CITY OF SHERMAN
CITY COUNCIL REGULAR MEETING AGENDA
COUNCIL CHAMBERS OF THE CITY HALL
220 WEST MULBERRY STREET
SHERMAN, TEXAS
MONDAY, JANUARY 16, 2012
5:00 P.M.

A.1 CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN

A.2 PLEDGE OF ALLEGIANCE

A.3 INVOCATION BY MAYOR BILL MAGERS

A.4 APPROVE MINUTES OF THE REGULAR CITY COUNCIL MEETING OF DECEMBER 19, 2011

Public Hearing

B.1 INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5730
Amending Chapter 3 of the Code of Ordinances, entitled "Building Regulations", Article 3.02, entitled "Building, Life Safety and Residential Codes", Section 3.02.002, entitled "Amendments to Codes", by Adding Subsection (a)(6) to Provide for the Inclusion of Requirements for a Contractor Roofing Bond

B.2 INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5731
Amending Chapter 8 of the Code of Ordinances, entitled "Offenses and Nuisances", at Article 8.03, entitled "Offenses Involving Public Peace and Order", to Provide for a New Section 8.03.004 to be entitled "Right-of-Way Safety Regulations"; Providing for a Penalty or Fine Not to Exceed Five Hundred Dollars ($500.00); Providing for an Effective Date

Close Public Hearing and Consider Adoption of Ordinances

B.3 ADOPTION OF ORDINANCES
Consider Adoption of Ordinance Numbers:
(a) 5730
(b) 5731

B.4 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

C.1 RESOLUTION NO. 5645
Authorizing Execution of Contract with Espey Consultants, Inc. to Prepare Emergency Action Plans for the City's Three Flood Control Structures

C.2 ** RESOLUTION NO. 5646*
Awarding Bids to and Authorizing Execution of Contracts with Multiple Vendors for an Annual Supply of Chemicals for the Sherman Water Treatment Plant

C.3 ** RESOLUTION NO. 5647*
Authorizing Execution of an Encroachment Easement to Steeple Chase Farms Summit, LP for the Construction of a Monument Sign in a Utility Easement in Block W, Lot 2 of the Estates of Pebblebrook Addition, Phase I to the City of Sherman (3621 Steeple Chase Drive)

C.4 ** RESOLUTION NO. 5648*
Renaming the 3600 Block of Calais Drive to North Calais Street

C.5 ** RESOLUTION NO. 5649*
Approving and Adopting an Amended Cafeteria Plan, including a Dependent Care Flexible Spending Account and a Health Flexible Spending Account, effective October 1, 2010

Requests to Advertise

D.1 ** REQUEST TO ADVERTISE*
Park Restroom Cleaning Services

D.2 ** REQUEST TO ADVERTISE*
City Right-of-Way and Property Mowing

Other Business

D.3 OTHER BUSINESS
Receive Quarterly Progress Report from Sherman Economic Development Corporation Board Vice Chairman Juston Dobbs and SEDCO Executive Vice President Frank Gadek

D.4 CITIZEN REQUESTS

D.5 MEDIA QUESTIONS

D.6 COUNCIL COMMENTS

D.7 ADJOURNMENT

COUNCIL CALENDAR

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 1-16-2012

Subject: Agenda Item No. A.1

CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN

The Honorable Bill Magers, Mayor

SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager **Date:** 1-16-2012

Subject: Agenda Item No. A.2

PLEDGE OF ALLEGIANCE

The Honorable Bill Magers, Mayor

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 1-16-2012

Subject: Agenda Item No. A.3

INVOCATION BY MAYOR BILL MAGERS

SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager **Date:** 1-16-2012

Subject: Agenda Item No. A.4

APPROVE MINUTES
OF THE REGULAR CITY COUNCIL MEETING OF DECEMBER 19, 2011

STATE OF TEXAS §

December 19, 2011

COUNTY OF GRAYSON §

BE IT REMEMBERED THAT A Regular Meeting of the City Council of the City of Sherman, Grayson County, Texas was begun and held in the Council Chambers of City Hall on December 19, 2011.

MEMBERS PRESENT: **DEPUTY MAYOR WILLIE STEELE.**
COUNCIL MEMBERS HOWETH, PLYLER, SMITH, SOFTLY, WACKER.

MEMBERS ABSENT: **MAYOR BILL MAGERS.**

<u>CALL TO ORDER</u> — **CALL TO ORDER**

Deputy Mayor Steele called the meeting to order at 5:00 p.m. The Pledge of Allegiance and the Invocation were given by Council Member Pam Howeth.

<u>APPROVE MINUTES</u> — **APPROVE MINUTES**

The Council reviewed the Minutes of the Regular City Council Meeting of December 5, 2011. Council Member Smith moved to approve the Minutes as presented; Second by Council Member Softly. All present voted AYE.
MOTION CARRIED.

<u>CONSENT AGENDA</u> — **CONSENT AGENDA**

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

<u>RESOLUTIONS</u>

<u>RESOLUTION NO. 5641 – AUTHORIZING THE EXECUTION OF A MUTUAL AID AGREEMENT WITH THE CITY OF DURANT, OKLAHOMA</u> — **RES 5641 MUTUAL AID WITH DURANT, OK**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE EXECUTION OF A MUTUAL AID AGREEMENT WITH THE CITY OF DURANT, OKLAHOMA.

Fire Chief Jeff Jones briefed the City Council on the proposed Mutual Aid Agreement with the City of Durant, Oklahoma. He explained that during the floods of 2007 and the bus accident of 2008, the City of Sherman was very dependent on regional and area resources for fire, emergency services, and law enforcement.

Since that time the staff has worked on a mutual aid agreement to seek resources and provide a reciprocal agreement across State lines. He introduced James Dalton, the Emergency Management Coordinator for Bryan County and for the City of Durant. Mr. Dalton has been instrumental in developing this program with agreement from both State governments. He felt this program will serve as a model for future mutual aid agreements with Oklahoma and the State of Texas.

Council Member Wacker asked if this was the first interstate agreement. Chief Jones said some counties and cities along the Texas – Oklahoma border do have mutual aid agreements, including Wichita Falls and Texarkana.

He added that the local cities have been traveling across State lines, but it has been an arduous task. If Sherman needs assistance, they must go through Grayson County and the State of Texas then through the State of Oklahoma and back through Bryan County.

Deputy Mayor Steele verified that the new ambus would be included in the mutual aid agreement since it is a regional asset for the City and subject to call.

Mr. Dalton thanked the City Council for their consideration adding that they are excited about being able to implement the mutual aid agreement, especially in the rural areas of Oklahoma.

ACTION TAKEN.
Motion by Council Member Wacker to approve Resolution No. 5641, as presented. Second by Council Member Softly.
VOTING AYE: Howeth, Plyler, Smith, Softly, Steele, Wacker.
VOTING NAY: None.
MOTION CARRIED.

RES 5642
WWTP
IMPROVEMENTS

<u>RESOLUTION NO. 5642 – APPROVING THE GREATER TEXOMA UTILITY AUTHORITY'S INTENTION TO ENTER INTO AN AGREEMENT WITH VESSELS CONSTRUCTION, A DIVISION OF VESCOR FOR THE CONSTRUCTION OF PEAK FLOW STORAGE IMPROVEMENTS PHASE 2 AT THE SHERMAN WASTEWATER TREATMENT PLANT</u>
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, APPROVING THE GREATER TEXOMA UTILITY AUTHORITY'S INTENTION TO ENTER INTO AN AGREEMENT WITH VESSELS CONSTRUCTION, A DIVISION OF VESCOR FOR THE CONSTRUCTION OF PEAK FLOW STORAGE IMPROVEMENTS PHASE 2 AT THE SHERMAN WASTEWATER TREATMENT PLANT.
CONSENT AGENDA.

RES 5643
RESIDENTIAL TAX
ABATEMENT
(311 E. COLLEGE)

<u>RESOLUTION NO. 5643 – AUTHORIZING EXECUTION OF AN AGREEMENT WITH JACOB DERIEUX FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 311 EAST COLLEGE STREET</u>
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN AGREEMENT WITH JACOB DERIEUX FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 311 EAST COLLEGE STREET.
CONSENT AGENDA.

RES 5644
GTUA REVENUE
BONDS

<u>RESOLUTION NO. 5644 – RELATING TO GREATER TEXOMA UTILITY AUTHORITY CONTRACT REVENUE BONDS, SERIES 2012 (CITY OF SHERMAN PROJECT); APPROVING THE ISSUANCE THEREOF, THE NOTICE OF SALE PREPARED IN CONNECTION WITH THE PUBLIC OFFERING OF THE BONDS, AND THE FACILITIES TO BE CONSTRUCTED OR ACQUIRED BY THE AUTHORITY FOR THE BENEFIT OF THE CITY</u>

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, RELATING TO GREATER TEXOMA UTILITY AUTHORITY CONTRACT REVENUE BONDS, SERIES 2012 (CITY OF SHERMAN PROJECT); APPROVING THE ISSUANCE THEREOF, THE NOTICE OF SALE PREPARED IN CONNECTION WITH THE PUBLIC OFFERING OF THE BONDS AND THE FACILITIES TO BE CONSTRUCTED OR ACQUIRED BY THE AUTHORITY FOR THE BENEFIT OF THE CITY.

Robby Hefton, Assistant City Manager/CFO, explained that Resolution 5644 was an administrative action to validate Greater Texoma Utility Authority issuing debt on the City's behalf.

The City has approximately $5.5 million in water and wastewater projects that will be completed with funding from this bond issue. They received very favorable rates at a little over 3.5% for 20 years of bonds. He recommended approval of the resolution.

ACTION TAKEN.

> **Motion by Council Member Smith to approve Resolution No. 5644, as presented. Second by Council Member Wacker.**

VOTING AYE: Howeth, Plyler, Smith, Softly, Steele, Wacker.
VOTING NAY: None.
MOTION CARRIED.

<u>OTHER BUSINESS</u>

APPROVE FINAL PLAT
HELEN PERKINS
ADDITION

<u>FINAL PLAT APPROVAL OF THE HELEN PERKINS ADDITION; BEING 6.96 ACRES IN THE RUEBEN HENDRIX SURVEY, ABSTRACT NO. 504; ALCOHOLIC SERVICES OF TEXOMA, OWNER; SARTIN AND ASSOCIATES, INC., SURVEYORS (2407 AND 2415 TEXOMA PARKWAY)</u>

The City Council approved the Final Plat of the Helen Perkins Addition located at 2407 and 2415 Texoma Parkway. The 6.96 acre tract is located at the northeast corner of Baker Road and Texoma Parkway.

The owner would like to divide the existing tract for development. The property has never been platted. The Planning and Zoning Commission recommended approval of the Final Plat.
CONSENT AGENDA.

CITIZENS REQUESTS

<u>CITIZENS REQUESTS</u>
There were no citizens requests.

MEDIA QUESTIONS

There were no media questions.

MEDIA QUESTIONS

COUNCIL COMMENTS

MERRY CHRISTMAS

Council Member Plyler wished everyone a Merry Christmas, Happy Hanukkah, and Happy New Year.

MERRY CHRISTMAS

MERRY CHRISTMAS

Council Member Smith wished everyone a Merry Christmas and asked them to remember the reason for the season.

