read as follows:

Sec. 9.05.026 Authorized number of positions

The number of allocated positions for each job title in the Fire and Police Departments are set forth below in order of ranking:

(1) Fire Department

<u>Title</u>	<u>No. Positions</u>
Firefighter	39
Engineer	15
Captain	15 17
Battalion Chief	3
Division Chief	4
Fire Chief	1

- (a) Active staffing in the “Engineer” position greater than the number allocated shall be considered overstaffed and said position shall not be filled upon the occurrence of vacancy due to promotion, demotion, attrition, termination, retirement, or any other reason.
- (b) Staffing in the “Firefighter” position shall be increased with each occurrence of the number of active “Engineer” positions being eliminated

until the total number of “Engineer” positions meets the number of allocated positions set forth in Section (1) above.

- (c) Once the number of active “Engineer” positions is reduced to meet the number of allocated positions set forth in Section (1) above. The number of active “Firefighter” positions shall be increased to meet the number of allocated positions set forth in Section (1) above.

(2) Police Department

<u>Title</u>	<u>No. Positions</u>
Patrolman	47
Corporal	6
Sergeant	8
Lieutenant	4
Assistant Chief-Appointed	2
Chief	1

SECTION 2. That it is the intention of the City Council of the City of Sherman, Texas, that the provisions of this ordinance shall become part of the Code of Ordinances of the City of Sherman, Texas, and that sections of this ordinance may be renumbered or re-lettered to accomplish such intention.

SECTION 3. That the provisions of this ordinance are severable and the invalidity of any word, phrase or part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

SECTION 4. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 5. That it is hereby officially found and determined that the meeting at which this ordinance is passed is open to the public and that public notice of the time, place, and purpose of said meeting was given all as required by law.

INTRODUCED this the _____ day of _____, 2016.

ADOPTED on this the _____ day of _____, 2016.

EFFECTIVE DATE on this the _____ day of _____, 2016.

CITY OF SHERMAN, TEXAS

BY: _____
DAVID PLYLER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

BY: _____
**BRANDON S. SHELBY,
CITY ATTORNEY**



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

Agenda Item No. C. 4.

Meeting Date: 01/18/2016

Prepared By: Pamela Cloer, Assistant to the City Manager

Approved By: Robby Hefton, City Manager

Caption:

ADOPTION OF ORDINANCES

Consider Adoption of Ordinance Numbers: 5928, 5929 and 5930

Issue:

- C. 1. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5928**
Closing and Abandoning a Portion of Seasons West Avenue Right-of-Way lying between Blocks One (1) and Ten (10) of The Preserve, Phase I Addition, said Property to be Maintained as a Utility Easement
- C. 2. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5929**
Amending Chapter 4 of the Code of Ordinances, entitled "Business Regulations", at Article 4.03, entitled "Ambulance Service", Division 1, entitled "Generally", Section 4.03.003, entitled "Certificate of Public Convenience and Necessity Required"
- C. 3. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5930**
Amending Chapter 9 of the Code of Ordinances, entitled "Personnel", Article 9.05, entitled "Civil Service for Firefighters and Police Officers", at Section 9.05.026, entitled "Authorized Number of Positions", to Amend the Number of Authorized Positions in the Fire Department
-



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

Agenda Item No. C. 5.

Meeting Date: 01/18/2016

Prepared By: Pamela Cloer, Assistant to the City Manager

Approved By: Robby Hefton, City Manager

Caption:

CONSENT AGENDA

Asterisked (*) items are considered to be routine and will be enacted in one motion without discussion unless a Council Member or a citizen requests a specific item be discussed and voted on separately

Issue:

D. 1. * RESOLUTION NO. 6054

Finding and Determining a Public Purpose and Public Necessity Exists for Construction of the Sherman Industrial Park Replacement Sewer; Appointing an Appraiser and Negotiator as Necessary; Authorizing the City Manager to Establish Just Compensation for the Property Rights to be Acquired; Authorizing the City Manager to Take all Steps Necessary to Acquire the Needed Property Rights in Compliance with All Applicable Laws and Regulations



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

Agenda Item No. D. 1.