MERRY CHRISTMAS

MERRY CHRISTMAS

Council Member Howeth wished everyone a Merry Christmas and urged them to drive very safely during the holiday season.

MERRY CHRISTMAS

MERRY CHRISTMAS

Council Member Softly wished everyone a Merry Christmas.

MERRY CHRISTMAS

MERRY CHRISTMAS

Council Member Wacker wished everyone a wonderful holiday season and asked them to remember those that are serving our Country and also those in need.

MERRY CHRISTMAS

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 551.074	**PERSONNEL MATTERS CONSIDER THE QUALIFICATION, APPOINTMENT AND REMOVAL OF MEMBERS TO BOARDS AND COMMISSIONS: GREATER TEXOMA UTILITY AUTHORITY BOARD OF DIRECTORS (2)**

Council Members decided they did not need to go into Executive Session to discuss the appointments to the Greater Texoma Utility Authority Board of Directors.

APPOINT/REMOVE OR CONSIDER QUALIFICATIONS TO BOARDS AND COMMISSIONS:
GREATER TEXOMA UTILITY AUTHORITY BOARD OF DIRECTORS (2)

GTUA BOARD

ACTION TAKEN.

Motion by Council Member Smith to reappoint Bill Johnson and George Rowland to the Greater Texoma Utility Authority Board of Directors for a term from December 31, 2011 to December 31, 2013. Second by Council Member Wacker.

VOTING AYE: Howeth, Plyler, Smith, Softly, Steele, Wacker.
VOTING NAY: None.
MOTION CARRIED.

ADJOURNMENT

ADJOURNMENT

On Motion duly made and carried, the meeting adjourned at 5:08 p.m.

DEPUTY MAYOR

CITY CLERK

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 1-16-2012

Subject: Agenda Item No. B.1

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5730
Amending Chapter 3 of the Code of Ordinances, entitled "Building Regulations", Article 3.02, entitled "Building, Life Safety and Residential Codes", Section 3.02.002, entitled "Amendments to Codes", by Adding Subsection (a)(6) to Provide for the Inclusion of Requirements for a Contractor Roofing Bond

Issue
To consider the requirements for a contractor's roofing bond

Background
The requirements for a contractor roofing bond ordinance were adopted June 10, 2002, but were deleted when new codes were adopted in prior years.

Origination
Development Services, Department 127

Staff Recommendation
It is recommended that the Council adopt the ordinance.

Alternatives
None recommended

Attachments
Ordinance No. 5730

Prepared by:
Scott Shadden, Development Services Director

Approved by:
George Olson, City Manager

ORDINANCE NO. 5730

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 3 OF THE CODE OF ORDINANCES, ENTITLED “BUILDING REGULATIONS”, ARTICLE 3.02, ENTITLED “BUILDING, LIFE SAFETY AND RESIDENTIAL CODES”, SECTION 3.02.002, ENTITLED “AMENDMENTS TO CODES”, BY ADDING SUBSECTION (A)(6) TO PROVIDE FOR THE INCLUSION OF REQUIREMENTS FOR A CONTRACTOR ROOFING BOND; 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 3, Article 3.02, Section 3.02.002 of the Code of Ordinances of the City of Sherman, Texas, be and is hereby amended to include a new Subsection (a)(6) so that such section shall read as follows:

Sec. 3.02.002 Amendments to Codes

(a) Residential code. The following additions, amendments, and/or deletions to the 2009 IRC are hereby adopted:

(1) R602.6.1, is hereby amended to add the following section:

Exception: When galvanized metal ties not less than 0.054 inches thick, 1-1/2 inches wide and extending 6 inches beyond the cut, drilling or notch of the top plates and fastened securely.

(2) Table P2904.4 Water Service, Table P2904.5 Water Distribution, Table P2904.6 Pipe Fittings, Table P3002.1 Drain waste and vent piping and fitting materials and Table P3002.2 Building Sewer Piping, are hereby deleted and replaced with the following:

(a) Materials for water.

(1) In structure: copper, K, L, chlorine resistant PEX, and chlorine resistant PEX/AL/PEX.

(2) Service: copper, PVC 40, chlorine resistant PEX, and chlorine resistant PEX/AL/PEX.

(b) Material for Drains. PVC Schedule 40, cast iron, copper, SDR35 in sizes over 4 inches. Note: PVC cell core and foam core are not permitted.

(3) Part VIII–Electrical Chapters 34-43, shall be deleted.

(4) Section R313.2 One- and two-family dwellings automatic fire systems, shall be deleted.

(5) Appendix G, AG105.2 Outdoor swimming pool, is amended to read as follows:

1. The top of the barrier shall be at least 72 inches (1830 mm) above grade measured on the side of the barrier which faces away from the swimming pool. The remainder of the section is unchanged.

(6) CONTRACTOR ROOFING BOND.

It shall be the duty of every residential roofing contractor who shall make contracts for the erection, construction, enlargement, alteration, and repair of roofs for which a permit is required, and every contractor of builder making such contracts and subletting the same, or any part thereof, to pay a permit fee as provided in the general license ordinance and to register his name with the building official, in a book provided for that purpose, giving full name, residence and place of business and, in case of removal from one place to another, to have made corresponding change in said register accordingly; and it shall be the further duty of every such person to give good and sufficient bond in the sum of Twenty Thousand Dollars and No Cents ($20,000.00), conditioned to conform to the building regulations, the regulation of this section, and other ordinances or laws of the Sherman City Council and the State of Texas.

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 of effectiveness of the remainder of the ordinance.

SECTION 4. That violators of this ordinance shall be subject to criminal penalty, Class C misdemeanor not to exceed Two Thousand Dollars ($2,000.00).

SECTION 5. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 6. That, because this ordinance has a penalty for violation, it shall become effective upon its publication as required by the city charter (home rule), which date is expected to be January 16, 2012.

SECTION 7. 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 _________________, 2012.

ADOPTED on this the ________________ day of _________________, 2012.

EFFECTIVE DATE on this the _________ day of _________________, 2012.

CITY OF SHERMAN, TEXAS

BY: ______________________________
BILL MAGERS, 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

From: The Office of the City Manager **Date:** 1-16-2012

Subject: Agenda Item No. B.2

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5731
Amending Chapter 8 of the Code of Ordinances, entitled "Offenses and Nuisances", at Article 8.03, entitled "Offenses Involving Public Peace and Order", to Provide for a New Section 8.03.004 to be entitled "Right-of-Way Safety Regulations"; Providing for a Penalty or Fine Not to Exceed Five Hundred Dollars ($500.00); Providing for an Effective Date

Issue
The City has experienced increased instances of soliciting at busy intersections. Citizens have expressed concern for the safety of both the solicitors and the drivers.

Background
At the regularly held Council meeting on November 21, 2011, the City Council directed the City Attorney to draft an ordinance prohibiting solicitation in the right-of-way that mirrored the prohibition in the Texas Transportation Code Sec. 552.007.

Origination
City Council
City Attorney

Financial Consideration
Prosecution under a City ordinance will result in more of the fine for this type of offense being retained by the City rather than being passed on to the state.

Staff Recommendation
The staff recommends adoption of the proposed ordinance to regulate solicitation in the public right-of-way.

Alternatives
Council could elect not to pass this ordinance and direct the police department to continue to attempt enforcement under the state statute.

Attachments
Ordinance No. 5731

Prepared by:
Brandon S. Shelby, City Attorney

Approved by:
George Olson, City Manager

ORDINANCE NO. 5731

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 8 OF THE CODE OF ORDINANCES, ENTITLED “OFFENSES AND NUISANCES”, AT ARTICLE 8.03, ENTITLED “OFFENSES INVOLVING PUBLIC PEACE AND ORDER”, TO PROVIDE FOR A NEW SECTION 8.03.004 TO BE ENTITLED “RIGHT-OF-WAY SAFETY REGULATIONS”; PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED FIVE HUNDRED DOLLARS ($500.00); PROVIDING FOR AN EFFECTIVE DATE; 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.

WHEREAS, Section 552.007 of the Texas Transportation Code prohibits solicitation in the public right-of-way unless authorized to do so by the local authority having jurisdiction over the roadway; and

WHEREAS, the City Council of the City of Sherman finds that soliciting a ride, contribution, employment, or business from an occupant of a vehicle in the public right-of-way is hazardous to public safety and impedes the normal, orderly, and safe flow of traffic; and

WHEREAS, the City Council of the City of Sherman seeks to provide for the safety of its citizens by prohibiting transactions involving occupants of vehicles on public roads within the City of Sherman; and

WHEREAS, the City Council of the City of Sherman finds that passage of this ordinance will further the interest of the health, safety, and general welfare of the public;

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

SECTION 1. That, from and after the passage of this ordinance, Chapter 8 of the Code of Ordinances, entitled “Offenses and Nuisances”, be and is hereby amended at Article 8.03, entitled “Offenses Involving Public Peace and Order”, to provide for a new Section 8.03.004 to be entitled “Right-of-Way Safety Regulations”, such section to read as follows:

ARTICLE 8.03 OFFENSES INVOLVING PUBLIC PEACE AND ORDER

Sec. 8.03.004 Right-of-Way Safety Regulations

The purpose of this article is to protect the health, safety and general welfare of the citizens of the City of Sherman, to assure the free, orderly, undisrupted movement of vehicles on public roads within the City of Sherman.

(A) *A person may not stand in a roadway to solicit a ride, contribution, employment, or business from an occupant of a vehicle, unless such person is soliciting a charitable contribution and has been authorized to do so by the Sherman City Manager's office.*

(B) *The authorization described in section (A) shall be in writing and shall specify the organization that may solicit, the specific location of approved solicitation, and the hours such solicitation is authorized.*

(C) *An offense under this section is punishable by a fine not to exceed Five Hundred Dollars ($500.00) for each offense.*

SECTION 2. That this ordinance shall take effect immediately from and after its passage and publication of the caption as required by law.

SECTION 3. That an offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Code of Ordinances of the City of Sherman, as amended, in effect when the offense was committed; and the former law is continued in effect for this purpose.

SECTION 4. 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 5. 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 of effectiveness of the remainder of the ordinance.

SECTION 6. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 7. 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 __________________, 2012.

ADOPTED on this the _________________ day of __________________, 2012.

EFFECTIVE DATE on this the _________ day of __________________, 2012.