Meeting Date: 01/18/2016

Prepared By: Mark Gibson, Director of Utilities

Approved By: Robby Hefton, City Manager

Caption:

*** RESOLUTION NO. 6054**

Finding and Determining a Public Purpose and Public Necessity Exists for Construction of the Sherman Industrial Park Replacement Sewer; Appointing an Appraiser and Negotiator as Necessary; Authorizing the City Manager to Establish Just Compensation for the Property Rights to be Acquired; Authorizing the City Manager to Take all Steps Necessary to Acquire the Needed Property Rights in Compliance with All Applicable Laws and Regulations

Issue:

To consider granting authority to negotiate for property rights on the Sherman Industrial Park Replacement Sewer and, if necessary, to begin condemnation proceedings

Background:

The Sherman Industrial Park Replacement Sewer was previously approved and budgeted. The proposed sewer route is being resisted by one or more property owners. An appraiser will be obtained to complete appraisals of the easement areas, which have been submitted to the property owners. It is anticipated that these property owners may not execute easements for this project in a timely manner. To prevent any undue delay in the project, City Council's authorization to negotiate, make final offers and, if necessary, begin condemnation proceedings as required by law is requested.

Origination:

Director of Utilities

Financial Consideration:

Property acquisition costs, along with costs for appraisals, surveys, maps and photos

Staff Recommendation:

Staff recommends approval

Alternatives:

As may be directed by the Council

Attachments

Resolution No. 6054

Location Map

RESOLUTION NO. 6054

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, FINDING AND DETERMINING A PUBLIC PURPOSE AND PUBLIC NECESSITY EXISTS FOR CONSTRUCTION OF THE SHERMAN INDUSTRIAL PARK REPLACEMENT SEWER; APPOINTING AN APPRAISER AND NEGOTIATOR AS NECESSARY; AUTHORIZING THE CITY MANAGER TO ESTABLISH JUST COMPENSATION FOR THE PROPERTY RIGHTS TO BE ACQUIRED; AUTHORIZING THE CITY MANAGER TO TAKE ALL STEPS NECESSARY TO ACQUIRE THE NEEDED PROPERTY RIGHTS IN COMPLIANCE WITH ALL APPLICABLE LAWS AND REGULATIONS; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the City Council of the City of Sherman, Texas has previously authorized the employment of Freeman-Millican, Inc. to plan for the construction of the Sherman Industrial Park Replacement Sewer; and

WHEREAS, this project was recommended by the City Staff in order to upgrade sewer service for the City and recommended the acquisition of all necessary property rights; and

WHEREAS, the City Council has considered the Sherman Industrial Park Replacement Sewer; and has determined that a public purpose and public necessity exists for the acquisition of all necessary and appropriate property rights for the Sherman Industrial Park Replacement Sewer; and

WHEREAS, the City Council has funded and approved the Sherman Industrial Park Replacement Sewer;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS:

SECTION 1. That the City Council hereby finds and determines that a public purpose and public necessity exists for the City of Sherman to acquire all necessary and appropriate property rights in those certain lots, tracts, or parcels of land deemed necessary for the construction of the Sherman Industrial Park Replacement Sewer; and does further determine the public purpose and public necessity of the City of Sherman acquiring said property together with all necessary and appropriate appurtenances, additions and improvements on, over, under and through those certain lots, tracts and parcels of land.

SECTION 2. That the City Manager or his designee is authorized and directed to acquire all appropriate property rights for the Sherman Industrial Park Replacement Sewer for the City of Sherman, and to acquire said rights in compliance with State and Federal law. The City Manager, or his designee, is specifically authorized and directed to do each and every act necessary to acquire the needed property rights including, but not limited to, the authority to negotiate, give notices, make written offers to purchase, prepare contracts and, when necessary, to institute proceedings in eminent domain.

SECTION 3. That the City Manager or his designee is hereby appointed as “negotiator” for the acquisition of the Sherman Industrial Park Replacement Sewer property and, as such, the City Manager or his designee is authorized and directed to do each and every act and deed hereinabove specified or authorized by reference. Subject to the availability of funds appropriated by the City Council for such purposes and with the advice and recommendation of the City Attorney and the City’s appointed appraiser, the City Manager is specifically authorized to establish the just compensation for the acquisition of this property. If the City Manager or his designee determines that an agreement with the property owner(s) as to just compensation cannot be reached, then the City Attorney is hereby authorized and directed to file or cause to be filed, against the owners and interested parties of the property, proceedings in eminent domain to acquire the above stated interest in the property.

SECTION 4. That a qualified appraiser shall be designated the appraiser of the property to be acquired as necessary.

SECTION 5. That the findings of fact, recitations and provisions set out in the preamble of this resolution are adopted and made a part of the body of this resolution, as if the same were fully set forth herein

SECTION 6. That it is hereby officially found and determined that the meeting at which this resolution is passed is open to the public and that public notice of the time, place, and purpose of said meeting was given as required by law.