CITY OF SHERMAN, TEXAS

BY: ________________________________

BILL MAGERS, 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

From: The Office of the City Manager **Date:** 1-16-2012

Subject: Agenda Item No. B.3

ADOPTION OF ORDINANCES
Consider Adoption of Ordinance Numbers: 5730 and 5731

B.1 INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5730
Amending Chapter 3 of the Code of Ordinances, entitled “Building Regulations”, Article 3.02, entitled “Building, Life Safety and Residential Codes”, Section 3.02.002, entitled “Amendments to Codes”, by Adding Subsection (a)(6) to Provide for the Inclusion of Requirements for a Contractor Roofing Bond

B.2 INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5731
Amending Chapter 8 of the Code of Ordinances, entitled “Offenses and Nuisances”, at Article 8.03, entitled “Offenses Involving Public Peace and Order”, to Provide for a New Section 8.03.004 to be entitled “Right-of-Way Safety Regulations”; Providing for a Penalty or Fine Not to Exceed Five Hundred Dollars ($500.00); Providing for an Effective Date

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 1-16-2012

Subject: Agenda Item No. B.4

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

C.2 **** RESOLUTION NO. 5646***
Awarding Bids to and Authorizing Execution of Contracts with Multiple Vendors for an Annual Supply of Chemicals for the Sherman Water Treatment Plant

C.3 **** RESOLUTION NO. 5647***
Authorizing Execution of an Encroachment Easement to Steeple Chase Farms Summit, LP for the Construction of a Monument Sign in a Utility Easement in Block W, Lot 2 of the Estates of Pebblebrook Addition, Phase I to the City of Sherman (3621 Steeple Chase Drive)

C.4 **** RESOLUTION NO. 5648***
Renaming the 3600 Block of Calais Drive to North Calais Street

C.5 **** RESOLUTION NO. 5649***
Approving and Adopting an Amended Cafeteria Plan, including a Dependent Care Flexible Spending Account and a Health Flexible Spending Account, effective October 1, 2010

D.1 **** REQUEST TO ADVERTISE***
Park Restroom Cleaning Services

D.2 **** REQUEST TO ADVERTISE***
City Right-of-Way and Property Mowing

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 1-16-2012

Subject: Agenda Item No. C.1

RESOLUTION NO. 5645
Authorizing Execution of Contract with Espey Consultants, Inc.
to Prepare Emergency Action Plans for the City's Three Flood Control Structures

Issue
Authorizing execution of a Contract with Espey Consultants, Inc. to prepare Emergency Action Plans for the City's three flood control structures

Background
The current Capital Improvement Program (CIP) contains a project to develop Emergency Action Plans for the City's three flood control structures. The plans are required by the Texas Commission on Environmental Quality.

Origination
Engineering Department

Financial Consideration
The proposed fee to develop the Emergency Action Plans is $47,185.00. The CIP has appropriated $50,000.00 for this task.

Staff Recommendation
It is recommended that the City Manager be authorized to execute the contract with Espey Consultants, Inc. of Dallas, Texas.

Alternatives
As may be recommended by the Council

Attachments
Resolution No. 5645
Capital Improvement Program Project Sheet
Espey Consultants Contract

Prepared by:
Mark Gibson, Director of Engineering & Utilities

Approved by:
George Olson, City Manager

RESOLUTION NO. 5645

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF A CONTRACT WITH ESPEY CONSULTANTS, INC. TO PREPARE EMERGENCY ACTION PLANS FOR THE CITY'S THREE FLOOD CONTROL STRUCTURES; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That the City Manager be and is hereby authorized and directed, subject to all documents being properly completed and approved as to form and content by the City Attorney, to execute a contract with Espey Consultants, Inc. of Dallas, Texas, to prepare Emergency Action Plans for the City's three flood control structures, in accordance with the terms and provisions of the contract documents attached hereto and made a part hereof for all purposes.

SECTION 2. 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 ________________, 2012.

CITY OF SHERMAN, TEXAS

ATTEST:

BY: ______________________________
LINDA ASHBY, CITY CLERK

BY: ______________________________
BILL MAGERS, MAYOR

APPROVED AS TO FORM AND CONTENT:

BY: ______________________________
BRANDON S. SHELBY, CITY ATTORNEY

PROJECT YEAR: 2011-2012

PROJECT NAME: Soil Conservation Service (SCS) Lake Emergency Action Plan Study

DESCRIPTION: Prepare Emergency Action Plans for City's SCS Lakes.

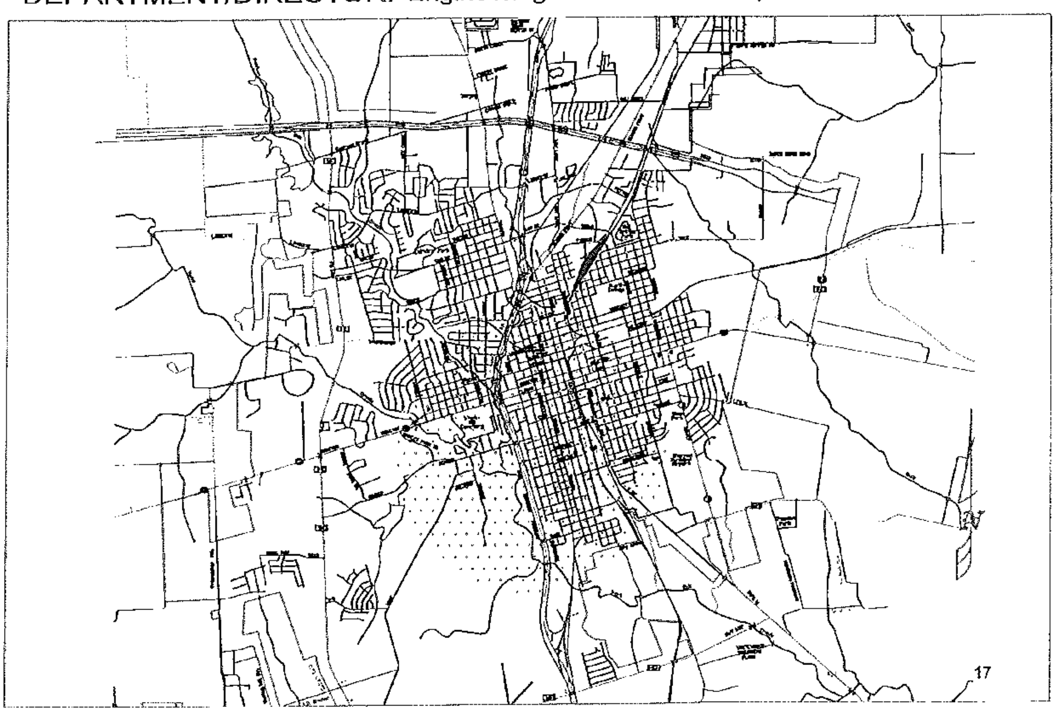
ESTIMATED COST: $50,000

ESTIMATED O&M COST: NA

PROPOSED FINANCING: General Improvement Fund

PROJECT NECESSITY: Texas Commission on Environmental Quality requires dam owners to prepare and maintain emergency action plans for dams.

DEPARTMENT/DIRECTOR: Engineering and Public Works, Mark Gibson



Espey Consultants, Inc.

Environmental & Engineering Services

December 20, 2011

Mr. Mark Gibson, P.E.
Director of Public Works
City of Sherman
220 W. Mulberry St.
Sherman, TX 75091-1106

Re: Watershed Management Plan
Authorization of Services – Task Order No. 2
NRCS Site 8A, Site 10A, Site 11
Post Oak Creek Emergency Action Plan

Dear Mr. Gibson:

Espey Consultants, Inc. (EC) is pleased to present this proposal to provide professional engineering services in support of the development an Emergency Action Plan for NRCS Site 8A, Site 10A, and Site 11. The terms and conditions of the July 16, 2010 executed *General Agreement for Engineering Services* between the City of Sherman and Espey Consultants, Inc. will apply to this proposal presented as Task Order No. 2 except as amended by the additional terms and conditions contained in this proposed letter agreement.

This letter and three (3) attachments constitute the proposed Task Order No. 2. The attachments are:

- Attachment A – Scope of Work
- Attachment B – Compensation
- Attachment C – EC Rate Schedule

EC proposes to provide each of the specific services under this proposed Task Order No. 2 as described in Attachment A to this letter agreement, using the Rate Schedule in Attachment C, with compensation based on a time and material basis, not to exceed $47,185 as detailed in Attachment B. If the scope of services and budget meet with your approval, please sign in the space below. Your acceptance below will be our authorization to proceed under the terms and conditions of our July 16, 2010, General Agreement for Engineering Services between the City of Sherman and Espey Consultants, Inc. Please return a signed copy to me for our records.

If you have any questions or require any additional information, please call Stephen Jenkins at (214) 951-0807.

Sincerely,

Wayne Hunter, P.E.
DFW Branch Manager

Authorization to Proceed

George Olson
City Manager
City of Sherman

Attachments
P:\Active\10037.00_Watershed_Management_Plan\TO 2_EAP\EAP Proposal letter 12-20-11.doc

Attachment A

Post Oak Creek Emergency Action Plan
Task Order No. 2
Scope of Work

The City of Sherman has assumed ownership of three NRCS dams in the Post Oak Creek Watershed. The TCEQ Dam Safety office notified the City that state regulations required an Emergency Action Plan (EAP) for NRCS Site 8A, Site 10A, and Site 11. The EAP must be submitted to the state by January 1, 2013. The scope of work for this project includes the preparation of an EAP in accordance with current TCEQ Guidelines and the coordination with the City, local emergency management officers, and TCEQ for review and approval.

The final deliverables will be an Emergency Action Plan for Site 8A, Site 10A, and Site 11.

SCOPE OF SERVICES

Task 1: Assemble Data

Espey Consultants, Inc. will gather all pertinent information from the City on the three sites as may be required by the TCEQ *Guidelines for Developing Emergency Action Plans in Texas, May 2009*. This includes but is not limited to record drawings, dam breach analyses, inundation mapping, and emergency action operations personnel information. This task includes one meeting with City and/or emergency operations management to review information requests.

Task 2: H&H Analysis & Mapping

A breach analysis will be performed using the HEC-HMS or HEC-RAS models developed for the Post Oak Creek Flood Protection Plan. The breach analyses will be performed in accordance with the current *Hydrologic & Hydraulic Guidelines for Dams in Texas, January, 2007*. Inundation mapping exhibits will be prepared using GIS for inclusion with the dam breach analysis in the draft EAP.

Task 3: Draft EAP

EC will prepare a draft EAP for review by City staff and emergency operations management. EC will meet with the Public Works and Engineering staff, and Emergency Operations manager(s) to review draft plan and receive comments prior to submittal to TCEQ for review and comment. EC will revise the plan to address comments if necessary and will submit, on behalf of the City, the *Draft* EAP to TCEQ for review and comment. EC will coordinate with the TCEQ and City Project Manager during the review process.

Note: the submittal to TCEQ in this task must be completed prior January 1, 2013.

Task 4: Final EAP

EC will revise the draft EAP with the assistance of the City and emergency operations staff to address any comments or additional requirements of the TCEQ Dam Safety Office. EC will attend one meeting with the city and Emergency Operations manager(s) if necessary to address plan deficiencies. One additional meeting (or a single meeting if comments are minor) will be held with the City and Emergency Operations manager(s) to discuss the requirements for adopting and maintaining an approved plan.

GENERAL UNDERSTANDING OF THE WORK

The City will be responsible for the following:

- Provide EC with copies of prior dam safety inspections.
- Provide EC with copies of dam related correspondence with TCEQ (and predecessor agencies).
- City Council adoption of the EAP.
- Submittal of the adopted EAP to the TCEQ Dam Safety Office for their records.

The scope of this project **does not include**:

- Development of construction plans or specifications.
- Services for obtaining a USACE Nationwide Permit or other USACE permits, requirements, or design or calculations for any mitigation that might be required under federal or state regulations.
- Surveying or geotechnical testing or engineering services, or archeological services other than those specified in tasks above.
- Dam Safety analysis or water rights permit assessments except where noted above.
- Preparation of a Storm Water Pollution Prevention Plan (SWPPP) that is a contractor responsibility.
- Analysis for water quality or secondary conveyance systems (storm sewer) unless specified above.
- Dam inspections.

P:\Active\10037.00_Watershed_Management_Plan\TO 2_EAP\EAP_Scope.doc

Attachment B

Post Oak Creek Emergency Action Plan

Compensation

FEE ESTIMATE

Fees are estimated per task as Time and Materials Not-To-Exceed: Should additional effort and/or expenses be required beyond the scope outlined above, EC will prepare an addendum request for Additional Services approval prior to undertaking the additional work.

FEE

Labor			
	1	Assemble Data	$ 6,070
	2.	H&H Analysis & Mapping	$ 13,840
	3.	Draft EAP	$ 16,880
	2.	Final EAP	$ 9,120
Labor Subtotal			$45,910
Expenses			
	Task Expenses		$ 1,275
Expenses Subtotal			$ 1,275
TOTAL FEE			**$47,185**

SCHEDULE

The proposed schedule for completion of the tasks is as follows:

Task 1-3	Submit Draft EAP	November 1, 2012
Task 4.	Final EAP	3 weeks after receipt of TCEQ comments

Attachment C

Standard Rate Schedule (11EC)

The following professional and support service rates have been established for Espey Consultants, Inc. (EC) in calendar year 2011.

Classification	Rates				
Principal	$	220.00	-	$	255.00
Sr. Project Manager	$	170.00	-	$	220.00
Project Manager	$	120.00	-	$	170.00
Engineer/Scientist/Planner	$	100.00	-	$	140.00
Engineering Staff	$	80.00	-	$	120.00
Sr. Technician/Drafter	$	90.00	-	$	110.00
Technician/Drafter	$	60.00	-	$	80.00
Administrative Support	$	55.00	-	$	75.00

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 1-16-2012

Subject: Agenda Item No. C.2

**** RESOLUTION NO. 5646***

Awarding Bids to and Authorizing Execution of Contracts with Multiple Vendors for an Annual Supply of Chemicals for the Sherman Water Treatment Plant

Issue

To consider awarding contracts to multiple vendors for an annual supply of chemicals to be used at the Sherman Water Treatment Plant

Background

In accordance with Texas purchasing laws, the City solicited bids from various chemical vendors for the annual supply of chemicals for our water operations. This year, the City received bids from thirteen (13) vendors. In order to gain maximum benefit for the City, each type of chemical is considered separately for awarding purposes; thus, the staff will recommend awarding contracts to seven (7) different vendors based on the lowest price for each of the commodities. Attached is a summary of the chemical vendors' pricing by commodity.

Origination

Department of Utilities & Engineering

Financial Consideration

Funding is available in the water production budget for fiscal year (FY) 2011-2012 for the purchase of these chemicals.

Staff Recommendation

It is recommended that the Council award the contracts for chemicals to the vendors as identified in the attached pricing summary.

Alternatives

As may be directed by the City Council

Attachments

Resolution No. 5646
Chemical Bid Tabulation

Prepared by:
Mark Gibson, Director of Utilities & Engineering

Approved by:
George Olson, City Manager

RESOLUTION NO. 5646

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AWARDING BIDS TO AND AUTHORIZING EXECUTION OF CONTRACTS WITH MULTIPLE VENDORS FOR AN ANNUAL SUPPLY OF CHEMICALS FOR THE SHERMAN WATER TREATMENT PLANT; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That bids are hereby awarded to Chemrite, Inc., DPC Industries, Inc., FSTI, Inc., General Chemical Performance Products, LLC, F2 Industries, LLC, Chameleon Industries, Inc., and Southwest Chemical Services, Inc. for the annual supply of chemicals to be used at the Sherman Water Treatment Plant in accordance with the City's specifications; and that the City Manager be and is hereby authorized and directed, subject to all contract documents being properly completed and approved as to form and content by the City Attorney, to execute contracts of sale with Chemrite, Inc., DPC Industries, Inc., FSTI, Inc., General Chemical Performance Products, LLC, F2 Industries, LLC, Chameleon Industries, Inc., and Southwest Chemical Services, Inc. for said supply of chemicals to be used at the Sherman Water Treatment Plant, in accordance with the terms and provisions of the contract documents to be attached hereto and incorporated herein for all purposes.

SECTION 2. 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 ________________, 2012.

CITY OF SHERMAN, TEXAS

ATTEST:

BY: ______________________________
LINDA ASHBY, CITY CLERK

BY: ______________________________
BILL MAGERS, MAYOR

APPROVED AS TO FORM AND CONTENT:

BY: ______________________________
BRANDON S. SHELBY, CITY ATTORNEY

City of Sherman

Chemical Bid Tabulation

December 14, 2011; 10 AM

Bidder	1 Liquid Chlorine: (150-lb Cylndrs)	2 Liquid Chlorine: (1-Ton Contnrs)	3 Liquid Ammonia,26 Be (29.4 wt%) (Bulk Shipments)	4 Potassium Permanganate Free Flowing (55 lbs Drums)	5 Hydrochloric Acid, 22 °Be (36 wt%) (Bulk Shipment)	6 Sodium Hydroxide, 25 wt% (Bulk Shipment)	7 Aluminum Sulfate (Alum) 50 wt% (Bulk Shipment)	8 Fluorosilicic Acid, 24 wt% (Bulk Shipment)	9 Liquid Copper Sulfate (55-Gallon Drum)	10 Sodium Chloride, 99wy% Food Grade (100 lb Bags)	11 Corrosion & Scale Inhibitor (55-Gal Barrels)	12 Polymer (55-Gal Barrels)
GEO Speciality							1.38571					
Shannon Chemical											414.14	
DPC Industries	91.51	592				1.025						
F2 Industries				2.15							384.4	
Pencco, Inc.								3.71				
Chemrite, Inc.				2.25					4.24			
KA Steel Chemicals						0.88						
Harcross Chemicals				4.2	2.85	1.15		3.2825				
Southwest Chemical Services	98		1.25					4.1				
General Chemical							0.5843				308.57	
Airgas Speciality			1.12									
Carus Corporation											430	
Chameleon							0.605					
Nalco - NO BID												

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 1-16-2012

Subject: Agenda Item No. C.3

**** RESOLUTION NO. 5647***

Authorizing Execution of an Encroachment Easement to Steeple Chase Farms Summit, LP for the Construction of a Monument Sign in a Utility Easement in Block W, Lot 2 of the Estates of Pebblebrook Addition, Phase I to the City of Sherman (3621 Steeple Chase Drive)

Issue
To consider granting an encroachment into the utility easement located at 3621 Steeple Chase Drive

Background
The owner of the property located at 3621 Steeple Chase Drive proposes to construct a monument sign, which would encroach into an existing 20' utility easement. The City has utilities in the referenced easement; and the private utilities have no objections to the encroachment.

Origination
Steeple Chase Farms Summit, LP (Owner)

Financial Consideration
None

Staff Recommendation
The staff has no objections to the proposed encroachment and recommends approval.

Alternatives
As may be directed by the City Council

Attachments
Resolution No. 5647
Encroachment Easement
Copy of Plat
Citizen Request
Utility Letters (4)
Location Map

Prepared by:
Mark Gibson, Director of Utilities and Engineering

Approved by:
George Olson, City Manager

RESOLUTION NO. 5647

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN ENCROACHMENT EASEMENT TO STEEPLE CHASE FARMS SUMMIT, LP FOR THE CONSTRUCTION OF A MONUMENT SIGN IN A UTILITY EASEMENT IN BLOCK W, LOT 2 OF THE ESTATES OF PEBBLEBROOK ADDITION, PHASE I TO THE CITY OF SHERMAN (3621 STEEPLE CHASE DRIVE); FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That the City Manager be and is hereby authorized and directed, subject to all documents being properly completed and approved as to form and content by the City Attorney, to execute an encroachment easement to Steeple Chase Farms Summit, LP in substantially the same form as presented at this meeting, for the construction of a monument sign in a Utility Easement in Block W, Lot 2 of the Estates of Pebblebrook Addition, Phase I (3621 Steeple Chase Drive), in accordance with the encroachment easement document and location map approved by the City Engineer and the City Attorney, attached hereto and incorporated herein for all purposes.

SECTION 2. 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 ________________, 2012.

CITY OF SHERMAN, TEXAS

ATTEST:

BY: ______________________________
LINDA ASHBY, CITY CLERK

BY: ______________________________
BILL MAGERS, MAYOR

APPROVED AS TO FORM AND CONTENT:

BY: ______________________________
BRANDON S. SHELBY,
CITY ATTORNEY

ENCROACHMENT EASEMENT

THE STATE OF TEXAS	**§**	
	§	**KNOW ALL MEN BY THESE PRESENTS:**
COUNTY OF GRAYSON	**§**	

That the **CITY OF SHERMAN**, a municipal corporation of the State of Texas, hereinafter called "GRANTOR", in consideration of ONE DOLLAR AND NO CENTS ($1.00) and other good and valuable consideration to it, in hand paid, hereby grants to **Steeple Chase Farms Summit, LP** of Louisville, Kentucky, hereinafter called "GRANTEE", an encroachment easement to construct a monument sign within a utility easement at Lot W, Block 2 of the Estates of Pebblebrook Addition, Phase I and known as 3621 Steeple Chase Drive, as shown on the location map marked Exhibit "A", attached hereto and incorporated herein for all purposes. Said encroachment easement shall be inferior, subordinate, and subject to the GRANTOR'S rights herein.

This instrument shall be construed as conveying an encroachment easement to GRANTEE, its heirs, successors and assigns, for the limited purpose of constructing a monument sign within the herein described encroachment area, as shown on the attached exhibit. GRANTEE agrees that all maintenance of the monument sign and related equipment shall be the responsibility of GRANTEE without cost, fees or expense to GRANTOR.

That GRANTEE shall fully and completely indemnify and hold harmless the GRANTOR from any and all damages, actions, suits, claims, demands, liabilities, executions and judgments, whether liquidated or unliquidated, absolute or contingent, direct or indirect, at law or in equity, together with attorneys fees which may occur in any manner by reason of any matter, fact, or thing arising from this conveyance and use of the area.

In the event it becomes necessary for the GRANTOR or any public utility to utilize the encroachment area for the purpose of installing new utilities, removing or repairing any public utilities located therein, GRANTEE hereby releases GRANTOR and any public utility from any and all claims for damages, costs or expenses, and shall include, but specifically not be limited to, the cost of repair, relocation, or removal of the monument sign and loss of use of such area.

TO HAVE AND TO HOLD the above described encroachment easement unto the said GRANTEE, its heirs, successors and assigns, until the use of such encroachment is no longer necessary.

EXECUTED this the __________ day of _______________________, A.D., 2012.