PASSED AND APPROVED on this the ____ day of _____, 2016.

CITY OF SHERMAN, TEXAS

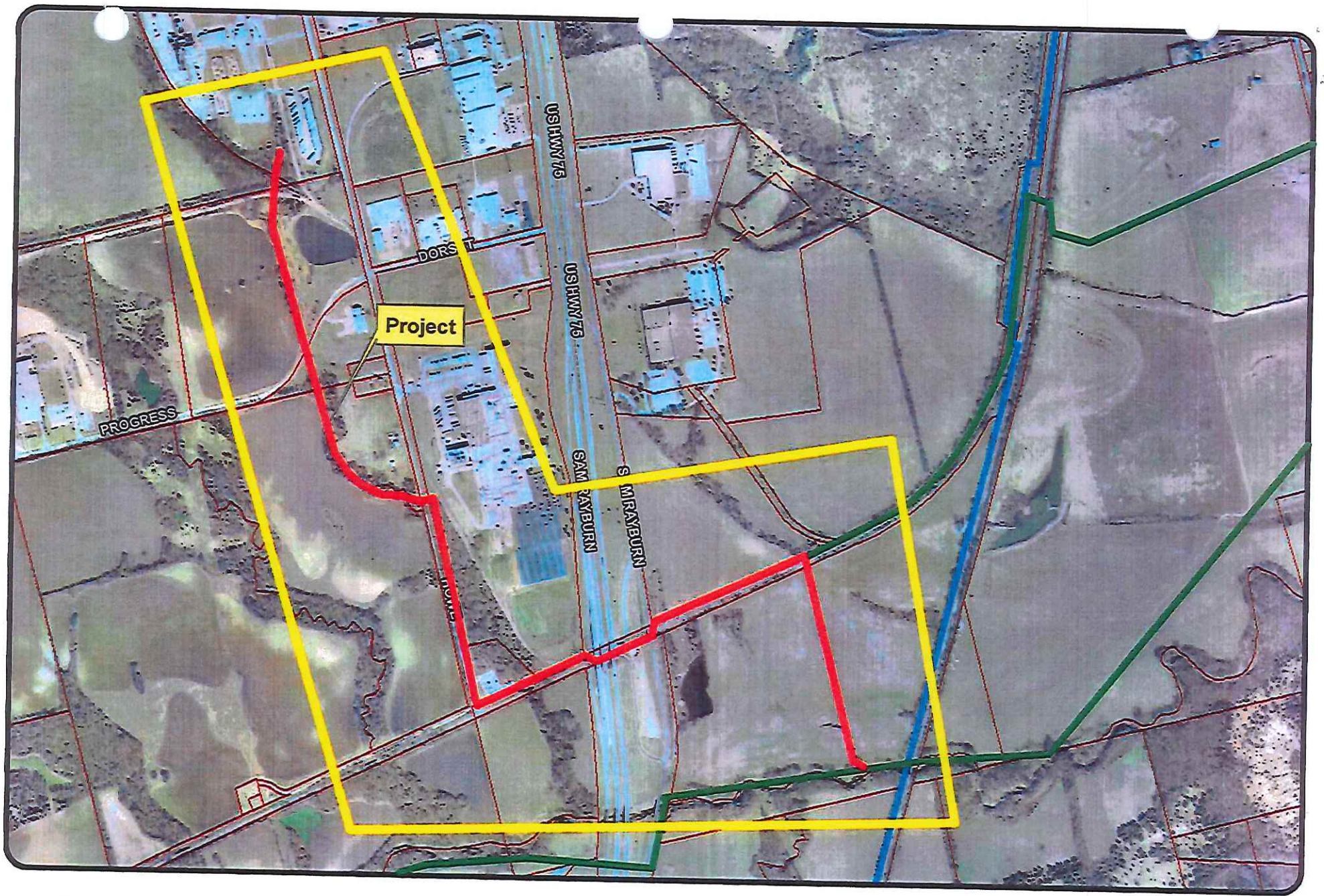
BY: _____
DAVID PLYLER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

BY: _____
BRANDON S. SHELBY,
CITY ATTORNEY



Sherman
CLASSIC TOWN, BROAD HORIZON.
ENGINEERING DEPARTMENT

Location Map:
Industrial Sewer



1 inch = 1,000 feet



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

Agenda Item No. E. 1.

Meeting Date: 01/18/2016

Prepared By: Clay Barnett, Director of Public Works and Engineering

Approved By: Robby Hefton, City Manager

Caption:

REQUEST TO ADVERTISE

Loy Lake Road Reconstruction Project

Issue:

Requesting permission to advertise for bids for construction of the Loy Lake Road Reconstruction Project

Background:

The project will expand Loy Lake Road to a four-lane divided roadway from U.S. Highway 82 to Sara Swamy Drive.

Origination:

Department of Engineering

Financial Consideration:

The project is funded in this year's Capital Improvement Program; and the cost of advertising is expected to be less than \$200.00.

Staff Recommendation:

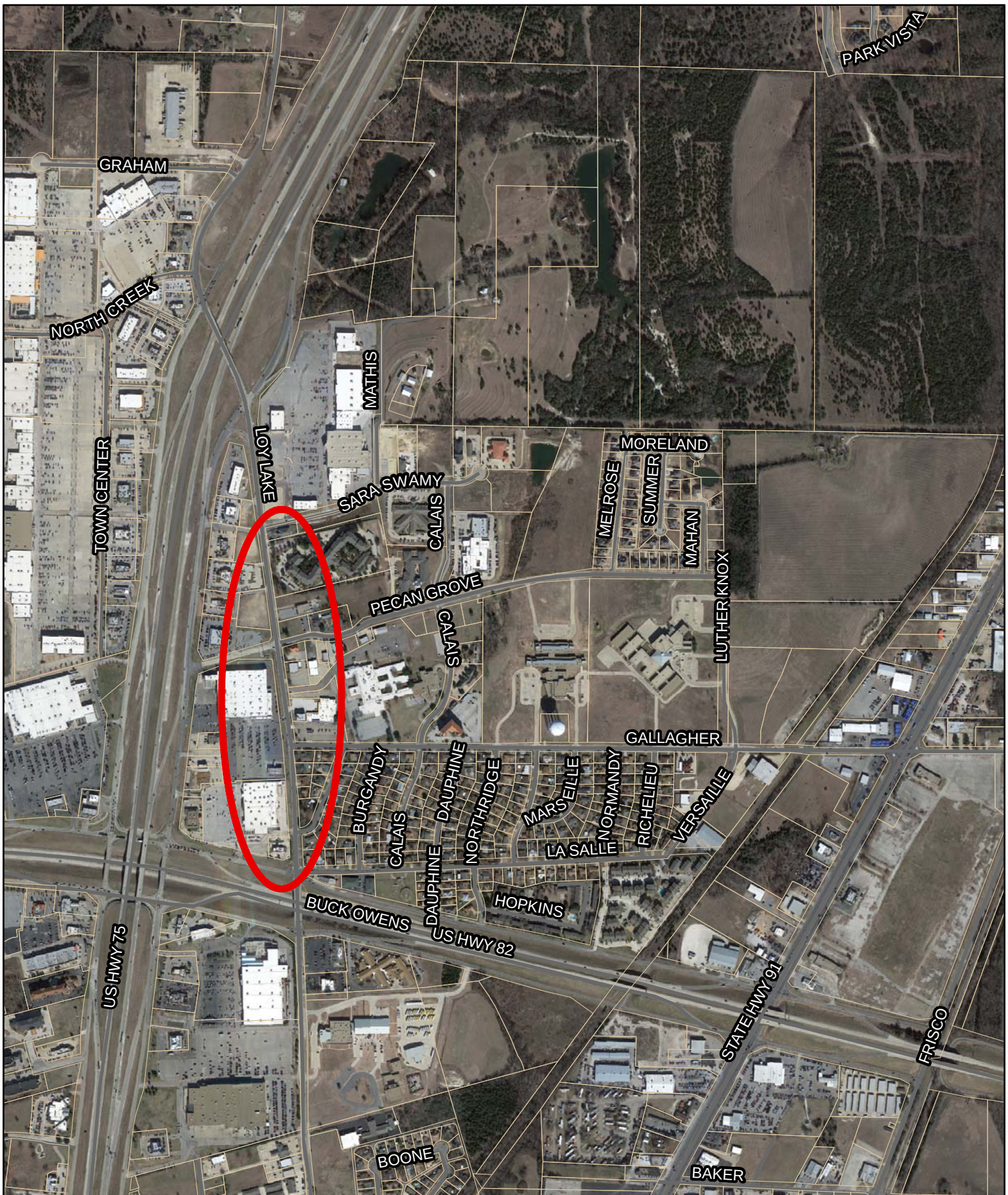
It is recommended that the City Council authorize the staff to advertise the project for bid.