CITY OF SHERMAN, TEXAS

BY: ______________________________
GEORGE OLSON,
CITY MANAGER

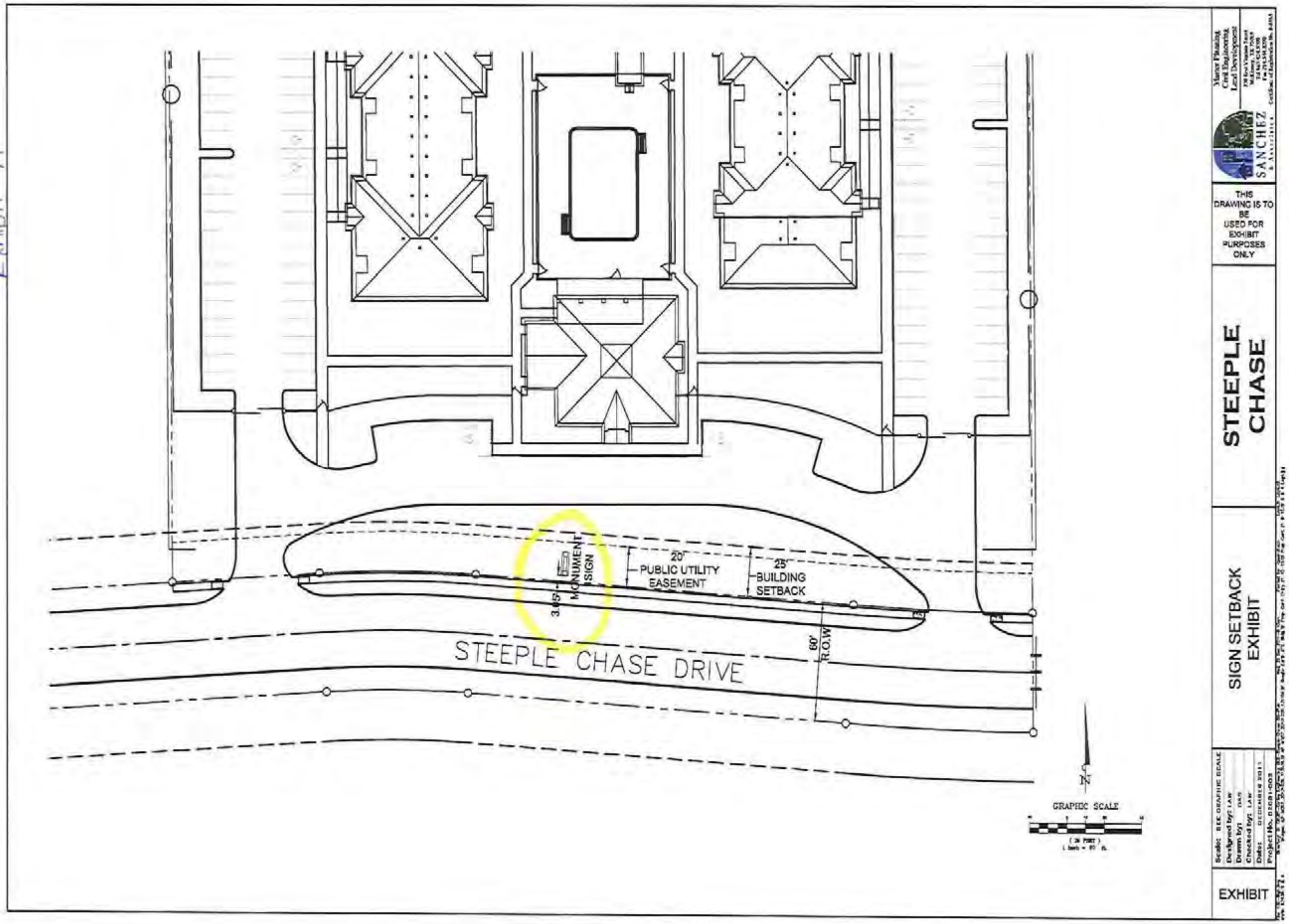
THE STATE OF TEXAS §
COUNTY OF GRAYSON §

BEFORE ME, the undersigned authority, in and for said county and state, on this day personally appeared **GEORGE OLSON**, City Manager, known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that the same was the act of the said City of Sherman, Texas, and that he executed the same as the act of such corporation for the purposes and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the _______________ day of ___________________________, A.D., 2012.

____
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

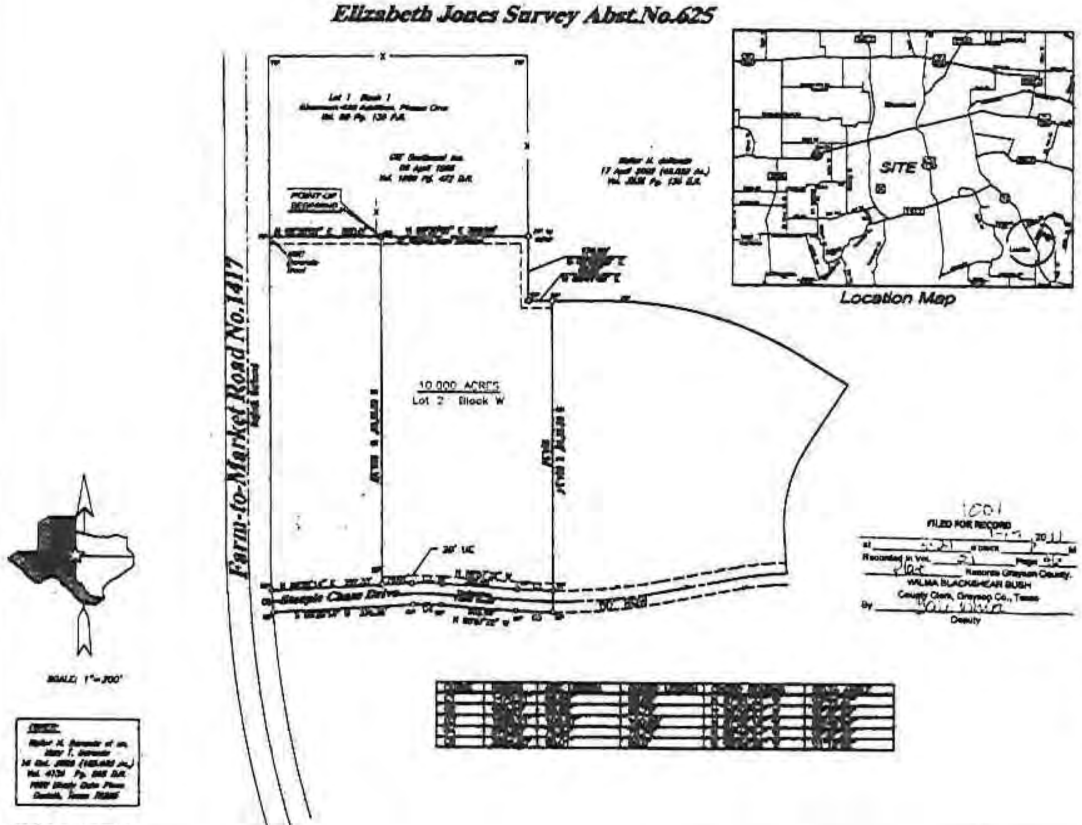
Exhibit "A"


MONUMENT SIGN
3.65'
20' PUBLIC UTILITY EASEMENT
25' BUILDING SETBACK
STEEPLE CHASE DRIVE
60' R.O.W.
N
GRAPHIC SCALE
Master Planning
Civil Engineering
Land Development
SANCHEZ
THIS DRAWING IS TO BE USED FOR EXHIBIT PURPOSES ONLY
STEEPLE CHASE
SIGN SETBACK EXHIBIT
EXHIBIT

Final Plat of

Estates of Pebblebrook, Phase I

City of Sherman County of Grayson State of Texas



OWNERS DEDICATION

Walter H. Ramsdell

FILED FOR RECORD

1001

at ______ o'clock ______ M ______, 20 11

Recorded in Vol. 21 Page ______

Plat Records Grayson County.

WILMA BLACKSHEAR BUSH

County Clerk, Grayson Co., Texas

By ______ Deputy

LEGEND

CERTIFICATE OF APPROVAL

Approved this 16th day of November, 2010, by the City Planning and Zoning Commission of the City of Sherman.

Chairman Secretary

ACCEPTED BY THE CITY COUNCIL OF THE CITY OF SHERMAN:

Mayor, City of Sherman, Texas 1/14/11 Date

Witness my hand this 14th day of January A.D. 2011.

City Clerk, City of Sherman, Texas

COX LAND SURVEYING CO.

Final Plat of

Estates of Pebblebrook, Phase I

11.043 Acres in the

Elizabeth Jones Survey Abst.No.625

City of Sherman

County of Grayson

State of Texas

Registered Professional Land Surveyors Seal

Drawn by: DKC

Check by: DKC

Job No. 10-9030-F

Date: 12 Nov. 2010

January 4, 2012

City of Sherman
Engineering Department
220 W. Mulberry
P.O. Box 1106
Sherman, Texas 75091

RE: SteepleChase Apartments -- Easement Sign Encroachment Request

The proposed development is a multi-family project located at future SteepleChase Drive approximately 500 feet east of FM 1417. We are sending this letter as a formal request for an encroachment easement for a monument sign for the proposed apartments. The sign is located on the subject property approximately 3' north of the Steeplechase Drive right-of-way. There is a 20' public utility easement running adjacent to the northern right-of-way line of Steeplechase Drive. The sign was placed adjacent to the roadway to be visible to prospective tenants and emergency services to ease in identification of the subject property. We have included an exhibit showing the location of the sign and a photograph of the sign for your reference.

Thank you for your time and consideration in this matter. If you have any questions, please contact me at 502-638-0534.

Regards,

Chris Dischinger
Steeple Chase Farms Summit, LP

CABLE ONE™

3720 Texoma Parkway
P.O. Box 1223
Sherman, TX 75090
Tel 903•893•6548
Fax 903•868•2754

January 9,2012

Levi Wild, PE

Sanchez & Associates

220 East Virginia Street

McKinney, TX 75069

RE: "3621 Steeple Chase Dr. Sign Easement Encroachment"

Dear Mr. Wild,

Cableone has no objection to the placement of a sign at the above referenced location in the City of Sherman.

Sincerely,

Clint Cook

Clint Cook

Technical Operations Manager

ATMOS ENERGY
5111 Blue Flame
Sherman, Texas 75090
Tel: 903-891-4257
Fax: 903-891-4249

Levi Wild, PE
Sanchez & Associates, L.L.C.
220 East Virginia Street
McKinney, TX 75069
(469) 424-5900 Office
(214) 544-3200 Fax
Levi.Wild@SanchezAssociates.net

Re: easement encroachment

Dear Mr. Wild:

After reviewing the subject request, Atmos Energy Corporation does hereby grant permission for the placement of signage in the existing utility easement in front of subject property.

Please be informed that we currently do not have existing facilities in the dedicated easement. This letter may be used as Atmos Energy's approval for such permission as required by the City of Sherman.

Atmos Energy Corporation retains its right in full and effect of all remaining and existing utility easement affecting the subject property.

Thanks,

Darrell White
Project Specialist
Atmos Energy Corporation

2201 Avenue I
Plano, TX 75074
Ofc: 972/578-3311
Fax: 972/578-3396

January 4, 2012

Mr. Levi Wild
Sanchez & Associates, L.L.C.
220 East Virginia St.
McKinney, Texas 75069

RE: Encroachment of utility easement, 3621 Steeple Chase Dr., Steeple Chase Apartments

Mr. Wild:

After review of the subject request, Verizon has no objections with your proposed sign in the ROW/easement at 3621 Steeple Chase Dr in Sherman, Texas.