Alternatives:

As may be directed by the City Council

Attachments

Location Map





SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

Agenda Item No. F. 1.

Meeting Date: 01/18/2016

Prepared By: Brandon Shelby, City Attorney

Approved By: Robby Hefton, City Manager

Caption:

OTHER BUSINESS

Consider Approval of the Annexation Scheduling Plan for Adoption of Approximately 275 Acres of Land Near Friendship Road and State Highway 56, Adjacent to the Sherman City Limits and in the City of Sherman's Extra Territorial Jurisdiction; and Directing the Department of Engineering Services to Develop a Service Plan for the Area to be Annexed Upon Approval of the Annexation Scheduling Plan

Issue:

To consider the schedule for annexation of approximately 275 acres of land near Friendship Road and State Highway 56, lying adjacent to the Sherman city limits and in the City's extra territorial jurisdiction (ETJ), in accordance with state law and the City Charter

Background:

It is the City's intention to annex specifically identified individual areas in the City's ETJ, in accordance with state law and the City Charter.

State law requires the City Council to conduct two (2) public hearings on its intent to annex and the provision of services no later than (40) days nor earlier than twenty (20) days before the introduction of the annexation ordinance. Publication of notice of these hearings must be no later than twenty (20) days nor earlier than (10) days before each hearing. State law also requires that the City Council shall direct its planning department to develop a service plan for the proposed annexation area. The City Charter requires at least seventy-two (72) hours public notice of the annexation ordinance before its adoption.

Origination:

City Manager Robby Hefton

Financial Consideration:

The City will accept maintenance. The incremental cost of annexing this property is negligible.

Staff Recommendation:

It is recommended that the schedule for annexation be approved and that the required public hearings be set for the regular City Council meetings on February 1, 2016, February 15, 2016, and March 7, 2016.

Alternatives:

No alternatives are recommended

Attachments

Annexation Scheduling Plan

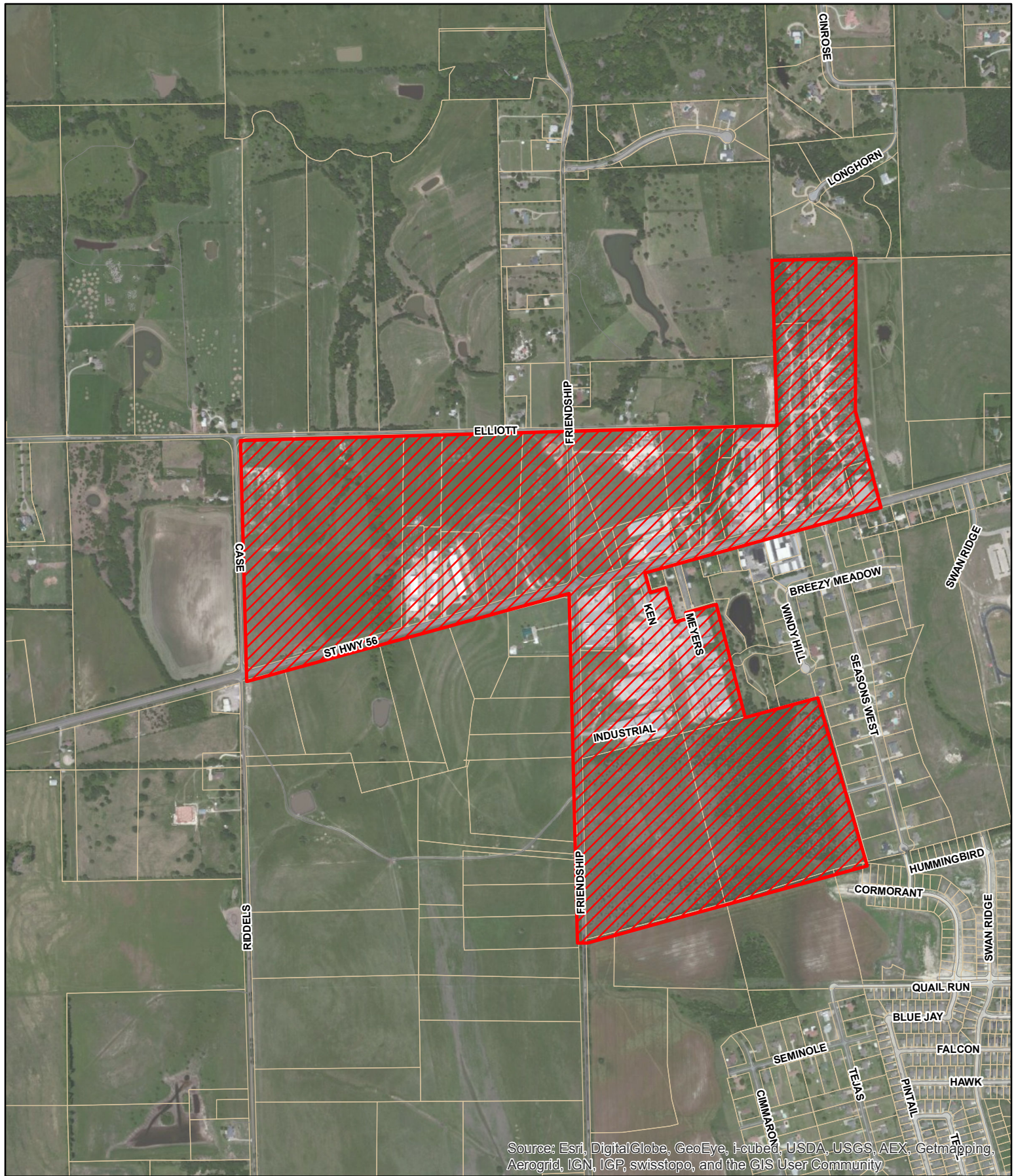
Location Map

ANNEXATION SCHEDULING PLAN

Annexation of Approximately 275 Acres of Land Near Friendship Road and State Highway 56

- Wednesday, January 20, 2016.....Send written notice to property owners in the area to be annexed, public or private entities that provide services in that area, and any railroads with a right of way in the area to be annexed. The Department of Engineering Services will prepare a service plan that details the specific Municipal Services that will be provided to the area after it is annexed.
- Thursday, January 21, 2016..... Post notice on City's website, newspaper and City Hall for City Council's 1st Public Hearing on intent to annex. Send written notice to each public school district in the area to be annexed. Send by certified mail a second written notice to any railroads with a right of way in the area to be annexed. Obtain required affidavit of publication from newspaper.
- Thursday, January 28, 2016..... Post notice of 1st Public Hearing under the Open Meetings Act.
- Monday, February 1, 2016..... City Council's 1st Public Hearing on intent to annex and service plan.* (Regular Council Meeting)
- Thursday, February 4, 2016 Post notice on City's website, newspaper and City Hall for City Council's 2nd Public Hearing on intent to annex. Obtain required affidavit of publication from newspaper.
- Thursday, February 11, 2016..... Post notice of 2nd Public Hearing under the Open Meetings Act.
- Monday, February 15, 2016..... City Council's 2nd Public Hearing on intent to annex and service plan.* (Regular Council Meeting)
- Thursday, March 3, 2016..... Post notice on City's website, newspaper and City Hall for introduction of annexation ordinance and adoption of the ordinance. Posting will also be in compliance with the Open Meetings Act.*
- Monday, March 7, 2016..... City Council Public Hearing for introduction and consideration of adoption of annexation ordinance.* (Regular Council Meeting)

* If more than twenty (20) adults who are residents of the area to be annexed protest within ten (10) days of the notice by publication, then one (1) of the public hearings must be held in the area to be annexed.



Source: Esri, DigitalGlobe, GeoEye, i-cubed, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

Agenda Item No. F. 2.

Meeting Date: 01/18/2016

Prepared By: Don Keene, Assistant City Manager

Approved By: Robby Hefton, City Manager

Caption:

OTHER BUSINESS

Receive Development Services Director Scott Shadden's Presentation on the Regulation of Mobile Food Vendors within Sherman's City Limits

Issue:

The regulation of mobile food vendors within Sherman's city limits

Background:

At the December 7, 2015 meeting, Councilman Kevin Couch said, while he was campaigning, he was approached by citizens about the possibility of selling food from trucks at various events or the possibility of parking and permanently selling food. Councilman Couch asked the staff to research this matter and return to the Council with their alternatives for the regulation of mobile food vendors in Sherman's city limits.

Origination:

City Councilman Kevin Couch

Financial Consideration:

There is no financial impact to receiving this presentation.

Staff Recommendation:

Seeking the Council's direction on how they wish to regulate mobile food vendors within Sherman's city limits.

Alternatives:

The Council could take no action.



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

Agenda Item No. I. 1.