Verizon retains its rights in full and effect of all remaining and existing utility easements affecting the property. Should Verizon be required to repair the existing facilities in that portion of the utility easement or install new facilities, we would not accept responsibility for any damages to the encroaching structure during the repair and/or installation process.

If you have any questions please do not hesitate to contact me at 972/578-3311.

Sincerely,

Chris W. Smith

Chris W. Smith
Section Manager Network Engineering
Twin Cities & Eastern Districts
Plano, Texas

Nolan Graham
Sr. Project Designer
Oncor Electric Delivery
2201 Woodlake Road
Denison, Texas 75021

Tel: (903) 868-8273
Fax: (903) 868-8249
ngraham1@oncor.com

December 22, 2011

Mr. Levi Wild
Sanchez & Associates, L.L.C.
220 East Virginia St.
McKinney, Texas 75069

RE: Sherman Sign Easement Encroachment.

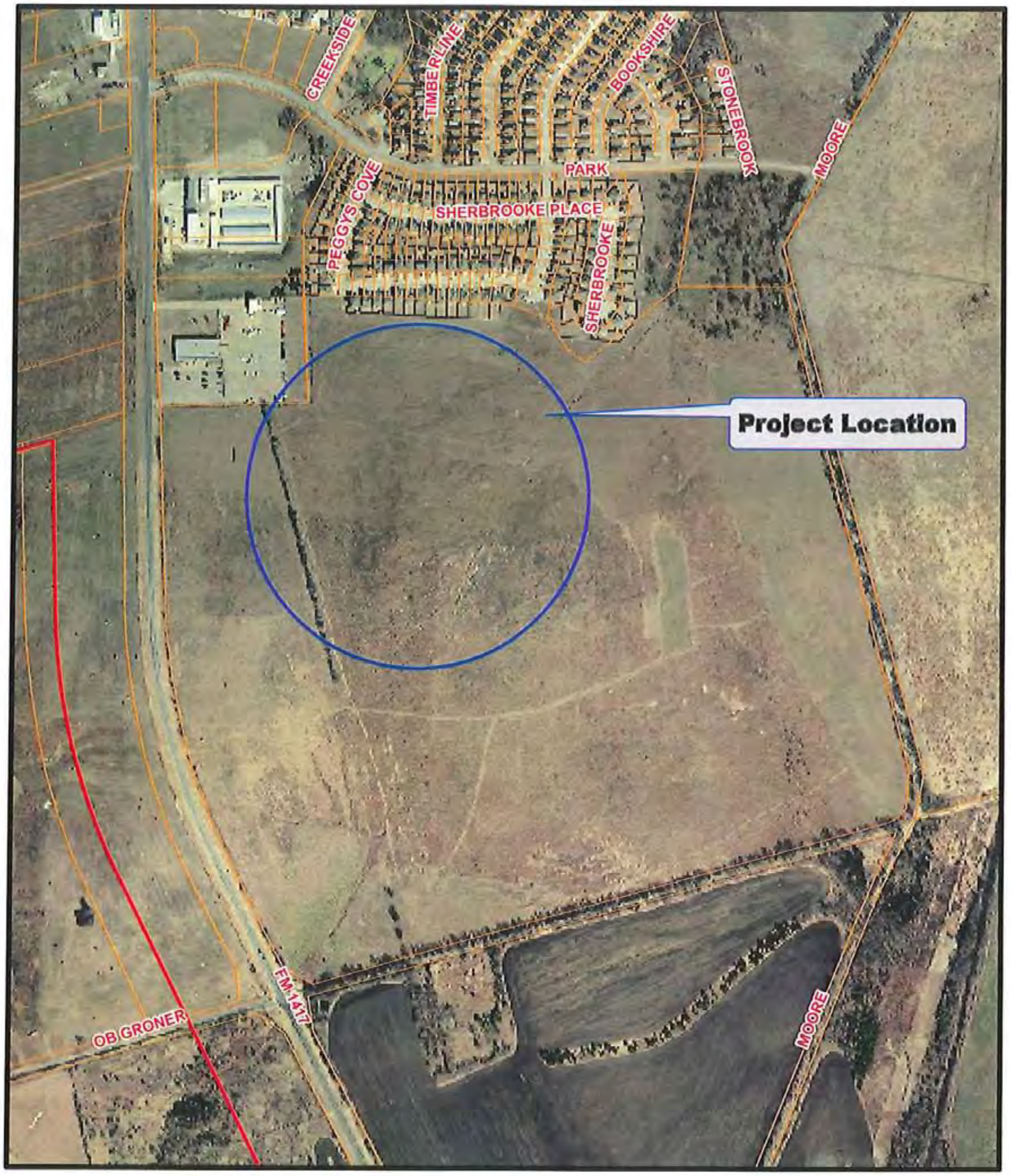
Dear Mr. Wild:

Oncor Electric Delivery , L.L.C. has reviewed the proposed Public Utility Easement encroachment at the new Steeple Chase Apartments in Sherman, Texas for a sign monument. Oncor has no objections to the proposed encroachment.

If you have any questions regarding this matter, please call me at (903) 868-8273.

Sincerely,

Nolan Graham
Project Designer, Senior
(903) 868-8273



3621 Steeple Chase Drive

N

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 1-16-2012

Subject: Agenda Item No. C.4

RESOLUTION NO. 5648
Renaming the 3600 Block of Calais Drive to North Calais Street

Issue
To consider a name change in the 3600 Block of Calais Drive to North Calais Street, from Pecan Grove Road north to Sara Swamy Drive, as requested by the Heritage Park Surgical Hospital

Background
Calais Drive is an existing roadway that was constructed in the Heritage Park Addition, Phases One and Two by Texoma Heritage, LTD. in 2003 and 2004. Heritage Park Ambulatory Surgery Center located at 3603 North Calais Drive was constructed in 2004; and Heritage Park Surgical Hospital located at 3601 North Calais Drive was added in 2010. They have been using 3601 North Calais Street as their address for all of their correspondence and would like to continue doing so to avoid delays in payments and necessitate new contracts with the Federal Government and Commercial Insurance Companies. They are presently the only business in the 3600 block of Calais using North Calais Street as their street address.

Origination
Heritage Park Surgical Hospital; Raymond L. Ford, Chief Executive Officer

Financial Consideration
Approximately $100.00 to replace street signs

Staff Recommendation
It is recommended that the resolution be approved and the signage be changed as directed.

Alternatives
The street name could remain Calais Drive.

Attachments
Letter requesting name change
Plats of Heritage Park Addition, Phases One and Two
Resolution No. 5648
Location Map

Prepared by:
Scott Shadden, Developmental Services Director

Approved by:
George Olson, City Manager

Heritage Park
SURGICAL HOSPITAL

3601 Calais • Sherman, Texas 75090
main 903.870.0999 • fax 903.813.3701
www.HeritageParkSurgicalHospital.com

December 29, 2011

George Olson
City Manager
220 W Mulberry St
Sherman, TX 75090

Dear Mr. Olsen,

As we discussed this morning, Heritage Park Surgical Hospital would like to request that the 3600 block of Calais Drive be changed to the **3600 block of North Calais Street**. I recognize that the city has always designated the road in front of Heritage Park as Calais Drive. However, the US Postal Service has designated the road as North Calais Street. This designation has caused the hospital (and before it, the Surgery Center) to contract with our major payers and suppliers using the Street designation. A re-designation by the City through the USPS to Calais Drive will cause significant delays in payment and necessitate new contracts with the Federal Government and Commercial Insurance Companies.

We do not wish to disturb our neighbors in this regard, and our suggestion is that the remainder of the road continues to be designated as Calais Drive. At present, we own all of the developed property on the block is question. The two businesses across the road from us each face perpendicular roads and have addresses on Pecan Grove Road and East Sara Swamy Drive respectively.

The consideration by the City Council would be greatly appreciated. I will be more than happy to attend their meeting and answer any questions they may have. Thank you.

Sincerely,

Raymond L. Ford, FACHE
Chief Executive Officer

RF/jp

The Honorable Robert G. Softly
Council Member, District #2

HERITAGE PARK ADDITION
PHASE ONE
to the
CITY OF SHERMAN
GRAYSON COUNTY, TEXAS

Owner & Developer:
Texoma Heritage, Ltd.

SARTIN & ASSOCIATES, INC.
Registered Professional Land Surveyors

SHEET 1 OF 2

VOL 16 Pg 37

11475

SITUATED in the City of Sherman, County of Grayson, State of Texas, being a part of the HILLARD JENNINGS SURVEY, Abstract No. 639, being a part of a 67.694 acre tract of land conveyed by R.P.N. Enterprises, Inc. to Ganapathy, Ltd. by deed dated January 2, 1999, recorded in Volume 2019, Page 393, Real Property Records, Grayson County, Texas and being more particularly described by metes and bounds as follows to-wit:

BEGINNING at a found 1/2 inch rebar maintaining an ell corner of said 67.694 acre tract, the Northeast corner of an 0.9873 acre tract of land conveyed by Arthur Gleckler and William James Gleckler, Trustee to Ibrahim Abu Sarris by deed dated February 12, 1982, recorded in Volume 1882, Page 124, Deed Records, Grayson County, Texas, the Southeast corner of Chasewood Addition to the City of Sherman, Texas as shown by plat of record in Volume 8, Page 86, Plat Records, Grayson County, Texas;

THENCE North 68 deg. 04 min. 26 sec. West, with the East line of said Chasewood Addition, at a distance of 421.29 feet passing a found 1/2 inch rebar maintaining the Northeast corner of said Chasewood Addition and continuing for a total distance of 603.74 feet to a set 1/2 inch rebar;

THENCE in a Southwesterly direction with a curve to the left having a radius of 1970.00 feet, (chord bears South 84 deg. 29 min. 58 sec. West, 108.41 ft.), a distance of 108.42 feet to a set 1/2 inch rebar;

THENCE South 82 deg. 51 min. 23 sec. West, a distance of 732.89 feet to a set spike nail in the center of Loy Lake Road;

THENCE North 07 deg. 43 min. 30 sec. West, with the center of said Loy Lake Road, the most Westerly West line of said 67.694 acre tract, a distance of 60.00 feet to a set spike nail;

THENCE North 82 deg. 51 min. 23 sec. East, a distance of 733.49 feet to a set 1/2 inch rebar;

THENCE in a Northeasterly direction with a curve to the right having a radius of 2030.00 feet, (chord bears North 84 deg. 33 min. 41 sec. East, 121.00 ft.), a distance of 121.01 feet to a set 1/2 inch rebar;

THENCE North 00 deg. 41 min. 32 sec. West, a distance of 375.88 feet to a set 1/2 inch rebar on the North line of said 67.694 acre tract, the South line of an 18 foot wide strip of land described in Second Tract in deed from John B. Mathis, et ux to Girelna L. Mathis by deed dated May 16, 1960, recorded in Volume 613, Page 196, Deed Records, Grayson County, Texas;

THENCE South 89 deg. 42 min. 13 sec. East, with the North line of said 67.694 acre tract, the South line of said 18 foot wide strip, a distance of 389.37 feet to a set 1/2 inch rebar, the Southeast corner of said 18 foot wide strip, at a jog in the North line of said 67.694 acre tract;