Meeting Date: 01/18/2016

Prepared By: Linda Ashby, City Clerk

Approved By: Robby Hefton, City Manager

Caption:

APPOINT/REMOVE OR CONSIDER QUALIFICATIONS TO BOARDS AND COMMISSIONS

(a) Library Board (4)

Issue:

Nick Keating, John West, and Judith Sloan currently serve on the Library Board; however their terms expired on January 8, 2016. All are eligible and do wish to be reappointed. There is also one vacancy on the Board. There are no other applications on file.

Background:

The Library Board serves in an advisory capacity to the City Librarian, the City Manager, and the City Council.

Origination:

The reappointments originated with the City Clerk's Office.

Financial Consideration:

There is no financial consideration.

Staff Recommendation:

It is recommended that the City Council consider reappointments to the Library Board.

Alternatives:

The alternative is to delay reappointments to the Board.

Attachments

Roster

Fact Sheet

Applicant List

Nick Keating Reappointment Letter

John West Reappointment Letter

Judith Sloan Reappointment Letter

MEMBERSHIP ROSTER

LIBRARY BOARD

LENGTH OF TERMS: THREE YEARS
Term Limit: Three Consecutive Terms

MEMBER	DISTRICT	TERM BEGINS	TERM EXPIRES	TERMS	MEMBERSHIP REQUIREMENTS
Nan Jones	4	A 3/20/2007 R 3/20/2010 R 3/20/2013	3/20/2010 3/20/2013 3/20/2016	1 2 3	Members are required to be residents of Sherman; have knowledge of Library Affairs and operations; and appreciate books.
Randy Hudson	4	A 4/7/2015	4/7/2018	1	
Vacant					
Nick Keating	4	A 1/8/2013	1/8/2016	1	
John West	1	A 1/8/2013	1/8/2016	1	
Darlene Schweizer	4	A 4/8/2008 R 4/8/2011 R 4/8/2014	4/8/2011 4/8/2014 4/8/2017	1 2 3	
Judith Sloan	4	A 1/8/2013	1/8/2016	1	

NOTE:

FACT SHEET

LIBRARY BOARD

Established by ORDINANCE 1736 – APRIL 14, 1948; REVISED ORDINANCE 4223 – OCTOBER 21, 1991; REVISED ORDINANCE 4367 – OCTOBER 3, 1994

1. Number of Members: SEVEN
2. Term of Appointment: THREE YEARS
3. Consecutive Term Rule: THREE TERMS – ORDINANCE 4223 (10/21/91)
4. Qualifications for Membership: RESIDENTS OF SHERMAN; KNOWLEDGE OF LIBRARY AFFAIRS AND OPERATION; APPRECIATION OF BOOKS
5. Appointed by: MAYOR AND CITY COUNCIL
6. Board Organization

CHAIRPERSON E VICE CHAIRPERSON SECRETARY E

ELECTED E APPOINTED
7. Departmental Responsibility: DIRECTOR OF LIBRARY SERVICES
8. Meeting Date: NO RULE – AS SET BY BOARD BY-LAWS
9. Attendance Requirements: NO RULE – AS SET BY BOARD BY-LAWS

=====

PURPOSE:

Shall serve in an advisory capacity with the City Librarian, the City Manager and the City Council.

RESPONSIBILITIES:

Said Board shall have no authority to bind the City of Sherman to any contract or interfere in any manner with City operations of Library Services.

APPLICANT LIST

Library Board

Positions Vacant 4

Applicant	Address	District	Qualifications
Nick Keating	418 Ridgeview Rd	4	Current Members; Wishes to be Reappointed
John West	315 W. McGee	1	Current Members; Wishes to be Reappointed
Judith Sloan	1521 W. Shields	4	Current Members; Wishes to be Reappointed

COMMENTS:

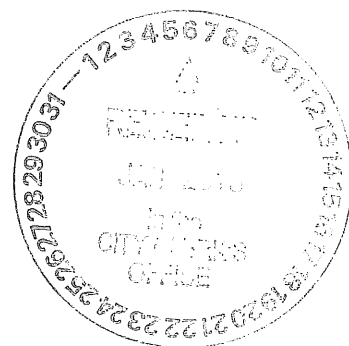
PUBLIC RECORDS DEPARTMENT

Phone No. (903) 892-7204

Fax No. (903) 892-7394

December 31, 2015

Nick Keating
418 Ridgeview Road
Sherman, Texas 75092



RE: Library Board

Dear Mr. Keating:

Your term on the Library Board expired on January 8, 2016. You are eligible for reappointment to the Board. Please let me know whether or not you are interested in reappointment to this board by checking the appropriate statement at the bottom of this letter and returning a copy to me at the address below. If you have any questions or need additional information, please don't hesitate to contact me.

Best regards,

Linda Ashby

Linda Ashby
City Clerk

cc: Jacqueline Banfield, Library Services Administrator

X

I do wish to be considered for reappointment to this board

I do not wish to be considered for reappointment to this board

Nick Keating
Signature

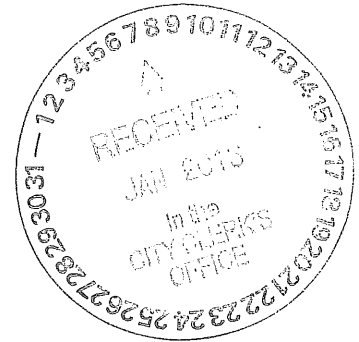
1-7-16
Date

Please return to: City of Sherman
City Clerk's Office
P.O. Box 1106
Sherman, Texas 75091-1106

PUBLIC RECORDS DEPARTMENT
Phone No. (903) 892-7204
Fax No. (903) 892-7394

December 31, 2015

John West
315 W. McGee
Sherman, Texas 75092



RE: Library Board

Dear Mr. West:

Your term on the Library Board expired on January 8, 2016. You are eligible for reappointment to the Board. Please let me know whether or not you are interested in reappointment to this board by checking the appropriate statement at the bottom of this letter and returning a copy to me at the address below. If you have any questions or need additional information, please don't hesitate to contact me.

Best regards,

Linda Ashby

Linda Ashby
City Clerk

cc: Jacqueline Banfield, Library Services Administrator

☒

I do wish to be considered for reappointment to this board

☐

I do not wish to be considered for reappointment to this board

Signature

John West

Date

1/6/2015

Please return to: City of Sherman
City Clerk's Office
P.O. Box 1106
Sherman, Texas 75091-1106

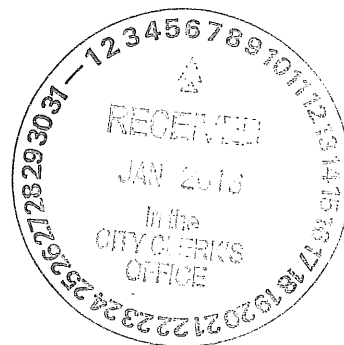
PUBLIC RECORDS DEPARTMENT

Phone No. (903) 892-7204

Fax No. (903) 892-7394

December 31, 2015

Judith Sloan
1521 W. Shields
Sherman, Texas 75092



RE: Library Board

Dear Ms. Sloan:

Your term on the Library Board expired on January 8, 2016. You are eligible for reappointment to the Board. Please let me know whether or not you are interested in reappointment to this board by checking the appropriate statement at the bottom of this letter and returning a copy to me at the address below. If you have any questions or need additional information, please don't hesitate to contact me.

Best regards,

Linda Ashby

Linda Ashby
City Clerk

cc: Jacqueline Banfield, Library Services Administrator

 X

I do wish to be considered for reappointment to this board

I do not wish to be considered for reappointment to this board

Judith P. Sloan
Signature

January 4, 2016
Date

Please return to: City of Sherman
City Clerk's Office
P.O. Box 1106
Sherman, Texas 75091-1106



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

Meeting Date: 01/18/2016

Prepared By: Pamela Cloer, Assistant to the City Manager

Approved By: Robby Hefton, City Manager

Caption:

COUNCIL CALENDAR

Attachments

2016 Council Calendar

2016

JANUARY						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

FEBRUARY						
S	M	T	W	T	F	S
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7	8	9	10	11	12	13
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28	29					

MARCH						
S	M	T	W	T	F	S
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20	21	22	23	24	25	26
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APRIL						
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MAY						
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22	23	24	25	26	27	28
29	30	31				

JUNE						
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JULY						
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31						

AUGUST						
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SEPTEMBER						
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OCTOBER						
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30	31					

NOVEMBER						
S	M	T	W	T	F	S
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27	28	29	30			

DECEMBER						
S	M	T	W	T	F	S
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11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

2/11/2016	Called Council Meeting for Transportation Workshop
7/4/2016	Independence Day/Called Council Meeting on 7/5/2016
9/5/2016	Labor Day/Called Council Meeting on 9/6/2016