THENCE South 00 deg. 48 min. 16 sec. West, a distance of 366.98 feet to a set 1/2 inch rebar;

THENCE South 0 deg. 12 min. 50 sec. West, a distance of 661.68 feet to a set 1/2 inch rebar;

THENCE in a Southwesterly direction with a curve to the right having a radius of 310.00 feet, (chord bears South 14 deg. 41 min. 44 sec. West, 144.57 ft.), a distance of 145.91 feet to a set 1/2 inch rebar at the end of said curve;

THENCE in a Southwesterly direction with a curve to the left having a radius of 280.00 feet, (chord bears South 09 deg. 35 min. 59 sec. West, 169.69 ft.), a distance of 173.02 feet to a set 1/2 inch rebar on the North right-of-way line of proposed Pecan Grove Road;

THENCE South 74 deg. 37 min. 33 sec. West, with the North right-of-way line of said proposed Pecan Grove Road, a distance of 396.87 feet to a set 1/2 inch rebar at the intersection of the North line of said Proposed Pecan Grove Road with a West line of said 67.694 acre tract, the East line of a 3.140 acre tract of land conveyed by Soad Abu Sarris to Ibrahim Abu Sarris by deed dated February 23, 1981, recorded in Volume 1546, Page 372, Deed Records, Grayson County, Texas;

THENCE North 26 deg. 55 min. 22 sec. West, with a West line of said 67.694 acre tract, the East line of said 3.140 acre tract, passing its Northeast corner, the Southeast corner of said Sarris 0.9873 acre tract and continuing for a total distance of 263.89 feet to the PLACE OF BEGINNING and containing 16.66 ACRES OF LAND more or less.

I, Marshall Sartin, Registered Professional Land Surveyor, do hereby certify that this plat was prepared from an actual survey made on the ground, and that the corner monuments shown hereon were properly placed under my personal supervision in accordance with the subdivision regulations of the City of Sherman, Texas.

1-21-03
Marshall Sartin, R.P.L.S. # 3894

That, Texoma Heritage, Ltd., owners and developers of the HERITAGE PARK ADDITION, PHASE ONE, to the City of Sherman, Texas, do hereby dedicate the streets and easements shown hereon to the public use forever.

By: Texoma Heritage, Ltd.
Heritage Park, L.L.C., it's General Partner
Bharathy Sundaram, President

THE STATE OF TEXAS:
COUNTY OF GRAYSON:

Before me, the undersigned, a Notary Public in and for said County and State, on this day personally appeared Bharathy Sundaram, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed and in the capacity therein stated.

Given under my hand and seal of office this ______ day of ____________, 2003.

NOTARY PUBLIC, State of Texas

Approved this ______ day of ____________ 2003 by the City Planning and Zoning Commission of the City of Sherman, Texas.

CHAIRMAN

SECRETARY

Accepted by the City Council of the City of Sherman, Texas on this ______ day of ____________, 2003.

MAYOR, City of Sherman

The undersigned, the City Clerk of the City of Sherman, Texas, hereby certifies that the foregoing final plat of HERITAGE PARK ADDITION, PHASE ONE, to the City of Sherman, was submitted to the City Council on the ______ day of ____________, 2003 and the City Council by formal action then and there accepted the dedication of streets, alleys, easements and public places as shown and set forth in and upon said plat, and said City Council further authorized the Mayor to note the acceptance thereof by signing his name as herein subscribed.

CITY CLERK, City of Sherman, Texas

SARTIN & ASSOCIATES, INC.
Registered Professional Land Surveyors

SHEET 2 OF 2

VOL 16 Pg 38

HERITAGE PARK ADDITION
PHASE TWO
to the
CITY OF SHERMAN
GRAYSON COUNTY, TEXAS

Owner & Developer
Texoma Heritage, Ltd.

16038

SARTIN & ASSOCIATES, INC.
Registered Professional Land Surveyors

SHEET 1 OF 2

SITUATED in the City of Sherman, County of Grayson, State of Texas, being a part of the HILLARD JENNINGS SURVEY, Abstract No. 639, being a part of a 67.884 acre tract of land conveyed by R.P.M. Enterprises, Inc. to Genequity, Ltd. by deed dated January 3, 1996, recorded in Volume 2910, Page 383, Real Property Records, Grayson County, Texas, and being more particularly described by metes and bounds as follows to-wit:

BEGINNING at a found 1/2 inch rebar maintaining the Northwest corner of said 67.884 acre tract, the Southwest corner of an 80 acre tract of land described in First Tract, the Northeast corner of an 18 foot wide strip of land described in Second Tract, and the Southeast corner of a 14-3/4 acre tract of land described in Third Tract in deed from John E. Mathis, et ux to Greene L. Mathis, dated May 15, 1990, recorded in Volume 613, Page 196, Deed Records, Grayson County, Texas;

THENCE South 88 deg. 40 min. 13 sec. East, with a North line of said 67.884 acre tract, the South line of said 80 acre tract, a distance of 841.21 feet to a set 1/2 inch rebar;

THENCE South 21 deg. 37 min. 24 sec. West, a distance of 233.88 feet to a set 1/2 inch rebar;

THENCE South 22 deg. 03 min. 48 sec. West, a distance of 108.18 feet to a set 1/2 inch rebar;

THENCE South 31 deg. 23 min. 27 sec. West, a distance of 298.88 feet to a set 1/2 inch rebar;

THENCE South 15 deg. 41 min. 11 sec. West, a distance of 633.37 feet to a set 1/2 inch rebar on the North line of proposed Pecan Grove Road;

THENCE in a Southwesterly direction with the North line of said Pecan Grove Road, and with a curve to the left having a radius of 3303.25 feet, (chord bears South 75 deg. 18 min. 57 sec. West, 196.77 ft.), a distance of 196.80 feet to a set 1/2 inch rebar at the end of said curve;

THENCE South 74 deg. 37 min. 33 sec. West, continuing with the North line of said Pecan Grove Road, a distance of 300.82 feet to a set 1/2 inch rebar at the intersection of the North line of said Pecan Grove Road with the East line of Calais Drive, the Southeast corner of Heritage Park Addition, Phase one to the City of Sherman, Texas as shown by plat of record in volume 16, Pages 37 & 38, Plat Records, Grayson County, Texas;

THENCE in a Northeasterly direction with the East line of said Heritage Park Addition, Phase one, the following calls and distances:

With a curve to the right having a radius of 290.00 feet, (chord bears North 08 deg. 30 min. 09 sec. East, 188.88 ft.), a distance of 173.02 feet to a found 1/2 inch rebar at the end of said curve;

With a curve to the left having a radius of 310.00 feet, (chord bears North 14 deg. 41 min. 29 sec. East, 144.81 ft.), a distance of 145.96 feet to a found 1/2 inch rebar at the end of said curve;

North 01 deg. 12 min. 00 sec. East, a distance of 881.64 feet to a found 1/2 inch rebar;

North 00 deg. 48 min. 15 sec. East, a distance of 398.58 feet to a found 1/2 inch rebar maintaining the Northeast corner of said Heritage Park Addition, Phase One, the Southeast corner of the above mentioned Mathis 18 foot strip;

THENCE North 01 deg. 20 min. 01 sec. East, a distance of 18.00 feet to the PLACE OF BEGINNING, and containing 16.48 ACRES OF LAND more or less.

I, Marshall Sartin, Registered Professional Land Surveyor, do hereby certify that this plat was prepared from an actual survey made on the ground, and that the corner monuments shown hereon were properly placed under my personal supervision in accordance with the subdivision regulations of the City of Sherman, Texas

10-22-04

Marshall Sartin, R.P.L.S. #3834

STATE OF TEXAS
MARSHALL SARTIN
LAND SURVEYOR

That, Texoma Heritage, Ltd., owners and developers of the HERITAGE PARK ADDITION, PHASE TWO, to the City of Sherman, Texas, do hereby dedicate the streets and easements shown hereon to the public use forever.

By: Genequity, Ltd.
R.P. N. General Partner
Sara Swamy, President

THE STATE OF TEXAS
COUNTY OF GRAYSON

Before me, the undersigned, a Notary Public in and for said County and State, on this day personally appeared ~~Sharathy Sundaram~~ Sara Swamy, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed and in the capacity therein stated.

Given under my hand and seal of office this 22nd day of October, 2004.

NOTARY PUBLIC, State of Texas

Approved this 18th day of May 2004 by the City Planning and Zoning Commission of the City of Sherman, Texas.

CHAIRMAN

SECRETARY

Accepted by the City Council of the City of Sherman, Texas on this ____ day of ____, 2004.

MAYOR, City of Sherman

The undersigned, the City Clerk of the City of Sherman, Texas, hereby certifies that the foregoing final plat of HERITAGE PARK ADDITION, PHASE TWO, to the City of Sherman, was submitted to the City Council on the ____ day of ____ 2004 and the City Council by formal action then and there accepted the dedication of streets, alleys, easements and public places as shown and set forth in and upon said plat, and said City Council further authorized the Mayor to note the acceptance thereof by signing his name as herein subscribed.

Witness my hand this ____ day of ____, 2004.

CITY CLERK, City of Sherman, Texas

CITY OF SHERMAN

SARTIN & ASSOCIATES, INC.
Registered Professional Land Surveyors

SHEET 2 OF 2

RESOLUTION NO. 5648

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, RENAMING THE 3600 BLOCK OF CALAIS DRIVE TO NORTH CALAIS STREET; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That, from and after the effective date of this Resolution, the 3600 block of the north-south street known as Calais Drive, as dedicated to the City of Sherman by Heritage Park Addition, Phase One, Volume 16, Pages 37-38 and Heritage Park Addition, Phase Two, Volume 17, Pages 47-48 of the Plat Records of Grayson County, Texas, shall be known as North Calais Street, the location of which is shown on the attached map.

SECTION 2. That this Resolution shall be effective from and after its adoption; and it is so resolved.

SECTION 3. That it is hereby officially found and determined that the meeting at which this Resolution is passed is open to the public as required by law and that public notice of the time, place, and purpose of said meeting was given as required.

PASSED AND APPROVED on this the ________ day of ________________, 2012.

CITY OF SHERMAN, TEXAS

ATTEST:

BY: ______________________________	**BY:** ______________________________
LINDA ASHBY, CITY CLERK	**BILL MAGERS, MAYOR**

APPROVED AS TO FORM AND CONTENT:

BY: ______________________________
BRANDON S. SHELBY,
CITY ATTORNEY

Name Change Calais Drive to Calais Street

City of Sherman, Texas
Developmental Services Department

1 inch = 206 feet

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 1-16-2012

Subject: Agenda Item No. C.5

**** RESOLUTION NO. 5649***

Approving and Adopting an Amended Cafeteria Plan, including a Dependent Care Flexible Spending Account and a Health Flexible Spending Account, effective October 1, 2010

Issue

Adopting an Amended Cafeteria Plan (IRS Section 125 Plan) for the City's employees and dependents

Background

As a benefit to employees, the City sponsors a Plan that allows employees to receive pre-tax compensation that can be used for out-of-pocket medical costs and dependent care expenses. The Plan is administered through Premier Pension Solutions (PPS) and conforms to the requirements under IRS Code Section 125. PPS reviewed the City's existing Plan and, as a matter of administration, restated the Plan with a retroactive date of October 1, 2010. This proposed restatement is necessary in order to reflect changes in the Federal law governing these plans. The restatement to October 1, 2010 is necessary because of delays in implementation guidelines provided by the Federal government on healthcare changes made by the current Federal administration.

Origination

Human Resources
Assistant City Manager/CFO

Financial Consideration

There is no cost associated with adopting this Plan. Costs of administration of this Plan by PPS are being funded by appropriations in the current fiscal year.

Staff Recommendation

The staff recommends adoption of this Plan as presented.

Alternatives

The Council could request modifications to the Plan, subject to IRS allowable provisions.

Attachments

Cover Documentation from Premier Pension Solutions
Resolution No. 5649

Prepared by:
Robby Hefton, Assistant City Manager/CFO

Approved by:
George Olson, City Manager

Premier Pension Solutions
A Limited Liability Company

Mr. Robby Hefton
City of Sherman
405 North Rusk
Sherman, TX 75090

Dear Mr. Hefton:

Please find enclosed the required paperwork that contains the restated cafeteria plan documentation for the Flexible Benefits Plan for the Employees of the City of Sherman amended and restated effective October 1, 2010. Please add this to your 3-ring binder with your original Plan Documentation.

The following is a brief explanation of each item:

Plan Document – This is the legal document containing the written provisions of your plan. The Plan Document should be read carefully, signed and maintained in the Employer's permanent records.

Adopting Resolutions – The resolutions formally adopt the plan document and amendments. They should be signed and incorporated into the Board's minutes.

Summary Plan Description – The SPD is a document containing a comprehensive description of the cafeteria plan, including the terms and conditions of participation. The SPD is written so as to be understood by the average participant, and contains sufficient detail so that participants and beneficiaries are reasonably informed of their rights and obligations. The SPD must be provided to participants within 90 days of eligibility.

Forms - If a participant does not wish to have his/her premiums deducted pre-tax, he/she needs to complete the *Election Not to Participate*. The Change in Status Election Form should be used when an employee with a qualifying change in status wishes to make a corresponding change to his/her benefits.

Please sign and return to us in the enclosed envelope the loose copies of the signature pages. Please execute prior to June 30, 2011 or the effective date of the restatement, if later, as this is a retroactive restatement. Attached you will also find a brief description of the changes requiring this Plan Restatement in order to be in compliance with the current regulations. Some of these changes may not be applicable to your Plan. There will not be an automatic annual restatement each year, but we will continue to keep your Plan Document compliant as needed when legislative changes are made.

Thank you for this opportunity to be of service. Please let me know should you have any questions or need additional information.

Sincerely,

Patrick E Rhynes

Patrick Rhynes

RESOLUTION NO. 5649

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, APPROVING AND ADOPTING AN AMENDED CAFETERIA PLAN, INCLUDING A DEPENDENT CARE FLEXIBLE SPENDING ACCOUNT AND A HEALTH FLEXIBLE SPENDING ACCOUNT, EFFECTIVE OCTOBER 1, 2010; 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 undersigned Principal of the City of Sherman (the Employer) hereby certifies that the following resolutions were duly adopted by the Employer on the 16th day of January, 2012; and

WHEREAS, such resolutions have not been modified or rescinded as of the date hereof;

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

SECTION 1. That the form of amended Cafeteria Plan, including a Dependent Care Flexible Spending Account and Health Flexible Spending Account, effective October 1, 2010, presented to this meeting is hereby approved and adopted and that the duly authorized agents of the Employer are hereby authorized and directed to execute and deliver to the Administrator of the Plan one or more counterparts of the Plan.

SECTION 2. That the Administrator shall be instructed to take such actions that are deemed necessary and proper in order to implement the Plan and to set up adequate accounting and administrative procedures to provide benefits under the Plan.

SECTION 3. That the duly authorized agents of the Employer shall act as soon as possible to notify the employees of the Employer of the adoption of the Cafeteria Plan by delivering to each employee a copy of the summary description of the Plan in the form of the Summary Plan Description presented to this meeting, which form is hereby approved.

SECTION 4. That the undersigned further certifies that, attached hereto as Exhibits A and B, respectively, are true copies of the Flexible Benefits Plan for the Employees of the City of Sherman as amended and restated and the Summary Plan Description approved and adopted in the foregoing resolutions.

SECTION 5. 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 ________________, 2012.

CITY OF SHERMAN, TEXAS

BY: ______________________________
BILL MAGERS, 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

From: The Office of the City Manager **Date:** 1-16-2012

Subject: Agenda Item No. D.1

**** REQUEST TO ADVERTISE***
Park Restroom Cleaning Services

Issue
Requesting permission to advertise for the private contract cleaning of eight (8) public park restrooms

Background
The City of Sherman Parks and Recreation Department annually contracts the cleaning of its park restrooms. We are seeking proposals that would include cleaning and securing of the facilities seven (7) days a week for a nine (9) month period at a minimum.

Origination
Parks and Recreation Department

Financial Consideration
Funding for these services has been allocated in the City's Parks Maintenance budget for the 2011-2012 fiscal year. The cost of advertising is expected to be approximately $200.00.

Staff Recommendation
It is recommended that the City Council authorize the staff to advertise the Park Restroom Cleaning Services for bid.

Alternatives
As may be directed by the Sherman City Council

Attachments
None

Prepared by:
Kevin Winkler, Parks & Community Service Director

Approved by:
George Olson, City Manager

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 1-16-2012

Subject: Agenda Item No. D.2

**** REQUEST TO ADVERTISE***
City Right-of-Way and Property Mowing

Issue
Requesting permission to advertise to contract for the annual mowing of City boulevards, islands, street right-of-ways, and other City properties

Background
City staff has contracted for various City-owned properties to be mowed on a periodic basis. The previous contracts expired in November of 2011. As an ongoing effort to increase efficiency and maintenance of City-owned properties, we request permission to advertise to bid this service.

Origination
Parks and Recreation Department

Financial Consideration
Funding for this service has been allocated in various City departmental budgets for the 2011-2012 fiscal year. Cost for advertising is expected to be approximately $200.00.

Staff Recommendation
It is recommended that the City Council authorize the staff to advertise for bid the mowing of various City properties.

Alternatives
As may be directed by the City Council

Attachments
None

Prepared by:
Kevin Winkler, Parks & Community Service Director

Approved by:
George Olson, City Manager

SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager **Date:** 1-16-2012

Subject: Agenda Item No. D.3

OTHER BUSINESS

Receive Quarterly Progress Report from Sherman Economic Development Corporation Board Vice Chairman Juston Dobbs and SEDCO Executive Vice President Frank Gadek

Issue

To receive the Sherman Economic Development Corporation's (SEDCO's) quarterly progress report from Board Vice Chairman Juston Dobbs and Executive Vice President Frank Gadek

Background

The brief presentation by the SEDCO Board Vice Chairman and President will provide the City Council with an overview of SEDCO's activities and accomplishments during the last three months. SEDCO's last progress report was presented at the October 3, 2011 Joint Meeting between the City Council and the SEDCO Board.

Origination

City Council

Financial Consideration

None

Attachments

SEDCO's Quarterly Progress Report

Prepared and Approved by:
George Olson, City Manager

REPORTING FORM FOR BOARDS AND COMMISSIONS

Name of Board: **<u>Sherman Economic Development Corporation</u>**

Name of Chairman: **Todd Thompson**

Name of Vice Chairman: **Juston Dobbs**

Date of Report to City Council: January 16, 2012

1. **In simple terms and as briefly as possible, please describe the mission of your board.**
   - *The mission of the Sherman Economic Development Corporation (SEDCO) is to grow and diversify the Sherman and surrounding area economies through the addition of new jobs and investment.*

2. **Please list the top accomplishments of your board within the past quarter. (Please limit the list to five or fewer items).**
   - *The annual joint City Council/SEDCO meeting was held October 3, 2011. A presentation of the 2010-2011 SEDCO results was made. The proposed 2011-2012 Program of Work and the 2011-2012 operating budget were presented and approved by the City Council.*
   - *The board reviewed and discussed several projects (Projects OK, Rite, SYC, Falcon)*
   - *The board conducted interviews for the president's vacancy on December 9, 2011 and December 12, 2011.*

3. **What are your plans for this board in the next quarter?**
   - *Report on the 2010-2011 Annual Report and status of marketing activity.*
   - *Provide the City Council with a status report on all projects.*
   - *Provide the City Council with the results of SEDCO President search.*

4. **How often did this board meet in the last quarter?**
   - *The SEDCO Board held one annual joint and one regular scheduled meeting (October 3, 2011 and November 8, 2011) and two special called meetings (December 9, 2011 and December 12, 2011- SEDCO President interviews).*

5. **In what percentage of those meeting was a quorum of board members present?**
   - *100%*

6. **Did any member attend less than 75% of those meetings? If so, which member and how often did they attend.**
   - *No*

7. **What other information would your board like to communicate to the City Council? (please be concise in your response).**
   - *The SEDCO staff pledges to work closely with the City Council and City staff as we move forward.*

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 1-16-2012

Subject: Agenda Item No. D.4

CITIZEN REQUESTS

The Honorable Bill Magers, Mayor

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 1-16-2012

Subject: Agenda Item No. D.5

MEDIA QUESTIONS

The Honorable Bill Magers, Mayor

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 1-16-2012

Subject: Agenda Item No. D.6

COUNCIL COMMENTS

The Honorable Bill Magers, Mayor

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 1-16-2012

Subject: Agenda Item No. D.7

ADJOURNMENT

The Honorable Bill Magers, Mayor

SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager **Date:** 1-16-2012

Subject: Agenda Item No. N/A

COUNCIL CALENDAR

2012
CITY COUNCIL MEETINGS

JANUARY

Sun	Mon	Tue	Wed	Thu	Fri	Sat
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

Sun	Mon	Tue	Wed	Thu	Fri	Sat
			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			

MARCH

Sun	Mon	Tue	Wed	Thu	Fri	Sat
				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

APRIL

Sun	Mon	Tue	Wed	Thu	Fri	Sat
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					

MAY

Sun	Mon	Tue	Wed	Thu	Fri	Sat
		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		

JUNE

Sun	Mon	Tue	Wed	Thu	Fri	Sat
					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

JULY

Sun	Mon	Tue	Wed	Thu	Fri	Sat
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				

AUGUST

Sun	Mon	Tue	Wed	Thu	Fri	Sat
			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	

SEPTEMBER

Sun	Mon	Tue	Wed	Thu	Fri	Sat
						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						

OCTOBER

Sun	Mon	Tue	Wed	Thu	Fri	Sat
	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			

NOVEMBER

Sun	Mon	Tue	Wed	Thu	Fri	Sat
				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	

DECEMBER

Sun	Mon	Tue	Wed	Thu	Fri	Sat
						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					

01/02/12 - January 2nd Council meeting cancelled
01/16/12 - M.L.K., Jr. Birthday / Regular Council Meeting
02/20/12 - Washington's Birthday / Regular Council Meeting
09/03/12 - Labor Day / Called Council Meeting on 09/04/12